



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

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**CALENDAR FOR THE MEETING**

*of*

**WEDNESDAY, SEPTEMBER 7, 2022**

**CITY COUNCIL CHAMBER**

**7:30 P.M.**

**ORDER OF BUSINESS**

**I. CALL TO ORDER**

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

**III. OPENING PRAYER**

**IV. PLEDGE OF ALLEGIANCE**

**V. ANNOUNCEMENT OF OPEN MEETING RECORDINGS**

Any person may make a video or audio recording of an open session of a meeting, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recording shall notify the Chair forthwith. All documents and exhibits used or referenced at the meeting must be submitted in duplicate to the City Clerk, as they become part of the Meeting Minutes.

**VI. READING OF MINUTES OF PRIOR MEETING(S)**

**VII. PUBLIC HEARINGS**

**VIII. COMMUNICATIONS FROM THE MAYOR**

**APPOINTMENTS**

**10769** – A Measure Confirming the Mayor's Appointment of Eric McAvene to the position of Gardner Police Chief, for term expiring September 7, 2025.  
(*Appointments Committee*)

**10770** – A Measure Confirming the Mayor's Appointment of Frances LeMieux to the position of Cultural Council Member, for term expiring August 30, 2025.  
(*Appointments Committee*)

**10771** – A Measure Confirming the Mayor's Appointment of Paulette Burns to the position of Cultural Council Member, for term expiring August 30, 2025.  
(*Appointments Committee*)

**10772** – A Measure Confirming the Mayor’s Appointment of Kristina Singer to the position of Cultural Council Member, for term expiring August 30, 2025.  
(*Appointments Committee*)

**10773** – A Measure Confirming the Mayor’s Appointment of Kathleen Deal to the position of Cultural Council Member, for term expiring August 30, 2025.  
(*Appointments Committee*)

### **COMMUNICATIONS**

**10774** – A Measure Authorizing Acceptance of Donations and Gifts for Use by Gardner Police K-9 Department. (*Finance Committee*)

**10775** – A Measure Authorizing Acceptance of Donations and Gifts for Use by Gardner Animal Control Shelter. (*Finance Committee*)

**10776** – A Measure to Create a Veterans Services Gift Account for Acceptance of Donations and Gift Use. (*Finance Committee*)

**10777** – A Measure Declaring Surplus for the Purpose of Disposal of Land and Buildings at 75 E Broadway – Prospect Street School. (*Finance Committee*)

**10778** – A Measure Declaring Surplus for Purpose of Disposal of Land and Buildings at 53 School Street – School Street School. (*Finance Committee*)

**10779** – A Notification from the Mayor Regarding the Fire Department Operations Audit. (*Finance Committee*)

**10780** – A Notification from the Mayor Regarding the City Centennial Celebration Ad Hoc Advisory Committee.

**10781** – An Act Relative to Establish a Special Act Charter Drafting Committee.

**10782** – A Measure Authorizing an Increase in Allowable Funding Limit for Council on Aging Revolving Fund. (*Finance Committee*)

### **ORDERS**

**10783** – An Order Authorizing \$546.10 Payment of Prior Year Operating Expenditure.  
(*Finance Committee*)

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

**10784** – An Application by Gardner Ten Pins, Inc., located at 560 W Broadway, for a Bowling Alley License. (*Safety Committee*)



**10785** – An Application by Gardner Thrift Store, for a License to deal in Second-hand Articles at 280 Central Street. (*Safety Committee*)

**10786** – A Ruling from the Attorney General relative to an Open Meeting Law Complaint – OML 2022 – #145.

**10787** – A Ruling from the Attorney General relative to an Open Meeting Law Complaint – OML 2022 – #146.

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

### **APPOINTMENTS**

**10735** – A Measure Confirming the Mayor’s Appointment of Lorin Walter to the position of permanent Police Sergeant. (*In the City Council and Referred to Appointments Committee 7/5/2022; More Time 8/1/2022*)

**10761** – A Measure Confirming the Mayor’s Appointment of Nancy Binder to the position of Bandstand Committee Member, for term expiring July 25, 2025. (*Appointments Committee; In the City Council and Referred to Appointments Committee 8/1/2022*)

**10762** – A Measure Confirming the Mayor’s Appointment of Edward Vipond to the position of Bandstand Committee Member, for term expiring July 25, 2025. (*Appointments Committee; In the City Council and Referred to Appointments Committee 8/1/2022*)

**10763** – A Measure Confirming the Mayor’s Appointment of Donna Russo to the position of Bandstand Committee Member, for term expiring July 25, 2025. (*Appointments Committee; In the City Council and Referred to Appointments Committee 8/1/2022*)

**10764** – A Measure Confirming the Mayor’s Appointment of Anne Hurst to the position of Disability Commission Member, for term expiring July 25, 2025. (*Appointments Committee; In the City Council and Referred to Appointments Committee 8/1/2022*)

### **PUBLIC SERVICE COMMITTEE**

**10740** – A Petition by National Grid and Verizon New England, Inc., Keyes Road – To relocate 1 Jointly Owned Pole on Keyes Road beginning at a point approximately 700 feet southeast of the centerline of the intersection of West Street. Relocate Pole #2 across the street to accommodate for bridge construction and upgrade to a 45 foot class 2. (*In the City Council and Referred to Public Service Committee 7/5/2022; Public Hearing 8/1/2022; More Time 8/1/2022*)

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

**10737** – An Ordinance to Amend Code of the City of Gardner, Section 44-171, Entitled “Compensation in Lieu of Paid Holidays.” (*In the City Council and Referred to Finance Committee 7/5/2022; Ordered to First Printing 8/1/2022; First Printing on 8/9/2022*)

## **XII. NEW BUSINESS**

## **XIII. CLOSING PRAYER**

## **XIV. ADJOURNMENT**

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Items listed on the Council Calendar are those reasonably anticipated by the Council President to be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

*Effective September 7, 2022*

***Commonwealth of Massachusetts***

*Worcester County*

*City of Gardner*

***CERTIFICATE OF APPOINTMENT***

*I appoint Eric McAvene, to the position of Police Chief, Gardner Police Department  
and I certify that in my opinion he 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 September 7, 2025

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

*Then personally appeared the above named Eric McAvene and made oath that he would  
bear true faith and allegiance to the United States of America and the Commonwealth of Massachusetts  
and would support the Constitution and laws thereof.*

*Before me,*

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

*Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983*

Received \_\_\_\_\_

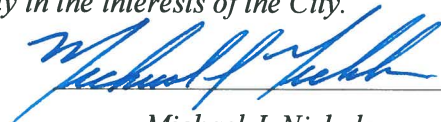
RECEIVED

August 30, 2022

2022 AUG 30  
**Commonwealth of Massachusetts**

Worcester County

City of Gardner

**CERTIFICATE OF APPOINTMENT***I appoint **Frances LeMieux** to the position of **Member, Cultural Council**, and I certify**that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.*  
\_\_\_\_\_  
Michael J. Nicholson Mayor

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

\_\_\_\_\_  
Titi Siriphan  
City ClerkExpires: August 30, 2025

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

*Then personally appeared the above named **Frances LeMieux** and made oath that he/she would faithfully and impartially perform the duties of the office of **Member, Cultural Council** 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

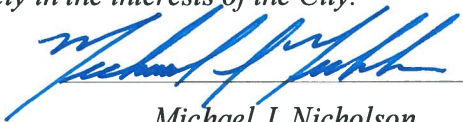
August 30, 2022

2022 AUG 30 10:51

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

I appoint **Paulette Burns** to the position of **Member, Cultural Council**, and I certify

that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.

 Mayor  
Michael J. Nicholson

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

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

Expires: August 30, 2025

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

Then personally appeared the above named **Paulette Burns** and made oath that he/she would faithfully and impartially perform the duties of the office of **Member, Cultural Council** 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


August 30, 2022

2022 AUG 30 AM 11:01

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

I appoint **Kristina Singer** to the position of **Member, Cultural Council**, and I certify

that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.

 Mayor  
Michael J. Nicholson

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

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

Expires: August 30, 2025

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

Then personally appeared the above named **Kristina Singer** and made oath that he/she would faithfully and impartially perform the duties of the office of **Member, Cultural Council** 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

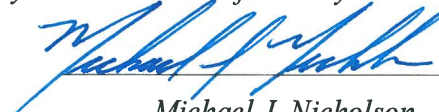
August 30, 2022

2022 AUG 30 AM 11:01

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

I appoint **Kathleen Deal** to the position of **Member, Cultural Council**, and I certify

that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.

 Mayor  
Michael J. Nicholson

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

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

Titi Siriphan

Expires: August 30, 2025

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

Then personally appeared the above named **Kathleen Deal** and made oath that he/she would faithfully and impartially perform the duties of the office of **Member, Cultural Council** 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***  
**Mayor Michael J. Nicholson**

RECEIVED  
2022 AUG 18 PM 4:11  
CITY CLERK'S OFFICE  
GARDNER, MA

August 8, 2022

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

RE: Acceptance of Donations- Gardner Police Department K-9 Unit

Dear Madam President and Councilors,

The Town of Westminster has recently changed their police K-9 operations from a patrol dog unit to a comfort dog unit.

As such, they were in possession of some new equipment that they were no longer using that they have decided to donate to the City of Gardner for us to utilize with Rocky.

This includes training equipment and a ballistic/bullet proof vest for Rocky to wear.

The recent events that took place in the City of Fitchburg, where a State Police K-9 was killed in the line of duty following a gunshot wound, have shown how important this donation is.

I'd like to thank Town Administrator Stephanie Lahtinen and Police Chief Ralph LeBlanc for this generous donation and respectfully ask that the Council vote to accept this donation per the provisions of the General Laws.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



**ACCEPTANCE OF DONATIONS AND GIFTS**  
**POLICE K-9 DEPARTMENT**

***VOTED:*** That the City of Gardner is authorized to accept certain donations and gifts for use by the Police K-9 Department, said acceptance in accordance with the provisions of Chapter 44, Section 53A½ of the General Laws.

**CITY OF GARDNER POLICE DEPARTMENT**

200 Main Street  
Gardner, Massachusetts 01440



Philip J. Kearns, Jr.  
Acting Chief of Police

***Emergency-Dial 911***  
Main line: (978) 632-5600  
Fax Line: (978) 630-4027

August 3, 2022

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

Re: Acceptance of a donation from the Town of Westminster

Dear Mayor,

The Police Department recently received some surplus items from the Westminster Police Department related to their now-discontinued police canine unit. Those items are:

1 – K-9 bite suit

1 – K-9 bite sleeve

1 – K-9 ballistic vest

We will find these items extremely useful with our newest member, K-9 Rocky. Given the recent event in Fitchburg, I find the donation of a ballistic vest particularly significant. I am asking that these items be accepted by the City as gifts as required by law. We appreciate this donation of these items by our friends and colleagues at the Westminster Police Department and the Town of Westminster.

Very Truly Yours,

Philip J. Kearns, Jr.  
Acting Chief of Police



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

RECEIVED  
2022 AUG 18 PM 4:11  
CITY CLERK'S OFFICE  
507 N. ST. 1A

August 4, 2022

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

RE: Acceptance of Donations – Gardner Animal Shelter

Dear Madam President and Councilors,

Attached, please find a list of donations received by the Gardner Animal Shelter over the past year.

As required by the General Laws, I hereby submit these donations for acceptance by vote of the City Council.

I would like to also thank all of the individuals who donated all of these items to assist in the operations of the Shelter.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

**ACCEPTANCE OF DONATIONS AND GIFTS  
GARDNER ANIMAL CONTROL SHELTER DONATIONS**

***VOTED:*** That the City of Gardner is authorized to accept certain donations and gifts for use by the Gardner Animal Control Shelter, said acceptance in accordance with the provisions of Chapter 44, Section 53A½ of the General Laws.



## Donations 2022

| Item # | Item Name/Description                                            | Price                                                          |
|--------|------------------------------------------------------------------|----------------------------------------------------------------|
| 117601 | 2/25/2022 Caleb Civiok                                           | Dog food, toys, cat food, toys, paper towels bowls             |
| 117602 | 3/02/2022 Lorna DuCharm<br>29 South Main St Gardner, MA.         | Dog coats                                                      |
| 117603 | 3/03/2022 Paul Phillips<br>14 Pinewood Dr Gardner, MA.           | Bag of dog food, wet cat food, raw dog food, broth             |
| 117604 | 3/06/2022 Anonymous                                              | Cat food, toys, litterbox, bowls                               |
| 117605 | 3/11/22 Anonymous                                                | 10 pedigree pck, laundry det. 14 cans hills cat food, 2 quilts |
| 117606 | 3/11/2022 Anonymous                                              | 3 bags dog food, cans wet food, wee-wee pads                   |
| 117607 | 3/11/2022 Carlene Beauregard                                     | Check \$30.00                                                  |
| 117608 | 3/12/2022 Templeton Middle School<br>Amanda Donahue/Gail Guarera | Scratching post, blink collar, 2 bags bedding, 37              |



## Donations 2022

|        |                             | dog toys,8<br>beds,10<br>fleece,3 cat<br>collars, 5 cat<br>toys, 3 bags<br>cat food,7 cans<br>wet food, 10<br>catnip toys,1<br>box, kitten<br>food,case wet<br>dog food, case<br>wet cat<br>food,25<br>dishes,dog 28<br>wet dog food,<br>3 coats, 3 bags<br>treats. |
|--------|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 117609 | 3/17/2022 Beverly Armstrong | Smartbones,jar<br>on marrow<br>snacks,5 bags<br>dog treats, 4<br>bones,4<br>stuffed hooves                                                                                                                                                                          |
| 117610 | 3/22/2022 Anonymous         | 109 cans<br>cat/dog food,<br>leash                                                                                                                                                                                                                                  |
| Item # | Item Name/Description       | Price                                                                                                                                                                                                                                                               |
| 117611 | 2/25/2022 Anonymous         | 2 cases wet<br>food, 1case<br>MM cat food                                                                                                                                                                                                                           |
| 117612 | 3/30/2022 Michelle Moss     | 45lb bag dog<br>food, bl buf<br>cleaning, 20                                                                                                                                                                                                                        |



## Donations 2022

|         |                       |                                                                                                       |
|---------|-----------------------|-------------------------------------------------------------------------------------------------------|
|         |                       | cans dog food<br>wet bl buf                                                                           |
| 1176613 | 4/17/2022 Anonymous   | Wet cat food                                                                                          |
| 117614  | 3/06/2022 Anonymous   | Cat food, toys,<br>litterbox,<br>bowls                                                                |
| 117615  | 3/11/22 Anonymous     | 3 bags dog<br>food, cans wet<br>dog food, wee-<br>wee pads                                            |
| 117615  | 4/19/2022 Anonymous   | Bag hill<br>science,<br>harness, 4<br>bags<br>temptations, ½<br>soft fancy<br>feast, 5 sheba,<br>pate |
| 117616  | 4/19/2022 Anonymous   | Litter box                                                                                            |
| 117617  | 4/24/2022 Carol Spack | Check \$100.00                                                                                        |
| 117619  | 5/01/2022 Anonymous   | Stocking cat<br>toy                                                                                   |
| 117620  | 5/01/2022 Anonymous   | 3 bags dog<br>food, 2 bags cat<br>food, several<br>wet dog & cat                                      |



## Donations 2022

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food bag of cat  
food.

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## Donations 2022

| Item # | Item Name/Description  | Price                                                                                            |
|--------|------------------------|--------------------------------------------------------------------------------------------------|
| 117621 | 5/01/2022 Anonymous    | Dyson wireless vacuum                                                                            |
| 117622 | 5/04/2022 Anoyomus     | Havahart trap, food stand/ bowl towels                                                           |
| 117623 | 5/18/2022 Anonymous    | 4 bagfs, blanket towel, dog food, dog treats, dog toy, harness                                   |
| 117624 | 5/19/2022 Anonymous    | Towel,blankets, dog bed, wet dog, food                                                           |
| 117625 | 5/28/22 Marcia Doherty | Dry and wet kitten food                                                                          |
| 117626 | 5/28/2022. Anonymous   | 9 tasteful canned cat food,18 friskies, 3, small canned cat food, purina dog chow, ol'roy bones. |
| 117627 | 5/29/2022 Anonymous    | 24pk friskies variety umpteen tennis balls                                                       |



## Donations 2022

| Item # | Item Name/Description                                                                       | Price                                                                   |
|--------|---------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| 117628 | 5/29/2022 Anonymous cat carrier, cat toys, poop bags, pee pads, paper bags, towels/blankets | Dog food, toys, cat food, toys, paper towels bowls                      |
| 117629 | 6/04/2022 Beverly Armstrong                                                                 | Cat food, dog treats, stuffed hooves                                    |
| 117630 | 6/05/2022 Anonymous                                                                         | Wet cat food, temptation                                                |
| 117631 | 6/08/2022 Ralene Williams Hubbardston, MA                                                   | Stray inake 22-0608A check \$40.00                                      |
| 117632 | 6/11/2022 Anonymous                                                                         | 11.5 perfect portions iams kitten food, 3 1 can purina one, kitten food |
| 117633 | 6/12/2022 Anonymous                                                                         | Cat toy, cat bed, blankets                                              |
| 117634 | 6/14/2022 Anonymous                                                                         | 25 cans cat food, 3 bags cat food, 1 can cat food                       |
| 117635 | 6/17/2022 Amazon Delivery                                                                   | Box of friskies wet cat food 24 cans                                    |



## Donations 2022

| Item # | Item Name/Description                                        | Price                                                          |
|--------|--------------------------------------------------------------|----------------------------------------------------------------|
| 117637 | 6/22/2022 Pet Supplies Plus Athol Drop off                   | Bag dog food, cans wet dog food, dog treats, cat nip, cat food |
| 117638 | 6/22/2022 Anonymous                                          | Dog food, dog toys, collars, dog bowls                         |
| 117639 | 6/22/2022 Anonymous.                                         | Cat bed                                                        |
| 117640 | 6/23/2022 Anonymous                                          | Cat food, toys, litterbox, bowls                               |
| 117641 | 6/25/2022 Anonymous                                          | Hypothyroid medication                                         |
| 117642 | 6/25/2022 Pet Supply Plus                                    | Dog food, kitten food, cat, litter                             |
| 117643 | 6/29/2022 Beverly Armstrong<br>227 South Main St Gardner, MA | Dog treats, cat treats, toys, litter scoop                     |
| 117644 | 6/29/2022 Carol Carpenter                                    | Bag of dog food                                                |
| 117645 | 6/29/2022 Anonymous                                          | Dog toys. Blanket, dog beds, clothes                           |



## Donations 2022

| Item #  | Item Name/Description                                    | Price                                                                                                                    |
|---------|----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| 117646  | 7/07/2022 Anonymous                                      | Royal canin<br>doog food,11<br>uct food, 2<br>fuitable dog<br>treats,pill<br>pky,2 redford<br>treats, chicken<br>squares |
| 117647  | 3/02/2022 Lorna DuCharm<br>29 South Main St Gardner, MA. | Dog coats                                                                                                                |
| 117603  | 7/10/2022 Connie Carroll                                 | 2 bags dog<br>food, 1 bag<br>cat food                                                                                    |
| 117648  | 7/11/2022 Anonymous                                      | 2 gal<br>bleach,10lb<br>box laundry<br>detergent, 4<br>cans dog food                                                     |
| 117649  | 7/11/22 Pet Supplies Plus                                | Cat litter, 1<br>bag cat food,<br>6 bag dog<br>food, 22 bag<br>dog food                                                  |
| 117650  | 7/14/2022 Anonymous                                      | 17 fancy feast<br>, cat scratcher                                                                                        |
| 117651  | 7/15/2022 Anonymous                                      | 4 cans dog<br>food, 2 bowls                                                                                              |
| Item #8 | Item 8 Name and Description                              | Price Item 8                                                                                                             |

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here and update logo



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

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August 25, 2022

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

RE: Creation of Veterans Services Gift Account

Dear Madam President and Councilors,

Recently, a Gardner veteran passed away and requested in their obituary that all in lieu of flower donations be made to the Gardner Veterans Services Office.

Director Gabrila has requested that this funding be used to assist in the outreach program that the Administration is looking to establish through partnerships with local businesses.

In speaking with the finance departments, the only way this can be done is through the creation of a gift account for the department.

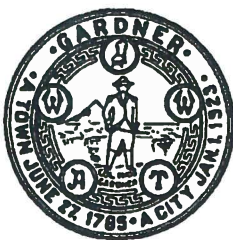
I respectfully ask the City Council vote to create this account in order to begin this program in Mr. Strom's memory.

Respectfully Submitted,



Michael J. Nicholson  
Mayor, City of Gardner

Cc: Finance Committee



## City of Gardner

### Veterans' Services

95 Pleasant Street, Room 14

Gardner, MA 01440

978.630.4017 (office)

978.630.4057 (fax)

[lgabrila@gardner-ma.gov](mailto:lgabrila@gardner-ma.gov)

Lynette R. Gabrila

Veterans' Services Director

August 25, 2022

Dear Mayor Nicholson:

Please use this letter as a formal request to start a Gift Fund for Veterans' Services.

US Army veteran, Michael Strom from Gardner passed away a couple nights ago. His wishes were to have a memorial donation fund set up for Veterans' Services to pass on his legacy of service to our local veterans.

This line item of discretionary funds would allow Veterans Services the opportunity to cover costs that are not under the umbrella of state and local benefits. For example, it could help start the Veteran ID card program, or on a case-by-case basis help with individual needs. A common issue that veterans have is expired or suspended drivers' licenses, usually due to unpaid fines. This can make it difficult for them to travel to work or medical appointments. Another way this fund could help is by purchasing \$25 gift cards to gas stations and local grocery stores. We could hand these out to veterans and their families that apply for Chapter 115 as they wait for their first checks or when they need a little bridge to get them until payday.

Any gift funds distributed would be tracked by Veterans' Services and would go through processing of the Treasury and Auditing departments.

Sincerely,

Lynette R. Gabrila



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

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July 18, 2022

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

RE: Request for Disposition of Surplus – Prospect Street School

Dear Madam President and Councilors,

Over the past two years, the Administration has made large strides to return properties to the tax rolls in order to fully maintain our fiduciary responsibility to the tax payers of the City.

Furthermore, we have also increased our requirements to ensure vacant and abandoned properties in the City are upkept in ways to prevent properties from becoming nuisances and public safety hazards.

The Prospect Street School building has been empty for the past three (3) years, since Gardner Academy moved from that location to the Helen Mae Sauter School Building.

As a way to hold the City to the same standard as other property owners in the City, I am requesting that the City Council approve the declaration of surplus for disposition of the Prospect Street School Property.

Due to the fact that the building was constructed for school purposes, is 137 years old, and requires a large amount of work and construction that would be needed by a new owner, I am requesting that the City Council vote to approve of the declaration of surplus for the property for the minimum price of \$100,000, so that the Administration can begin the process of marketing the property.

Respectfully Submitted,



Michael J. Nicholson  
Mayor, City of Gardner

CC: Finance Committee

**DECLARING SURPLUS FOR PURPOSE OF DISPOSAL OF  
LAND AND BUILDINGS AT 75 E BROADWAY**

***VOTED:*** To declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at 75 E Broadway, further identified on the City of Gardner Assessor's Map as R12/4/44, to establish as a minimum amount of \$100,000 to be paid for any conveyance of said property, and to authorize the Mayor to convey said land, or part thereof, for such amount or a larger amount, and upon such other terms as the Mayor shall consider proper in accordance with this Vote.









CONSTRUCTION DETAIL (CONTINUED)

| Element          | Cd    | Description         | Element | Cd | Description |
|------------------|-------|---------------------|---------|----|-------------|
| Style: 802       |       | Elementary School   |         |    |             |
| Model: 94        |       | Commercial          |         |    |             |
| Grade: 03        |       | Average             |         |    |             |
| Stories: 2       |       |                     |         |    |             |
| Occupancy: 1.00  |       |                     |         |    |             |
| Exterior Wall 1  | 20    | Brick/Masonry       |         |    |             |
| Exterior Wall 2  |       |                     |         |    |             |
| Roof Structure   | 01    | Flat                |         |    |             |
| Interior Wall 1  | 04    | Tar & Gravel        |         |    |             |
| Interior Wall 2  | 03    | Plastered           |         |    |             |
| Interior Floor 1 | 12    | Hardwood            |         |    |             |
| Interior Floor 2 | 06    | Inlaid Sht Gds      |         |    |             |
| Heating Fuel     | 02    | Oil                 |         |    |             |
| Heating Type     | 05    | Hot Water           |         |    |             |
| AC Type          | 01    | None                |         |    |             |
| Bldg Use         | 9341  | Gardner Education C |         |    |             |
| Total Rooms      | 00    |                     |         |    |             |
| Total Bedrms     | 2     |                     |         |    |             |
| Total Baths      | 00    |                     |         |    |             |
| Heat/AC          | 03    | NONE                |         |    |             |
| Frame Type       | 02    | MASONRY             |         |    |             |
| Baths/Plumbing   | 06    | AVERAGE             |         |    |             |
| Ceiling/Wall     | 02    | CEIL & WALLS        |         |    |             |
| Rooms/Ptns       | 12.00 | AVERAGE             |         |    |             |
| Wall Height      | 0.00  |                     |         |    |             |
| % Conn Wall      | 903C  |                     |         |    |             |
| 1st Floor Use:   |       |                     |         |    |             |

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

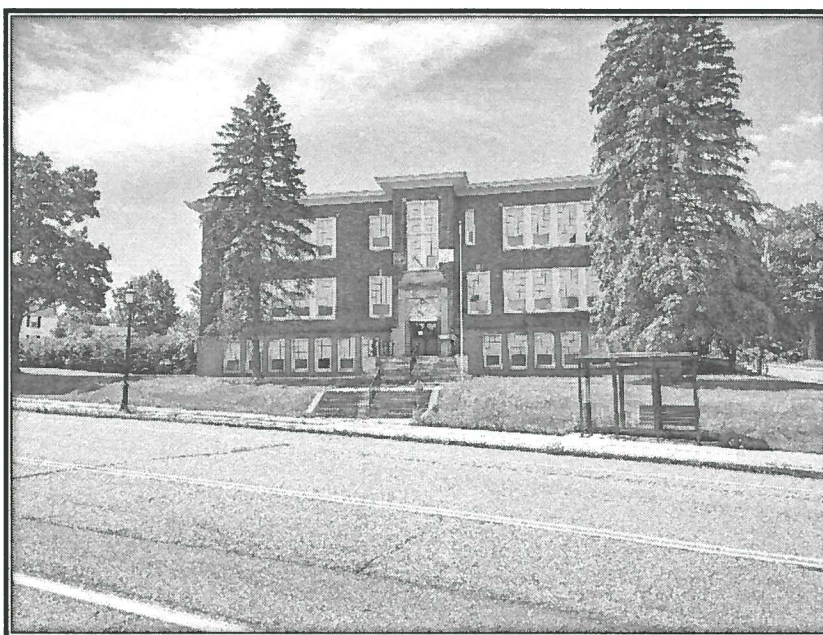
| Code | Description  | L/B | Units  | Unit Price | Yr Blt | Cond. | Cd | % Good | Grade | Grade Adj | Appr. Value |
|------|--------------|-----|--------|------------|--------|-------|----|--------|-------|-----------|-------------|
| FN1  | Fence 4'     | L   | 310    | 10.00      | 1988   |       |    | 50     |       | 0.00      | 1,600       |
| PAV1 | Paving Aspha | L   | 10,000 | 1.80       | 1988   |       |    | 50     |       | 0.00      | 9,000       |

BUILDING SUB-AREA SUMMARY SECTION

| Code                       | Description                  | Living Area | Floor Area | Eff Area | Unit Cost | Undeprec Value |
|----------------------------|------------------------------|-------------|------------|----------|-----------|----------------|
| BAS                        | First Floor                  | 10,360      | 10,360     | 10,360   | 139.91    | 1,449,468      |
| FUS                        | Upper Story, Finished        | 9,160       | 9,160      | 9,160    | 139.91    | 1,281,576      |
| UBM                        | Basement, Unfinished         | 0           | 7,132      | 1,783    | 34.98     | 249,460        |
| UST                        | Utility, Storage, Unfinished | 0           | 24         | 7        | 40.81     | 979            |
| Ttl Gross Liv / Lease Area |                              | 19,520      | 26,676     | 21,310   | 0.00      | 2,981,483      |

# Appraisal Report

75 East Broadway (Route 2A)  
Gardner, Massachusetts



Owned By  
The City of Gardner

Value as of  
July 27, 2022

**Prepared For:**

Mayor Michael J. Nicholson  
City of Gardner  
95 Pleasant Street  
Gardner, MA 01440

**Prepared By:**

Joel A. Buthray, MAI  
O'Hara-Buthray Associates, Inc.  
1 West Boylston Street, Suite 306  
Worcester, MA 01605

O'Hara-Buthray Associates, Inc.  
1 West Boylston Street, Suite 306  
Worcester, MA 01605

Ph: (508) 757-9381  
Fax: (508) 752-1544

August 31, 2022

Mayor Michael J. Nicholson  
City of Gardner  
95 Pleasant Street  
Gardner, MA 01440

Dear Mayor Nicholson:

An Appraisal Report of the property at 75 East Broadway (Route 2A), Gardner, Massachusetts, owned by the City of Gardner has been completed at your request.

The subject is a 74,923+/- square foot (SF) site zoned Single-Family Residential (SFR1). The site is improved with a 19,520+/-SF, two story masonry framed school building.

The subject is not leased, therefore, the property rights appraised are the fee simple estate.

The Appraisal Report has been prepared for the City of Gardner, the client and intended user. The purpose of the Appraisal Report is to estimate the market value of the subject. The intended use of this Appraisal Report is for selling purposes.

The deed history was not available for the subject. A title search is suggested.

The analysis and conclusion within the attached report are based on field research, interviews with market participants and publicly available data collected by the appraiser.

### **COVID-19**

The global outbreak of a "novel coronavirus" known as COVID-19 was officially declared a pandemic by the World Health Organization (WHO). It is currently unknown what direct, or indirect, effect, if any, this event may have on the national economy, the local economy or the market in which the subject property is located. The reader is cautioned, and reminded that the conclusions presented in this appraisal report apply only as of the effective date(s) indicated. The appraiser makes no representation as to the effect on the subject property of this event, or any event, subsequent to the effective date of the appraisal.

August 31, 2022  
City of Gardner

**Extraordinary Assumptions & Hypothetical Conditions**

*The value conclusions are subject to the following extraordinary assumptions that may affect the assignment results. An extraordinary assumption is an assignment-specific assumption as of the effective-date regarding uncertain information used in the analysis, which, if found to be false, could alter the appraiser's opinions or conclusions.*

*There are no extraordinary assumptions used in this report.*

*The value conclusions are based on the following hypothetical conditions that may affect the assignment results. A hypothetical condition is a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis.*

*There are no hypothetical conditions used in this report.*

The accompanying Appraisal Report has been prepared in accordance with the Uniform Standards of Professional Appraisal Practice. Included is an analysis of the real estate, all pertinent data, valuation methodology, supporting relevant exhibits and Addendum to the attached report.

As of July 27, 2022, the estimated market value of the subject is:

**Two Hundred Ninety-Five Thousand Dollars  
\$295,000**

This firm disclaims the validity of appraisal reports which lack original signatures on the letter of transmittal, on the Certification, and after the reconciliation of value estimates.

Respectfully submitted,



Joel A. Buthray, MAI  
Certified General  
Real Estate Appraiser  
Commonwealth of MA #929

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**Executive Summary**

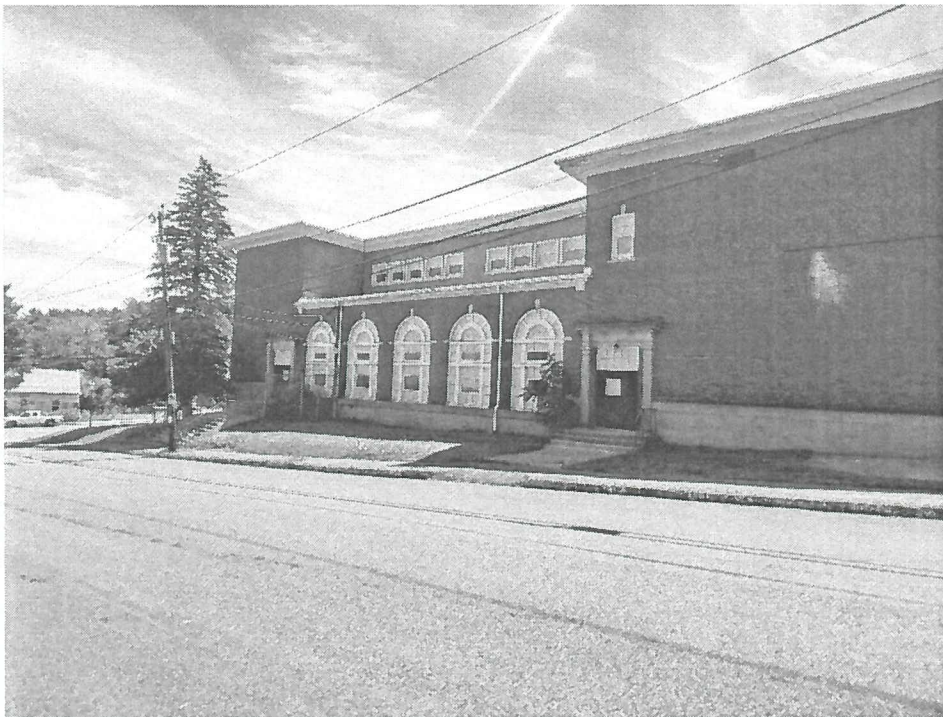
|                                          |                                                       |
|------------------------------------------|-------------------------------------------------------|
| Intended User and Client                 | City of Gardner                                       |
| Purpose of The Appraisal Report          | Estimate the market value of the subject              |
| Intended Use of Appraisal Report         | Selling purposes                                      |
| Property Owner                           | City of Gardner                                       |
| Property Classification                  | School                                                |
| Property Location                        | 75 East Broadway (Route 2A)<br>Gardner, MA            |
| Property Rights Appraised                | Fee simple estate                                     |
| Date of Inspection                       | July 27, 2022                                         |
| Date of Valuation                        | July 27, 2022                                         |
| Date of Report                           | August 31, 2022                                       |
| Zone Classification                      | Single-Family Residential (SFR1)                      |
| Assessment Data                          | The property is tax exempt                            |
| Size of Parcel                           | 74,923+/-SF                                           |
| Property Improvements                    | 19,520+/-SF, two story masonry framed school building |
| <b>Highest and Best Use</b><br>If Vacant | Residential development                               |
| As Improved                              | School or residential conversion                      |
| Marketing & Exposure Time                | 6 months                                              |

|                                |                  |
|--------------------------------|------------------|
| <b>Valuation Analysis</b>      |                  |
| Site Value                     | Not developed    |
| Cost Approach                  | Not applicable   |
| Sales Comparison Approach      | \$295,000        |
| Income Capitalization approach | Not developed    |
| <b>Final Estimate of Value</b> | <b>\$295,000</b> |

**Subject Photographs**



**Front (North Side) of the Building**



**West Side of the Building**

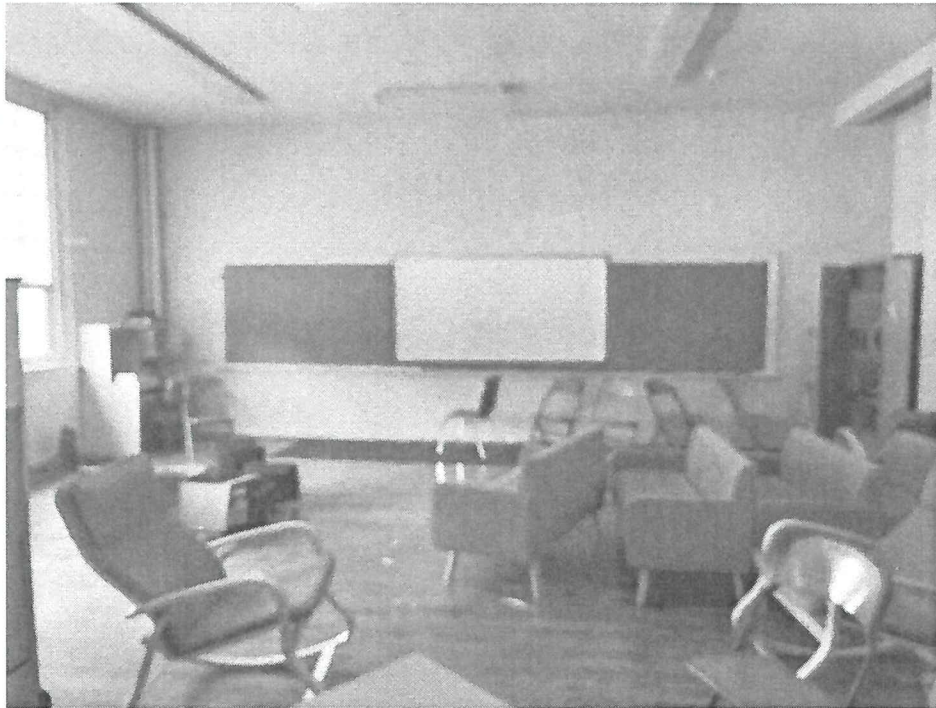




East Side of the Building



Rear (South Side) of the Building



Sample Interior of the Building



Sample Interior of the Building





Sample Interior of the Building



Sample Interior of the Building



Sample Interior of the Building



Sample Interior of the Building



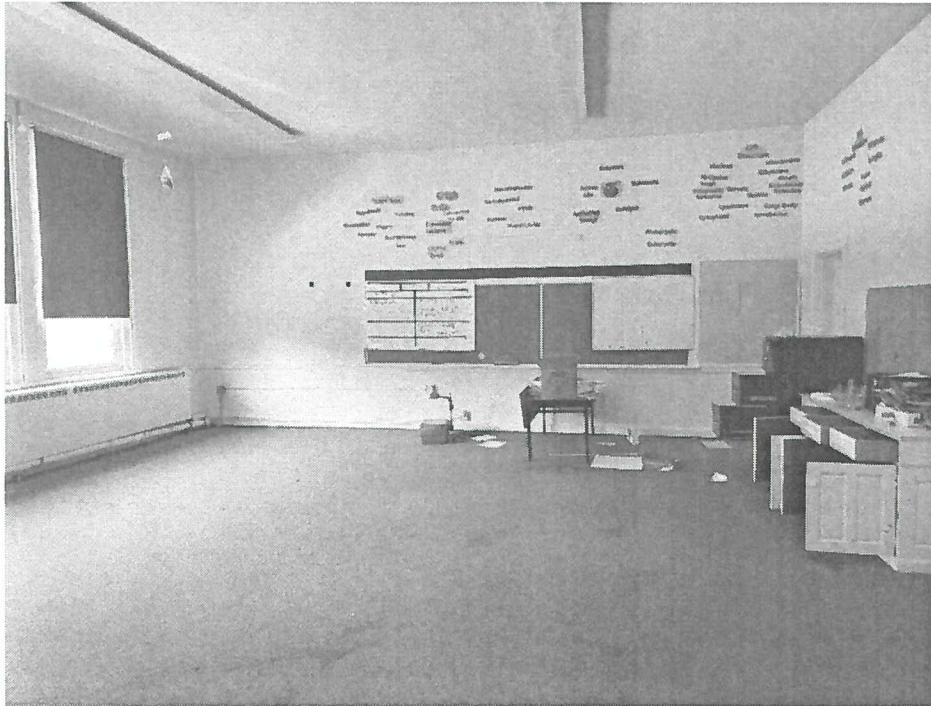


Sample Interior of the Building



Sample Interior of the Building

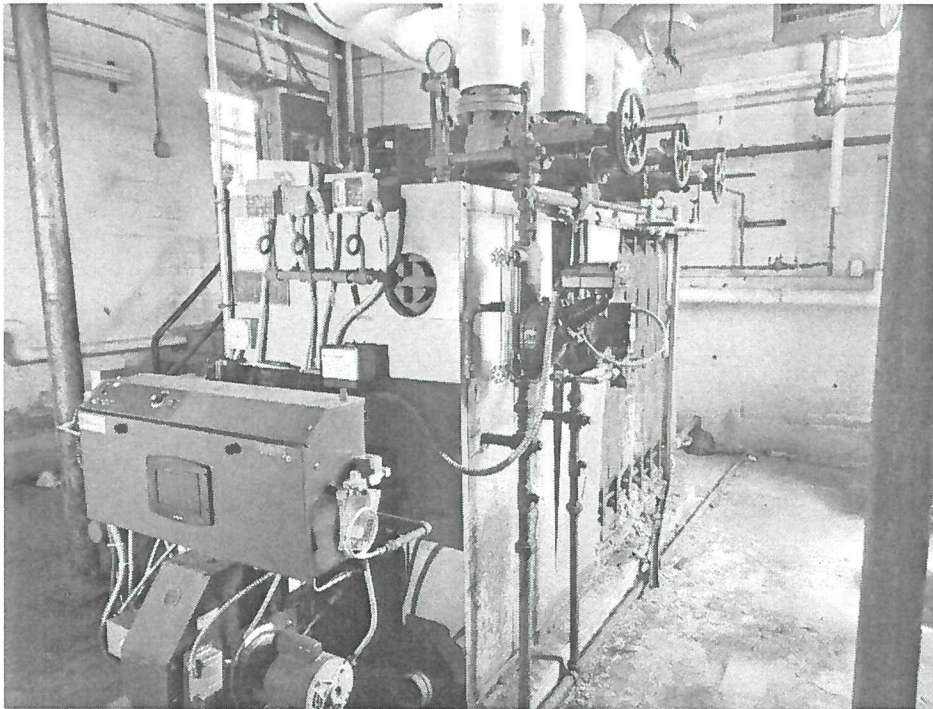




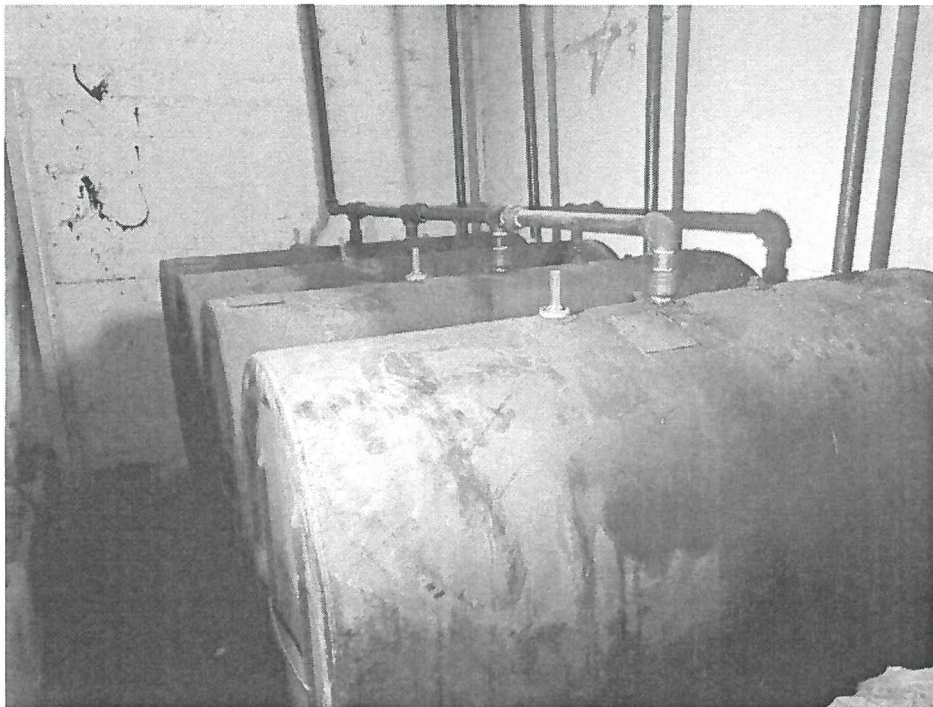
Sample Interior of the Building



Sample Interior of the Building



View of the Boiler

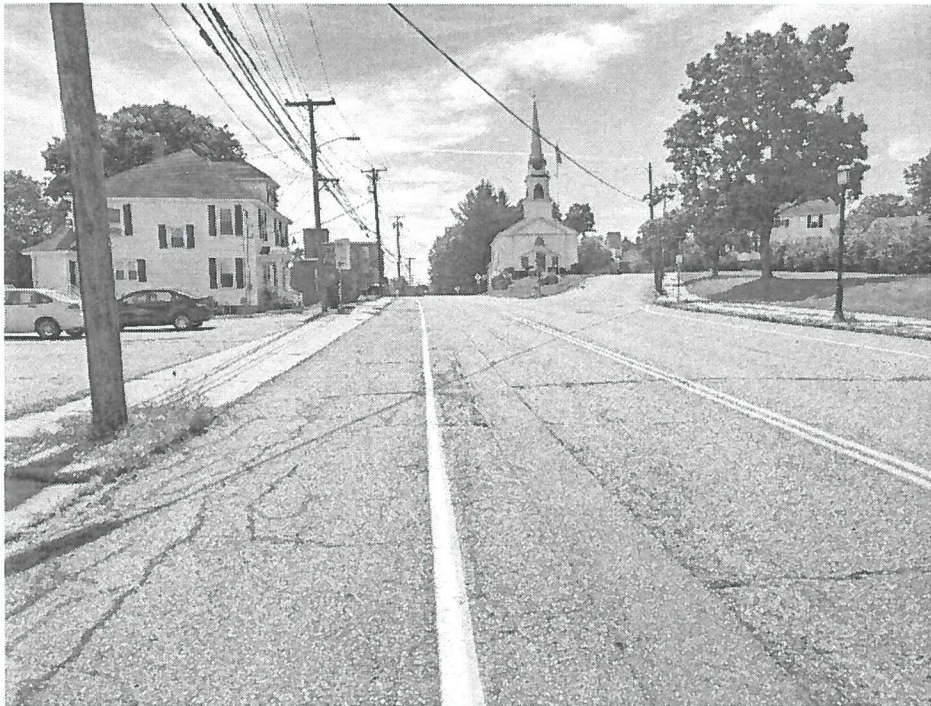


View of the Oil Tanks





Facing West on East Broadway



Facing East on East Broadway





Facing South on Prospect Street



Facing North on Prospect Street

**Identification of the Real Estate**

The subject school property at 75 East Broadway (Route 2A), Gardner is on a corner lot fronting the south side of East Broadway, the east side of Prospect Street and the west side of High Street. The property is identified in assessor records as Map R12, Block 4, Lot 44.

**History**

There was no deed information available for the subject property in the assessor records. A title search is suggested.

**Personal Property**

Furniture, appliances, etc. are considered personal property, not included in the value of the real estate.

**Intended User and Client of Appraisal Report**

The intended user and client of the Appraisal Report is the City of Gardner.

**Purpose of Appraisal Report**

The purpose of the Appraisal Report is to estimate the market value of the subject.

**Intended Use of Appraisal Report**

The intended use of this Appraisal Report is for selling purposes.

**Property Rights Appraised**

The subject is not leased, therefore, the property rights appraised are the fee simple estate.

Fee simple estate is defined as: *"Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by governmental powers of taxation, eminent domain, police power, and escheat"*. [The Dictionary of Real Estate Appraisal, 7th ed. (Appraisal Institute, 2022), 73].

**Effective Date of Value**

The appraiser inspected the property on July 27, 2022, the effective date of valuation.

**Effective Date of the Appraisal Report**

The effective date of the Appraisal Report is August 31, 2022.

## **Definition of Market Value**

Market value is defined by the federal financial institutions' regulatory agencies as: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition are the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. *Buyer and seller are typically motivated;*
2. *Both parties are well informed or well advised, and acting in what they consider their own best interests;*
3. *A reasonable time is allowed for exposure in the open market;*
4. *Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and*
5. *The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.*

Source: 12 CFR Section 34.42 (f)

## **Appraisal Development and Reporting Process**

This Appraisal Report format is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice for an Appraisal Report.

## **Scope of Work**

The preparation of this appraisal consisted of:

Joel A. Buthray, MAI of O'Hara-Buthray Associates, Inc. inspected the property on July 27, 2022. Additional steps taken to complete this assignment included the following.

- Photographs of the subject exterior were taken.
- A tour through the neighborhood and the general area of the city to note predominant characteristics such as land use, condition of properties, neighborhood influences, vacancy, etc.
- Research at the Gardner Assessor records to review the Assessor field card for information about the property.
- The most recent zoning bylaws were reviewed. Site data and soil characteristics were researched in resources such as the applicable floodplain insurance rate map; the Web Soil Survey, published by the United States Department of Agriculture soil maps and descriptions and the DEP Transition List of Confirmed Disposal Sites and Locations to be Investigated.



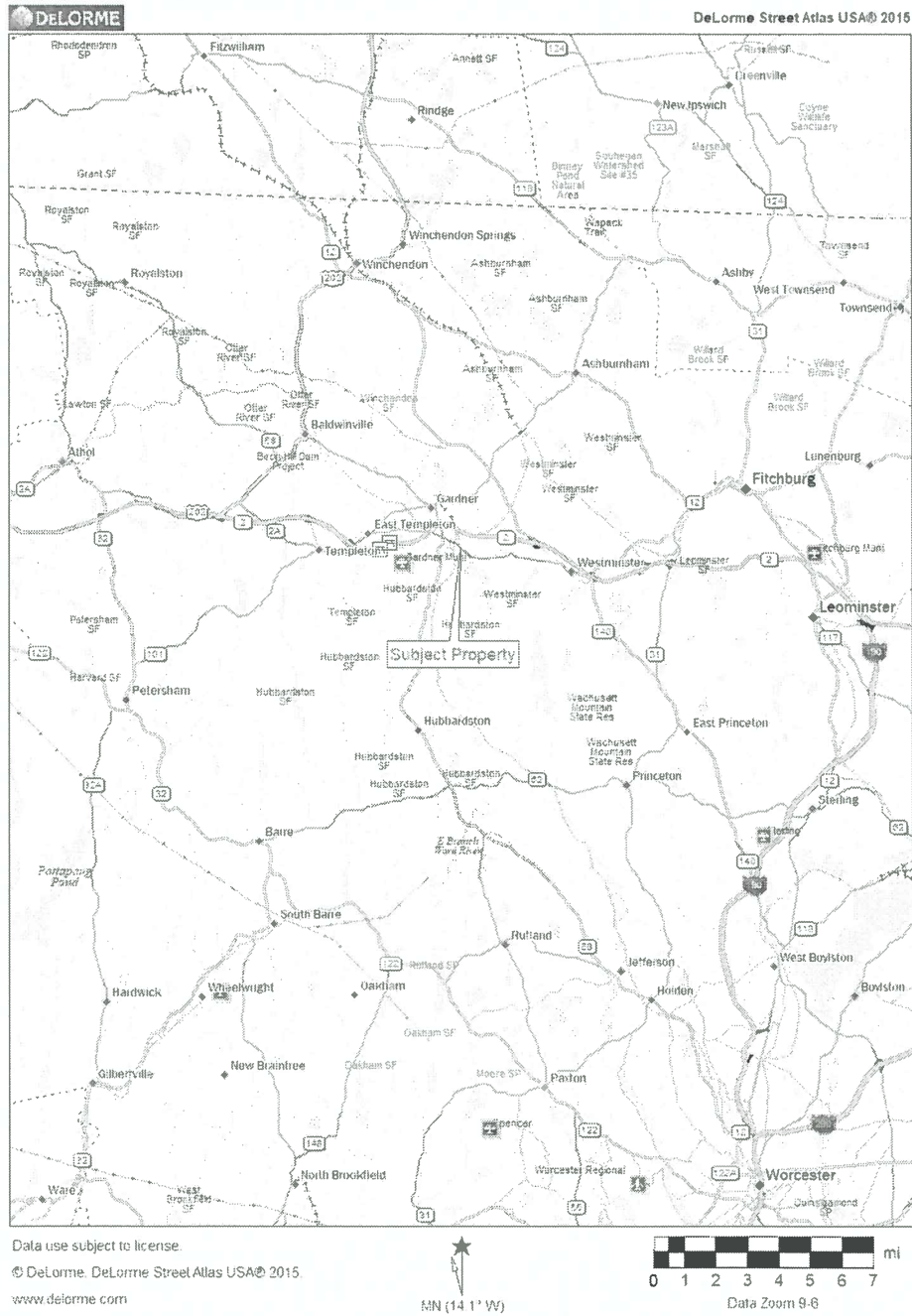
- Area demographics such as population trends, unemployment statistics, etc. were researched in publications such as Employment and Unemployment Statistics published by the Massachusetts Department of Employment and Training.
- Pertinent area information was researched from in-house resources and news articles: Telegram & Gazette, Worcester Business Journal, The Wall Street Journal, Bankers and Tradesmen, CoStar Comps data and an in-house data base.
- Market area research included contacting brokers, property owners, etc. for the purpose of obtaining and verifying comparable sales, etc.; and updating information on the latest events affecting the city or the neighborhood. This also included contacting local financial institutions to obtain current lending policies.
- Also researched at the Registry of Deeds were recorded deeds for a 3-year sales history of the subject and sales used for comparison purposes.
- The value of the subject was developed by the sales comparison approach based on a comparison to five comparables.

Please note this appraisal process did not include:

- The site value was not estimated because the highest and best use of the subject is the utilization of the building.
- The cost approach was not developed due to the age of the improvements and the degree of depreciation.
- The income capitalization approach was not developed because schools are not typically leased in the market area.

All properties considered for comparative purposes were visited and photographed.

## Area Map





### **Area Description**

The city of Gardner is located in north central Massachusetts in North Worcester County, bordered by the towns of Winchendon and Ashburnham on the north, Templeton on the west, Westminster on the east, and Hubbardston on the south. Gardner is approximately 28 miles northwest of Worcester, 59 miles northwest of Boston, and 61 miles northeast of Springfield.

Gardner is easily accessible via Route 2, which provides a link to Interstates 190, 495, and 91. Other main roads within the city are Routes 2A, 68, 101, and 140.

Following are the most recent unemployment rates (July 2022) for the Nation, Massachusetts, Worcester County and Gardner reported by the Massachusetts Department of Employment and Training.

| <b><u>United States</u></b> | <b><u>Massachusetts</u></b> | <b><u>Worcester County</u></b> | <b><u>Gardner</u></b> |
|-----------------------------|-----------------------------|--------------------------------|-----------------------|
| 3.5%                        | 3.5%                        | 3.7%                           | 4.6%                  |

Prior to the Coronavirus, the unemployment rates throughout the country including Gardner were very low. Since the pandemic impacted the United States, the rates initially escalated substantially. Many businesses had closed or downsized throughout the country, resulting in higher unemployment rates. Favorably, the unemployment rates have declined substantially once again and most of the country has reopened. The most recent reported rate in Gardner is 4.6%, which is higher than the other rates reported, however, is at a favorable level. It is difficult to determine how long the Coronavirus will impact the country. Favorably, vaccinations are taking place, however, variants have developed creating additional challenges.

Following is the census data for Gardner in 2000, 2010 and 2020 as reported in U.S. Census data.

| <b><u>City</u></b> | <b><u>2000</u></b> | <b><u>2010</u></b> | <b><u>% Change</u></b> | <b><u>2020</u></b> | <b><u>% Change</u></b> |
|--------------------|--------------------|--------------------|------------------------|--------------------|------------------------|
| Gardner            | 20,770             | 20,228             | -2.7%                  | 21,287             | +5.2%                  |

The population in Gardner has not changed significantly over the past couple of decades. There was a decline from 2000 to 2010 of 2.7%, however, population increased moderately from 2010 to 2020 by 5.2%. There is minimal new residential development taking place in the city. Population increases are favorable for the local housing market and businesses.

The following is a comparison of the median household income for 2020 (most recent available) in Gardner, Worcester County, and Massachusetts.

| <u>Location</u>  | <u>Median Income 2020</u> |
|------------------|---------------------------|
| Gardner          | \$51,708                  |
| Worcester County | \$77,155                  |
| Massachusetts    | \$84,385                  |

**Source: U.S. Census**

As indicated by the figures presented, Gardner's median household incomes for 2020 were considerably lower than those in Worcester County, and Massachusetts, which negatively impacts on property values in the city.

New commercial, industrial and residential development in Gardner has been relatively stagnant over the past several years. There is proposed revitalization of the downtown Main Street area of Gardner including the development of a new 56-unit apartment complex, an event center and parking area.

The Timpany Crossroads at the corner of Timpany Boulevard and West Broadway Street is comprised of a new 3 building commercial development with a free-standing Pub 99 in place, a Starbucks, an Edward Jones and a skin care tenanted space. There are other spaces under agreement for lease. At 529 Timpany Boulevard, a 20,000+/-SF medical building is being constructed for owner occupancy by Community Health Connections.

### **Economic Influences**

A factor influencing investment in real estate is current lending criteria. Financing is available, but underwriting criteria are more exacting. The prime rate increased steadily to as high as 9.5% on May 17, 2000. With the slowdown in the economy, the prime rate was reduced numerous times to the low rate of 4.00% as of June 27, 2003. The rate increased numerous times to 8.25% as of June 26, 2006 in an attempt to slow inflation. The prime rate was later reduced numerous times to 3.25% on December 16, 2008 in an attempt to stimulate the economy once again. The prime rate remained fixed until it increased to 3.5% on December 17, 2015, followed by eight increases reaching 5.50% on December 20, 2018. The feds then cut the prime rate to 5.25% on August 1, 2019, to 5.0% on September 19, 2019, to 4.75% on October 30, 2019 and bigger cuts to 4.25% on March 4, 2020 and again to 3.25% on March 16, 2020 due to economic growth slowing and the negative impact on the economy and general health concerns from the Coronavirus. The prime rate increased to 3.50% on March 16, 2022 in an attempt to slow the increase in inflation. An additional increase to 4.0% took place on May 5, 2022, again to 4.75% on June 22, 2022 and 5.50% on July 28, 2022. Additional interest rate increases are anticipated which could adversely impact the economy and the value of real estate market.

Prior to the Coronavirus, some of the major factors that had previously negatively impacted on consumer confidence levels and the economy in the country included high fuel and food prices, weak job growth and manufacturing figures, stagnant retail sales, and the weak state of several European countries. Oil and gas prices had dropped substantially in the past partly due to an oversupply and also as a result of the virus. Prices have escalated once again. There previously had been job growth, however, income levels were typically lower than in prior stronger economic times. Due to the difficulty of being able to fill job needs at many businesses, income requirements for many jobs have increased

The stock market has had significant volatility with major upward and downward fluctuations. A lot of the volatility is attributed to so called “trade wars” with China, weaker retail figures, a result of the negative impact of the virus, high inflation levels, supply chain shortages, rising fuel costs, rising interest rates, the war in Ukraine, the difficulty filling employment needs, and difficulty meeting trucking, shipping and production needs, etc. Favorably, vaccinations have taken place and the infection rates declined substantially, however, variants have developed therefore the virus has continued.

The consumer confidence index, a good indicator of the current state of the economy has been fluctuating up and down over the past few years. In January of 2022, the rate dipped to 111.1 followed by another decrease to 105.7 in February of 2022. The rate turned around in March of 2022 with an increase to 107.6, followed by an additional increase to 108.6 in April of 2022. The rate dipped to 103.2 in May of 2022, followed by a further decrease to 98.4 in June of 2022, and a further decrease to 95.3 in July of 2022. The rate reversed in a positive direction to 103.2 in August of 2022, to 95.7 in July of 2022.

“Consumer confidence increased in August after falling for three straight months,” said **Lynn Franco, Senior Director of Economic Indicators at The Conference Board**. “The Present Situation Index recorded a gain for the first time since March. The Expectations Index likewise improved from July’s 9-year low, but remains below a reading of 80, suggesting recession risks continue. Concerns about inflation continued their retreat but remained elevated.”

“Meanwhile, purchasing intentions increased after a July pullback, and vacation intentions reached an 8-month high. Looking ahead, August’s improvement in confidence may help support spending, but inflation and additional rate hikes still pose risks to economic growth in the short term.”

### **Market Analysis**

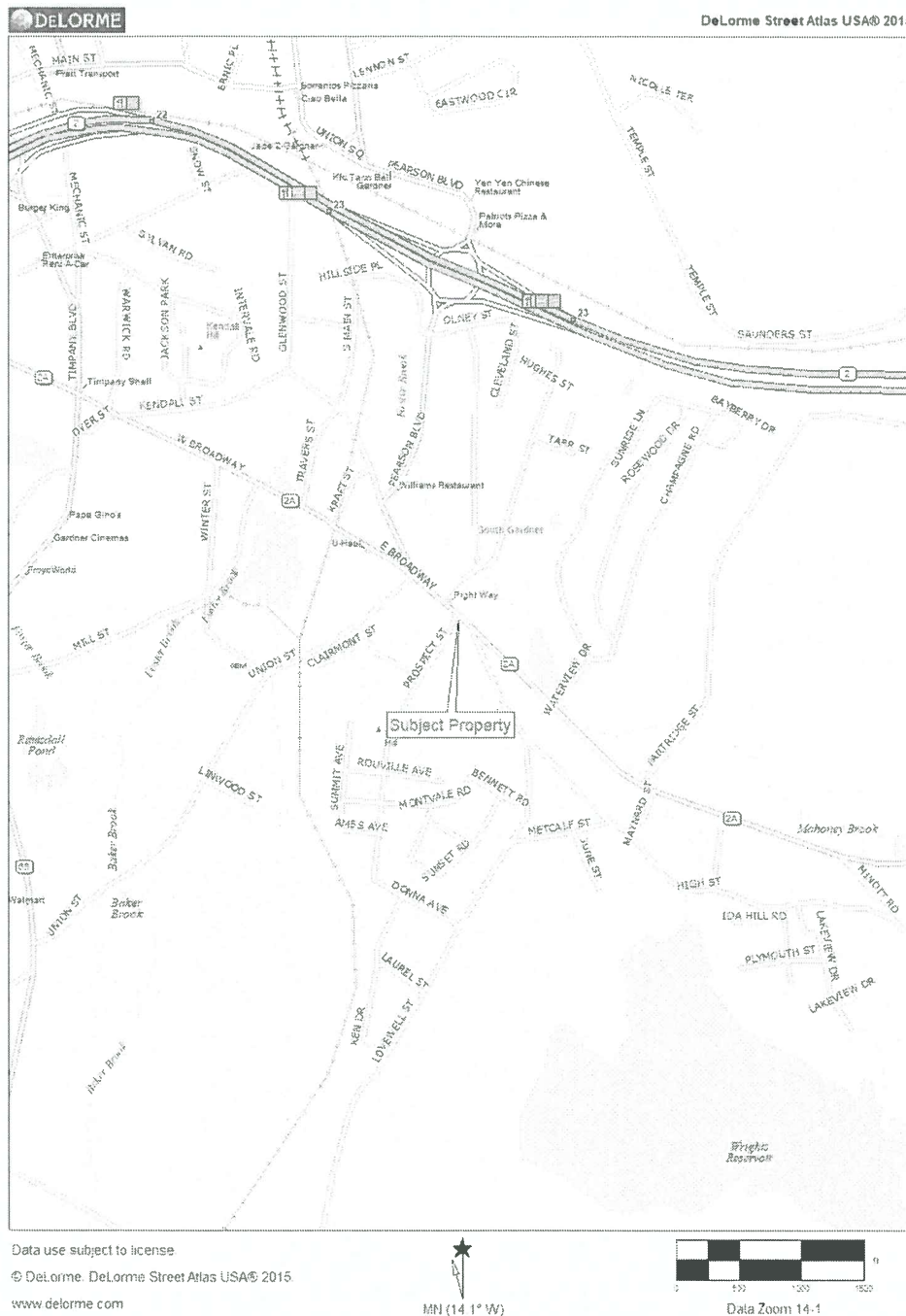
The highest and best use of the subject is to utilize the building either for school daycare or residential conversion. The option of demolishing the building and development of the lot with residential uses was also considered, however, this alternative does not appear financially feasible at the present time due to the anticipated high costs of demolition and removal of the building.

The subject is an older school building in fair to average condition in need of updating and likely addressing code related issues to become activated again. Many older schools are commonly converted to residential uses. Given the high costs of construction/renovation, it is typically only feasible to convert to residential uses when grant money can be obtained.

Based on comparable sales data, older schools are selling at a range of approximately \$5.00/SF to \$25.00/SF.

In summary, Gardner has recently experienced moderate population increases, which combined with declining unemployment rates favorably impacts the local economy and real estate market. The below average income levels in Gardner are a negative. Older schools are in demand in the market area, however, typically at a low price.

## Neighborhood Map





**Neighborhood Description**

The subject at 75 East Broadway (Route 2A), Gardner is on a corner lot fronting the south side of East Broadway, the east side of Prospect Street and the west side of High Street. The property is in the southeastern section of Gardner, near the Westminster and Hubbardston town lines.

The neighborhood is a mix of commercial, residential, and industrial properties plus vacant land. East Broadway (Route 2A) is a moderately travelled main route improved with mixed-use buildings, single-family and multi-family dwellings, industrial properties, an office building, automotive garage properties, and tracts of vacant land.

Prospect Street is improved with single-families and two-families.

High Street is primarily a residential neighborhood with single-family and multi-family properties, vacant land and an industrial property.

Most properties in the neighborhood are typically older and in average condition.

Local and regional access is convenient as the subject is in close proximity to Routes 2, 2A, 68, 101, and 140. Utilities serving the neighborhood include municipal water, sewer, and electricity.

In summary, the subject is in a mixed-use neighborhood of residential, commercial and industrial development plus tracts of vacant land. Most properties in the neighborhood are older and in average condition. Local and regional access is convenient.

**Marketing and Exposure Time**

The marketing and exposure times are estimated at six months, assuming the subject is marketed at or near the estimated value and it is free and unencumbered.

**Zoning Data**

The subject is zoned Single Family Residential (SFR1).

**Dimensional Requirements**

The following are the dimensional requirements.

| <u>Item</u>               | <u>Requirement</u> |
|---------------------------|--------------------|
| Minimum Lot Area          | 12,500 SF          |
| Minimum Frontage          | 100 FT             |
| Minimum Front Yard        | 30 FT              |
| Minimum Side Yard         | 15 FT              |
| Minimum Rear Yard         | 20 FT              |
| Maximum Height (stories)  | 3                  |
| Maximum Height (feet)     | 36                 |
| Maximum Building Coverage | 50%                |

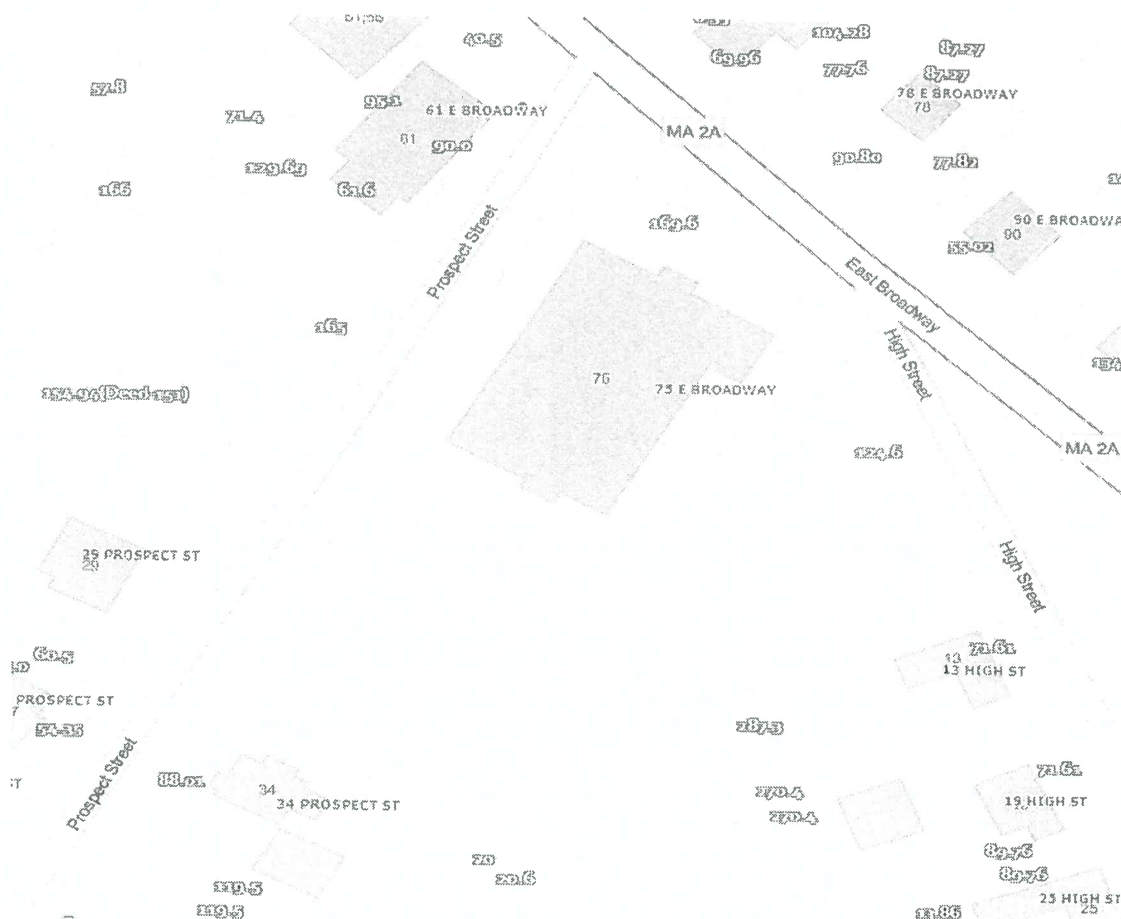
The subject conforms to the dimensional requirements.

#### **Permitted Uses**

The SFR1 zone allows single-families, two-families, agricultural uses, religious uses, school uses, and a daycare. The former school use is allowed by right.

#### **Tax and Assessment Data**

The subject is a tax exempt property.





## **Site Analysis**

### **Size and Configuration**

The site is 74,923+/-SF according to assessor records. The site has 169.6+/- feet of frontage (FF) along East Broadway and 124.6+/-FF along High Street. The frontage along Prospect Street is not indicated. The parcel is slightly irregularly shaped.

### **Environmental**

The subject has not been listed as a confirmed disposal site in the Transition List of Confirmed Disposal Sites and Locations to be Investigated by the Department of Environmental Protection (DEP). The estimated value is based on the assumption that the subject is free of contamination and conforms to all local, state and federal environmental regulations.

### **Topography**

The terrain of the site is gently sloping and slightly elevated from street grade with East Broadway and proximate to street grade with High and Prospect Streets. The site slopes upward from north to south. There is an estimated 12+/-FT difference between the low and high elevations. The terrain is favorable.

### **Floodplain**

According to Flood Insurance Rate Map (FIRM) #250305 0009 B, dated July 2, 1981, the subject is not in a flood prone area.

### **Easements/Restrictions**

A title search is suggested to determine if any easements or restrictions impact the subject.

### **Utilities**

Utilities servicing the property consists of public electricity, sewer and water.

### **Site Improvements**

On the date of inspection, the site improvements included an asphalt paved parking area, sidewalks, stairs, trees, grass, and fencing.

### **Depreciation and Obsolescence**

Two forms of depreciation or obsolescence may impact site improvements: physical deterioration, curable or incurable and functional obsolescence, curable and incurable.

Evidence of physical depreciation includes cracked and faded asphalt pavement and stressed landscaping.

Functional obsolescence results from a defect in design, structure, and material, which reduces utility and affects value. There is no evidence of functional obsolescence impacting the subject.

### **Building Analysis**

|               |                     |
|---------------|---------------------|
| Actual Age    | 99+/- years         |
| Effective Age | 30+/- years         |
| Existing Use  | Former school       |
| Vacancy       | 100%                |
| Stories       | Two plus a basement |

### **Exterior Construction**

|                    |                  |
|--------------------|------------------|
| Framing            | Masonry framed   |
| Doors              | Metal with glass |
| Siding             | Brick            |
| Roof Design        | Flat             |
| Roof Cover         | Tar and gravel   |
| Insulation         | Factor unknown   |
| Gutters/downspouts | Vinyl            |
| Windows            | Insulated        |
| Condition          | Average          |

### **Mechanical**

|                  |                                                       |
|------------------|-------------------------------------------------------|
| Heating          | Steam and FHW by oil                                  |
| Electrical       | Total power unknown. Assumed adequate                 |
| Plumbing         | There are adequate lavatories to service the building |
| Air Conditioning | None                                                  |
| Other            | None                                                  |

### **Interior Construction**

|                   |                           |
|-------------------|---------------------------|
| Floors            | Concrete and wood         |
| Walls             | Drywall and paneling      |
| Ceilings          | Drywall                   |
| Overall Condition | Fair to average           |
| Basement          | Unfinished                |
| Building Size     | First Floor - 10,360+/-SF |
|                   | Second Floor - 9,160+/-SF |
|                   | Total 19,520+/-SF         |

### **Depreciation/Obsolescence**

A building may be impacted by physical deterioration, curable or incurable; functional obsolescence, curable or incurable; and external obsolescence, which is incurable.

The building is in generally fair to average condition, typical of its age. Physical depreciation impacting the subject consists of worn or stained floors, walls, and ceilings, cosmetic and painting needs, the boiler is rusted and appears to need to be replaced. The exterior wood trim is faded and peeling. The roof is older and likely needing updating.

Functional obsolescence results from a defect in design, structure, and material, which reduces utility and affects value. The majority of the mechanicals are shut down and their operating status is unknown. The property does not conform to all ADA requirements which is typical of a building of its age.

External obsolescence results from factors beyond the property which may exert a negative effect on its value. Examples include high tax assessment or interest rates, neighborhood factors, environmental problems on abutting properties, a surplus of competitive properties, etc. The Coronavirus has had a significant impact on the economy and real estate market. Favorably, a large percentage of the country has been vaccinated and the infection rate in the country including Massachusetts had been drastically reduced. There have been several variants of the virus that have developed, therefore, the virus is still in effect. Most surviving businesses have reopened once again. The rise in interest rates and inflation are negatives that negatively impact properties in the market area. The subject is adversely impacted by external obsolescence.

### **Highest and Best Use Analysis**

Highest and best use is defined as:

*"1. The reasonably probable use of property that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity.*

*2. The use of an asset that maximizes its potential and that is possible, legally permissible, and financially feasible. The highest and best use may be for continuation of an asset's existing use or for some alternative use. This is determined by the use that a market participant would have in mind for the asset when formulating the price that it would be willing to bid. (IVS)*

*3. [The] highest and most profitable use for which the property is adaptable and needed or likely to be needed in the reasonable near future." [Uniform Appraisal Standards for Federal Land Acquisitions] [The Dictionary of Real Estate Appraisal, 7th ed. (Appraisal Institute, 2022), 88]*

Applying the four criteria to determine the highest and best use:

### **As if Vacant**

**Legally permitted:** The site is zoned Single Family Residential (SFR1). The subject conforms to the dimensional requirements. The SFR1 zone allows single-families, two-families, agricultural uses, religious uses, school uses, and a daycare.

Development of the lot with one of the uses allowed by zoning would be permitted assuming dimensional and parking requirements are met.

**Physically possible:** The property has legal frontage; public electricity, water and sewer are available; the terrain is suitable for development; and there are no known adverse easements.

Based on development in the neighborhood, and on the subject site, development appears physically possible.

**Financially feasible:** The property is on a moderately travelled main route and secondary side streets in a mixed area of commercial, residential and industrial development. Local and regional access is good.

The economy and real estate market has stabilized with the overall decline in the Coronavirus. Unemployment rates have declined in Gardner and the area and the population has been on the rise. On a negative note, income levels in Gardner are below average.

Given the zoning and neighborhood improvements, there appears to be no other use of the site that would result in a higher return than development with single or two families, or a religious, school or a daycare use.

New development has been negatively impacted by high construction costs, the uncertainties of the future impact of the Coronavirus, and the sharp increases in interest rates and inflation.

**Maximally productive:** The highest and best use of the site as if vacant and unimproved would be for future development with single or two families, or a religious, school or a daycare use.

### **As Improved**

**Legally permitted:** The subject conforms to dimensional requirements. The former school use of the property was permitted by right.

**Physically possible:** The property has legal frontage; public electricity, water and sewer are available; the terrain is suitable for development; and there are no known adverse easements.

Based on development in the neighborhood, and on the subject site, development appears physically possible.

**Financially feasible:** The property is on a moderately travelled main route in a mixed area of primarily commercial, industrial and residential development. Local and regional access is good.

The economy and real estate market has stabilized. The rise in interest rates and inflation negatively impact the financial feasibility of property ownership. Given the zoning and neighborhood improvements, there appears to be no other use of the subject that would result in a higher return than utilization of the building as a school, a daycare property or conversion to a residential use.

**Maximally productive:** The highest and best use of the site as improved than utilization of the building as a school, a daycare property or conversion to a residential use.

### **Valuation Analysis**

A well supported estimate of value utilizes a valuation process based on consideration of all pertinent general and specific data. This process reflects three distinct methods for analyzing the data mathematically: cost approach, sales comparison approach, and income capitalization approach.

If applicable to the estimation of value, all three methods, or approaches, may be utilized. Use of one or more approaches, or the application of greater significance of one or another, is dependent on the type of subject property and other critical factors.

The cost approach is "A set of procedures through which a value indication is derived for the fee simple estate by estimating the cost new as of the effective date of the appraisal to construct a reproduction of (or replacement for) the existing structure, including an entrepreneurial incentive; deducting depreciation from the total cost; and adding the estimated land value. The contributory value of any site improvements that have not already been considered in the total cost can be added on a depreciated-cost basis. Adjustments may then be made to the indicated value of the fee simple estate in the subject property to reflect the value of the property interest being appraised". [*The Dictionary of Real Estate Appraisal*, 7<sup>th</sup> ed. (Appraisal Institute, 2022), 43]

The sales comparison approach is "The process of deriving a value indication for the subject property by comparing sales of similar properties to the property being appraised, identifying appropriate units of comparison, and making adjustments to the sale prices (or unit prices, as appropriate) of the comparable properties based on relevant, market-derived elements of comparison. The sales comparison approach may be used to value improved properties, vacant land, or land being considered as though vacant when an adequate supply of comparable sales is available." [*The Dictionary of Real Estate Appraisal*, 7<sup>th</sup> ed. (Appraisal Institute, 2022), 170]

The income capitalization approach is "Specific appraisal techniques applied to develop a value indication for a property based on its earning capability and calculated by the capitalization of property income." [*The Dictionary of Real Estate Appraisal*, 7<sup>th</sup> ed. (Appraisal Institute, 2022), 94]



**Site Value**

The site value was not developed because it was concluded that the existing improvements is the highest and best use of the subject.

**Estimate of Value by the Cost Approach**

The cost approach was not developed due to the age and condition of the building and the degree of depreciation and obsolescence.

**Estimate of Value by the Sales Comparison Approach**

The market value of the property was developed by the sales comparison approach based on a comparison of comparable sales of similar school properties. Research conducted in Gardner and an extended market area revealed very limited sales. The sales used for comparison included a 2019 sale in Worcester, a 2019 sale in Northampton, a 2019 sale in Athol, a 2020 sale in Fall River and a 2021 sale in Fitchburg.

Following are the data summaries of the comparables, an adjustment grid and a narrative explanation of the adjustments made to each in comparison to the subject. The unit of measure used for comparison is price/SF of gross building area (GBA).

School Building Comparables

## COMMERCIAL BUILDING COMPARABLE # 1



ADDRESS TOWN: WORCESTER STATE: MASSACHUSETTS  
 STREET: 16 SALISBURY STREET  
 TYPE OF PROPERTY: SCHOOL  
 STATE CLASS CODE: 351 ZONING: BO-1.0  
 GRANTOR: THE CITY OF WORCESTER GRANTEE: B&G CLUB OWNER LLC  
 SALE DATE: 05/03/19 BOOK 60349 PAGE 226 REGISTRY: WCRD  
 SALE PRICE \$300,000.00 VERIFIED: GRANTOR (JB) 8/22  
 MORTGAGE 1ST NONE NOTED 2ND NONE NOTED  
 ASMT LAND \$ -- IMPRV \$ -- TOTAL \$ -- TAXES \$ --  
 UTILITIES WATER: PUBLIC SEWER: PUBLIC GAS: PUBLIC ELECTRIC: PUBLIC  
 LAND AREA +/-SF: 14,906 +/-AC: 0.342 +/-FF: 106.75  
 TOPOGRAPHY: LEVEL PARKING: LIMITED ACCESS: GOOD  
 BUILDING GROSS AREA +/-SF: 35,364 EFF. AGE: 30  
 OFFICE AREA +/- SF: -- CONDITION: FAIR  
 RETAIL AREA +/- SF: -- ELEVATOR: NONE  
 NET LEASABLE +/- SF: 35,364 SPRINKLERED: NONE  
 EFFICIENCY: 1.00 MISCELLANEOUS: NONE  
 GROSS INCOME MULTIPLIER: N/A OVERALL RATE: N/A  
 PRICE/SF BUILDING \$8.48  
 REMARKS SALE OF A 104 YEAR OLD PRIVATE SCHOOL BUILDING TO A DEVELOPER WHO  
 PROPOSES TO CONVERT THE BUILDING TO APARTMENTS. THERE IS A FULL,  
 UNFINISHED BASEMENT NOT INCLUDED IN THE SIZE.



## COMMERCIAL BUILDING COMPARABLE # 2



ADDRESS TOWN: NORTHAMPTON STATE: MASSACHUSETTS  
 STREET: 139 SOUTH STREET (ROUTE 10)

TYPE OF PROPERTY: SCHOOL

STATE CLASS CODE: 351 ZONING: URB

GRANTOR: THE CITY OF NORTHAMPTON GRANTEE: \*

SALE DATE: 08/14/19 BOOK 13356 PAGE 239 REGISTRY: HDRD

SALE PRICE \$205,000.00 VERIFIED: GRANTEE (JB) 8/22

MORTGAGE 1ST \$205,000.00 2ND \$50,000.00

ASMT LAND \$ -- IMPRV \$ -- TOTAL \$ -- TAXES \$ --

UTILITIES WATER: PUBLIC SEWER: PUBLIC GAS: PUBLIC ELECTRIC: PUBLIC

LAND AREA +/-SF: 50,094 +/-AC: 1.150 +/-FF: 110

TOPOGRAPHY: GENTLY SLOPING PARKING: ADEQUATE ACCESS: GOOD

BUILDING GROSS AREA +/-SF: 11,370 EFF. AGE: 25  
 OFFICE AREA +/- SF: -- CONDITION: FAIR/AVERAGE  
 RETAIL AREA +/- SF: -- ELEVATOR: NONE  
 NET LEASABLE +/- SF: 11,370 SPRINKLERED: NONE  
 EFFICIENCY: 1.00 MISCELLANEOUS: NONE

GROSS INCOME MULTIPLIER: N/A OVERALL RATE: N/A

PRICE/SF BUILDING \$18.03

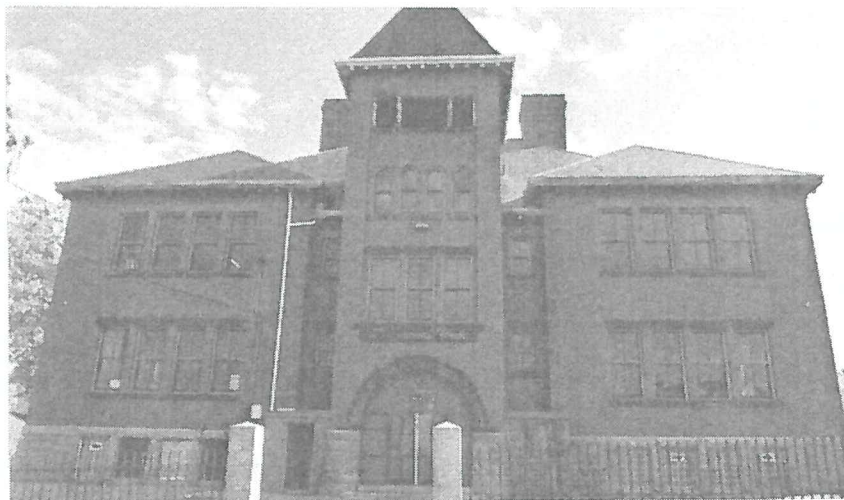
REMARKS SALE OF AN 89 YEAR OLD SCHOOL BUILDING TO THE TENANT THROUGH AN  
 RFP. THE SIZE INCLUDES THE FINISHED BASEMENT.  
 \* NORTHAMPTON COMMUNITY MUSIC CENTER, INC.

## COMMERCIAL BUILDING COMPARABLE # 3



ADDRESS TOWN: ATHOL STATE: MASSACHUSETTS  
 STREET: 245 SILVER LAKE STREET  
 TYPE OF PROPERTY: SCHOOL  
 STATE CLASS CODE: 351 ZONING: RB  
 GRANTOR: VINCENT ROCHA ET AL GRANTEE: ASC ENTERPRISES, INC.  
 SALE DATE: 10/25/19 BOOK 61295 PAGE 147 REGISTRY: WCRD  
 SALE PRICE \$65,000.00 VERIFIED: BROKER (JB) 8/22  
 MORTGAGE 1ST NONE NOTED 2ND NONE NOTED  
 ASMT LAND \$ -- IMPRV \$ -- TOTAL \$ -- TAXES \$ --  
 UTILITIES WATER: PUBLIC SEWER: PUBLIC GAS: NONE ELECTRIC: PUBLIC  
 LAND AREA +/-SF: 110,174 +/-AC: 2.529 +/-FF: 746  
 TOPOGRAPHY: GENTLY SLOPING PARKING: ADEQUATE ACCESS: AVERAGE  
 BUILDING GROSS AREA +/-SF: 13,748 EFF. AGE: 30  
 OFFICE AREA +/- SF: -- CONDITION: POOR TO FAIR  
 RETAIL AREA +/- SF: -- ELEVATOR: NONE  
 NET LEASABLE +/- SF: 13,748 SPRINKLERED: NONE  
 EFFICIENCY: 1.00 MISCELLANEOUS: NONE  
 GROSS INCOME MULTIPLIER: N/A OVERALL RATE: N/A  
 PRICE/SF BUILDING \$4.73  
 REMARKS SALE OF A 99 YEAR OLD SCHOOL IN POOR TO FAIR CONDITION. THE  
 BUILDING SIZE INCLUDES FINISHED BASEMENT SPACE. THE BUYER IS  
 DEVELOPING RESIDENTIAL DWELLINGS ON THE SITE.

## COMMERCIAL BUILDING COMPARABLE # 4



ADDRESS TOWN: FALL RIVER STATE: MASSACHUSETTS  
 STREET: 650 PLYMOUTH AVENUE (ROUTE 81)

TYPE OF PROPERTY: SCHOOL

STATE CLASS CODE: 351 ZONING: A-3

GRANTOR: CHARLES O'GARA GRANTEE: ASSEMBLY OF GOD ACTION, INC.

SALE DATE: 12/03/20 BOOK 10344 PAGE 253 REGISTRY: BCRD

SALE PRICE \$330,000.00 VERIFIED: GRANTOR (JB) 8/22

MORTGAGE 1ST \$294,350.00 2ND NONE NOTED

ASMT LAND \$ -- IMPRV \$ -- TOTAL \$ -- TAXES \$ --

UTILITIES WATER: PUBLIC SEWER: PUBLIC GAS: PUBLIC ELECTRIC: PUBLIC

LAND AREA +/-SF: 28,401 +/-AC: 0.652 +/-FF: 166.30

TOPOGRAPHY: GENTLY SLOPING PARKING: 42 ACCESS: GOOD

BUILDING GROSS AREA +/-SF: 13,036 EFF. AGE: 25  
 OFFICE AREA +/- SF: 0 CONDITION: FAIR/AVERAGE  
 RETAIL AREA +/- SF: 0 ELEVATOR: NONE  
 NET LEASABLE +/- SF: 13,036 SPRINKLERED: WET  
 EFFICIENCY: 1.00 MISCELLANEOUS: NONE

GROSS INCOME MULTIPLIER: N/A OVERALL RATE: N/A

PRICE/SF BUILDING \$25.31

REMARKS SALE OF A VACANT 127 YEAR OLD SCHOOL BUILDING TO A CHURCH. THE  
 SELLER BOUGHT THE PROPERTY ON 5/29/2020 FOR \$250,000. THE  
 UNFINISHED BASEMENT IS NOT INCLUDED IN THE SIZE.



## COMMERCIAL BUILDING COMPARABLE # 5



ADDRESS TOWN: FITCHBURG STATE: MASSACHUSETTS  
 STREET: 151-177 SOUTH STREET  
  
 TYPE OF PROPERTY: SCHOOL AND DORMITORY  
 STATE CLASS CODE: 351 ZONING: RB  
 GRANTOR:NOTRE DAME HIGH SCHOOL OF FITCHB. GRANTEE: ELHAYEK REALTY LLC  
 SALE DATE: 05/12/21 BOOK 9976 PAGE 77 REGISTRY: NWCRD  
 SALE PRICE \$425,000.00 VERIFIED: BROKER (JB) 8/22  
 MORTGAGE 1ST NONE NOTED 2ND NONE NOTED  
 ASMT LAND \$ -- IMPRV \$ -- TOTAL \$ -- TAXES \$ --  
 UTILITIES WATER: PUBLIC SEWER: PUBLIC GAS: PUBLIC ELECTRIC: PUBLIC  
 LAND AREA +/-SF: 50,548 +/-AC: 1.160 +/-FF: 366.02  
 TOPOGRAPHY: GENTLY SLOPING PARKING: ADEQUATE ACCESS: GOOD  
 BUILDING GROSS AREA +/-SF: 44,180 EFF. AGE: 30  
 OFFICE AREA +/- SF: -- CONDITION: FAIR/AVERAGE  
 RETAIL AREA +/- SF: -- ELEVATOR: NONE  
 NET LEASABLE +/- SF: 44,180 SPRINKLERED: NONE  
 EFFICIENCY: 1.00 MISCELLANEOUS: NONE  
 GROSS INCOME MULTIPLIER: N/A OVERALL RATE: N/A  
 PRICE/SF BUILDING \$9.62  
 REMARKS SALE OF A 68 YEAR OLD 36,928 SF SCHOOL BUILDING AND A 61 YEAR OLDB  
 7,252 SF DORMITORY BUILDING TO AN INVESTOR. THE SIZE OF THE SCHOOL  
 BUILDING INCLUDED THE FINISHED BASEMENT SPACE.

**Adjustment Grid**

| Market Data Adjustment Analysis<br>75 East Broadway, Gardner, MA<br>School Property Sales |                                 |                                     |            |                                     |            |                                     |            |                                       |            |                                       |            |
|-------------------------------------------------------------------------------------------|---------------------------------|-------------------------------------|------------|-------------------------------------|------------|-------------------------------------|------------|---------------------------------------|------------|---------------------------------------|------------|
| Address                                                                                   | Subject                         | Comparable #1                       |            | Comparable #2                       |            | Comparable #3                       |            | Comparable #4                         |            | Comparable #5                         |            |
|                                                                                           | 75 East Broadway<br>Gardner, MA | 16 Salsbury Street<br>Worcester, MA |            | 139 South Street<br>Northampton, MA |            | 245 Silver Lake Street<br>Athol, MA |            | 650 Plymouth Avenue<br>Fall River, MA |            | 151-177 South Street<br>Fitchburg, MA |            |
|                                                                                           |                                 | Description                         | Adjustment | Description                         | Adjustment | Description                         | Adjustment | Description                           | Adjustment | Description                           | Adjustment |
| Price                                                                                     | N/A                             | \$300,000                           |            | \$205,000                           |            | \$65,000                            |            | \$330,000                             |            | \$425,000                             |            |
| Price/SF                                                                                  | N/A                             | \$8.48                              |            | \$18.03                             |            | \$4.73                              |            | \$25.31                               |            | \$9.62                                |            |
| Property Rights Conveyed                                                                  | Fee Simple                      | Fee Simple                          |            | Fee Simple                          |            | Fee Simple                          |            | Fee Simple                            |            | Fee Simple                            |            |
| Financing                                                                                 | Market                          | Market                              |            | Market                              |            | Market                              |            | Market                                |            | Market                                |            |
| Conditions of Sale                                                                        | Market                          | Market                              |            | Market                              |            | Market                              |            | Market                                |            | Market                                |            |
| Date of Sale (Time)                                                                       | N/A                             | 5/3/2019                            | 15%        | 8/14/2019                           | 15%        | 10/25/2019                          | 15%        | 12/3/2020                             | 10%        | 5/21/2021                             | 5%         |
| % Net Adjustment                                                                          | N/A                             |                                     | 15%        |                                     | 15%        |                                     | 15%        |                                       | 10%        |                                       | 5%         |
| Adjusted Price/SF                                                                         | N/A                             |                                     | \$9.75     |                                     | \$20.73    |                                     | \$5.44     |                                       | \$27.84    |                                       | \$10.10    |
| Building Size +/-SF                                                                       | 19,520                          | 35,364                              | 10%        | 11,370                              | -5%        | 13,748                              |            | 13,036                                |            | 44,180                                |            |
| Location                                                                                  | Average                         | Good                                | -10%       | Average                             |            | Fair                                | 10%        | Average                               |            | Average                               |            |
| Building Condition                                                                        | Fair/Average                    | Fair                                | 5%         | Fair/Average                        |            | Poor/Fair                           | 10%        | Fair/Average                          |            | Fair/Average                          |            |
| Land Area +/-SF                                                                           | 74,923                          | 14,906                              |            | 50,094                              |            | 110,174                             |            | 28,401                                |            | 50,548                                |            |
| Land to Building Ratio                                                                    | 3.8 to 1                        | .4 to 1                             | 15%        | 4.4 to 1                            |            | 8.0 to 1                            | -15%       | 2.2 to 1                              | 5%         | 1.1 to 1                              | 10%        |
| Basement                                                                                  | Full, Unfinished                | Full, Unfin.                        |            | Full, Included                      | 10%        | Full, Included                      | 10%        | Full, Unfin.                          |            | Full, Included                        | 10%        |
| Stories                                                                                   | 2                               | 3                                   | 5%         | 3                                   | 5%         | 2                                   |            | 2                                     |            | 3                                     | 5%         |
| Highway Access                                                                            | Good                            | Good                                |            | Good                                |            | Good                                |            | Good                                  |            | Good                                  |            |
| % Net Adjustment                                                                          | N/A                             |                                     | 25%        |                                     | 10%        |                                     | 15%        |                                       | 5%         |                                       | 25%        |
| Final Adjusted Price/SF                                                                   | N/A                             |                                     | \$12.19    |                                     | \$22.81    |                                     | \$6.26     |                                       | \$29.23    |                                       | \$12.63    |



**Comparable #1: 16 Salisbury Street, Worcester, MA**

May 3, 2019 sale of a 104+/- year old, 35,364+/-SF school building on a 14,906+/-SF site for \$300,000 (\$8.48/SF). The property was bought for future conversion to apartments.

Upward adjustment:

**Date of Sale:** The comparable sold May 3, 2019. School property sales have increased in value since the date of sale due to the improved real estate market.

**Building Size:** The comparable is 35,364+/-SF; the subject is 19,520+/-SF. Larger buildings tend to sell for a lower price/SF due to fewer potential buyers.

**Building Condition:** The comparable was in fair condition at the time of the sale, inferior to the fair to average condition of the subject.

**Land to Building Ratio:** The comparable has a land to building area ratio of .4 to 1, inferior to the subject with a ratio of 3.8 to 1. School properties with lower land to building ratios would tend to sell for a lower price/SF due to inferior expansion potential and on-site parking.

**Stories:** The comparable is three stories, inferior functional utility to the subject which is two stories.

Downward Adjustment:

**Location:** School properties in Worcester would tend to sell for a higher price/SF than Gardner due to superior demographics.

The overall net adjustment is upward.

**Comparable #2: 139 South Street (Route 10), Northampton, MA**

August 14, 2019 sale of an 89+/- year old, 11,370+/-SF school building on a 50,094+/-SF site for \$205,000 (\$18.03/SF). The property was bought by the tenant for owner occupancy.

Upward adjustment:

**Date of Sale:** The comparable sold August 14, 2019. School property sales have increased in value since the date of sale due to the improved real estate market.

**Basement:** The comparable basement is finished and included in the square footage, therefore, the comparable does not have the benefit of unfinished storage like the subject.

**Stories:** The comparable is three stories including the finished basement, inferior functional utility to the subject which is two stories.

Downward Adjustment:

**Building Size:** The comparable is 11,370+/-SF; the subject is 19,520+/-SF.

The overall net adjustment is upward.

**Comparable #3: 245 Silver Lake Street, Athol, MA**

October 25, 2019 sale of a 99+/- year old, 13,748+/-SF school building on a 110,174+/-SF site for \$425,000 (\$9.62/SF). The property was bought for the purpose of selling lots on the site.

Upward adjustment:

**Date of Sale:** The comparable sold October 25, 2019. School property sales have increased in value since the date of sale due to the improved real estate market.

**Location:** School properties in Athol would tend to sell for a lower price than Gardner due to inferior demographics.

**Building Condition:** The comparable was in poor to fair condition at the time of the sale, inferior to the fair to average condition of the subject.

**Basement:** The comparable basement is finished and included in the square footage, therefore, the comparable does not have the benefit of unfinished storage like the subject.

Downward Adjustment:

**Land to Building Ratio:** The comparable has a land to building area ratio of 8 to 1, superior to the subject with a ratio of 3.8 to 1.

The overall net adjustment is upward.

**Comparable #4: 650 Plymouth Avenue (Route 81), Fall River, MA**

December 3, 2020 sale of a 127+/- year old, 13,036+/-SF school building on a 28,401+/-SF site for \$330,000 (\$25.31/SF). The property was bought for owner occupancy by a church group.

Upward adjustment:

**Date of Sale:** The comparable sold December 3, 2020. School property sales have increased in value since the date of sale due to the improved real estate market.

**Land to Building Ratio:** The comparable has a land to building area ratio of 2.2 to 1, inferior to the subject with a ratio of 3.8 to 1.

Downward Adjustment:

None are indicated.

The overall net adjustment is upward.

**Comparable #5: 151-177 South Street, Fitchburg, MA**

May 21, 2021 sale of a 68+/- year old, 44,180+/-SF school building and dormitory on a 50,548+/-SF site for \$425,000 (\$9.62/SF). The property was bought by an investor.

Upward adjustment:

**Date of Sale:** The comparable sold May 21, 2021. School property sales have increased in value since the date of sale due to the improved real estate market.

**Land to Building Ratio:** The comparable has a land to building area ratio of 1.1 to 1, inferior to the subject with a ratio of 3.8 to 1.

**Basement:** The comparable basement is finished and included in the square footage, therefore, the comparable does not have the benefit of unfinished storage like the subject.

**Stories:** The comparable is three stories including the finished basement, inferior functional utility to the subject which is two stories.

Downward Adjustment:

None are indicated.

The overall net adjustment is upward.

After adjustments, the comparables range from an adjusted \$6.26/SF to \$29.23/SF. Each of the comparables is a good indicator of value. The median adjusted figure is \$12.63/SF. The mean figure is \$16.62/SF. After all factors are considered, the estimated value of the subject is \$15.00/SF.

The value is calculated as follows:

| <u>Price/SF</u> | <u>x</u> | <u>Size</u> | <u>=</u> | <u>Value</u> |
|-----------------|----------|-------------|----------|--------------|
| \$15.00         | x        | 19,520+/-SF | =        | \$292,800    |
|                 |          | Rounded     |          | \$295,000    |

As of July 27, 2022, the estimated market value of the property by the sales comparison approach is:

**Two Hundred Ninety-Five Thousand Dollars**  
**\$295,000**

#### **Estimate of Value by the Income Capitalization Approach**

The income capitalization approach was not developed for the property because schools are not typically leased in this market area.

#### **Reconciliation of Value Indications into Final Estimate**

The estimated market value of the subject by the sales comparison approach based on a comparison to five comparable sales is \$295,000.

The other approaches to value were not applicable.

As of July 27, 2022, the final estimated market value is:

**Two Hundred Ninety-Five Thousand Dollars**  
**\$295,000**



Joel A. Buthray, MAI  
Certified General  
Real Estate Appraiser  
Commonwealth of MA #929

**Certification**

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
4. I have performed no services as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
5. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
6. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
9. I have made a personal inspection of the property that is the subject of this report.
10. No one provided significant real property appraisal assistance to the person signing this certification.
11. The reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of the Professional Appraisal Practice of the Appraisal Institute.
12. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.



13. The property was inspected by the undersigned on 07/27/2022.



Joel A. Buthray, MAI  
Certified General Real Estate Appraiser  
Commonwealth of Massachusetts #929

14. As of the date of this report, I, Joel A. Buthray, MAI have completed the requirements of the continuing education program of the Appraisal Institute.



Joel A. Buthray, MAI  
Certified General Real Estate Appraiser  
Commonwealth of Massachusetts #929

### **Assumptions and Limiting Conditions**

The estimate of value and/or opinions is subject to the assumptions and limiting conditions stated herein.

A. This appraisal is being prepared at the request of the City of Gardner, the client and intended user to estimate the market value of the subject for selling purposes. Its use for any other purpose is invalid without prior approval and written authorization of O'Hara-Buthray Associates, Inc.

The use of this appraisal report, opinions, analyses, or valuation conclusions is restricted to the function specified above and for the client to whom addressed. Release to a third party for whatever purpose is prohibited and unauthorized. Unauthorized use of the report releases O'Hara-Buthray Associates, Inc. of liability to the client and/or a third party.

B. This report may not be reproduced, or used in any manner except for the purpose cited in this document. This specifically prohibits the extraction of any information whole, or in part, from the report.

C. Discussions regarding this appraisal report or estimates of value are restricted to valid representatives of the client. Authorization from said client to discuss the appraisal with a third party must be in writing and will be retained on file.

D. This report is subject to the standards of the Appraisal Institute and may be reviewed by its duly authorized representatives.

E. Analyses, opinions, and conclusions are based on the assumption that:

1. The property is under legal ownership and marketable.
2. Information supplied by the owner or a representative is accurate.
3. Data used in the report have been obtained from sources considered reliable.
4. Dimensions of buildings or sites are rounded field measurements or those obtained from municipal records or other identified resources.
5. Identified mechanical equipment is in working condition.
6. Buildings on the site are structurally sound, and unaffected by dry rot or insect infestation, which can only be determined by qualified technicians.
7. Identified on-site water systems are in working condition. The quality, quantity, or functioning of a water system can only be determined by a qualified technician.

8. Identified on-site sewerage systems are in working condition. The type and functioning of a system can only be determined by a qualified technician.
9. Testing and identification of discernible or unapparent hazards must be done by qualified technicians. The cost of remediation of environmentally hazardous substances or materials (such as, but not limited to, lead paint, asbestos, formaldehyde foam, radon, oil, toxic waste, or radioactivity, etc.) has to be deducted from the final value estimated in this report.
10. Prospective valuations are based on satisfactory completion, repair, or renovation according to plans and specifications submitted for the appraisal.
11. I (We) have not made a specific compliance survey and analysis of this property to determine whether it is in conformity with the various detailed requirements of the Americans with Disabilities Act (ADA). A compliance survey of the property, together with a detailed analysis of the requirements of the ADA, may reveal that the property is not in compliance with one or more of the requirements of the Act. This could have a negative effect on the value of the property. Since I (we) have no direct evidence relating to this issue, non-compliance with ADA requirements has not been considered in estimating the value of the property.
12. Unless otherwise specified, the subject property conforms to all federal, state, and municipal codes and requirements, and environmental regulations.

#### F. Market data

1. Sale prices of comparable properties are verified with grantors and/or grantees, attorneys, brokers, loan officers and deeds.
2. Lease data are verified with lessors and/or lessees or their representatives, brokers, or other sources deemed reliable.
3. O'Hara-Buthray Associates, Inc. does not conduct field measurements of comparable sale or rental properties. Sizes are verified with brokers, grantors and/or grantees, assessor records, lessors, or lessees.

#### G. Valuation

1. This appraisal assignment is not based on a requested minimum valuation, a specific valuation, or the approval of a loan. (USPAP Standard 1)

### **Statement of Non-Standard Conditions or Assumptions**

This Appraisal Report is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice for an Appraisal Report. It presents discussions of the data, reasoning, and analyses used in the appraisal process to develop the appraiser's opinion of value.

The depth of discussion contained in this report is specific to the need of the City of Gardner, the client and intended user to estimate the market value for selling purposes. The appraiser is not responsible for unauthorized use of this report.

### **Extraordinary Assumptions & Hypothetical Conditions**

*The value conclusions are subject to the following extraordinary assumptions that may affect the assignment results. An extraordinary assumption is an assignment-specific assumption as of the effective-date regarding uncertain information used in the analysis, which, if found to be false, could alter the appraiser's opinions or conclusions.*

*There are no extraordinary assumptions used in this analysis.*

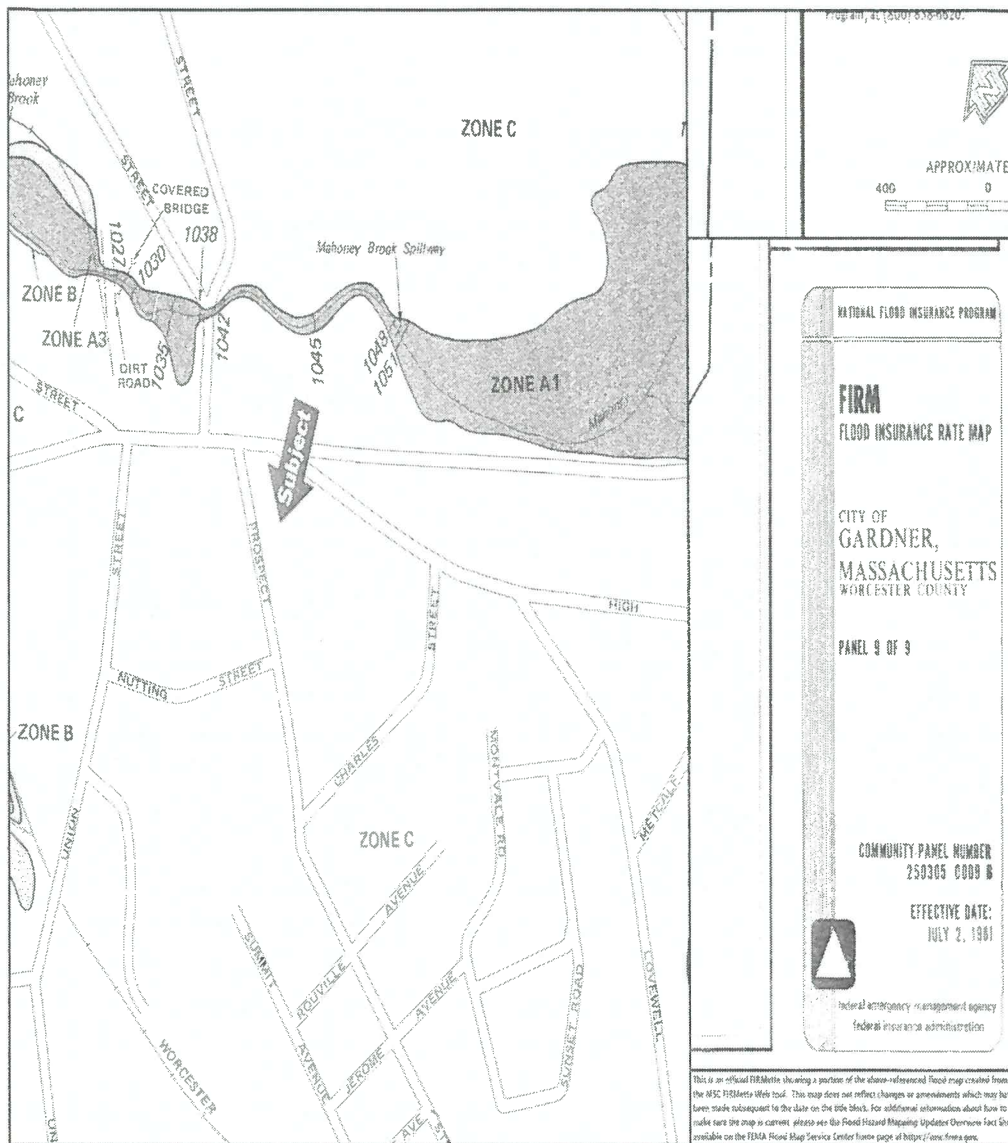
*The value conclusions are based on the following hypothetical conditions that may affect the assignment results. A hypothetical condition is a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis.*

*There are no hypothetical conditions used in this report.*

## Addendum



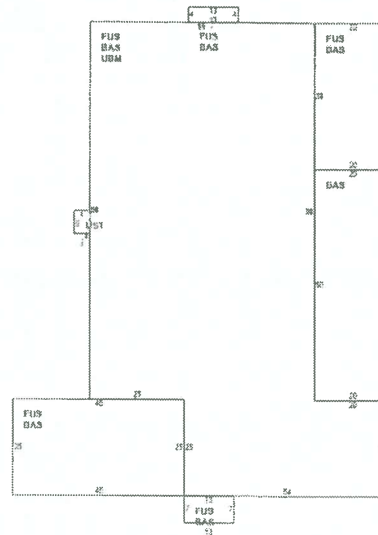
# **Flood Insurance Rate Map**





|                  |                     |
|------------------|---------------------|
| Grade            | Average             |
| Stories:         | 2                   |
| Occupancy        | 1.00                |
| Exterior Wall 1  | Brick/Masonry       |
| Exterior Wall 2  |                     |
| Roof Structure   | Flat                |
| Roof Cover       | Tar & Gravel        |
| Interior Wall 1  | Plastered           |
| Interior Wall 2  |                     |
| Interior Floor 1 | Hardwood            |
| Interior Floor 2 | Inlaid Sht Gds      |
| Heating Fuel     | Oil                 |
| Heating Type     | Hot Water           |
| AC Type          | None                |
| Struct Class     |                     |
| Bldg Use         | Gardner Education C |
| Total Rooms      |                     |
| Total Bedrms     | 00                  |
| Total Baths      | 2                   |
| 1st Floor Use:   | 903C                |
| Heat/AC          | NONE                |
| Frame Type       | MASONRY             |
| Baths/Plumbing   | AVERAGE             |
| Ceiling/Wall     | CEIL & WALLS        |
| Rooms/Ptns       | AVERAGE             |
| Wall Height      | 12.00               |
| % Conn Wall      | 0.00                |

## Building Layout



(ParcelSketch.ashx?pid=47946&amp;bid=4982)

| Building Sub-Areas (sq ft) |                              |            | Legend      |  |
|----------------------------|------------------------------|------------|-------------|--|
| Code                       | Description                  | Gross Area | Living Area |  |
| BAS                        | First Floor                  | 10,360     | 10,360      |  |
| FUS                        | Upper Story, Finished        | 9,160      | 9,160       |  |
| UBM                        | Basement, Unfinished         | 7,132      | 0           |  |
| UST                        | Utility, Storage, Unfinished | 24         | 0           |  |
|                            |                              | 25,676     | 19,520      |  |

## Extra Features

| Extra Features             | Legend |
|----------------------------|--------|
| No Data for Extra Features |        |

## Land

## Land Use

Use Code S341  
 Description Gardner Education C  
 Zone R1  
 Neighborhood C1  
 Alt Land Appr No  
 Category

## Land Line Valuation

Size (Sqr Feet) 74923  
 Frontage 0  
 Depth 0  
 Assessed Value \$90,600  
 Appraised Value \$90,600

## Outbuildings

| Outbuildings |             |          |                 |             |         | Legend |
|--------------|-------------|----------|-----------------|-------------|---------|--------|
| Code         | Description | Sub Code | Sub Description | Size        | Value   | Bldg # |
| FN1          | Fence 4'    |          |                 | 310.00 L.F. | \$1,600 | 1      |

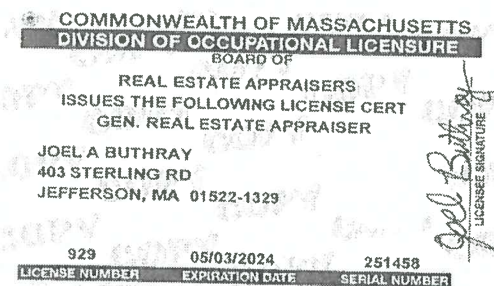
|      |              |  |  |               |         |   |
|------|--------------|--|--|---------------|---------|---|
| PAV1 | Paving Aspha |  |  | 10000.00 S.F. | \$9,000 | 1 |
|------|--------------|--|--|---------------|---------|---|

**Valuation History**

| Appraisal      |              |          |             |
|----------------|--------------|----------|-------------|
| Valuation Year | Improvements | Land     | Total       |
| 2021           | \$1,590,800  | \$90,600 | \$1,681,400 |
| 2020           | \$1,590,800  | \$90,600 | \$1,681,400 |
| 2019           | \$1,590,800  | \$90,600 | \$1,681,400 |

| Assessment     |              |          |             |
|----------------|--------------|----------|-------------|
| Valuation Year | Improvements | Land     | Total       |
| 2021           | \$1,590,800  | \$90,600 | \$1,681,400 |
| 2020           | \$1,590,800  | \$90,600 | \$1,681,400 |
| 2019           | \$1,590,800  | \$90,600 | \$1,681,400 |

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Appraisal License



## Qualifications

### *Joel Buthray, MAI*

**EMPLOYMENT:** O'HARA-BUTHRAY ASSOCIATES, INC.  
*Partner*  
*Actively involved in appraising, consulting and reviewing appraisal reports*  
 Worcester, Massachusetts  
 September 1995 to date

PATRICK MCMAHON ASSOCIATES, INC.  
*Associate Real Estate Appraiser*  
 Worcester, Massachusetts  
 November, 1986 to August, 1995

GUARANTY BANK AND TRUST  
*Collections/Credit Analyst*  
 Worcester, Massachusetts  
 April 13, 1983 to November 7, 1986

HOUSEHOLD FINANCE COMPANY  
*Assistant Manager*  
 Worcester, Massachusetts  
 December, 1981 to April 10, 1983

**EDUCATION:** WORCESTER STATE COLLEGE  
 Worcester, Massachusetts  
*Bachelor of Science*  
*Major in Economics, Minor in Philosophy*

#### CONTINUING EDUCATION COURSES

- Introduction to Commercial Appraisal Review 4/22
- Appraisal of Industrial and Flex Buildings 4/22
- Appraisal of Fast Food Facilities 4/22
- National USPAP Update Course 4/22
- Uniform Appraisal Standards for Federal Land Acquisitions 4/20
- National USPAP Update Course 4/20
- The Basics of Expert Witness for Commercial Appraiser 4/20
- Basic Hotel Appraising -- Limited Service Hotels 3/18
- Advanced Hotel Appraising -- Full Service Hotels 3/18
- Appraising Automobile Dealerships 3/18
- Appraising Small Apartment Properties 3/18
- Appraisal of Fast Food Facilities 3/18
- Appraisal of Single Tenant Distribution Centers 3/18
- Appraisal of Self-Storage Facilities 3/18
- 2018-2019 7-Hour National USPAP Update Course 3/18
- Appraisal of Assisted Living Facilities 2/18
- Appraisal of Land Subject to Ground Leases 2/18

- Online Business Practices and Ethics 12/17
- Appraisal of Owner-Occupied Commercial Properties, 4/16
- Appraisal of Land Subject to Ground Lease, 4/16
- Appraisal of Industrial Incubators, 4/16
- 2014-2015 National USPAP Update Course, 7/15
- Online Analyzing Operating Expenses, 12/12
- Online Advanced Internet Search Strategies, 12/12
- USPAP (7 hr) Outside Provider, 12/12
- The Cost Approach, 11/12
- Appraising & Analyzing Industrial & Flex Buildings, 11/12
- Site Analysis and Valuation, 10/12

**PROFESSIONAL MEMBERSHIPS:** Appraisal Institute, MAI #11326

**APPRAISAL EXPERIENCE:** Appraisals and/or feasibility studies of diverse properties for governmental agencies, financial institutions, insurance companies, industrial corporations, attorneys, developers, relocation agencies and individual clients.

**TYPES OF PROPERTIES APPRAISED:** Commercial, industrial, unimproved land, churches, apartments, shopping centers, car dealerships, motels, condominium developments, subdivisions, etc.

**COURT TESTIMONY:** Bankruptcies, divorces and abatements

**MEDIATION WORK:** City of Worcester and Providence and Worcester Railroad

**PAST AREAS OF ASSIGNMENT:** Massachusetts, Connecticut, and Rhode Island

**CERTIFICATION:** Certified General Real Estate Appraiser  
Commonwealth of Massachusetts #929 Expires 5/3/2024

**RECERTIFICATION:** As of this date, I have completed the requirements of the continuing education program of the Appraisal Institute.



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

---

July 18, 2022

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

RE: Request for Disposition of Surplus – School Street School

Dear Madam President and Councilors,

Over the past two years, the Administration has made large strides to return properties to the tax rolls in order to fully maintain our fiduciary responsibility to the tax payers of the City.

Furthermore, we have also increased our requirements to ensure vacant and abandoned properties in the City are upkept in ways to prevent properties from becoming nuisances and public safety hazards.

The School Street School building has been empty for the past two decades, and has been a constant issue for our public safety departments in terms of breaking and entering issues. Furthermore, the building is largely in disrepair.

As a way to hold the City to the same standard as other property owners in the City, I am requesting that the City Council approve the declaration of surplus for disposition of the School Street School Property.

Due to the fact that the building was constructed in 1857 for school purposes and requires a large amount of work and construction that would be needed by a new owner, I am requesting that the City Council vote to approve of the sale of the property for the minimum price of \$1.00 due to the substantial and extremely costly amount of work that needs to be put toward rehabbing the building.

Please note that under the current property record card, the school is located on the same parcel as Jackson Playground. The Administration conducted a survey of the property and subdivided out the school from the playground parcel as stated in the survey documents attached.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

CC: Finance Committee

**DECLARING SURPLUS FOR PURPOSE OF DISPOSAL OF  
LAND AND BUILDINGS AT 53 SCHOOL STREET**

***VOTED:*** To declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at 53 School Street, further identified on the City of Gardner Assessor's Map as R27/22/12A, to establish as a minimum amount of \$1 to be paid for any conveyance of said property, and to authorize the Mayor to convey said land, or part thereof, for such amount or a larger amount, and upon such other terms as the Mayor shall consider proper in accordance with this Vote.

# PLAN OF LAND PREPARED FOR THE CITY OF GARDNER

(OWNER)

GARDNER, MA

JULY 27, 2022 SZOC SURVEYORS

66 PARKER ST., SUITE #3, GARDNER, MA

TEL: 978-632-0233 FAX: 978-630-1548

FOR REGISTRY USE ONLY

I CERTIFY THAT THIS PLAN  
CONFORMS TO THE RULES AND  
REGULATIONS OF THE REGISTRARS  
OF DEEDS OF THE COMMONWEALTH  
OF MASSACHUSETTS.

B.A. S. J. J.

7-27-22  
B.A. S. J. J.

OWNER OF RECORD:  
THE CITY OF GARDNER  
(BOOK 594, PAGE 485)  
(BOOK 1964, PAGE 194)  
(BOOK 1964, PAGE 301)

ZONING DISTRICT:  
GENERAL RESIDENTIAL  
(R3)

AREA: 8,000 S.F.  
FRONTAGE: 75 FEET  
FRONT SET BACK: 20 FEET  
SIDE SET BACK: 10 FEET  
REAR SET BACK: 20 FEET

NO DETERMINATION AS TO THE  
COMPLIANCE WITH ZONING  
REQUIREMENTS HAS BEEN MADE  
OR INTENDED.

SILVIA BLONIER  
(BOOK 594, PAGE 485)  
M-827, B-22, L-57

METHUEN CHEN  
(BOOK 594, PAGE 485)  
M-827, B-22, L-59

WALNUT STREET

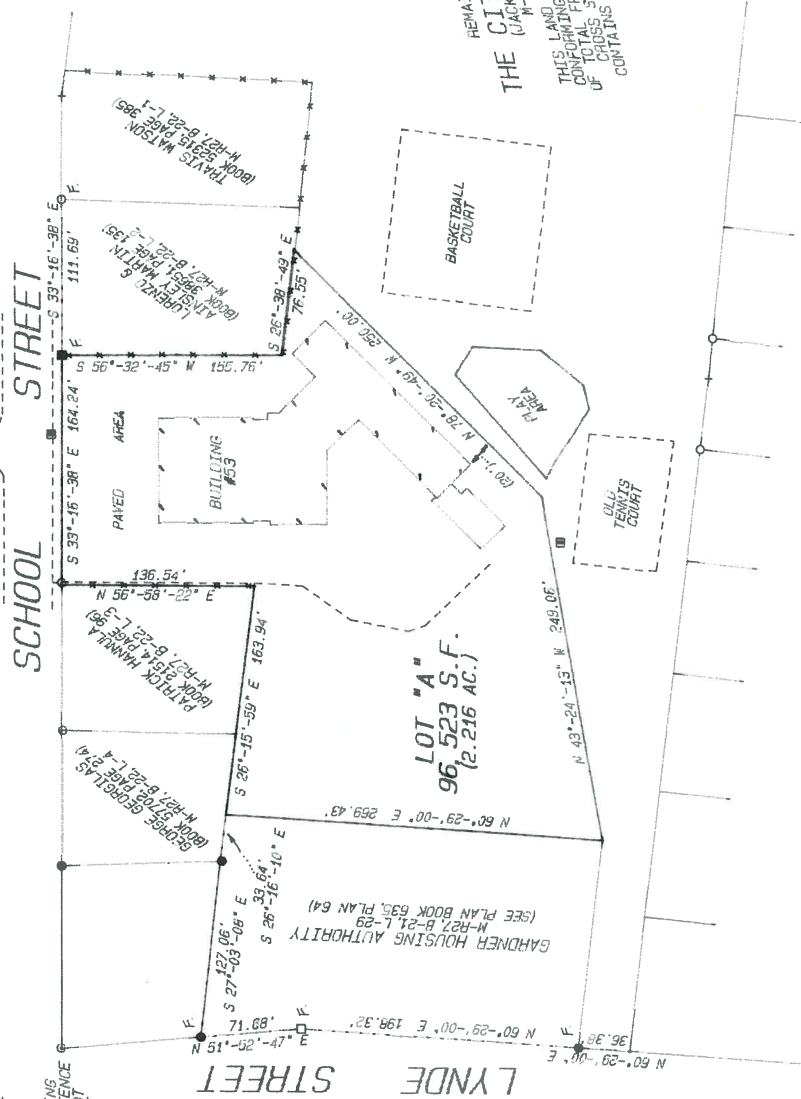
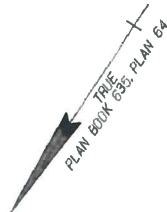
SCHOOL STREET



LEGEND:  
IRON PIN  
GRANITE POST  
STONE BOUND  
CATCH BASIN  
EDGE OF PAVING  
CHAIR LINK FENCE  
M.B.L. MAP BLOCK LOT  
F./S. FOUND OR SET

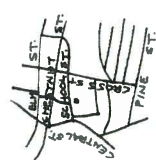
CITY OF GARDNER  
PLANNING BOARD  
APPROVAL OF PLAN UNDER  
THE SUBDIVISION CONTROL  
LAW IS NOT REQUIRED.

DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
BEING THE AUTHORIZED AGENT

REMAINING LAND OF  
THE CITY OF GARDNER  
(JACKSON PLAYERS - 12  
M-827, B-22, L-12)  
THIS LAND DOES NOT CREATE A NON-  
CONFORMING LOT AS ABOUT 800  
CONFORMING LOTAGE ON LYNDE STREET  
TOTAL FRUIT 6.1 ACRES IN AREA.  
OF CROSS STREET 4.4 ACRES IN AREA.  
CONTAINS ABOUT 4.4 ACRES IN AREA.

LOCUS PLAN 1"=2000'



M-713



Property Location  
Vision ID 3891

53 SCHOOL ST

Map ID R27/ 22/ 12/ I

Bldg # 1

Account #

State Use 9341

Print Date 2/24/2022 5:48:47 PM

Bldg Name  
Sec # 1 of 1

Card # 1 of 2

316

GARDNER, MA

CITY OF GARDNER

SCHOOL ST SCHOOL & JACKSON P

95 PLEASANT ST STE 125

GARDNER

MA

01440

GIS ID

M\_159884\_925223

Assoc Pld#

TOPO

UTILITIES

STRT / ROAD

LOCATION

4 | Rolling

1 | All Public

1 | Paved

2 | Suburban

EXEMPT

EXM LAND

EXEMPT

Code

9340

9340

9340

Appraised

90,200

166,200

12,800

Assessed

90,200

166,200

12,800

VISION

RECORD OF OWNERSHIP

BK-VOL/PAGE

SALE DATE

QU

V/I

SALE PRICE

VC

1

0

01-01-1900

Q

V

0

00

Year

Code

Description

Amount

Number

Comm Int

2022

9340

9340

9340

9340

9340

Total

269,200

269,200

EXEMPTIONS

OTHER ASSESSMENTS

Year

Code

Description

Amount

Number

Comm Int

2022

9340

9340

9340

9340

9340

Total

269,200

269,200

ASSESSING NEIGHBORHOOD

NOTES

Nbhd

0001

Nbhd Name

B

Tracing

Batch

0001

MODULAR BLDG USED AS A

CLASSROOM

JACKSON FIELD

VANDALIZED

BUILDING PERMIT RECORD

VISIT / CHANGE HISTORY

Permit Id

Issue Date

Type

Description

Amount

Insp Date

% Comp

Date Comp

Comments

08-26-2009

03-26-1998

06-09-1981

NC

RM

11

00

00

60

Measur+Listed

Measur+Listed

Total Appraised Parcel Value

269,200

LAND LINE VALUATION SECTION

B

Use Code

Description

Zone

Land Type

Land Units

Unit Price

I. Factor

Site Index

Cond.

Nbhd.

Nbhd Adj

Notes

Location Adjustment

Adj Unit Price

Land Value

1

9341

Gardner Educati

R3

43,560

SF

1.21

1.00000

A

1.00

C1

1,000

5X L/B

0

1.21

52,700

1

9341

Gardner Educati

R3

1,870

AC

52,700

1.00000

0

1.00

C1

1,000

0

50,065

93,600

1

9341

Gardner Educati

R3

5,230

AC

4,000

1.00000

0

1.00

1,000

0

3,800

19,900

Total Card Land Units

8

AC

Parcel Total Land Area: 8

Total Land Value

166,200

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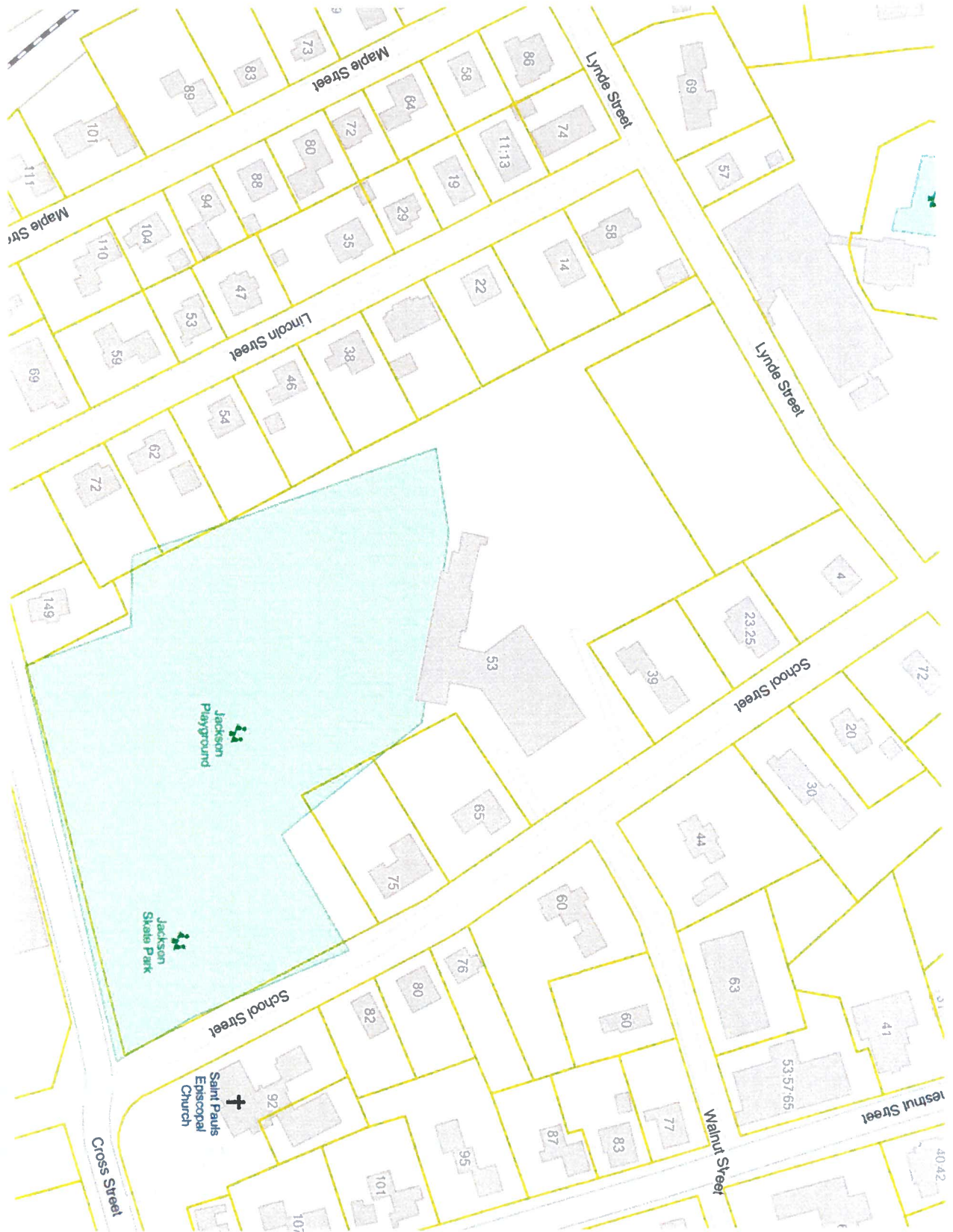
10778

| CONSTRUCTION DETAIL                                                |               |                     |         | CONSTRUCTION DETAIL (CONTINUED) |             |          |        |           |             |
|--------------------------------------------------------------------|---------------|---------------------|---------|---------------------------------|-------------|----------|--------|-----------|-------------|
| Element                                                            | Cd            | Description         | Element | Cd                              | Description |          |        |           |             |
| Style: 802                                                         |               | Elementary School   |         |                                 |             |          |        |           |             |
| Model 96                                                           |               | Industrial          |         |                                 |             |          |        |           |             |
| Grade 01                                                           |               | Minimum             |         |                                 |             |          |        |           |             |
| Stories: 1                                                         |               |                     |         |                                 |             |          |        |           |             |
| Occupancy 1.00                                                     |               |                     |         |                                 |             |          |        |           |             |
| Exterior Wall 1 13                                                 |               | Pre-Fab Wood        |         |                                 |             |          |        |           |             |
| Exterior Wall 2                                                    |               |                     |         |                                 |             |          |        |           |             |
| Roof Structure                                                     | 03            | Gable/Hip           |         |                                 |             |          |        |           |             |
| Roof Cover                                                         | 03            | Asph/F Gls/Cmp      |         |                                 |             |          |        |           |             |
| Interior Wall 1 05                                                 |               | Drywall/Sheet       |         |                                 |             |          |        |           |             |
| Interior Wall 2                                                    |               |                     |         |                                 |             |          |        |           |             |
| Interior Floor 1 05                                                |               | Vinyl/Asphalt       |         |                                 |             |          |        |           |             |
| Interior Floor 2 14                                                |               | Carpet              |         |                                 |             |          |        |           |             |
| Heating Fuel 04                                                    |               | Electric            |         |                                 |             |          |        |           |             |
| Heating Type 07                                                    |               | Electr Basebrd      |         |                                 |             |          |        |           |             |
| AC Type 01                                                         |               | None                |         |                                 |             |          |        |           |             |
| Bldg Use 9341                                                      |               | Gardner Education C |         |                                 |             |          |        |           |             |
| Total Rooms                                                        | 00            |                     |         |                                 |             |          |        |           |             |
| Total Bedrms                                                       | 0             |                     |         |                                 |             |          |        |           |             |
| Total Baths                                                        | 0             |                     |         |                                 |             |          |        |           |             |
| Heat/AC                                                            | 00            | NONE                |         |                                 |             |          |        |           |             |
| Frame Type                                                         | 02            | WOOD FRAME          |         |                                 |             |          |        |           |             |
| Baths/Plumbing                                                     | 02            | AVERAGE             |         |                                 |             |          |        |           |             |
| Ceiling/Wall                                                       | 05            | SUS-CEIL & WL       |         |                                 |             |          |        |           |             |
| Rooms/Prtns                                                        | 02            | AVERAGE             |         |                                 |             |          |        |           |             |
| Wall Height                                                        | 8.00          |                     |         |                                 |             |          |        |           |             |
| % Conn Wall                                                        | 0.00          |                     |         |                                 |             |          |        |           |             |
| 1st Floor Use: 9031                                                |               |                     |         |                                 |             |          |        |           |             |
| OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B) |               |                     |         |                                 |             |          |        |           |             |
| Code                                                               | Description   | L/B                 | Units   | Unit Price                      | Yr Blt      | Cond. Cd | % Good | Grade Adj | Appr. Value |
| FN6                                                                | Fence 4 no rl | L                   | 480     | 6.00                            | 1988        |          | 60     | 0.00      | 1,700       |
| FN8                                                                | Fence 6 no rl | L                   | 1,400   | 8.00                            | 1988        |          | 50     | 0.00      | 5,600       |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
|                                                                    |               |                     |         |                                 |             |          |        |           |             |
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**City of Gardner**  
**Department of Inspectional Services**  
**115 Pleasant Street, Room 101**  
**Gardner, MA 01440**  
Tel. (978) 630-4007 Fax: (978) 632-3313

---

August 8, 2022

RE: 53 School St.

Mr. Mayor,

I have inspected the former school at 53 School St. as requested there are many issues with the building as noted below.

1. Nearly every window in the building has been smashed by vandals.
2. There are holes in the slate roof which is beyond its useful life.
3. There are prolific leaks in the flat roof.
4. The "portable classrooms" are beyond their useful life and need to be demolished.
5. There are two known underground oil tanks installed approximately 50 yrs. ago their condition is unknown.
6. Water service has been shut off at the street due to burst pipes.
7. There is no sprinkler system in the building and in its current state it represents a fire hazard to abutting properties.

As such it is my opinion that the cost to rehabilitate this building would far exceed any worth that it might have, and I recommend that the City declare the building surplus and try to find an investor willing to take on such a project. Do not hesitate to contact me should you need any further assistance.

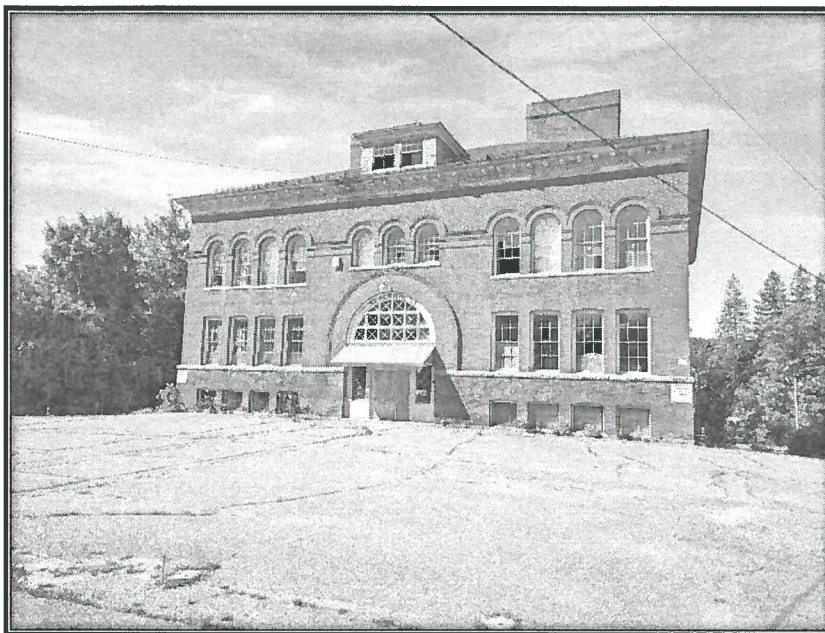
Roland Jean  
Building Commissioner/Zoning Enforcement Officer  
City Hall Annex  
115 Pleasant St. RM 101  
Gardner, MA 01440  
(978) 630 4007  
rjean@gardner-ma.gov

**Mission Statement**

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

# Appraisal Report

53 School Street  
Gardner, Massachusetts



Owned By  
The City of Gardner

Value as of  
July 27, 2022

**Prepared For:**

Mayor Michael J. Nicholson  
City of Gardner  
95 Pleasant Street  
Gardner, MA 01440

**Prepared By:**

Joel A. Buthray, MAI  
O'Hara-Buthray Associates, Inc.  
1 West Boylston Street, Suite 306  
Worcester, MA 01605

O'Hara-Buthray Associates, Inc.  
1 West Boylston Street, Suite 306  
Worcester, MA 01605

Ph: (508) 757-9381  
Fax: (508) 752-1544

August 31, 2022

Mayor Michael J. Nicholson  
City of Gardner  
95 Pleasant Street  
Gardner, MA 01440

Dear Mayor Nicholson:

An Appraisal Report of the property at 53 School Street, Gardner, Massachusetts, owned by the City of Gardner has been completed at your request.

The subject is a 2.216+/- acre (AC) site, subdivided out of a larger parcel, zoned General Residential (R-3). The subject is improved with a 25,039+/-SF, two story plus finished basement masonry framed school building. The building has been vacant and appears to be in poor condition. The highest and best use of the subject is to demolish and remove the building for future development with two residential lots. The subject has been appraised as two vacant residential lots, factoring in a demolition and removal expense of the building. The estimated demolition and removal cost exceeds the estimated value of the lot, therefore, the subject is of no value.

The subject is not leased, therefore, the property rights appraised are the fee simple estate.

The Appraisal Report has been prepared for the City of Gardner, the client and intended user. The purpose of the Appraisal Report is to estimate the market value of the subject. The intended use of this Appraisal Report is for selling purposes.

The analysis and conclusion within the attached report are based on field research, interviews with market participants and publicly available data collected by the appraiser.

August 31, 2022  
City of Gardner

### **COVID-19**

The global outbreak of a “novel coronavirus” known as COVID-19 was officially declared a pandemic by the World Health Organization (WHO). It is currently unknown what direct, or indirect, effect, if any, this event may have on the national economy, the local economy or the market in which the subject property is located. The reader is cautioned, and reminded that the conclusions presented in this appraisal report apply only as of the effective date(s) indicated. The appraiser makes no representation as to the effect on the subject property of this event, or any event, subsequent to the effective date of the appraisal.

### **Extraordinary Assumptions & Hypothetical Conditions**

*The value conclusions are subject to the following extraordinary assumptions that may affect the assignment results. An extraordinary assumption is an assignment-specific assumption as of the effective-date regarding uncertain information used in the analysis, which, if found to be false, could alter the appraiser's opinions or conclusions.*

*There are no extraordinary assumptions used in this analysis.*

*The value conclusions are based on the following hypothetical conditions that may affect the assignment results. A hypothetical condition is a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis.*

*There are no hypothetical conditions used in this report.*

The accompanying Appraisal Report has been prepared in accordance with the Uniform Standards of Professional Appraisal Practice. Included is an analysis of the real estate, all pertinent data, valuation methodology, supporting relevant exhibits and Addendum to the attached report.

August 31, 2022  
City of Gardner

As of July 27, 2022, the estimated market value of the subject is:

**Zero Dollars**  
**\$0**

This firm disclaims the validity of appraisal reports which lack original signatures on the letter of transmittal, on the Certification, and after the reconciliation of value estimates.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joel Buthray".

Joel A. Buthray, MAI  
Certified General  
Real Estate Appraiser  
Commonwealth of MA #929



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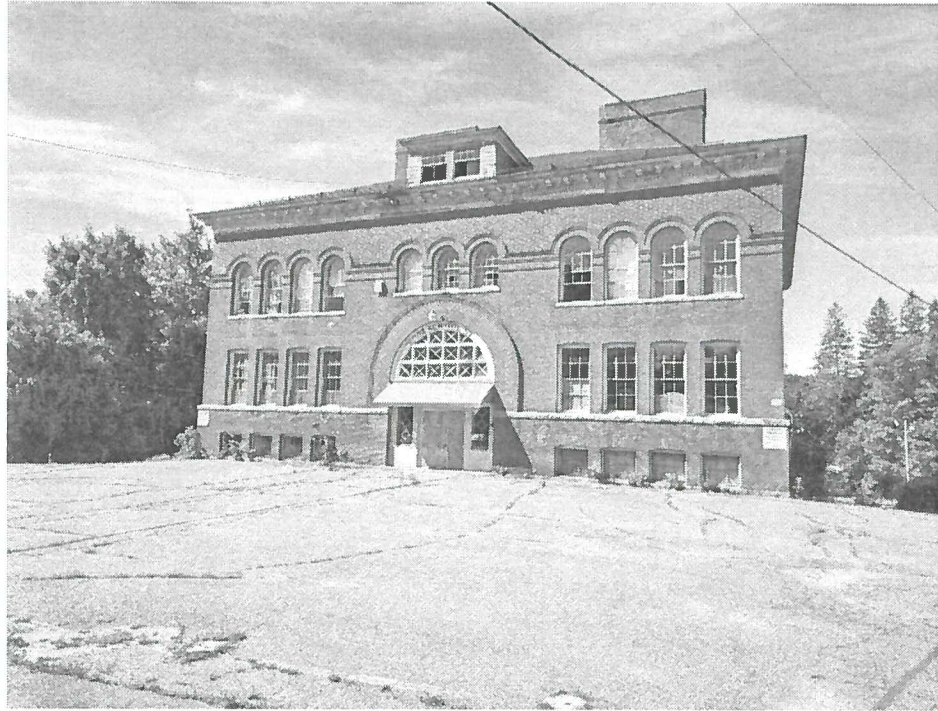
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**Executive Summary**

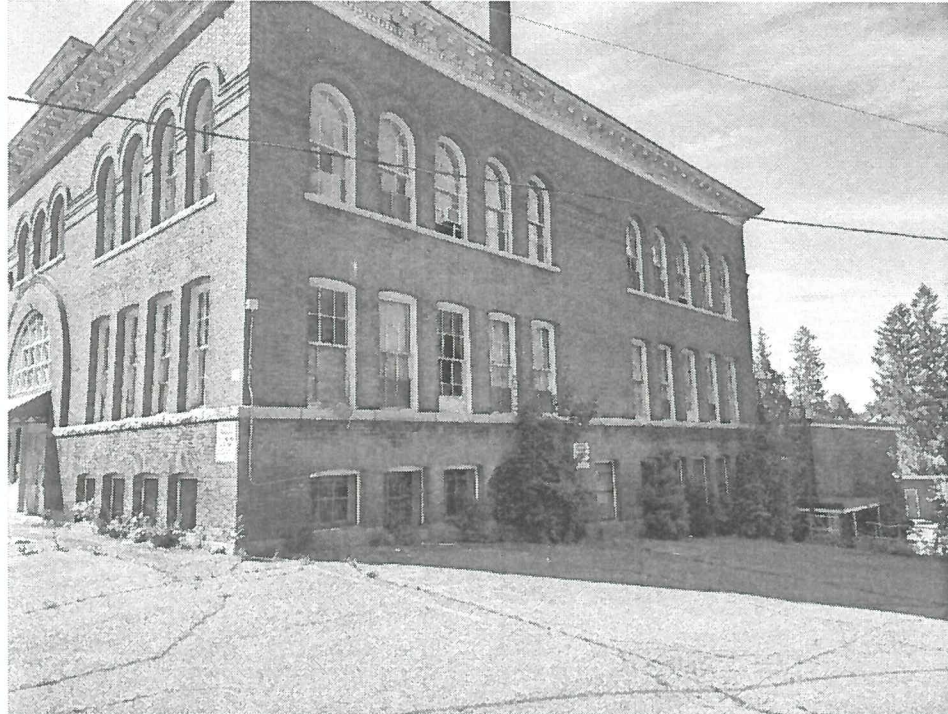
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| Intended User and Client         | City of Gardner                                                              |
| Purpose of The Appraisal Report  | Estimate the market value of the subject                                     |
| Intended Use of Appraisal Report | Selling purposes                                                             |
| Property Owner                   | City of Gardner                                                              |
| Property Classification          | School                                                                       |
| Property Location                | 53 School Street<br>Gardner, MA                                              |
| Property Rights Appraised        | Fee simple estate                                                            |
| Date of Inspection               | July 27, 2022                                                                |
| Date of Valuation                | July 27, 2022                                                                |
| Date of Report                   | August 31, 2022                                                              |
| Zone Classification              | General Residential (R-3)                                                    |
| Assessment Data                  | The property is tax exempt                                                   |
| Size of Parcel                   | 2.216+/-AC                                                                   |
| Property Improvements            | 25,039+/-SF, two story plus finished basement masonry framed school building |
| <b>Highest and Best Use</b>      |                                                                              |
| If Vacant                        | Residential development                                                      |
| As Improved                      | Demolition for residential development                                       |
| Marketing & Exposure Time        | 6 months                                                                     |

|                                |               |
|--------------------------------|---------------|
| <b>Valuation Analysis</b>      |               |
| Site Value                     | \$0           |
| Cost Approach                  | Not developed |
| Sales Comparison Approach      | Not developed |
| Income Capitalization approach | Not developed |
| <b>Final Estimate of Value</b> | \$0           |

**Subject Photographs**

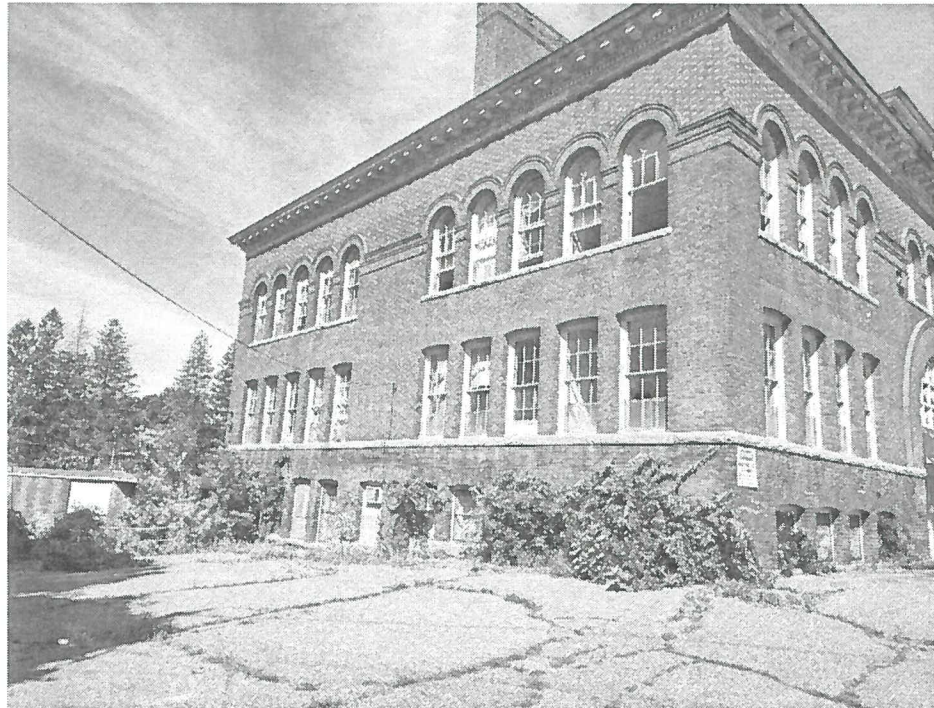


Front (East Side) of the Building

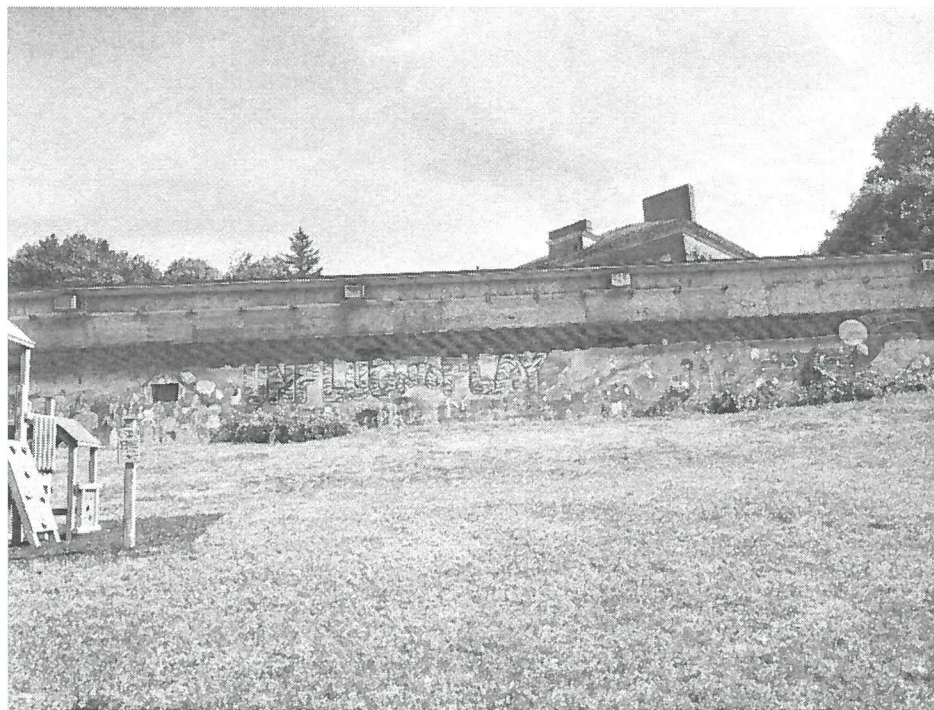


North Side of the Building





South Side of the Building



South Side of the Building





Sample Interior of the Building



Sample Interior of the Building



Sample Interior of the Building



Sample Interior of the Building

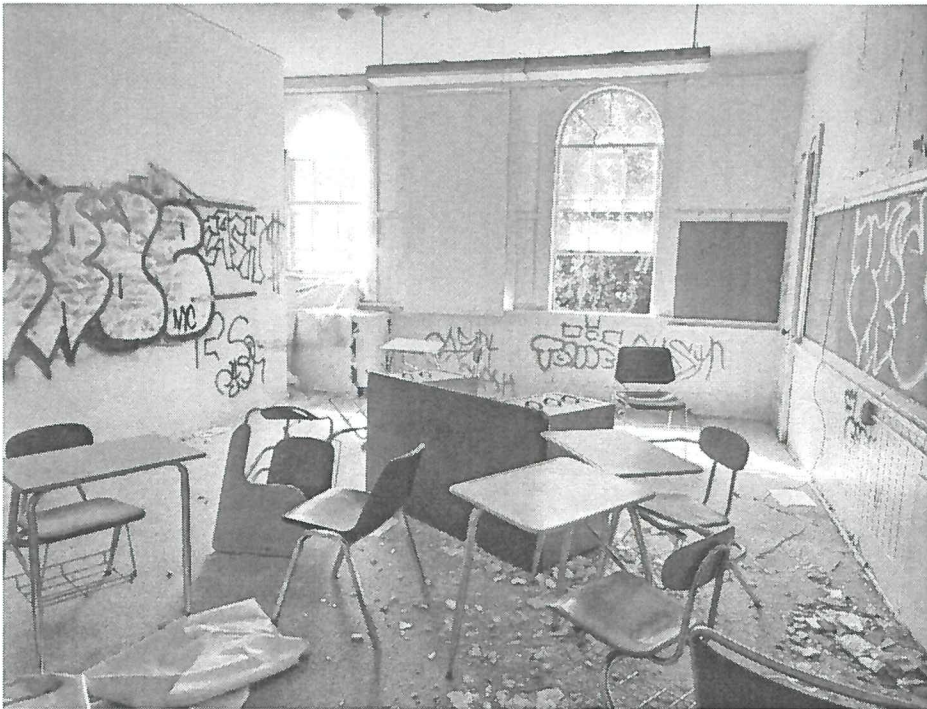




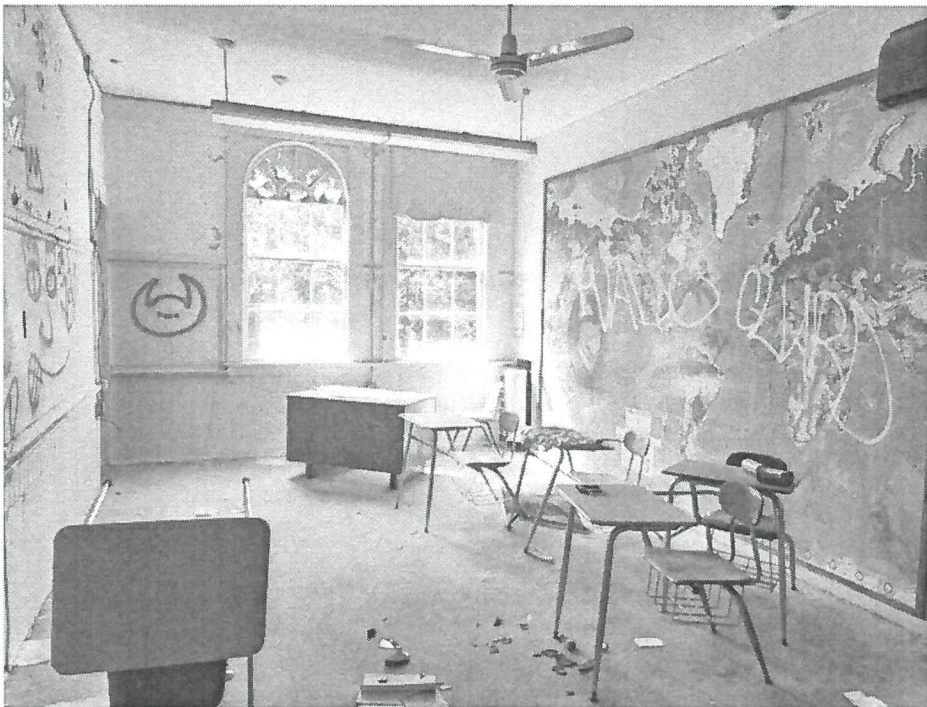
Sample Interior of the Building



Sample Interior of the Building



Sample Interior of the Building



Sample Interior of the Building

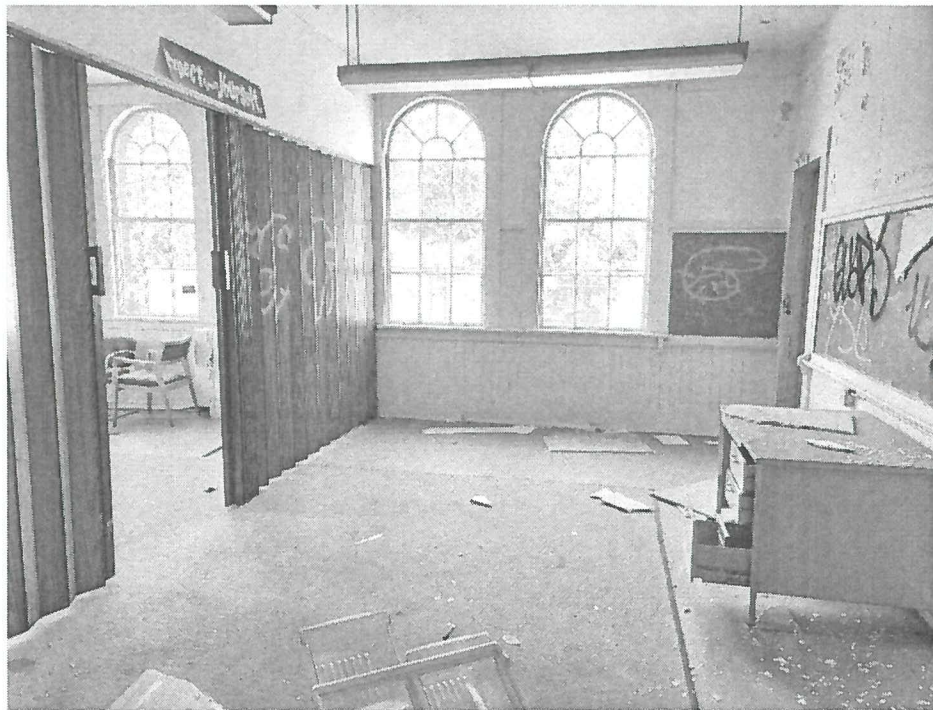




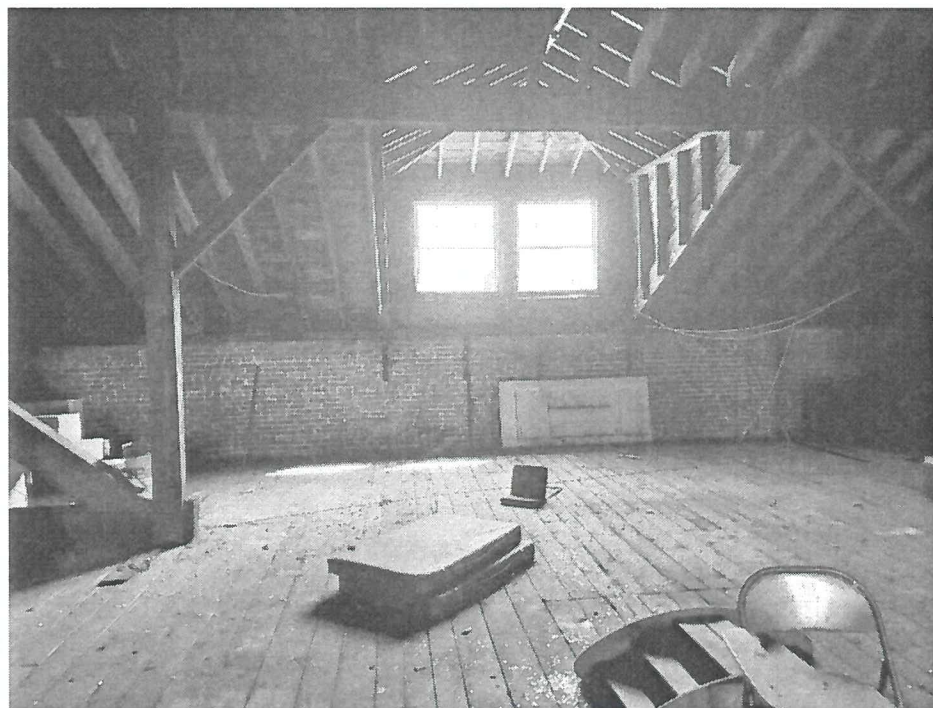
Sample Interior of the Building



Sample Interior of the Building

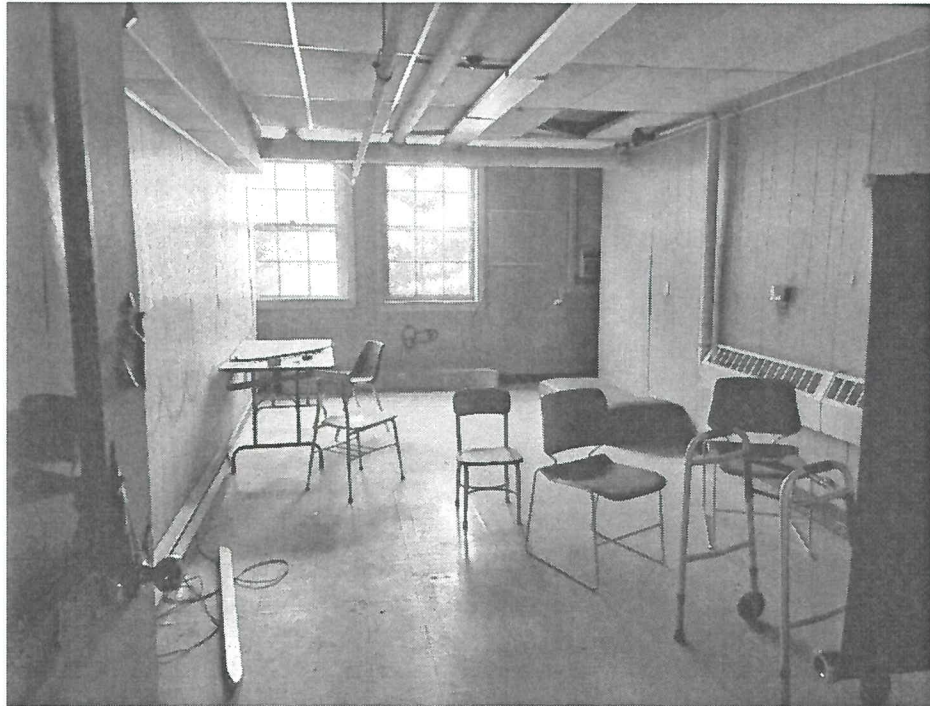


Sample View of the Interior



Sample View of the Interior





Sample View of the Interior



Sample View of the Interior

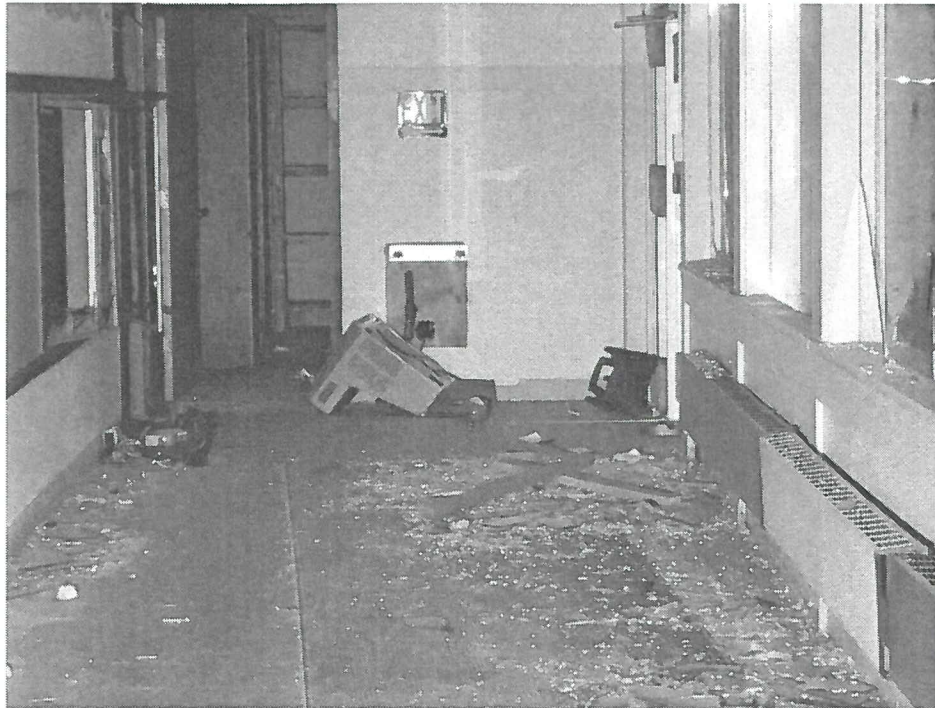


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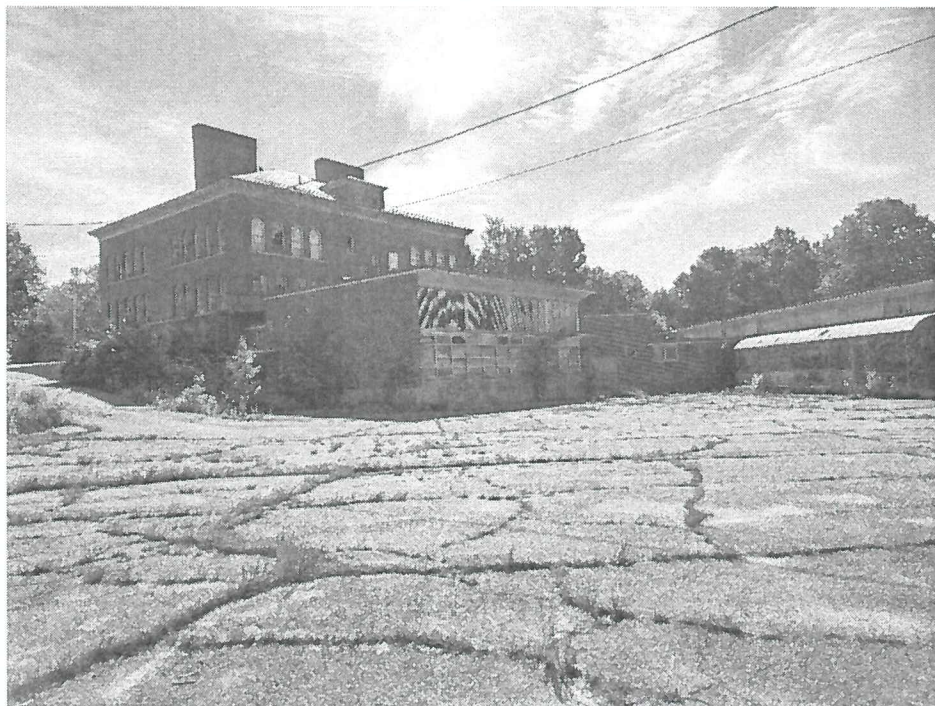


Sample View of the Interior





Sample View of the Interior

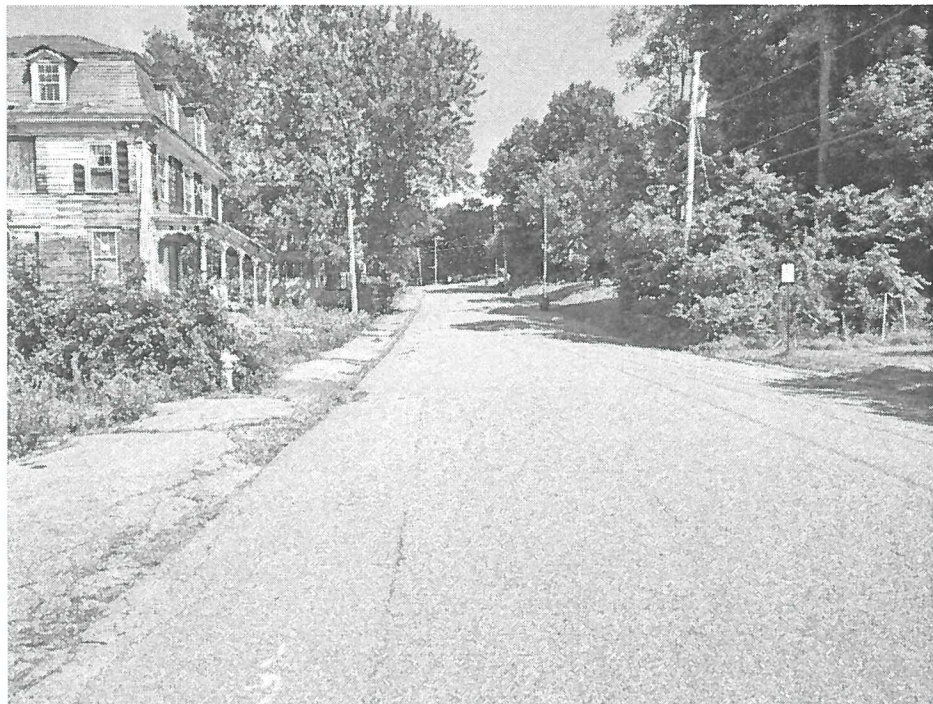


View of the Site





Facing South on School Street



Facing North on School Street

### **Identification of the Real Estate**

The subject school property at 53 School Street, Gardner fronts the west side of School Street, across from the intersection of School and Walnut Streets. The site is identified in assessor records as being split out of a larger parcel at Map R27, Block 12, Lot 12. The subject is identified as Lot A on the site plan to follow.

### **History**

**March 3, 1858**: The Gardner School District acquired a portion of the subject larger parcel from Levi Heywood for \$232.80, recorded in the Worcester District Registry of Deeds (WDRD) in Book 591, Page 485.

**June 2, 1911**: The Town of Gardner acquired a portion of the subject larger parcel from Helen R. Greenwood for \$1.00 and other valuable consideration, recorded in the WDRD in Book 1964, Page 194.

**June 2, 1911**: The Town of Gardner acquired a portion of the subject larger parcel from Seth Heywood for \$120.00, recorded in the WDRD in Book 1964, Page 194.

**June 2, 1911**: The Town of Gardner acquired a portion of the subject larger parcel from Joseph L. Rome for \$1.00 and other consideration, recorded in the WDRD in Book 1964, Page 195.

**June 2, 1911**: The Town of Gardner acquired a portion of the subject larger parcel from Arthur J. Stone for \$1.00 and other consideration, recorded in the WDRD in Book 1964, Page 196.

**June 2, 1911**: The Town of Gardner acquired a portion of the subject larger parcel from Henry L. Graham for \$800.00, recorded in the WDRD in Book 1964, Page 196.

**June 2, 1911**: The Town of Gardner acquired a portion of the subject larger parcel from George F. Peabody for \$1.00, recorded in the WDRD in Book 1964, Page 301.

**June 2, 1911**: The Town of Gardner acquired a portion of the subject larger parcel from the Estate of Mary A. Keenan for \$4,700, recorded in the WDRD in Book 1964, Page 301.

Copies of the deeds are included in the addendum.

### **Personal Property**

Furniture, appliances, etc. are considered personal property, not included in the value of the real estate.

### **Intended User and Client of Appraisal Report**

The intended user and client of the Appraisal Report is the City of Gardner.

### **Purpose of Appraisal Report**

The purpose of the Appraisal Report is to estimate the market value of the subject.

### **Intended Use of Appraisal Report**

The intended use of this Appraisal Report is for selling purposes.

### **Property Rights Appraised**

The subject is not leased, therefore, the property rights appraised are the fee simple estate.

Fee simple estate is defined as: *"Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by governmental powers of taxation, eminent domain, police power, and escheat"*. [The Dictionary of Real Estate Appraisal, 7th ed. (Appraisal Institute, 2022), 73].

### **Effective Date of Value**

The appraiser inspected the property on July 27, 2022, the effective date of valuation.

### **Effective Date of the Appraisal Report**

The effective date of the Appraisal Report is August 31, 2022.

### **Definition of Market Value**

Market value is defined by the federal financial institutions' regulatory agencies as: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition are the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. *Buyer and seller are typically motivated;*
2. *Both parties are well informed or well advised, and acting in what they consider their own best interests;*
3. *A reasonable time is allowed for exposure in the open market;*
4. *Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and*
5. *The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.*

Source: 12 CFR Section 34.42 (f)



## **Appraisal Development and Reporting Process**

This Appraisal Report format is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice for an Appraisal Report.

### **Scope of Work**

The preparation of this appraisal consisted of:

Joel A. Buthray, MAI of O'Hara-Buthray Associates, Inc. inspected the property on July 27, 2022. Additional steps taken to complete this assignment included the following.

- Photographs of the subject exterior were taken.
- A tour through the neighborhood and the general area of the city to note predominant characteristics such as land use, condition of properties, neighborhood influences, vacancy, etc.
- Research at the Gardner Assessor records to review the Assessor field card for information about the property.
- The most recent zoning bylaws were reviewed. Site data and soil characteristics were researched in resources such as the applicable floodplain insurance rate map; the Web Soil Survey, published by the United States Department of Agriculture soil maps and descriptions and the DEP Transition List of Confirmed Disposal Sites and Locations to be Investigated.
- Area demographics such as population trends, unemployment statistics, etc. were researched in publications such as Employment and Unemployment Statistics published by the Massachusetts Department of Employment and Training.
- Pertinent area information was researched from in-house resources and news articles: Telegram & Gazette, Worcester Business Journal, The Wall Street Journal, Bankers and Tradesmen, CoStar Comps data and an in-house data base.
- Market area research included contacting brokers, property owners, etc. for the purpose of obtaining and verifying comparable sales, etc.; and updating information on the latest events affecting the city or the neighborhood. This also included contacting local financial institutions to obtain current lending policies.
- Also researched at the Registry of Deeds were recorded deeds for a 3-year sales history of the subject and sales used for comparison purposes.

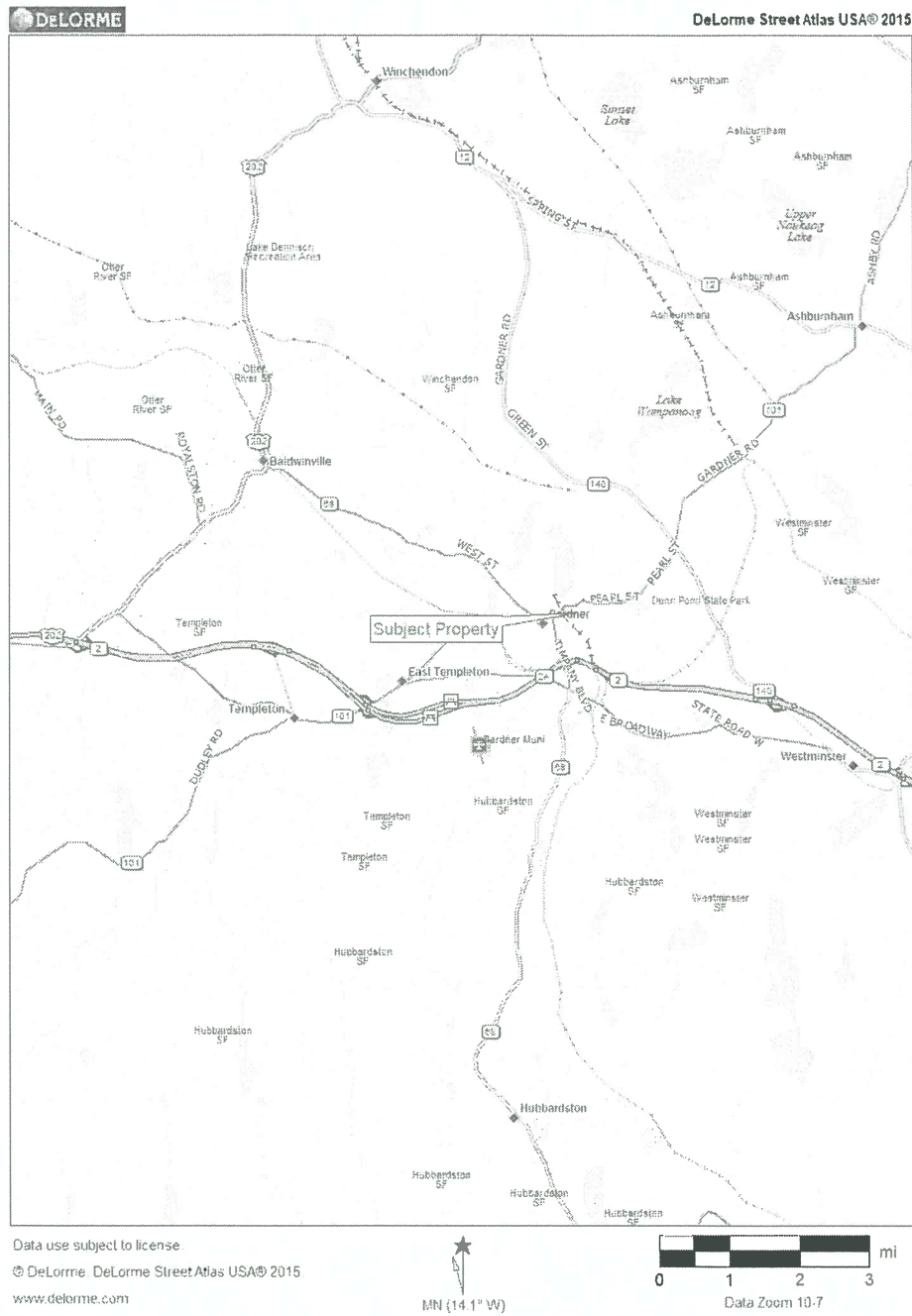
- The value of the site was developed by the sales comparison approach based on a comparison to five comparables. The cost of demolition and removal of the improvements has been deducted from the estimated site value.

Please note this appraisal process did not include:

- The cost approach was not developed due to the age of the improvements and the degree of depreciation.
- The sales comparison approach was not developed for the property as improved because the improvements are considered to be of no contributory value. The site value was developed by the sales comparison approach.
- The income capitalization approach was not developed for the property as improved because the improvements are considered to be of no contributory value. The site value was not developed by the income capitalization approach because residential lots are not typically leased in this market area.

All properties considered for comparative purposes were visited and photographed.

## Area Map



### **Area Description**

The city of Gardner is located in north central Massachusetts in North Worcester County, bordered by the towns of Winchendon and Ashburnham on the north, Templeton on the west, Westminster on the east, and Hubbardston on the south. Gardner is approximately 28 miles northwest of Worcester, 59 miles northwest of Boston, and 61 miles northeast of Springfield.

Gardner is easily accessible via Route 2, which provides a link to Interstates 190, 495, and 91. Other main roads within the city are Routes 2A, 68, 101, and 140.

Following are the most recent unemployment rates (July 2022) for the Nation, Massachusetts, Worcester County and Gardner reported by the Massachusetts Department of Employment and Training.

| <u>United States</u> | <u>Massachusetts</u> | <u>Worcester County</u> | <u>Gardner</u> |
|----------------------|----------------------|-------------------------|----------------|
| 3.5%                 | 3.5%                 | 3.7%                    | 4.6%           |

Prior to the Coronavirus, the unemployment rates throughout the country including Gardner were very low. Since the pandemic impacted the United States, the rates initially escalated substantially. Many businesses had closed or downsized throughout the country, resulting in higher unemployment rates. Favorably, the unemployment rates have declined substantially once again and most of the country has reopened. The most recent reported rate in Gardner is 4.6%, which is higher than the other rates reported, however, is at a favorable level. It is difficult to determine how long the Coronavirus will impact the country. Favorably, vaccinations are taking place, however, variants have developed creating additional challenges.

Following is the census data for Gardner in 2000, 2010 and 2020 as reported in U.S. Census data.

| <u>City</u> | <u>2000</u> | <u>2010</u> | <u>% Change</u> | <u>2020</u> | <u>% Change</u> |
|-------------|-------------|-------------|-----------------|-------------|-----------------|
| Gardner     | 20,770      | 20,228      | -2.7%           | 21,287      | +5.2%           |

The population in Gardner has not changed significantly over the past couple of decades. There was a decline from 2000 to 2010 of 2.7%, however, population increased moderately from 2010 to 2020 by 5.2%. There is minimal new residential development taking place in the city. Population increases are favorable for the local housing market and businesses.



The following is a comparison of the median household income for 2020 (most recent available) in Gardner, Worcester County, and Massachusetts.

| <u>Location</u>  | <u>Median Income 2020</u> |
|------------------|---------------------------|
| Gardner          | \$51,708                  |
| Worcester County | \$77,155                  |
| Massachusetts    | \$84,385                  |

**Source: U.S. Census**

As indicated by the figures presented, Gardner's median household incomes for 2020 were considerably lower than those in Worcester County, and Massachusetts, which negatively impacts on property values in the city.

New commercial, industrial and residential development in Gardner has been relatively stagnant over the past several years. There is proposed revitalization of the downtown Main Street area of Gardner including the development of a new 56-unit apartment complex, an event center and parking area.

The Timpany Crossroads at the corner of Timpany Boulevard and West Broadway Street is comprised of a new 3 building commercial development with a free-standing Pub 99 in place, a Starbucks, an Edward Jones and a skin care tenanted space. There are other spaces under agreement for lease. At 529 Timpany Boulevard, a 20,000+/-SF medical building is being constructed for owner occupancy by Community Health Connections.

### **Economic Influences**

A factor influencing investment in real estate is current lending criteria. Financing is available, but underwriting criteria are more exacting. The prime rate increased steadily to as high as 9.5% on May 17, 2000. With the slowdown in the economy, the prime rate was reduced numerous times to the low rate of 4.00% as of June 27, 2003. The rate increased numerous times to 8.25% as of June 26, 2006 in an attempt to slow inflation. The prime rate was later reduced numerous times to 3.25% on December 16, 2008 in an attempt to stimulate the economy once again. The prime rate remained fixed until it increased to 3.5% on December 17, 2015, followed by eight increases reaching 5.50% on December 20, 2018. The feds then cut the prime rate to 5.25% on August 1, 2019, to 5.0% on September 19, 2019, to 4.75% on October 30, 2019 and bigger cuts to 4.25% on March 4, 2020 and again to 3.25% on March 16, 2020 due to economic growth slowing and the negative impact on the economy and general health concerns from the Coronavirus. The prime rate increased to 3.50% on March 16, 2022 in an attempt to slow the increase in inflation. An additional increase to 4.0% took place on May 5, 2022, again to 4.75% on June 22, 2022 and 5.50% on July 28, 2022. Additional interest rate increases are anticipated which could adversely impact the economy and the value of real estate market.

Prior to the Coronavirus, some of the major factors that had previously negatively impacted on consumer confidence levels and the economy in the country included high fuel and food prices, weak job growth and manufacturing figures, stagnant retail sales, and the weak state of several European countries. Oil and gas prices had dropped substantially in the past partly due to an oversupply and also as a result of the virus. Prices have escalated once again. There previously had been job growth, however, income levels were typically lower than in prior stronger economic times. Due to the difficulty of being able to fill job needs at many businesses, income requirements for many jobs have increased

The stock market has had significant volatility with major upward and downward fluctuations. A lot of the volatility is attributed to so called “trade wars” with China, weaker retail figures, a result of the negative impact of the virus, high inflation levels, supply chain shortages, rising fuel costs, rising interest rates, the war in Ukraine, the difficulty filling employment needs, and difficulty meeting trucking, shipping and production needs, etc. Favorably, vaccinations have taken place and the infection rates declined substantially, however, variants have developed therefore the virus has continued.

The consumer confidence index, a good indicator of the current state of the economy has been fluctuating up and down over the past few years. In January of 2022, the rate dipped to 111.1 followed by another decrease to 105.7 in February of 2022. The rate turned around in March of 2022 with an increase to 107.6, followed by an additional increase to 108.6 in April of 2022. The rate dipped to 103.2 in May of 2022, followed by a further decrease to 98.4 in June of 2022, and a further decrease to 95.3 in July of 2022. The rate reversed in a positive direction to 103.2 in August of 2022.

“Consumer confidence increased in August after falling for three straight months,” said **Lynn Franco, Senior Director of Economic Indicators at The Conference Board**. “The Present Situation Index recorded a gain for the first time since March. The Expectations Index likewise improved from July’s 9-year low, but remains below a reading of 80, suggesting recession risks continue. Concerns about inflation continued their retreat but remained elevated.”

“Meanwhile, purchasing intentions increased after a July pullback, and vacation intentions reached an 8-month high. Looking ahead, August’s improvement in confidence may help support spending, but inflation and additional rate hikes still pose risks to economic growth in the short term.”

### **Market Analysis**

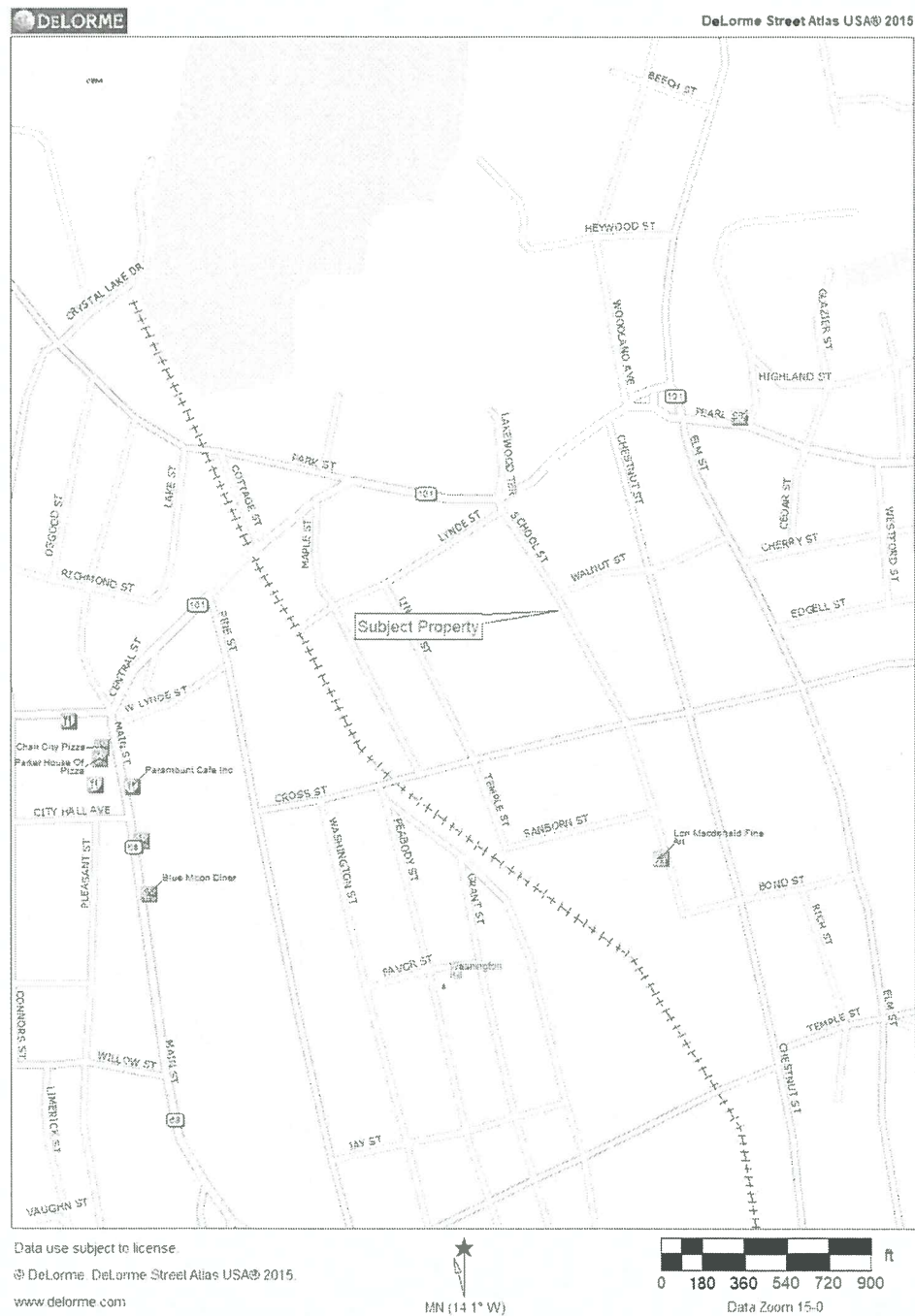
The highest and best use of the subject is for residential development after demolition and removal of the school building, the focus of this market analysis.

The residential housing market has been extremely active over the past several years with volume of sales rising steadily and sale prices increasing rapidly. According to the Multiple Listing service (MLS), there were 234 sales in Gardner in the past 12 months with an average sale price of \$312,250. The average days on market of these sales was 21.01 days indicating high demand. The residential market will likely slow with the sharp rise in interest rates, and the on-going inflation.

There have not been an extensive number of residential land sales in Gardner recently. Based on comparable land sales data, residential lots are selling at a range of approximately \$42,000 to \$90,000.

In summary, Gardner has recently experienced moderate population increases, which combined with declining unemployment rates favorably impacts the local economy and real estate market. The below average income levels in Gardner are a negative. Residential properties are still in high demand in the area, however, this may change soon with the rising interest rates and the high inflation levels.

## Neighborhood Map





**Neighborhood Description**

The subject is situated in the central section of Gardner. The property fronts the west side of School Street, across from the intersection of School and Walnut Streets.

The neighborhood is a mix of uses including residential, commercial and industrial. Nearby property improvements include single-family dwellings, multi-families, apartments, office and retail buildings, a Price Chopper supermarket, large industrial buildings, a mill building converted to self-storage, a gym, churches, and a park area.

The downtown central business section of Gardner is a short distance to the west. Just to the north is the Mount Wachusett Community College, and the Gardner Hospital. South of the property near the intersection of Routes 2 and 68 is a dense area of commercial development including neighborhood shopping centers, a car dealership, supermarkets, restaurants, gas stations, a Planet Fitness, banks, office and retail space. To the east is primarily residential areas, vacant land, lakes and recreation areas, etc.

Most properties in the neighborhood are in fair to average condition.

Local and regional access is convenient as the subject is in close proximity to Routes 2, 2A, 68, 101, and 140. Utilities serving the neighborhood include municipal water, sewer, electricity, gas and telephone.

In summary, the subject is in a mixed-use neighborhood of residential, commercial and industrial properties with convenient local and regional access.

**Marketing and Exposure Time**

The marketing and exposure times are estimated at six months, assuming the subject is marketed at or near the estimated value and it is free and unencumbered.

**Zoning Data**

The property is zoned General Residential (G3).

**Dimensional Requirements**

The following are the dimensional requirements.

The following are the dimensional requirements of the General Residential (G3) zone.

| <u>Item</u>           | <u>Requirement</u> |
|-----------------------|--------------------|
| Minimum Lot Area      | 8,000 SF           |
| Minimum Lot Frontage  | 75 FF              |
| Minimum Front Setback | 20 FT              |
| Minimum Side Setback  | 10 FT              |
| Minimum Rear Setback  | 20 FT              |
| Maximum Stories       | 3                  |
| Maximum Height        | 36 FT              |
| Maximum Lot Coverage  | 85%                |
| Minimum Open Space    | 15%                |

The subject conforms to the dimensional requirements. There is enough land area and frontage for two lots.

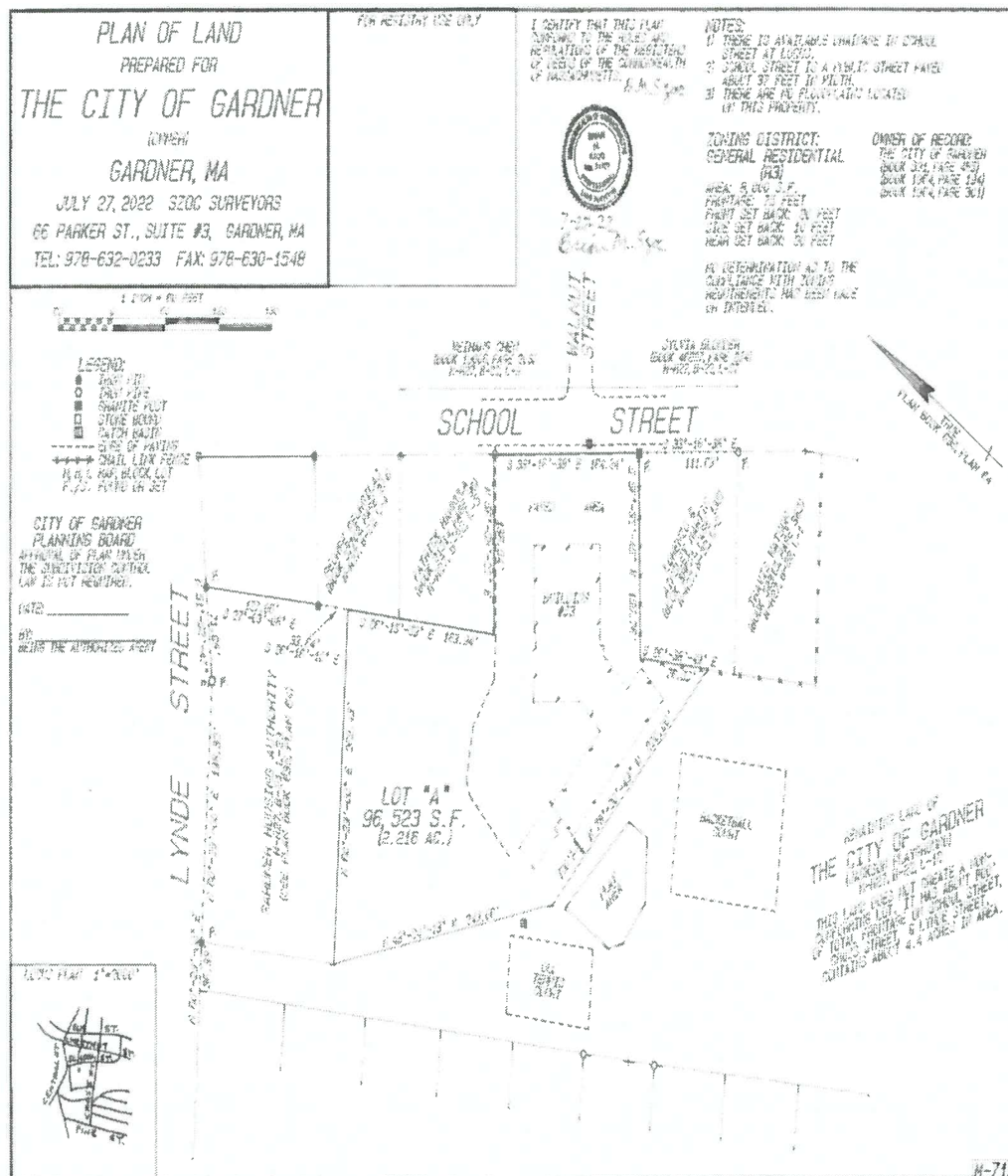
#### **Permitted Uses**

In the G3 zone uses allowed by right include single-families, two-families, agricultural uses, religious uses, schools, child care facilities, libraries, municipal uses, a home occupation, etc.

#### **Tax and Assessment Data**

The subject is a tax exempt property.

## Site Plan



**Site Analysis****Size and Configuration**

The site is 96,523+/-SF according to the site plan. The site has 164.24+/- feet of frontage (FF) along School Street. The depth of the site varies. The lot is irregular in configuration.

**Environmental**

The subject has not been listed as a confirmed disposal site in the Transition List of Confirmed Disposal Sites and Locations to be Investigated by the Department of Environmental Protection (DEP). The estimated value is based on the assumption that the subject is free of contamination and conforms to all local, state and federal environmental regulations.

**Topography**

The terrain of the site is gently to moderately sloping. The lot is initially level to gently sloping near the road frontage, then slopes downward towards the rear of the lot. There is an estimated 15+/-FT difference between the low and high elevations. The terrain is favorable.

**Floodplain**

According to Flood Insurance Rate Map (FIRM) #250305 0009 B, dated July 2, 1981, the subject is not in a flood prone area.

**Easements/Restrictions**

A title search is suggested to determine if any easements or restrictions impact the subject.

**Utilities**

Utilities servicing the property consists of public electricity, sewer and water. Public gas is available.

**Site Improvements**

On the date of inspection, the site improvements included asphalt paved parking area, and grass.

**Depreciation and Obsolescence**

Two forms of depreciation or obsolescence may impact site improvements: physical deterioration, curable or incurable and functional obsolescence, curable and incurable.

Evidence of physical depreciation includes cracked and faded asphalt pavement and stressed landscaping. The site improvements were in generally poor condition and of no contributory value.



### **Building Analysis**

The subject is improved with a 127+/- year old, 25,039+/-SF school building in poor condition, and considered to be of no contributory value. A cost to demolish and remove the improvements will be factored into the valuation to follow.

### **Highest and Best Use Analysis**

Highest and best use is defined as:

*"1. The reasonably probable use of property that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity.*

*2. The use of an asset that maximizes its potential and that is possible, legally permissible, and financially feasible. The highest and best use may be for continuation of an asset's existing use or for some alternative use. This is determined by the use that a market participant would have in mind for the asset when formulating the price that it would be willing to bid. (IVS)*

*3. [The] highest and most profitable use for which the property is adaptable and needed or likely to be needed in the reasonable near future." [Uniform Appraisal Standards for Federal Land Acquisitions] [The Dictionary of Real Estate Appraisal, 7th ed. (Appraisal Institute, 2022), 88]*

Applying the four criteria to determine the highest and best use:

#### **As if Vacant**

**Legally permitted:** The site is zoned General Residential (G3). The subject conforms to the dimensional requirements. There is enough land area and frontage for two lots. The G3 zone uses allowed by right include single-families, two-families, agricultural uses, religious uses, schools, child care facilities, libraries, municipal uses, a home occupation, etc.

Development of the lot with one of the uses allowed by zoning would be permitted assuming dimensional and parking requirements are met.

**Physically possible:** The property has legal frontage, all utilities are available, the terrain is satisfactory and there are no known adverse easements. The irregular configuration is a minor negative.

Based on development in the neighborhood, and on the subject site, development appears physically possible.

**Financially feasible:** The property is in a secondary location in a mixed area of commercial, residential and industrial development. Local and regional access is good.

The economy and real estate market has stabilized with the overall decline in the Coronavirus. Unemployment rates have declined in Gardner and the area and the population has been on the rise. On a negative note, income levels in Gardner are below average.

Given the zoning and neighborhood improvements, there appears to be no other use of the site that would result in a higher return than development with single or two-families, or a religious, school or a daycare use.

New development has been negatively impacted by high construction costs, the uncertainties of the future impact of the Coronavirus, and the sharp increases in interest rates and inflation.

**Maximally productive:** The highest and best use of the site as if vacant and unimproved would be for future development with single or two-families, or a religious, school or a daycare use.

#### **As Improved**

**Legally permitted:** The subject conforms to the dimensional requirements. The prior school use was allowed by zoning. The building is in poor condition and considered to be of no contributory value. Development of the site with a use allowed by zoning, following demolition and removal of the building would be permitted assuming dimensional and parking requirements are met.

**Physically possible:** The property has legal frontage, all utilities are available, the terrain is satisfactory and there are no known adverse easements. The irregular configuration is a minor negative.

Based on development in the neighborhood, and on the subject site, development appears physically possible.

**Financially feasible:** The property fronts a secondary road in a mixed-use area of primarily residential and industrial properties. Local and regional access is good.

The highest and best use of the property would be to demolish and remove the existing building and develop the site as two equal sized lots of 48,262+/-SF for development with single-families or two-families. The residential market has been very strong, however, is likely to weaken with the sharp increases in interest rates and the high inflation.

**Maximally productive:** The highest and best use of the site as improved would be to demolish and remove the existing building and create two lots for development with single-families or two-families.

## **Valuation Analysis**

A well supported estimate of value utilizes a valuation process based on consideration of all pertinent general and specific data. This process reflects three distinct methods for analyzing the data mathematically: cost approach, sales comparison approach, and income capitalization approach.

If applicable to the estimation of value, all three methods, or approaches, may be utilized. Use of one or more approaches, or the application of greater significance of one or another, is dependent on the type of subject property and other critical factors.

The cost approach is *"A set of procedures through which a value indication is derived for the fee simple estate by estimating the cost new as of the effective date of the appraisal to construct a reproduction of (or replacement for) the existing structure, including an entrepreneurial incentive; deducting depreciation from the total cost; and adding the estimated land value. The contributory value of any site improvements that have not already been considered in the total cost can be added on a depreciated-cost basis. Adjustments may then be made to the indicated value of the fee simple estate in the subject property to reflect the value of the property interest being appraised". [The Dictionary of Real Estate Appraisal, 7<sup>th</sup> ed. (Appraisal Institute, 2022), 43]*

The sales comparison approach is *"The process of deriving a value indication for the subject property by comparing sales of similar properties to the property being appraised, identifying appropriate units of comparison, and making adjustments to the sale prices (or unit prices, as appropriate) of the comparable properties based on relevant, market-derived elements of comparison. The sales comparison approach may be used to value improved properties, vacant land, or land being considered as though vacant when an adequate supply of comparable sales is available." [The Dictionary of Real Estate Appraisal, 7th ed. (Appraisal Institute, 2022), 170]*

The income capitalization approach is *"Specific appraisal techniques applied to develop a value indication for a property based on its earning capability and calculated by the capitalization of property income." [The Dictionary of Real Estate Appraisal, 7th ed. (Appraisal Institute, 2022), 94]*

## **Site Value**

The sales comparison approach was used to estimate the value of the subject as two residential lots. Research conducted in Gardner for sales of comparable residential lots revealed limited data comprised of two 2021 sales and three 2022 sales.

Following are the data summaries of the five properties considered most comparable, an adjustment grid and a narrative explanation of the adjustments made to each in comparison to the subject. The unit of comparison is price/lot.

Land Comparables

RESIDENTIAL LOT COMPARABLE # 1



|                  |                                                                                                                                      |                                 |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| ADDRESS          | TOWN GARDNER                                                                                                                         | STATE MASSACHUSETTS             |
|                  | STREET 152 AIRPORT ROAD                                                                                                              |                                 |
| TYPE OF PROPERTY | RESIDENTIAL LOT                                                                                                                      | # OF LOTS 1                     |
| STATE CLASS CODE | 130                                                                                                                                  | ZONING RURAL RESIDENTIAL (RR2)  |
| GRANTOR          | CHARLES J. MANCA TRUSTEE                                                                                                             | GRANTEE ASHORYN, LLC            |
| SALE DATE        | 06/04/21 BOOK 65318                                                                                                                  | PAGE 53 REGISTRY WCRD           |
| SALE PRICE       | \$42,000.00                                                                                                                          | VERIFIED BROKER (JB) 8/22       |
| MORTGAGE         | 1ST \$350,000.00                                                                                                                     | 2ND NONE NOTED                  |
| ASSESSMENT       | LAND \$ 46,400                                                                                                                       | TOTAL \$ 46,400 TAXES \$ 862.58 |
| UTILITIES        | WATER PRIVATE SEWER PUBLIC                                                                                                           | GAS NONE ELECTRIC PUBLIC        |
| LAND AREA        | +/-SF 50,530 +/-AC 1.160                                                                                                             | +/-FF --                        |
| TOPOGRAPHY       | GENTLY SLOPING                                                                                                                       | EASEMENTS NONE NOTED            |
| PRICE/ACRE       | \$36,206.90                                                                                                                          | PRICE/LOT \$42,000.00           |
| PRICE/SF         | \$0.83                                                                                                                               |                                 |
| REMARKS          | SALE OF A RESIDENTIAL LOT THAT HAS SUBSEQUENTLY BEEN DEVELOPED WITH A RESIDENTIAL DWELLING THAT SOLD NOVEMBER 5, 2021 FOR \$441,700. |                                 |
|                  | THE FRONTAGE IS NOT INDICATED IN THE DEED OR ASSESSOR RECORDS.                                                                       |                                 |



## RESIDENTIAL LOT COMPARABLE # 2



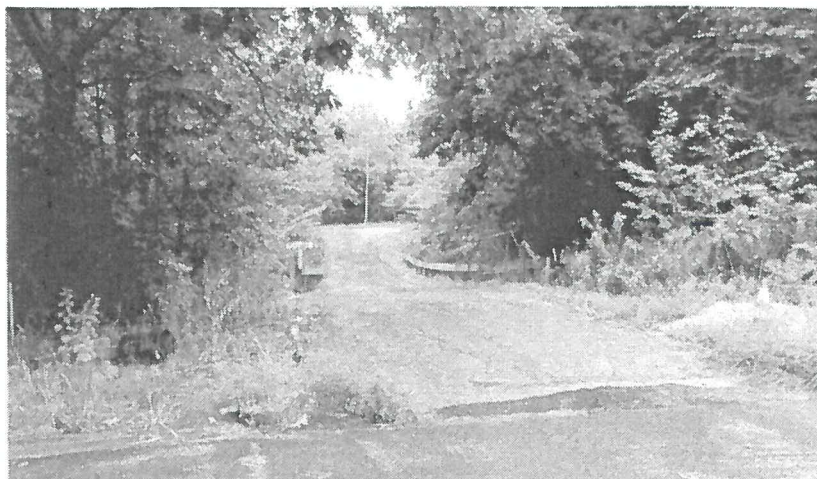
|                  |                                                                                    |                                 |
|------------------|------------------------------------------------------------------------------------|---------------------------------|
| ADDRESS          | TOWN GARDNER<br>STREET LOT 3 SAUNDERS STREET                                       | STATE MASSACHUSETTS             |
| TYPE OF PROPERTY | RESIDENTIAL LOT                                                                    | # OF LOTS 1                     |
| STATE CLASS CODE | 130                                                                                | ZONING RURAL RESIDENTIAL (RR2)  |
| GRANTOR          | RICHARD K. SEPPA                                                                   | GRANTEE JOSEPH AND PAULA CATTEL |
| SALE DATE        | 12/15/21 BOOK 66748                                                                | PAGE 278 REGISTRY WCRD          |
| SALE PRICE       | \$90,000.00                                                                        | VERIFIED BROKER (JB) 8/22       |
| MORTGAGE         | 1ST NONE NOTED                                                                     | 2ND NONE NOTED                  |
| ASSESSMENT       | LAND \$ 66,700 TOTAL \$ 66,700                                                     | TAXES \$ 1,239.95               |
| UTILITIES        | WATER PRIVATE SEWER PRIVATE                                                        | GAS NONE ELECTRIC PUBLIC        |
| LAND AREA        | +/-SF 81,461 +/-AC 1.870                                                           | +/-FF 150                       |
| TOPOGRAPHY       | GENTLY SLOPING                                                                     | EASEMENTS NONE NOTED            |
| PRICE/ACRE       | \$48,128.34                                                                        | PRICE/LOT \$90,000.00           |
| PRICE/SF         | \$1.10                                                                             |                                 |
| REMARKS          | SALE OF A RESIDENTIAL LOT FOR DEVELOPMENT WITH A FUTURE<br>SINGLE-FAMILY DWELLING. |                                 |

## RESIDENTIAL LOT COMPARABLE # 3



|                  |                                           |                                |
|------------------|-------------------------------------------|--------------------------------|
| ADDRESS          | TOWN GARDNER<br>STREET 39 FAIRLAWN AVENUE | STATE MASSACHUSETTS            |
| TYPE OF PROPERTY | RESIDENTIAL LOT                           | # OF LOTS 1                    |
| STATE CLASS CODE | 130                                       | ZONING SFR1                    |
| GRANTOR          | ARLENE G. ROME, TRUSTEE                   | GRANTEE GREENSTONE REALTY, LLC |
| SALE DATE        | 02/17/22 BOOK 67132                       | PAGE 108 REGISTRY WCRD         |
| SALE PRICE       | \$85,000.00                               | VERIFIED BROKER (JB) 6/22      |
| MORTGAGE         | 1ST NONE NOTED                            | 2ND NONE NOTED                 |
| ASSESSMENT       | LAND \$ -- TOTAL \$ -- TAXES \$ --        |                                |
| UTILITIES        | WATER PUBLIC SEWER PUBLIC                 | GAS NONE ELECTRIC PUBLIC       |
| LAND AREA        | +/-SF 18,264 +/-AC 0.419                  | +/-FF 102.26                   |
| TOPOGRAPHY       | GENTLY SLOPING                            | EASEMENTS NONE NOTED           |
| PRICE/ACRE       | \$202,863.96                              | PRICE/LOT \$85,000.00          |
| PRICE/SF         | \$4.65                                    |                                |
| REMARKS          | SALE OF A RESIDENTIAL LOT.                |                                |
|                  | -- ASSESSED AS PART OF A LARGER PARCEL.   |                                |

## RESIDENTIAL LOT COMPARABLE # 4



|                  |                                                                                       |                                 |
|------------------|---------------------------------------------------------------------------------------|---------------------------------|
| ADDRESS          | TOWN GARDNER                                                                          | STATE MASSACHUSETTS             |
|                  | STREET LOTS 18 AND 19 ASHLEY DRIVE                                                    |                                 |
| TYPE OF PROPERTY | RESIDENTIAL LOT                                                                       | # OF LOTS 1                     |
| STATE CLASS CODE | 130                                                                                   | ZONING RURAL RESIDENTIAL (RR2)  |
| GRANTOR          | BRENDA J. ERICKSON, TRUSTEE                                                           | GRANTEE WAYNE AND TINA SCHOALES |
| SALE DATE        | 02/18/22 BOOK 67143                                                                   | PAGE 311 REGISTRY WCRD          |
| SALE PRICE       | \$90,000.00                                                                           | VERIFIED BROKER (JB) 8/22       |
| MORTGAGE         | 1ST NONE NOTED                                                                        | 2ND NONE NOTED                  |
| ASSESSMENT       | LAND \$ 52,900                                                                        | TOTAL \$ 52,900 TAXES \$ 983.41 |
| UTILITIES        | WATER PUBLIC SEWER PUBLIC                                                             | GAS NONE ELECTRIC PUBLIC        |
| LAND AREA        | +/-SF 86,051 +/-AC 1.975                                                              | +/-FF 40                        |
| TOPOGRAPHY       | GENTLY SLOPING                                                                        | EASEMENTS SEWER AND DRAINAGE    |
| PRICE/ACRE       | \$45,569.62                                                                           | PRICE/LOT \$90,000.00           |
| PRICE/SF         | \$1.05                                                                                |                                 |
| REMARKS          | SALE OF 2 CONTIGUOUS LOTS FOR DEVELOPMENT OF A SINGLE-FAMILY IN A MODERN SUBDIVISION. |                                 |



## RESIDENTIAL LOT COMPARABLE # 5



|                  |                                                    |                           |
|------------------|----------------------------------------------------|---------------------------|
| ADDRESS          | TOWN GARDNER                                       | STATE MASSACHUSETTS       |
|                  | STREET 68 ACADIA ROAD                              |                           |
| TYPE OF PROPERTY | MOBIL HOME TO BE REMOVED                           | # OF LOTS 1               |
| STATE CLASS CODE | 130                                                | ZONING RR2                |
| GRANTOR          | PATRICK J. RICHARD                                 | GRANTEE TODD BASSETT      |
| SALE DATE        | 06/17/22                                           | BOOK 67769                |
|                  |                                                    | PAGE 244                  |
|                  |                                                    | REGISTRY WCRD             |
| SALE PRICE       | \$50,000.00                                        | VERIFIED BROKER (JB) 6/22 |
| MORTGAGE         | 1ST NONE NOTED                                     | 2ND NONE NOTED            |
| ASSESSMENT       | LAND \$ --                                         | TOTAL \$ --               |
|                  |                                                    | TAXES \$ --               |
| UTILITIES        | WATER PUBLIC                                       | SEWER PUBLIC              |
|                  |                                                    | GAS NONE                  |
|                  |                                                    | ELECTRIC PUBLIC           |
| LAND AREA        | +/-SF 26,800                                       | +/-AC 0.615               |
|                  |                                                    | +/-FF 79.50               |
| TOPOGRAPHY       | GENTLY SLOPING                                     | EASEMENTS NONE NOTED      |
| PRICE/ACRE       | \$81,300.81                                        | PRICE/LOT \$50,000.00     |
| PRICE/SF         | \$1.87                                             |                           |
| REMARKS          | SALE OF A MOBILE HOME THAT WAS DEEMED INHABITABLE. |                           |
|                  | -- ASSESSED AS LAND AND A MOBILE HOME.             |                           |



**Adjustment Grid**

| Market Data Adjustment Analysis<br>53 School Street, Gardner<br>Land Sale Comparables |                                 |                                 |            |                                      |            |                                   |            |                                      |            |                               |            |
|---------------------------------------------------------------------------------------|---------------------------------|---------------------------------|------------|--------------------------------------|------------|-----------------------------------|------------|--------------------------------------|------------|-------------------------------|------------|
| Address                                                                               | Subject                         | Comparable #1                   |            | Comparable #2                        |            | Comparable #3                     |            | Comparable #4                        |            | Comparable #5                 |            |
|                                                                                       | 53 School Street<br>Gardner, MA | 152 Airport Road<br>Gardner, MA |            | Lot 3 Saunders Street<br>Gardner, MA |            | 39 Fairlawn Avenue<br>Gardner, MA |            | Lots 18 and 19 Ashley<br>Gardner, MA |            | 68 Acadia Road<br>Gardner, MA |            |
|                                                                                       |                                 | Description                     | Adjustment | Description                          | Adjustment | Description                       | Adjustment | Description                          | Adjustment | Description                   | Adjustment |
| Price                                                                                 | N/A                             | \$42,000                        |            | \$90,000                             |            | \$85,000                          |            | \$90,000                             |            | \$50,000                      |            |
| Price/Lot                                                                             | N/A                             | \$42,000                        |            | \$90,000                             |            | \$85,000                          |            | \$90,000                             |            | \$50,000                      |            |
| Conditions of Sale                                                                    | Market                          | Market                          | --         | Market                               | --         | Market                            | --         | Market                               | --         | Market                        | --         |
| Date of Sale (Time)                                                                   | N/A                             | 6/4/2021                        | 5%         | 12/15/2021                           | 5%         | 2/17/2022                         | 0%         | 2/18/2022                            | 0%         | 6/17/2022                     | 0%         |
| % Net Adjustment                                                                      | N/A                             |                                 | 5%         |                                      | 5%         |                                   | 0%         |                                      | 0%         |                               | 0%         |
| Adjusted Price/Lot                                                                    | N/A                             |                                 | \$44,100   |                                      | \$94,500   |                                   | \$85,000   |                                      | \$90,000   |                               | \$50,000   |
| Location                                                                              | Average                         | Average                         |            | Average/Gd                           | -10%       | Average/Gd                        | -10%       | Good                                 | -15%       | Average                       |            |
| Land Area +/-SF                                                                       | 48,262                          | 50,530                          |            | 81,461                               | -10%       | 18,264                            | 10%        | 86,051                               | -10%       | 26,800                        | 5%         |
| Utilities                                                                             | E,W,S,G                         | E,S                             | 5%         | E                                    | 10%        | E,W,S                             |            | E,W,S                                |            | E,W,S                         |            |
| Topography                                                                            | Gently Sloping                  | Gently Slop.                    |            | Gently Slope.                        |            | Gently Slope.                     |            | Gently Slope.                        |            | Gently Slope.                 |            |
| Functional Utility                                                                    | Average                         | Average                         |            | Average                              |            | Average                           |            | Average                              |            | Average                       |            |
| % Net Adjustment                                                                      | N/A                             |                                 | 5%         |                                      | -10%       |                                   | 0%         |                                      | -25%       |                               | 5%         |
| Adjusted Price/Lot                                                                    | N/A                             |                                 | \$46,305   |                                      | \$85,050   |                                   | \$85,000   |                                      | \$67,500   |                               | \$52,500   |

**Comparable #1: 152 Airport Road, Gardner, MA**

June 4, 2021 sale of a 50,530+/-SF residential lot for \$42,000 (\$42,000/lot). The buyer constructed a single-family dwelling on the lot and later sold it on November 5, 2021 for \$441,700.

Upward adjustment:

**Date of Sale:** The comparable sold June 4, 2021. Residential land has increased in value since the date of sale due to improvement in the real estate market.

**Utilities:** The comparable does not have access to public water. Public water is available to the subject. Residential lots with the availability of public water tend to sell for a higher price due to lower development and maintenance costs.

Downward adjustment:

None are indicated.

The overall net adjustment is upward.

**Comparable #2: Lot 3 Saunders Street, Gardner, MA**

December 15, 2021 sale of an 81,461+/-SF residential lot for \$90,000 (\$90,000/lot). The site was bought for future construction of a single-family dwelling.

Upward adjustment:

**Date of Sale:** The comparable sold December 15, 2021. Residential land has increased in value since the date of sale due to improvement in the real estate market.

**Utilities:** The comparable does not have access to public water and sewer. Public water and sewer is available to the subject. Residential lots with the availability of public water and sewer tend to sell for a higher price due to lower development and maintenance costs.

Downward adjustment:

**Location:** The comparable is in a more desirable residential neighborhood than the subject.

**Land Area:** The comparable is 81,461+/-SF; each subject lot will be 48,262+/-SF. Larger sites tend to sell for a higher price due to superior privacy and functional utility.

The overall net adjustment is downward.

**Comparable #3: 39 Fairlawn Avenue, Gardner, MA**

February 17, 2022 sale of an 18,264+/-SF residential lot for \$85,000 (\$85,000/lot).

Upward adjustment:

**Land Area:** The comparable is 18,264+/-SF; each subject lot will be 48,262+/-SF.

Downward adjustment:

**Location:** The comparable is in a more desirable location than the subject.

The overall net adjustment is zero percent.

**Comparable #4: Lots 18 and 19 Ashley Drive, Gardner, MA**

February 18, 2022 sale of an 86,051+/-SF residential lot for \$90,000 (\$90,000/lot).

Upward adjustment:

None are indicated.

Downward adjustment:

**Location:** The comparable is in a more desirable location than the subject.

**Land Area:** The comparable is 86,051; the subject will be 48,262+/-SF.

The overall net adjustment is downward.

**Comparable #5: 68 Acadia Road, Gardner, MA**

June 17, 2022 sale of a 26,800+/-SF residential lot with a mobile home to be removed. The sale price was \$50,000 (\$50,000/lot).

Upward adjustment:

**Land Area:** The comparable is 26,800+/-SF; the subject is 48,262+/-SF.

Downward adjustment:

None are indicated.

The overall net adjustment is upward.

After adjustments the comparables range from an adjusted \$46,305/lot to \$85,050/lot. The median adjusted figure is \$67,500/lot. The mean adjusted figure is \$67,271/lot. After all factors are considered, the estimated market value of the subject lots are \$67,000 each. The value of the two lots would be \$134,000.

To be deducted from this value is an estimated cost to demolish and remove the existing building. Based on costs obtained for other properties, this expense is estimated at \$250,000. Deducting this figure would result in a negative value of -\$116,000 (\$250,000 - \$134,000 = -\$116,000), rounded to \$0.

As of July 27, 2022, the estimated market value of the subject by the sales comparison approach is:

**Zero Dollars**  
**\$0**

#### **Estimate of Value by the Cost Approach**

The cost approach was not developed due to the age and condition of the building and the degree of depreciation and obsolescence.

#### **Estimate of Value by the Sales Comparison Approach**

The sales comparison approach was not developed for the property as improved because the improvements are considered to be of no contributory value. The site value was developed by the sales comparison approach within the site value section.

#### **Estimate of Value by the Income Capitalization Approach**

The income capitalization approach was not developed for the property as improved because the improvements are considered to be of no contributory value. The site value was not developed by the income capitalization approach because residential lots are not typically leased in this market area.

#### **Reconciliation of Value Indications into Final Estimate**

The estimated market value of the subject by the sales comparison approach based on a comparison to five comparable sales is \$0.

The other approaches to value were not applicable.



As of July 27, 2022, the final estimated market value is:

**Zero Dollars**  
**\$0**

A handwritten signature in cursive script that reads "Joel Buthray".

Joel A. Buthray, MAI  
Certified General  
Real Estate Appraiser  
Commonwealth of MA #929

**Certification**

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
4. I have performed no services as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
5. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
6. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
9. I have made a personal inspection of the property that is the subject of this report.
10. No one provided significant real property appraisal assistance to the person signing this certification.
11. The reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of the Professional Appraisal Practice of the Appraisal Institute.
12. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

13. The property was inspected by the undersigned on 07/27/2022.



Joel A. Buthray, MAI  
Certified General Real Estate Appraiser  
Commonwealth of Massachusetts #929

14. As of the date of this report, I, Joel A. Buthray, MAI have completed the requirements of the continuing education program of the Appraisal Institute.



Joel A. Buthray, MAI  
Certified General Real Estate Appraiser  
Commonwealth of Massachusetts #929

### **Assumptions and Limiting Conditions**

The estimate of value and/or opinions is subject to the assumptions and limiting conditions stated herein.

A. This appraisal is being prepared at the request of the City of Gardner, the client and intended user to estimate the market value of the subject for selling purposes. Its use for any other purpose is invalid without prior approval and written authorization of O'Hara-Buthray Associates, Inc.

The use of this appraisal report, opinions, analyses, or valuation conclusions is restricted to the function specified above and for the client to whom addressed. Release to a third party for whatever purpose is prohibited and unauthorized. Unauthorized use of the report releases O'Hara-Buthray Associates, Inc. of liability to the client and/or a third party.

B. This report may not be reproduced, or used in any manner except for the purpose cited in this document. This specifically prohibits the extraction of any information whole, or in part, from the report.

C. Discussions regarding this appraisal report or estimates of value are restricted to valid representatives of the client. Authorization from said client to discuss the appraisal with a third party must be in writing and will be retained on file.

D. This report is subject to the standards of the Appraisal Institute and may be reviewed by its duly authorized representatives.

E. Analyses, opinions, and conclusions are based on the assumption that:

1. The property is under legal ownership and marketable.
2. Information supplied by the owner or a representative is accurate.
3. Data used in the report have been obtained from sources considered reliable.
4. Dimensions of buildings or sites are rounded field measurements or those obtained from municipal records or other identified resources.
5. Identified mechanical equipment is in working condition.
6. Buildings on the site are structurally sound, and unaffected by dry rot or insect infestation, which can only be determined by qualified technicians.
7. Identified on-site water systems are in working condition. The quality, quantity, or functioning of a water system can only be determined by a qualified technician.



8. Identified on-site sewerage systems are in working condition. The type and functioning of a system can only be determined by a qualified technician.
9. Testing and identification of discernible or unapparent hazards must be done by qualified technicians. The cost of remediation of environmentally hazardous substances or materials (such as, but not limited to, lead paint, asbestos, formaldehyde foam, radon, oil, toxic waste, or radioactivity, etc.) has to be deducted from the final value estimated in this report.
10. Prospective valuations are based on satisfactory completion, repair, or renovation according to plans and specifications submitted for the appraisal.
11. I (We) have not made a specific compliance survey and analysis of this property to determine whether it is in conformity with the various detailed requirements of the Americans with Disabilities Act (ADA). A compliance survey of the property, together with a detailed analysis of the requirements of the ADA, may reveal that the property is not in compliance with one or more of the requirements of the Act. This could have a negative effect on the value of the property. Since I (we) have no direct evidence relating to this issue, non-compliance with ADA requirements has not been considered in estimating the value of the property.
12. Unless otherwise specified, the subject property conforms to all federal, state, and municipal codes and requirements, and environmental regulations.

#### F. Market data

1. Sale prices of comparable properties are verified with grantors and/or grantees, attorneys, brokers, loan officers and deeds.
2. Lease data are verified with lessors and/or lessees or their representatives, brokers, or other sources deemed reliable.
3. O'Hara-Buthray Associates, Inc. does not conduct field measurements of comparable sale or rental properties. Sizes are verified with brokers, grantors and/or grantees, assessor records, lessors, or lessees.

#### G. Valuation

1. This appraisal assignment is not based on a requested minimum valuation, a specific valuation, or the approval of a loan. (USPAP Standard 1)

### **Statement of Non-Standard Conditions or Assumptions**

This Appraisal Report is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice for an Appraisal Report. It presents discussions of the data, reasoning, and analyses used in the appraisal process to develop the appraiser's opinion of value.

The depth of discussion contained in this report is specific to the need of the City of Gardner, the client and intended user to estimate the market value for selling purposes. The appraiser is not responsible for unauthorized use of this report.

### **Extraordinary Assumptions & Hypothetical Conditions**

*The value conclusions are subject to the following extraordinary assumptions that may affect the assignment results. An extraordinary assumption is an assignment-specific assumption as of the effective-date regarding uncertain information used in the analysis, which, if found to be false, could alter the appraiser's opinions or conclusions.*

*There are no extraordinary assumptions used in this analysis.*

*The value conclusions are based on the following hypothetical conditions that may affect the assignment results. A hypothetical condition is a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis.*

*There are no hypothetical conditions used in this report.*

**Addendum**

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Hardner to Minchendon, containing fourteen acres and seventy-one rods, more or less, and bounded and described as follows: to wit - beginning at the northeast corner thereof, on said road, at land of Charles Green, and running thence by said road, south,  $1\frac{1}{2}$  east, forty-one rods & fifteen links, to a stake & stones, at my own land - thence by my own land, north,  $78^\circ$  west, sixty-two rods and ten links, to Hardner Pond; so called - thence in a northerly direction, by said pond, forty-six rods and six links, to a stake & stones, at land of said Green - thence by said Green's land, south,  $78^\circ$  east, fifty-three rods to the first mentioned corner.

To have and to hold the afore-said premises, to the said Henry B. Will, his heirs and assigns to their use and behoof forever. And I do for myself, & my heirs, executors and administrators, covenant with the said Henry B. Will, his heirs and assigns, that I am lawfully seized in fee of the afore-said premises; that they are free of all incumbrances; that I have good right to sell and convey the same to the said Henry B. Will, and that I will and my heirs shall warrant and defend the same premises, to the said Henry B. Will, his heirs and assigns forever, against the lawful claims and demands of all persons. And I Martha M. Heywood, wife of the said Levi Heywood, for the consideration aforesaid, do hereby release and quit-claim, unto the said Henry B. Will, his heirs and assigns, all right, claim or possibility of dower, in said premises.

In witness whereof, we the said Levi Heywood and Martha M. Heywood, have hereunto set our hands and seals, this twelfth day of February, in the year of our Lord one thousand eight hundred and fifty-eight.

Signed, sealed and delivered.

Levi Heywood.

[Seal]

in presence of,

Martha M. Heywood.

[Seal]

L. M. Carter.

Barrie M. Bunkeroff.

and deed.

Before me, L. M. Carter - Jus. of Peace.

Wes? Mar. 3? 1858. at 2<sup>h</sup> 45<sup>m</sup>. P. M. Sect? & Exp? By *Alfred M. Milder, Regt.*

Heywood, Levi  
to  
Hardner School Dist.

Now all men by these presents, that I, Levi Heywood, of Hardner, in the County of Worcester and Commonwealth of Massachusetts - Chair Manufacturer, in consideration of Two hundred and thirty-two dollars and eighty cents, paid by the Inhabitants of School District, Number One, in said Hardner, the receipt whereof I do hereby acknowledge, do hereby give, grant, sell and convey unto the Inhabitants of said District, their successors and assigns, the following described parcel of real-estate, situated near the centre of said Hardner, on the west side of a street recently built, and running in a southerly direction from the road leading from the centre of said Hardner to Templeton, containing eighty-eight and two tenths rods, more or less, and bounded and described as follows: to wit - beginning at the southeast corner thereof, at a stake & stones, on said street, and running thence south,  $66^\circ$  west, nine rods and eleven links, by land of said Heywood, to a stake & stones, at land of Michael Newman - thence by land of said Newman, north,



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17 1/2' west, ten rods and two links, to a stake + stones - thence by land of said Maywood, north, 66' east, eight rods and five links, to a stake + stones on said street - thence by said street, south, 24' east, ten rods to the first mentioned corner.

"To have and to hold the afore-granted premises, to the said Inhabitants of said District, their successors and assigns, to their use and behoof forever. And I do for myself, my heirs, executors and administrators, covenant with the said Inhabitants of said District, their successors and assigns, that I am lawfully seized in fee of the afore-granted premises; that they are free of all incumbrances; that I have good right to sell and convey the same to the said Inhabitants, and that I will and my heirs shall warrant and defend the same premises to the said Inhabitants of said District, their successors and assigns forever against the lawful claims and demands of all persons. And I, Martha M. Maywood, wife of the said Levi Maywood, for the consideration aforesaid, do hereby release and quit-claim unto the said Inhabitants of said District their successors and assigns, all right, claim or possibility of dower in said premises.

In witness whereof, we the said Levi Maywood, and Martha M. Maywood, have hereunto set our hands and seals, this twelfth day of February, in the year of our Lord one thousand eight hundred and fifty-eight.

Levi Maywood. (S)  
Martha M. Maywood. (S)  
Signed, sealed and delivered, in presence of,  
Chas. Maywood, \_\_\_\_\_ } Worcester ss. Feb. 12-1858. Then the  
above-named Levi Maywood acknowledged  
the above instrument to be his free act and deed.

Before me, L. M. Carter, Just. of Peace.

Wear: Mar. 5: 1858, at 24 1/2 N. M. East: 4 by: By McL. H. Wilder, Reg.

Bill, John W.  
to  
Chas. Thompson.

"Know all men by these presents, that J. John W. Bill, of Gardner, in the County of Worcester and Commonwealth of Massachusetts, in consideration of Three hundred dollars, paid by Charles Thompson, of said Gardner, the receipt whereof I do hereby acknowledge, do hereby give, grant, sell and convey, unto the said Charles Thompson, his heirs and assigns, a certain lot of wood & timber land, situated in the northwesterly part of said Gardner, containing four & 2/3 acres, and bounded as follows, to wit: Beginning at the northwest corner, at a town corner between Winchendon and said Gardner - thence S. 7 1/2 E. forty-nine rods on the town line, to a stake & stones - thence S. 20° W. seventeen rods to a corner - thence N. 75° W. forty-seven rods and eighteen links, to a corner - thence N. 14 1/4 E. fifteen rods and seventeen links, to the first mentioned bound, with all the privileges and appurtenances belonging. "To have and to hold the afore-granted premises, to the said Charles Thompson, his heirs and assigns, to his & their use and behoof forever. And I do for myself, my heirs, executors and administrators, covenant with the said Charles Thompson, his heirs and as-

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Thatcher B. Dunn, Justice of the Peace.

Rec'd June 2, 1911, at 8h. 30m. A. M. Ent'd &amp; Ex'd.

Greenwood  
to  
Town of Gardner

\* \* \* \* \*

KNOW ALL MEN BY THESE PRESENTS that I, Helen R. Greenwood of Gardner in the County of Worcester and Commonwealth of Massachusetts, in consideration of One Dollar and other valuable consideration, paid by the Inhabitants of the Town of Gardner, the receipt whereof is hereby acknowledged, do hereby GIVE, GRANT, BARGAIN, SELL, and CONVEY unto the said Inhabitants of the Town of Gardner, a certain tract of land situated in said GARDNER, bounded and described as follows, to wit: Beginning at the southwest corner thereof, in the northerly line of Cross Street and at the southeast corner of David F. Pratt's house lot; thence N 27° W by said Pratt lot 7 rods 18 links; thence S 64° W by said Pratt land 2½ rods; thence N 26½° W by land formerly of Wm. S. Lynde 33 rods 11 links to land of George F. Peabody; thence N 82½° E by said Peabody land 10½ rods to land formerly of Michael Keenan; thence S 28½° E by said Keenan land and land this day conveyed to said grantee by Levi R. Greenwood, 42 rods 24 links to said Cross St; thence S 76½° W by said Cross St. 8 rods to the place of beginning. Containing 2.35 acres, more or less. The above bearings are taken from a plan made by Aaron Greenwood, November 24th 1871. This conveyance is made upon the express condition, however, that the tract of land above described shall forever be maintained by said Town or its successors, as a public park. It is the wish of the grantor that no unnecessary or undesirable buildings shall be erected, and that no noisy sports nor public athletic contests be allowed within said park; it being the intention of the grantor that this tract of land, too small to offer the facilities of a larger park for athletics and entertainment, may rather be a breathing place for the quiet enjoyment of the citizens of the Town.

TO HAVE and TO HOLD the granted premises, with all the privileges and appurtenances thereto belonging to the said Inhabitants of the Town of Gardner and its successors and assigns to their own use and behoof forever. Subject, however, to the above condition. And I do hereby, for myself and my heirs, executors and administrators covenant with the said grantee and its successors and assigns that I am lawfully seized in fee simple of the granted premises, that they are free from all incumbrances, that I have good right to sell and convey the same as aforesaid; and that I will and my heirs, executors, and administrators shall WARRANT and DEFEND the same to the said grantee and its successors and assigns forever against the lawful claims and demands of all persons.

I NOW WITNESS WHEREOF I the said Helen R. Greenwood (widow) hereunto set my hand and seal this twenty-third day of July in the year one thousand nine hundred and six.

Signed, sealed, and delivered  
in presence of  
Thatcher B. Dunn Helen R. Greenwood (seal)  
Commonwealth of Massachusetts.

Worcester ss. July 27th 1906. Then personally appeared the above-named Helen R. Greenwood and acknowledged the foregoing instrument to be her free act and deed, before me.

Thatcher B. Dunn Justice of the Peace.  
Rec'd June 2, 1911, at 8h. 30m. A. M. Ent'd & Ex'd.

Heywood  
to  
Town of Gardner

\* \* \* \* \*

KNOW ALL MEN BY THESE PRESENTS that I, Seth Heywood of Gardner in the County of Worcester and Commonwealth of Massachusetts in consideration of One Hundred and Twenty Dollars paid by the Inhabitants of said Town of Gardner, the receipt whereof is hereby acknowledged, do hereby GIVE, GRANT, BARGAIN, SELL, and CONVEY unto the said Inhabitants of the Town of Gardner, a certain tract of land situate in said GARDNER and bounded and described as follows, to wit: Beginning at a drill hole in a rock at the northwest corner of Crystal Lake Cemetery; thence easterly at an included angle of 262° 59' with the westerly line of said cemetery, by the northerly line of said cemetery, 185.83 feet to a drill hole in a rock; thence at an included angle of 76° 26' northerly, 206.42 feet to a stake; thence at an included angle of 96° 30', westerly, 419.90 feet to the easterly line of land of the Fitchburg Railroad Company (Worcester Division); thence at an included angle of 84° 02', southerly, by land of said Railroad Company 432.25 feet to a stake; thence at an included angle of 112° 52', easterly, by a stone wall, 147.23 feet to a drill hole in a rock in the westerly line of said cemetery; thence at an included angle of 87° 11',

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northerly, by said cemetery line, 301.84 feet to the place of beginning, containing 2.99 acres.  
 TO HAVE and TO HOLD the granted premises, with all the privileges and appurtenances thereto belonging to the said Inhabitants of the Town of Gardner and its successors and assigns to their own use and behoof forever. And I do hereby, for myself and my heirs, executors, and administrators covenant with the said grantees and its successors and assigns that I am lawfully seized in fee simple of the granted premises, that they are free from all incumbrances, that I have good right to sell and convey the same as aforesaid; and that I will and my heirs, executors, and administrators shall WARRANT and DEFEND the same to the said grantees and its successors and assigns forever against the lawful claims and demands of all persons  
 IN WITNESS WHEREOF I the said Seth Heywood (widower) hereunto set my hand and seal this fifteenth day of August in the year one thousand nine hundred and two.  
 Signed, sealed, and delivered  
 in presence of  
 Henry Heywood  
 George Heywood  
 Frank W. Smith  
 Emily Ballard Smith.

*Seth Heywood* (seal)

Commonwealth of Massachusetts.  
 Worcester ss. Gardner Mass., Aug 18th 1902 Then personally appeared the above-named Seth Heywood and acknowledged the foregoing instrument to be his free act and deed, before me,  
 Levi W. Wood Justice of the Peace.  
 Rec'd June 2, 1911, at Sh. 30m. A. M. Ent'd & Ex'd.

\* \* \* \* \*

KNOW ALL MEN BY THESE PRESENTS that I, Joseph L. Rome of Gardner, in the County of Worcester and Commonwealth of Massachusetts, in consideration of One Dollar and other valuable considerations paid by the Inhabitants of the Town of Gardner, a municipal corporation duly established under the laws of the Commonwealth of Massachusetts, the receipt whereof is hereby acknowledged, do hereby GIVE GRANT, SELL and CONVEY unto the said Town of Gardner the corner of Parker and Nichols Streets in said Gardner, bounded and described as follows, to wit: Commencing at the southwesterly corner thereof at street bound #2 in the westerly line of said Nichols Street; thence N. 15° 57' E. along the old westerly line of said Nichols Street 55.64 feet to an iron pipe at the corner of said Nichols and Parker Streets; thence N. 88° W. along the line of Parker Street 6 feet to a spike in the sidewalk; thence at an included angle of 97° 55' with the last line and S. 9° 55' W. 57.40 feet by new Nichols Street line to the place of beginning. The last and first line make an included angle of 6° 02' containing 164 square feet.  
 TO HAVE and TO HOLD the granted premises, with all the privileges and appurtenances thereto belonging to the said Inhabitants of the Town of Gardner and its assigns, to its and their own use and behoof forever. And I hereby for myself and my heirs, executors and administrators, covenant with the grantees and its assigns that I am lawfully seized in fee simple of the granted premises, that they are free from all incumbrances, that I have good right to sell and convey the same as aforesaid; and that I will and my heirs, executors, and administrators shall WARRANT and DEFEND the same to the grantees and its assigns forever against the lawful claims and demands of all persons  
 And for the consideration aforesaid I, Rebecca Rome, wife of the said Joseph L. Rome, hereby release unto the grantee and its assigns all right of or to both DOWER and HOMESTEAD in the granted premises, and all other rights and interests therein.  
 IN WITNESS WHEREOF we the said Joseph L. Rome and Rebecca Rome hereunto set our hands and seals this 16th day of June in the year one thousand nine hundred and nine.  
 Signed, sealed and delivered  
 in presence of  
 J P Carney

Joseph L. Rome (seal)  
 Rebecca Rome (seal)

Commonwealth of Massachusetts.  
 Worcester, ss. July 12, 1909. Then personally appeared the above-named Joseph L. Rome and acknowledged the foregoing instrument to be his free act and deed, before me-  
 Joseph P Carney Justice of the Peace.  
 Rec'd June 2, 1911, at Sh. 30m. A. M. Ent'd & Ex'd.



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Stone  
to  
Town of Gardner

KNOW ALL MEN BY THESE PRESENTS that I, Arthur J. Stone, of Gardner in the County of Worcester and Commonwealth of Massachusetts in consideration of One Dollar and other valuable considerations paid by Inhabitants of the Town of Gardner, a municipal corporation in said County the receipt whereof is hereby acknowledged, do hereby GIVE, GRANT, BARGAIN, SELL, and CONVEY unto the said Inhabitants of the Town of Gardner a certain tract of land with the buildings thereon, situated on the westerly side of Union Street and southerly side of Winter Street in said GARDNER, and bounded and described as follows, to wit: Beginning at the intersection of the westerly line of Union Street with the southerly line of Winter Street; thence southerly by said Union Street about 115.48 feet to land of the Town of Gardner; thence westerly by the said Town's land about 66 feet to a corner; thence northerly by said Town land about 118.16 feet to a stake in the line of said Winter Street; thence easterly by said Winter Street 66 feet to the place of beginning. My title is derived from deed of Ame Guilletto to me, dated May 5th, 1910, and recorded with Worcester District Deeds, Book 1934, Page 393 and deed of Elbridge G. Gigger, to me, dated May 24th, 1910, and recorded with said District Deeds, Book 1934, Page 371, reference to which is hereby made.

T O H A V E and T O H O L D the granted premises, with all the privileges and appurtenances thereto belonging, to the said Inhabitants of the Town of Gardner and its successors and assigns, to their own use and behoof forever. And I hereby for myself and my heirs, executors, and administrators, covenant with the grantee and its successors and assigns that I am lawfully seized in fee-simple of the granted premises; that they are free from all incumbrances; that I have good right to sell and convey the same as aforesaid; and that I will and my heirs, executors, and administrators, shall WARRANT and DEFEND the same to the grantee and its successors and assigns forever against the lawful claims and demands of all persons.

And for the consideration aforesaid I, Elizabeth R. Stone, wife of the said Arthur J. Stone do hereby release unto the said grantee and its successors and assigns all right of or to both DOWER and HOMESTEAD in the granted premises, all rights by statute and all other rights and interests therein.

I N W I T N E S S W H E R E O F we the said Arthur J. Stone and Elizabeth B. Stone hereunto set our hands and seals this twenty-first day of January in the year one thousand nine hundred and eleven

Signed and sealed in presence of  
Adelaide Bent

Arthur J. Stone (seal)  
Elizabeth E. Stone (seal)

Commonwealth of Massachusetts.  
Worcester, ss. January 21st, 1911 Then personally appeared the above-named Arthur J. Stone and acknowledged the foregoing instrument to be his free act and deed, before me,  
Geo R Tarfield Justice of the Peace.  
Rec'd June 2, 1911, at 8h. 30m. A. M. Ent'd & Ex'd.

Graham et al.

to

Town of Gardner

KNOW ALL MEN BY THESE PRESENTS that we, Henry L. Graham of Gardner, in the County of Worcester and Commonwealth of Massachusetts, and Lucius P. Graham of Boston, in the County of Suffolk, in said Commonwealth, in consideration of Eight Hundred (800) Dollars paid by Inhabitants of said Town of Gardner, the receipt whereof is hereby acknowledged, do hereby GIVE, GRANT, BARGAIN, SELL, and CONVEY unto the said Inhabitants of Town of Gardner a certain parcel of land situated on the northerly side of West Street, in said GARDNER, bounded and described as follows, to wit: Commencing at the southeast corner thereof in the northerly line of said West Street at a corner of land of the West Street schoolhouse lot; thence northerly by an included angle of 85° 36' with said northerly line of said West Street by said West Street schoolhouse lot 146.69 feet to a stake and stones; thence westerly by an included angle of 101.59° with the last mentioned line by land formerly of grantors 50 ft. to an iron pipe at corner of land of Fred Grammond; thence southerly by an included angle of 78° 26' with the last mentioned line by land of said Fred Grammond 151.43 ft. to a pipe in the northerly line of said West Street; thence easterly by an included angle 92° 57' with last mentioned line 50 ft. by said northerly line of said West Street to the place of beginning. Containing 26.61 square rods, more or less.

T O H A V E and T O H O L D the granted premises, with all the privileges and appurtenances thereto belonging to the said Inhabitants of the Town of Gardner and its successors and assigns to their own use and behoof forever. And we hereby, for ourselves and our heirs, executors and administrators, covenant with the grantee and its successors and assigns that we are lawfully seized in fee-simple of the granted premises, that they are free from all incumbrances, that we have good right to sell and



1964

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convey the same as aforesaid; and that we will and our heirs, executors and administrators shall W A R R A N T and D E F E N D the same to the grantee and its successors and assigns forever against the lawful claims and demands of all persons.

I N W I T N E S S W H E R E O F we the said Henry L. Graham and Lucius F. Graham, (being both unmarried) hereunto set our hands and seals this 4th day of September in the year one thousand nine hundred and eight.

Signed, sealed and delivered in presence of

William M. Welch.  
Edward D. Curley.

Henry L. Graham (seal)  
Lucius F. Graham (seal)

Commonwealth of Massachusetts.

Worcester, ss. September 4, 1908. Then personally appeared the above-named Henry L. Graham and acknowledged the foregoing instrument to be his free act and deed, before me-

William M. Welch, Justice of the Peace.

Rec'd June 2, 1911, at 8h. 30m. A. M. Ent'd & Rx'd.

\* \* \* \* \*

K N O W A L L M E N B Y T H E S E P R E S E N T S that I, Alice J. Ray, of Dana in the County of Worcester and Commonwealth of Massachusetts, in consideration of Three Hundred and Fifty Dollars paid by the Barre Savings Bank, a corporation established by law, and doing business at Barre, in the County of Worcester and Commonwealth of Massachusetts, the receipt whereof is hereby acknowledged, do hereby G I V E ,

Ray

to

Barre Sav. Bank

G R A N T , B E A R G A I N , S E L L , and C O N V E Y unto the said Barre Savings Bank, a certain parcels of land, the 1st., situated in the Village of Storrsville, so called, in said DANA, containing 1/8 of an acre, more or less, and bounded as follows, to wit: Commencing at the abutment of a bridge on the road leading from said Storrsville to Hardwick, on the west side of said road, and on the south side of the stream crossed by said bridge; thence running westerly in a straight line about ten rods to a stake and stones at land now or formerly of Frank S. Grover on the south side of said stream; thence easterly about ten rods by land now or formerly of said Grover to a pile of stones by said road; thence northerly by said road about four rods to the place of beginning, not including any water power on said stream;

See Certificate

of Pos'n.

B2196 P. 520

See Deed & Atl.

of Sale

B2196 P. 564+565

The second, a certain tract of land with a barn thereon containing two acres, more or less, situated in the easterly part of said DANA in the Village known as Storrsville, together with all the privileges of using the water in the stream running by said land which I now hold, bounded and described as follows, to wit: Beginning at a corner or crossing of the road leading from said Dana to Barre and a road leading from Hardwick to Petersham and running southerly on the west side of the last named road to the south abutment of the bridge which is a corner of land now or formerly owned by Frank S. Grover; thence northwesterly on the line of said Grover's land to a corner; thence southerly on the line of land of said Grover to said road leading from said Dana to Barre; thence easterly on the south side of the last named road to the place of beginning;

The third: Situated in the easterly part of said DANA containing twenty acres, more or less, and bounded on the north by lands now or formerly of Mrs. Fortes Stone, Anna Flanerty, Charles Stone and the road leading from said Dana to Barre; on the east by land now or formerly of said Charles Stone, and the Page farm, so called, and lately owned by one McEvoy; on the south by land formerly owned by said McEvoy and on the west by the road leading from Petersham to Hardwick;

The fourth: "Certain real estate situate in DANA, in the County of Worcester, bounded and described as follows, viz: Beginning at the north-west corner on the road leading from Petersham to Hardwick, and running southerly on the east side of said road to the brook; thence on said brook easterly seven rods; thence northerly to the County road leading from Dana to Barre; thence on said road to the place of beginning; containing by estimation 97 rods." Being the premises to me conveyed by Francis Smith by deed of even date, to be herewith recorded, and by Francis Smith as Administrator of the Estate of Kate C. Smith by deed of even date, also to be herewith recorded. Excepting certain water rights as set forth in said first mentioned deed.

T O H A V E and T O H O L D the granted premises, with all the privileges and appurtenances thereto belonging, to the said Barre Savings Bank and its successors and assigns, to their own use and behoof forever. And I hereby, for myself and my heirs, executors, and administrators, covenant with the grantee and its successors and assigns that I am lawfully seized in fee-simple of the granted premises, that they are free from all incumbrances, that I have good right to sell and convey the same as aforesaid; and that I will and my heirs, executors, and administrators shall W A R R A N T and D E F E N D the same to the grantee and its successors and assigns forever against the lawful claims and demands

1964

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KNOW ALL MEN BY THESE PRESENTS that I, George F. Peabody of Gardner in the County of Worcester and Commonwealth of Massachusetts, in consideration of One Dollar, paid by the Inhabitants of the Town of Gardner, a municipal corporation in the County of Worcester, and Commonwealth of Massachusetts the receipt whereof is hereby acknowledged, do hereby GIVE, GRANT, BARGAIN, SELL and CONVEY unto the said Inhabitants, a certain lot of land situated in said GARDNER, bounded and described as follows, to wit: Commencing at an iron pin in the southerly line of Lynde Street; thence easterly on the southerly line of Lynde Street 171 feet more or less to land now or formerly of Michael Keenan; thence on land now or formerly of Michael Keenan S. 26 $\frac{1}{2}$  $^{\circ}$  E. 11 $\frac{1}{2}$  rods more or less to land of the Inhabitants of the Town of Gardner; thence S. 52 $\frac{1}{2}$  $^{\circ}$  W. on land of said Inhabitants of the Town of Gardner 10 $\frac{1}{2}$  rods more or less to a stone monument at corner of land of Charles B. Hill and the grantor; thence northerly on land of the grantor to the place of beginning. The grantee is to build and forever maintain a fence on the westerly side of the above described lot of land.

TO HAVE and TO HOLD the granted premises, with all the privileges and appurtenances thereto belonging, to the said Inhabitants and its successors and assigns, to their own use and behoof forever. And I hereby for myself and my heirs, executors, and administrators, covenant with the grantee and its successors and assigns that I am lawfully seized in fee-simple of the granted premises; that they are free from all incumbrances; that I have good right to sell and convey the same as aforesaid; and that I will and my heirs, executors, and administrators shall WARRANT and DEFEND the same to the grantee and its successors and assigns forever against the lawful claims and demands of all persons.

And for the consideration aforesaid I, Octavia A. Peabody, wife of said George F. Peabody, do hereby release unto the said grantee and its successors and assigns all right of or to both DOWER and HOMESTEAD in the granted premises, and all other rights and interests therein.

IN WITNESS WHEREOF we the said George F. Peabody and Octavia A. Peabody, herunto set our hands and seals this twenty seventh day of January in the year one thousand nine hundred and eight.

A. W. Bancroft.  
A. W. Bancroft.

Geo F. Peabody. (seal)  
Octavia A. Peabody (seal)

Commonwealth of Massachusetts.

Worcester, ss. January 30th, 1908. Then personally appeared the above-named George F. Peabody and acknowledged the foregoing instrument to be his free act and deed, before me -

Ephraim D. Howe, Justice of the Peace.

Rec'd June 2, 1911, at 8h. 30m. A. M. Ent'd & Ex'd

\* \* \* \* \*

KNOW ALL MEN BY THESE PRESENTS that WHEREAS I, George R. Godfrey as Administrator of the Estate of Mary A. Keenan late of Gardner, in the County of Worcester and Com. of Massachusetts by virtue of a license granted to me on the fourth day of February last by the Probate Court for the County of Worcester have sold the real estate of the said deceased hereinafter described, at private sale, to Inhabitants of the Town of Gardner for the sum of Forty-seven Hundred (4700) Dollars.

NOW THEREFORE, in consideration of the said sum of Forty-seven Hundred (4700) Dollars to me paid by the said Inhabitants of the Town of Gardner the receipt whereof is hereby acknowledged, I do, as Administrator as aforesaid, and by virtue of the aforesaid license, hereby GRANT, BARGAIN, SELL, and CONVEY unto the said Inhabitants of the Town of Gardner a certain tract of land situated near the Centre of GARDNER, and bounded as follows, to wit: Beginning at a stake and stones at the road leading by the house of William S. Lynde; thence S. 17 $\frac{1}{2}$  $^{\circ}$  E. 41 rods by said Lynde's land to a stake and stones; thence N. 53 $\frac{1}{2}$  $^{\circ}$  E. 8 rods to a stake and stones; thence N. 17 $\frac{1}{2}$  $^{\circ}$  W. 41 rods to the road above mentioned; thence along the line of said road 6 rods to the place of beginning.

TO HAVE and TO HOLD the granted premises, with all the privileges and appurtenances thereto belonging, to the said Inhabitants of the Town of Gardner and its successors and assigns, to their own use and behoof forever.

IN WITNESS WHEREOF I hereto set my hand and seal this sixth day of March in the year one thousand nine hundred and eight. Signed and sealed in presence of

A. W. Bancroft.

George R. Godfrey (seal)  
Commonwealth of Massachusetts.

Worcester ss. Mar 6<sup>th</sup> 1908. Then personally appeared the above named

Peabody

to

Town of  
Gardner

Keenan Est.

to

Town of  
Gardner

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1964

George R. Godfrey and acknowledged the foregoing instrument to be his free act and deed, before me -

Joseph P. Carney Justice of the Peace.

Rec'd June 2, 1911, at 8h. 30m. A. M. Ent'd & Ex'd

\* \* \* \* \*

Gardner Sav.  
Bank

to

Marion

KNOW ALL MEN BY THESE PRESENTS that the Gardner Savings Bank, a corporation established under the laws of the Commonwealth of Massachusetts, mortgages in the within described mortgage, dated October 24, A. D., 1904 and recorded with Worcester District Registry of Deeds, Libro 1793 Folio 257 does hereby acknowledge that it has received from Philomene M. Marion the mortgagor named in said mortgage full payment and satisfaction of the same; and in consideration thereof does hereby cancel and DISCHARGE said mortgage and release and quit-claim unto the said Philomene M. Marion and her heirs and assigns, forever the premises thereby conveyed.

IN WITNESS WHEREOF the said Gardner Savings Bank has caused these presents to be signed, acknowledged and delivered in its name and behalf by John D. Edgell its President and the seal of said Bank to be hereto affixed this twenty-ninth day of May A. D. 1911.

The Gardner Savings Bank, (seal)

By John D. Edgell President

Commonwealth of Massachusetts.

Worcester, ss. May 29th A. D. 1911. Then personally appeared the above-named John D. Edgell and acknowledged the foregoing instrument to be the free act and deed of said Savings Bank. Before me,

Amasa B Bryant Notary Public.

Rec'd June 2, 1911, at 8h. 30m. A. M. Ent'd & Ex'd

\* \* \* \* \*

Southbridge Sav.  
Bank

to

Phaneau

KNOW ALL MEN BY THESE PRESENTS, that the Southbridge Savings Bank, the mortgage named in a certain mortgage given by Ellen Phaneau to said Bank dated May 2<sup>nd</sup> A. D. 1902 and recorded with Worcester District Registry of Deeds, Book 1715 Page 227, having received from said Phaneau the full payment and satisfaction of the same, does, in consideration thereof, hereby cancel and DISCHARGE said mortgage, and does hereby also release all its rights and interest in or title to the premises described in the said mortgage deed.

IN WITNESS WHEREOF the Southbridge Savings Bank, by Charles A. Chapman its Treasurer duly authorized for that purpose, has hereunto set its corporate name and seal this first day of June A. D. 1911

In presence of  
J M Cochran

Southbridge Savings Bank. (seal)

By Charles A. Chapman Treas.

Worcester, ss. June 1st 1911. Then appeared the above named Charles A. Chapman and acknowledged the foregoing instrument to be the free act and deed of the Southbridge Savings Bank. Before me,

J. M. Cochran Justice of the Peace.

Rec'd June 2, 1911, at 8h. 30m. A. M. Ent'd & Ex'd

\* \* \* \* \*

Jarosz

to

Potvin

See Assignment,  
B2/20 P. 177

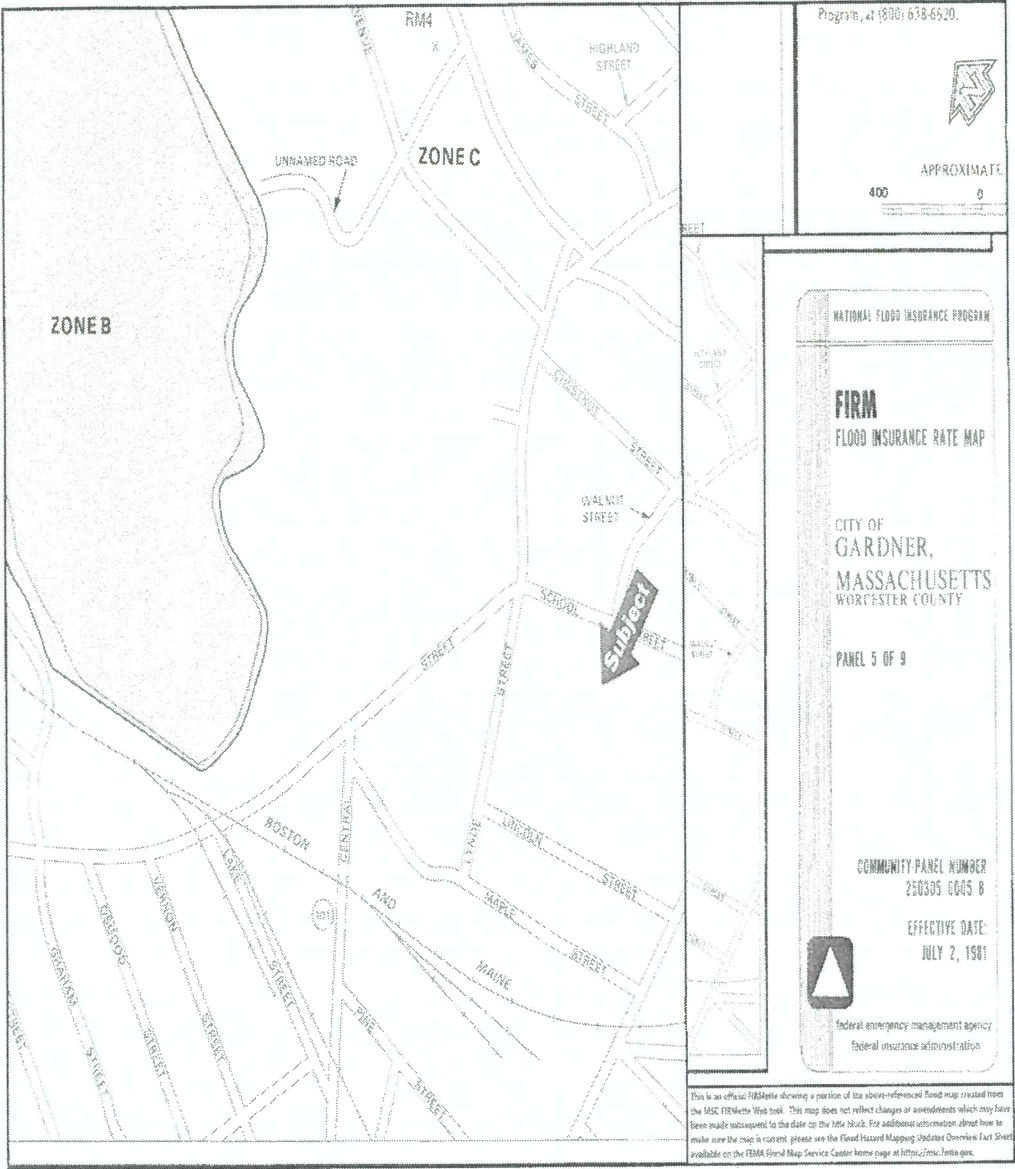
See Discharge  
B2/20 P. 329

KNOW ALL MEN BY THESE PRESENTS that I, Katarzyna Jarosz, of Dudley in the County of Worcester and Commonwealth of Massachusetts, in consideration of Seven Hundred (\$700.) Dollars paid by J. C. Zephir Potvin of Webster in said County and Commonwealth of Massachusetts, the receipt whereof is hereby acknowledged, do hereby GIVE, GRANT, BARGAIN, SELL and CONVEY unto the said J. C. Zephir Potvin, a certain tract or parcel of land with the buildings thereon, situate in said DUDLEY bounded and described in the deed of Constantin Wacławski to John Jarosz said deed being dated January 5th, 1909 and recorded in Worcester District Registry of Deeds in Book 1895, Page 479 to which deed reference may be had for a more particular description. Also part of a lot on Rocky Hill in said DUDLEY conveyed to the said John Jarosz and referred to in the same deed.

TO HAVE and TO HOLD the granted premises, with all the privileges and appurtenances thereto belonging, to the said J. C. Zephir Potvin and his heirs and assigns, to their own use and behoof forever. And I hereby for myself and my heirs, executors, and administrators, covenant with the grantee and his heirs and assigns that I am law-



**Flood Insurance Rate Map**





Property Record Card

53 SCHOOL ST

Location53 SCHOOL ST

MbluR27/ 22/ 12/ 1

Acct#

OwnerCITY OF GARDNER

PBN

Assessment\$269,200

Appraisal\$269,200

PID3891

Building Count2

Current Value

| Appraisal      |              |           |           |  |
|----------------|--------------|-----------|-----------|--|
| Valuation Year | Improvements | Land      | Total     |  |
| 2027           | \$103,000    | \$166,200 | \$269,200 |  |
| Assessment     |              |           |           |  |
| Valuation Year | Improvements | Land      | Total     |  |
| 2022           | \$103,000    | \$166,200 | \$269,200 |  |

Owner of Record

OwnerCITY OF GARDNER

Co-OwnerSCHOOL ST SCHOOL & JACKSON PLAYGROUND

Address35 PLEASANT ST STE 125  
GARDNER, MA 01448

Sale Price\$0

Certificate

Book & Page1/0

Sale Date01/01/1900

Instrument00

Ownership History

| Ownership History |            |             |             |            |            |
|-------------------|------------|-------------|-------------|------------|------------|
| Owner             | Sale Price | Certificate | Book & Page | Instrument | Sale Date  |
| CITY OF GARDNER   | \$0        |             | 1/0         | 00         | 01/01/1900 |

Building Information

Building 1 : Section 1

Year Built:2000

Living Area:1,125

Replacement Cost:\$100,657

Building Percent Good:5

Replacement Cost

Less Depreciation:\$5,000

Building Photo

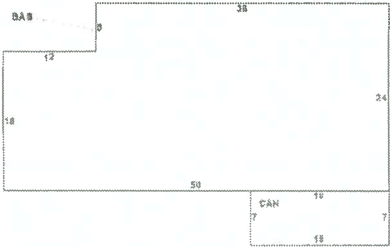
 Building Photo

<https://images.vgsi.com/boston/gardner/MapPhotos/default.jpg>

| Building Attributes |                   |
|---------------------|-------------------|
| Field               | Description       |
| Style:              | Elementary School |
| Model:              | Industrial        |

|                  |                     |
|------------------|---------------------|
| Grade            | Minimum             |
| Stories:         | 1                   |
| Occupancy        | 1.00                |
| Exterior Wall 1  | Pre-Fab Wood        |
| Exterior Wall 2  |                     |
| Roof Structure   | Gable/Hip           |
| Roof Cover       | Asph/F Gls/Cmp      |
| Interior Wall 1  | Drywall/Sheet       |
| Interior Wall 2  |                     |
| Interior Floor 1 | Vinyl/Asphalt       |
| Interior Floor 2 | Carpet              |
| Heating Fuel     | Electric            |
| Heating Type     | Electr Basebrd      |
| AC Type          | None                |
| Struct Class     |                     |
| Bldg Use         | Gardner Education C |
| Total Rooms      |                     |
| Total Bedrms     | 00                  |
| Total Baths      | 0                   |
| 1st Floor Use:   | 9031                |
| Heat/AC          | NONE                |
| Frame Type       | WOOD FRAME          |
| Baths/Plumbing   | AVERAGE             |
| Ceiling/Wall     | SUS-CEIL & WL       |
| Rooms/Prns       | AVERAGE             |
| Wall Height      | 8.00                |
| % Conn Wall      | 0.00                |

Building Layout



(ParcelSketch.ashx?pid=3591&bid=4029)

| Building Sub-Areas (sq ft) |             |            | Legend      |
|----------------------------|-------------|------------|-------------|
| Code                       | Description | Gross Area | Living Area |
| BAS                        | First Floor | 1,128      | 1,128       |
| CAN                        | Canopy      | 126        | 0           |
|                            |             | 1,254      | 1,128       |

Building 2 : Section 1

Year Built: 1895  
Living Area: 23,911  
Replacement Cost: \$1,703,354  
Building Percent Good: 5  
Replacement Cost  
Less Depreciation: \$85,200

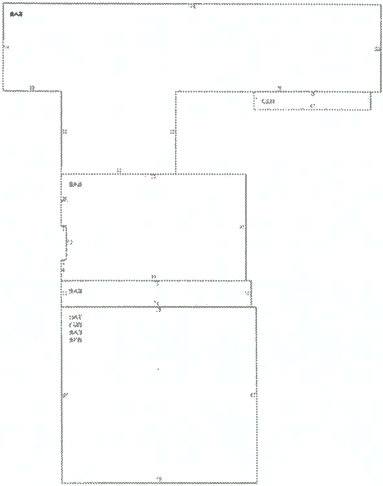
Building Photo

 Building Photo  
(<https://images.vgsi.com/photos/GardnerMAPPhotos/default.jpg>)

| Building Attributes : Bldg 2 of 2 |                   |
|-----------------------------------|-------------------|
| Field                             | Description       |
| Style:                            | Elementary School |
| Model                             | Commercial        |
| Grade                             | Minimum           |
| Stories:                          | 2                 |
| Occupancy                         | 1.00              |
| Exterior Wall 1                   | Brick/Masonry     |
| Exterior Wall 2                   |                   |
| Roof Structure                    | Flat              |
| Roof Cover                        | Tar & Gravel      |
| Interior Wall 1                   | Plastered         |
| Interior Wall 2                   | Drywall/Sheet     |

|                  |                     |
|------------------|---------------------|
| Interior Floor 1 | Hardwood            |
| Interior Floor 2 | Concr-Finished      |
| Heating Fuel     | Oil                 |
| Heating Type     | Steam               |
| A/C Type         | None                |
| Struct Class     |                     |
| Bldg Use         | Gardner Education C |
| Total Rooms      |                     |
| Total Bedrms     | 00                  |
| Total Baths      | 2                   |
| 1st Floor Use:   | 903C                |
| Heat/AC          | NONE                |
| Frame Type       | MASONRY             |
| Baths/Plumbing   | AVERAGE             |
| Ceiling/Wall     | CEIL & WALLS        |
| Rooms/Ptns       | AVERAGE             |
| Wall Height      | 12.00               |
| % Conn Wall      | 0.00                |

Building Layout



(ParcelSketch.aspx?pid=3891&bid=4029)

| Building Sub-Areas (sq ft) |                        |            | Legend      |
|----------------------------|------------------------|------------|-------------|
| Code                       | Description            | Gross Area | Living Area |
| BAS                        | First Floor            | 14,866     | 14,866      |
| FUS                        | Upper Story, Finished  | 5,025      | 5,025       |
| SFB                        | Basmt, Above Grade Fin | 5,025      | 4,320       |
| CAN                        | Canopy                 | 315        | 0           |
| UAT                        | Attic, Unfinished      | 5,025      | 0           |
|                            |                        | 30,256     | 23,911      |

Extra Features

| Extra Features             | Legend |
|----------------------------|--------|
| No Data for Extra Features |        |

Land

Land Use

|               |                     |
|---------------|---------------------|
| Use Code      | 9341                |
| Description   | Gardner Education C |
| Zone          | R3                  |
| Neighborhood  | C1                  |
| Alt Land Appr | No                  |
| Category      |                     |

Land Line Valuation

|                 |           |
|-----------------|-----------|
| Size (Sqr Feet) | 352935    |
| Frontage        | 0         |
| Depth           | 0         |
| Assessed Value  | \$166,200 |
| Appraised Value | \$166,200 |

Outbuildings

| Outbuildings |               |          |                 |             |         | Legend |
|--------------|---------------|----------|-----------------|-------------|---------|--------|
| Code         | Description   | Sub Code | Sub Description | Size        | Value   | Bldg # |
| PN6          | Fence 4 no ft |          |                 | 620.00 L.F. | \$1,600 | 2      |

|      |               |  |  |              |         |   |
|------|---------------|--|--|--------------|---------|---|
| PAV1 | Paving Aspha  |  |  | 4000.00 S.F. | \$3,600 | 2 |
| FN5  | Fence 4 no rl |  |  | 480.00 L.F.  | \$1,700 | 1 |
| FN8  | Fence 6 no rl |  |  | 1400.00 L.F. | \$5,600 | 1 |

Valuation History

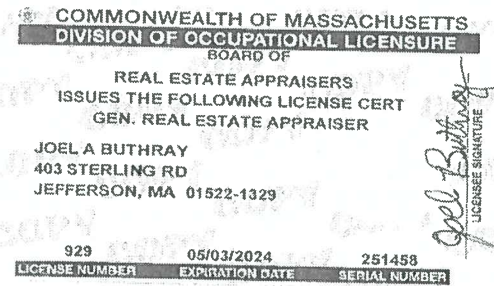
| Appraisal      |              |           |             |
|----------------|--------------|-----------|-------------|
| Valuation Year | Improvements | Land      | Total       |
| 2021           | \$103,000    | \$166,200 | \$269,200   |
| 2020           | \$1,907,100  | \$166,200 | \$2,073,300 |
| 2019           | \$1,907,100  | \$166,200 | \$2,073,300 |

| Assessment     |              |           |             |
|----------------|--------------|-----------|-------------|
| Valuation Year | Improvements | Land      | Total       |
| 2021           | \$103,000    | \$166,200 | \$269,200   |
| 2020           | \$1,907,100  | \$166,200 | \$2,073,300 |
| 2019           | \$1,907,100  | \$166,200 | \$2,073,300 |

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Appraisal License



## Qualifications

### *Joel Buthray, MAI*

**EMPLOYMENT:** O'HARA-BUTHRAY ASSOCIATES, INC.  
*Partner*  
*Actively involved in appraising, consulting and reviewing appraisal reports*  
 Worcester, Massachusetts  
 September 1995 to date

PATRICK MCMAHON ASSOCIATES, INC.  
*Associate Real Estate Appraiser*  
 Worcester, Massachusetts  
 November, 1986 to August, 1995

GUARANTY BANK AND TRUST  
*Collections/Credit Analyst*  
 Worcester, Massachusetts  
 April 13, 1983 to November 7, 1986

HOUSEHOLD FINANCE COMPANY  
*Assistant Manager*  
 Worcester, Massachusetts  
 December, 1981 to April 10, 1983

**EDUCATION:** WORCESTER STATE COLLEGE  
 Worcester, Massachusetts  
*Bachelor of Science*  
*Major in Economics, Minor in Philosophy*

#### CONTINUING EDUCATION COURSES

- Introduction to Commercial Appraisal Review 4/22
- Appraisal of Industrial and Flex Buildings 4/22
- Appraisal of Fast Food Facilities 4/22
- National USPAP Update Course 4/22
- Uniform Appraisal Standards for Federal Land Acquisitions 4/20
- National USPAP Update Course 4/20
- The Basics of Expert Witness for Commercial Appraiser 4/20
- Basic Hotel Appraising – Limited Service Hotels 3/18
- Advanced Hotel Appraising – Full Service Hotels 3/18
- Appraising Automobile Dealerships 3/18
- Appraising Small Apartment Properties 3/18
- Appraisal of Fast Food Facilities 3/18
- Appraisal of Single Tenant Distribution Centers 3/18
- Appraisal of Self-Storage Facilities 3/18
- 2018-2019 7-Hour National USPAP Update Course 3/18
- Appraisal of Assisted Living Facilities 2/18
- Appraisal of Land Subject to Ground Leases 2/18

- Online Business Practices and Ethics 12/17
- Appraisal of Owner-Occupied Commercial Properties, 4/16
- Appraisal of Land Subject to Ground Lease, 4/16
- Appraisal of Industrial Incubators, 4/16
- 2014-2015 National USPAP Update Course, 7/15
- Online Analyzing Operating Expenses, 12/12
- Online Advanced Internet Search Strategies, 12/12
- USPAP (7 hr) Outside Provider, 12/12
- The Cost Approach, 11/12
- Appraising & Analyzing Industrial & Flex Buildings, 11/12
- Site Analysis and Valuation, 10/12

**PROFESSIONAL  
MEMBERSHIPS:**

Appraisal Institute, MAI #11326

**APPRAISAL  
EXPERIENCE:**

Appraisals and/or feasibility studies of diverse properties for governmental agencies, financial institutions, insurance companies, industrial corporations, attorneys, developers, relocation agencies and individual clients.

**TYPES OF  
PROPERTIES  
APPRAISED:**

Commercial, industrial, unimproved land, churches, apartments, shopping centers, car dealerships, motels, condominium developments, subdivisions, etc.

**COURT TESTIMONY:**

Bankruptcies, divorces and abatelements

**MEDIATION WORK:**

City of Worcester and Providence and Worcester Railroad

**PAST AREAS OF  
ASSIGNMENT:**

Massachusetts, Connecticut, and Rhode Island

**CERTIFICATION:**

Certified General Real Estate Appraiser  
Commonwealth of Massachusetts #929 Expires 5/3/2024

**RECERTIFICATION:**

As of this date, I have completed the requirements of the continuing education program of the Appraisal Institute.



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

---

August 25, 2022

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

RE: Fire Department Operations Audit

Dear Madam President and Councilors,

Attached, please find the Operations Audit of the Gardner Fire and Ambulance Departments conducted by John Parow Consulting & Associates.

Ret. Chief Parow has stated that if the Council wishes, he would gladly present his findings to the City Council in a meeting as well.

The report outlines the current financial surplus generated by the City Ambulance Service, the positive outcomes of our agreement with Woods Ambulance, civil service, staffing level, facilities conditions, and other topics related to the operations of these departments.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

CC: Finance Committee  
Public Safety Committee



# City of Gardner Fire Department

Emergency Medical System Review

Overview of Facility Needs

Civil Service - Pros and Cons

Review Current Staffing Model

Conducted By:

**John Parow Consulting & Associates**

32 School Street

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## **Project Overview**

### **Scope of Work**

1. Conduct an overview of the Emergency Medical Response system at the 5-year mark
2. Examine the department facilities and needs
3. Review how the MA Civil Service System works for the department and if improvements can be made
4. Review the current department staffing model against industry standards and comparison departments in the Commonwealth of MA.

### **Methodology**

1. Conducted multiple site visits to become familiar with operations of the Gardner Fire Department and the Community included:
  - a. Fire/EMS operations
  - b. Department's organizational structure
  - c. Current staffing model
  - d. Deployment patterns
  - e. Review of Facilities
  - f. Future needs
  - g. Community demographics, etc.
2. Multiple requests for supporting information from the Fire Department via
  - a. Email
  - b. Phone Conversations
3. Gathered statistical department data to determine current and trending activity
  - a. This data requested and provided by the department and/or City
    - i. Fire/EMS statistics over the last five years
    - ii. EMS Collections – City Auditor
    - iii. Past studies or reports
    - iv. Civil Service history
4. Gather statistical data from comparison departments
  - a. Electronic Surveys
  - b. Phone Conversations
5. Review and Compare National Fire and Emergency Medical Services Best Practices

## **Emergency Medical System Review**

### **The Edward Collins Center Study 2015**

The Edward Collins Center completed a study, in early 2015, regarding the Gardner Fire Department running 1 Basic Life Support (BLS) for the City of Gardner. The study had the following projections and advantages of Gardner Fire Department staffing an in-house BLS ambulance:

1. One Gardner Fire Department BLS ambulance would transport an estimated 75% of all emergency medical patients;
2. Additional staffing at fires and emergency situations ("more boots on the ground");
3. Additional funding to offset costs of maintaining a busy fire department;
4. Additional services to residents, property owners and businesses with no increase in taxes.

### **General Overview of the Current Fire/Ambulance System**

#### **Moving forward with Gardner Fire Department BLS Ambulance in 2016**

In 2016 the city decided to move forward with the fire based in-house BLS ambulance service. They hired an additional seven dual role firefighter/EMTs in October of 2016. The purpose of the dual role Firefighter/EMTs is to staff the ambulance and/or respond to fires or emergency calls ("more boots on the ground"). The concept of a dual role firefighter/EMT is that when they are not out on an ambulance call they are available to supplement the fire and emergency response staffing in the City. In the Fire Service this system of dual role responsibilities has proven to be a very efficient use of personnel.

In order to get the BLS ambulance system off the ground, the Fire Department needed to acquire a fully equipped ambulance. They purchased a used 2007 ambulance from the Town of Westminster for \$8,000.00, Rescue 2. In 2018 the department purchase a new 2018, state of the art, ambulance to run as the primary ambulance for \$235,000.00, Rescue 3, and retired Rescue 2 to the position of the reserve or back-up ambulance.

#### **Relationship with Wood's Ambulance**

Gardner Fire Department has a very interesting relationship with Wood's Ambulance Company. Wood's Ambulance provides two ALS ambulances to the city on a 24/7 basis and operates out of Gardner Fire Department Headquarters, Station 2. The interesting part of this relationship is that when the Gardner Fire Department ambulance is tied up on a call, Wood's will respond to all secondary calls. Additionally, Wood's provides for all the Advance Life Support (ALS) needs in support of the Gardner Fire Department BLS ambulance.

An example of how an ALS call would be handled, Gardner Fire Department Rescue 3 and one of Wood's ambulances would respond to a call deemed "ALS" by the response matrix. When they arrive on scene, and if it is further determined the patient's needs is "ALS" the Gardner Fire Department Rescue 3 would transport the patient to the hospital with the Wood's Paramedic and the Gardner Fire Department EMT providing care to the patient in the back of the ambulance.

The other advantage of having Wood's Ambulance providing secondary coverage for the city, is that it fully supports the dual role firefighter/EMT model. For example, if Gardner Fire Department receives a



call for a fire in the city the two firefighter/EMTs assigned to the ambulance respond immediately to the fire call. This provides two additional firefighters on the fireground that were not available prior to Gardner Fire Department running the BLS ambulance system. In these situations, Wood’s two ambulances would provide primary ambulance coverage for the city.

(Note that the first 18 months of the program were with Med-Star and the arrangement was different with Gardner Fire Department only transporting BLS patients)

**Cost for the Additional Dual/Role Firefighter/EMTs**

Gardner Fire Department has a very unique budgeting system for their fire and ambulance operations. While most fire departments would include all firefighter costs in a single budget, Gardner Fire Department separates the two and has all ambulance related expenses, including personnel, broken out in a separate budget area. The advantage of this type of budgeting is that it makes it very easy to monitor the ambulance service, and to assure that it is paying for itself and what additional revenue are being generated for the city.

**Evaluate the Current Ambulance System over the last Five Years and Against the Original Edward Collins Center Study:**

**1. One Gardner Fire BLS ambulance would transport an estimated 75% of all emergency medical patients in the City.**

It was difficult to pull this data because neither Gardner Fire Department’s or Wood’s Ambulance’s reporting software specifically track this data. However, after the data was pulled manually, we were able to compile a 21-month period of data ranging between June 2020 through February 2022 which was sufficient to make this evaluation.

During this 21-month period there were a total of 4,840 ambulance transports, 3,692 were transported by Gardner Fire Department and 1,148 transported by Wood’s Ambulance.

| Total Transports | Trans GFD | Trans Wood's |
|------------------|-----------|--------------|
| 4840             | 3,692     | 1,148        |
| Percent          | 76%       | 24%          |

Figure 1

As noted in Figure 1 above Gardner Fire Department transported 76% of the emergency medical patients and Wood’s transported 24%. Over this 21-month period Gardner Fire Department met and slightly exceeded the estimate in the Collin’s Study of 75%. A number we were not able to capture was mutual aid and 3<sup>rd</sup> or 4<sup>th</sup> ambulance calls.

Moving forward, we feel that this data should be collected on an annual basis and reviewed to ensure this benchmark is being met or exceeded.

**2. Additional staffing at fires and emergency situations (“more boots on the ground”)**

Bringing the Ambulance in-house has increased the staffing of Gardner Fire Department by 33%. This is based on simple math, before the in-house system six firefighters were assign to each shift, after the in-house system, eight firefighters are assigned to each shift. The additional two dual role firefighter/EMTs,

per shift, are available to respond to non-related ambulance calls (fires and other emergencies) when not out on an ambulance call.

We did an analysis to see what percentage of the time the dual role firefighter/EMTs were unavailable on ambulance calls and what their availability was to work in a firefighter role. The analysis first took the number of transports the Gardner Fire Department ambulance did per year and divided that by 365 to get the average number of times they were out on an ambulance call per day. We then calculated the average time they were committed on the call. This included response time to the call, time on scene and the time of transport to the hospital and until back in service. The primary hospital is Heywood, and there are very few secondary destinations. We used the average of the response and return time to Haywood based on the data, response to the incident and average time on scene. It breaks out to a 4-minute response to the call, 20 minutes on scene and 45 minutes to and from the hospital and back in service. This gives us an approximate of 1 hour and 10 minutes per ambulance call.

|       | Transports/yr | Transports/day | Hours/day tied up on Amb | Hours/day for non Amb calls |
|-------|---------------|----------------|--------------------------|-----------------------------|
| FY/18 | 1,509         | 4              | 4 hrs, 40 minutes        | 19 hrs, 20 minutes          |
| FY/19 | 2,187         | 6              | 7 hrs                    | 17 hrs                      |
| FY/20 | 2,112         | 6              | 7 hrs                    | 17 hrs                      |
| FY/21 | 2,091         | 6              | 7 hrs                    | 17 hrs                      |
| FY/22 | 2,164         | 6              | 7 hrs                    | 17 hrs                      |

Figure 2

If we look at the high side of this data, in Figure 2, we can see that the dual role firefighter/EMTs are tied up performing ambulance duties 7 hours per day, on average, using the average of 1 hour and 10 minutes of time being tied up on each ambulance call. This gives the city the availability of the firefighter/EMT for fire and other non-ambulance calls an average of 17 hours per day, "more boots on the ground".

### 3. Additional funding to offset costs of maintaining a busy fire department.

#### Ambulance Activity, Cost and Revenues

Gardner Fire Department BLS ambulance bills for all its ambulance transports to the hospital at 2.5 times the Medicare rate. Additionally, Gardner Fire Department bills when they transport ALS patients with Wood's Ambulance paramedic onboard providing the ALS level of care. The revenue collect from these calls are split 50/50 between Gardner Fire Department and Woods Ambulance.

On the very rare occasion that Gardner Fire Department's ambulance and the two Wood's ambulances are tied up at the same time and another medical call comes in a Woods backup ambulance from their base on Main Street would respond.

Gardner Fire Department, contracts with Coastal Billing, an ambulance billing Company, to do the actual billing for its ambulance services. Coastal Billing charges a fee of 3% for all revenue collected as per the contract negotiated with the City (this figure has been reduce to 2.5% starting in FY/23). Using a third-party billing company is very typical with municipal fire/EMS departments across the Commonwealth. Additionally, Gardner Fire Department uses First Financial Resources to pursue unpaid bills.

Figure 3 shows activity and collections for FY/18 through FY/22:

|       | Calls | Transports | Collections | Collection/Expense | Net Income |
|-------|-------|------------|-------------|--------------------|------------|
| FY/18 | 2278  | 1509       | 572574      | 54375              | 518199     |
| FY/19 | 2961  | 2187       | 871137      | 203764             | 667372     |
| FY/20 | 2751  | 2112       | 1004272     | 308789             | 695483     |
| FY/21 | 2715  | 2091       | 1184798     | 306901             | 877897     |
| FY/22 | 2858  | 2164       | 1265787     | 289029             | 976758     |

Figure 3

Calls = total emergency medical calls for the fiscal year.

Transports = total transports by GFD Ambulance

Collections = total money collected by Coastal Billing

Collections Expense = total cost for collections

Net Income = total income for the fiscal year after other costs

For FY/21 and FY/22 Gardner Fire Department participated in the Medicare CPE Reimbursement Program. The program was instituted by the Commonwealth up to help Cities and Towns offset the very low Medicare and Medicaid reimbursement currently allowed. Gardner Fire Department has successfully applied for this reimbursement over the last two years:

FY/21 - \$210,026.00 received 6/30/2021

FY/22 - \$234,407.00 project to be received 6/30/2022

It is recommended that Gardner Fire Department continues to apply for these offset revenues, from the Commonwealth, on an annual basis.

### Ambulance Costs

The cost for running the ambulance service has been broken out in the Gardner Fire Department budget, this is a practice that should continue and makes it very easy to monitor the direct budget costs. The cost breakdown FY/18 through FY/22 are as follows:

#### 12231 Ambulance

|                           | FY/18     | FY/19     | FY/20     | FY/21     | FY/22    |
|---------------------------|-----------|-----------|-----------|-----------|----------|
| 51013 Salaries/wages      | 311674.19 | 330153.15 | 353284.97 | 365327.75 | 360096.4 |
| 51030 Overtime            | 83847.55  | 76623.64  | 102317.94 | 112894.53 | 107106.5 |
| 51050 Holiday Pay         | 29434.77  | 29173.38  | 33761.52  | 38876.02  | 38839.81 |
| 51090 Clothing/Uniforms   | 9000      | 9000      | 7875      | 9000      | 9000     |
| 51101 College Credits     | 0         | 2000      | 0         | 0         | 0        |
| 51102 Collateral jobs     | 23721.63  | 35283.09  | 39989.2   | 37134.27  | 40225.01 |
| 51103 Education incentive | 0         | 0         | 112.34    | 0         | 0        |
| 51415 AMB Service Stipend | 16929     | 17025     | 17396     | 17667     | 17469.52 |
| 52030 Repair and Maint    | 9606.79   | 9566.8    | 4452.27   | 14979.39  | 6465.92  |
| 52037 AMB Supplies        | 11546.81  | 19293.89  | 14975.81  | 21109.89  | 16670.78 |
| 52040 Information Tech    | 0         | 0         | 5855.13   | 2730.99   | 6500     |
| 52041 Lic Renewals/Fees   | 5729.86   | 3291.8    | 6381.83   | 5622.69   | 6940.32  |
| 52050 Minor Equipment     | 1683.01   | 3303      | 0         | 0         | 0        |

|                 |                    |           |           |           |           |          |
|-----------------|--------------------|-----------|-----------|-----------|-----------|----------|
| 52151           | Telecommunications | 979.47    | 1280.33   | 1620.61   | 2518.01   | 2645.85  |
| 52170           | Prof. Dev & Travel | 320.4     | 413.7     | 3334.25   | 3619.68   | 2764.23  |
| 52190           | Prof. Services     | 54375.19  | 203764.45 | 308788.81 | 306901.25 | 289382.4 |
| 52230           | Office Supplies    | 0         | 0         | 368.46    | 471.38    | 243.75   |
| 52240           | Vehicle Supplies   | 741.71    | 2512.6    | 2709.1    | 1846.22   | 3542.01  |
| 55090           | New Vehicle        | 254997.53 | 0         | 0         | 0         |          |
| Total Ambulance |                    | 814587.91 | 742684.83 | 903223.24 | 940699.07 | 907892.4 |
|                 |                    | FY/18     | FY/19     | FY/20     | FY/21     | FY/22    |

Figure 4

On the budget sheet, most of the line items are self-explanatory. Professional services are also included in Figure 2 and are the cost for the billing company and the Private split with Wood's Ambulance.

As we look at total expenses versus revenues for FY/18 through FY/22 we see the following:

|       | Collections | Medicare CPE | Budget cost | Revenue +/- |                     |
|-------|-------------|--------------|-------------|-------------|---------------------|
| FY/18 | 572,574     |              | 814,588     | -242,014    | ** new Amb purchase |
| FY/19 | 871,137     |              | 742,685     | 128,452     |                     |
| FY/20 | 1,004,272   |              | 903,223     | 101,049     |                     |
| FY/21 | 974,772     | 210,026      | 940,699     | 244,099     |                     |
| FY/22 | 1,031,391   | 234,407      | 907,892     | 357,906     |                     |

Figure 5

In the first full year of operation, FY/18, the ambulance budget ran a deficit of \$242,014.00. This deficit was directly related to the purchase of a new ambulance in the amount of \$254,998.00. In the following years, FY/19 through FY/22 a significant amount of revenue was generated, FY/19 \$128,452.00, FY/20 \$101,049.00, FY/21 \$244,099.00 and FY/22 \$357,906.00.

It is clear, that the current ambulance system with the Medicare CPE reimbursement is now generating significant revenues back into the City's general fund beyond the cost of maintaining the ambulance service and additional firefighters.

### Ambulance Replacement

Gardner Fire Department should continue to keep two ambulances available for service, one as the primary response ambulance (currently Rescue 3, a Ford F550/Horton) and a reserve or back-up ambulance (currently Rescue 2, a Ford F350/Horton). What this system allows for is the newer and most up-to-date ambulance, Rescue 3, to respond to calls on a routine basis and the reserve ambulance, Rescue 2, to be put in service whenever Rescue 3 is out of service for routine maintenance, service, or inspections.

An ambulance replacement schedule should be put in place to assure reliability of the BLS service and reasonable maintenance costs over the life of the ambulances. The life expectancy of the primary Gardner Fire Department ambulance is five years. This is based on the current level of use and past history.



The reserve or back-up ambulance will have a total life of ten years, five as the primary ambulance and five as the reserve or back-up. By creating this ten-year cycle it makes the cost of an ambulance very reasonable over its life span. For example, Rescue 3 was purchased, in 2018, for \$255,000.00. Over ten years the annual cost for the ambulance is \$25,500.00, similar to the cost of a police cruiser.

A five-year replacement plan for Gardner Fire Department would look like this.

#### GDF Ambulance 5/yr Capital Replacement Plan

|                                    | 2019 | 2020 | 2021 | 2022 | 2023                             | 2024 | 2025 | 2026 | 2027 | 2028                             |
|------------------------------------|------|------|------|------|----------------------------------|------|------|------|------|----------------------------------|
| Primary Ambulance<br>Rescue 3 2018 |      |      |      |      | Replace<br>New Rescue 2          |      |      |      |      | Replace<br>New Rescue 3          |
| Reserve Ambulance<br>Rescue 2 2007 |      |      |      |      | Re assign<br>Rescue 3 to Reserve |      |      |      |      | Re assign<br>Rescue 2 to Reserve |

Figure 6

Gardner Fire Department is in the process of ordering a new ambulance with a replacement cost of \$290,500.00, which will be paid for with ARPA\*\* funds, no cost to the city. This replacement will keep the primary ambulance on a five-year replacement schedule. The current ambulance, Rescue 3 will go into a reserve or back-up status for the next five years.

\*\* Under the American Rescue Plan Act, passed by the federal government in March 2021. State, county, tribal and local entities will receive federal aid to respond to the public health and economic impacts of the public health emergency created by the COVID-19 pandemic.

#### 4. Additional services to residents, property owners and businesses with no increase in taxes

The additional Fire Department services realized by the current ambulance system to the city, with no increase in taxes, mostly revolves around the addition of two firefighters on duty to respond to emergency calls throughout the city. As noted earlier, the dual role firefighter/EMT is available an average of 17 hours per day to respond to these "other" emergencies. In general terms, this figure to approximately a 25% increase in response capabilities to these "other" emergencies at no additional cost to the city. In fact, and as shown above, the ambulance system, with 2 firefighter/EMTs, generates a positive revenue source for the city and provides revenues to offset fire department costs.

#### Recommendations:

1. Stay with the hybrid system of having GFD provide the primary BLS with Wood's (or some private) to provide both back-up and ALS services.
2. GFD should continue to apply for offset revenues, from the Medicare CPE Reimbursement Program, on an annual basis.
3. GFD should continue to keep two ambulances available for service, a primary and a reserve and follow a five-year replacement plan to assure reliability and reduce unnecessary maintenance costs.
4. Budget for the capital expense of a new ambulance every five years. With inflation it is assumed a new ambulance in 2028 will cost around \$350,000.00. Putting aside \$70,000.00 from the revenues each year would cover this capital expense in 2028.
5. The ratio of transport, Gardner Fire Department/Wood's Ambulance should be collected on an annual basis and reviewed to ensure this benchmark is being met or exceeded.

## **Overview and Recommendations for Gardner Fire Department Facilities**

A fire station supports the needs of the fire department and the community in which it is located. It must accommodate extremely diverse functions, including housing, recreation, administration, training, community education, equipment and vehicle storage, equipment and vehicle maintenance, and hazardous materials storage. While it is usually only occupied by trained personnel, the facility may also need to accommodate the general public for community education or outreach programs.

Major fire station functional areas include the following:

- Apparatus bay(s): This is where the firefighting and emergency response vehicles are stored.
- Apparatus bay support and vehicle maintenance: These industrial spaces are where the vehicles and other firefighting equipment are cleaned, maintained, and stored.
- Administrative and training areas: These include offices, dispatch facilities, and training and conference rooms.
- Residential areas: These include the dorm rooms, day room/kitchen, and residential support areas such as bathrooms and fitness spaces.

### **Apparatus Bays**

Sizing the apparatus bay is critical, and it should be designed to accommodate variable vehicle sizes. Typically, the entire room is sized based on the bay size for the largest vehicle in the fleet or the largest anticipated vehicle. Bays also include vehicle exhaust removal systems, compressed air and power drop lines, and hot and cold-water connections. Bay doors must also accommodate the largest vehicle and include a manual means to open in case of power failure. Ideally, the site will accommodate drive-through bays.

### **Apparatus Bay Support and Vehicle Maintenance**

Apparatus bay support functions include cleaning and maintenance areas for the firefighter's self-contained breathing apparatus (SCBA), protective clothing, fire extinguishers, and other equipment. It also includes storage areas for firefighting gear and equipment and secure storage for medical supplies. Some of these areas are specialized spaces for disinfecting protective equipment and for maintaining and recharging the SCBA in a clean environment.

Agent storage including gasoline, degreasers, pure oxygen, and other potentially dangerous materials are typically stored in a single-story structure separate from the fire station building. It should be located along the driveway leading into the Apparatus Bay for ease of loading and unloading of firefighting agents. In some cases, it may be attached to the main structure.

A vehicle maintenance bay may also be included in a fire station. It is a dedicated maintenance area for the firefighting apparatus and includes a heavy-duty lift and all utility connections required for large vehicle maintenance.

### **Administrative and Training Areas**

Administrative areas include standard offices and conference and training rooms. The area will also likely include additional specialized spaces such as the chief's office and computer training/testing facilities for firefighter continuing education. Some stations may include a highly specialized dispatch room for receiving emergency calls from the public.

## Residential Areas

Fire stations are occupied 24 hours a day, seven days a week by personnel in continuous 24-hour shifts. Therefore, ensuring a comfortable living environment for the firefighters is paramount.

The day room accommodates kitchen, dining, and living/recreation functions. It is often separated into subspaces for these three functions, but an open design may also be effective to encourage interaction between the spaces. The dining space may also double as training or meeting space and might include provisions for audiovisual equipment.

Dorm room design can vary widely and provide each firefighter with a place to sleep, work, and store personal items. Typically, each room is shared between firefighters of different crews/shifts so that the room is never occupied simultaneously. Individual lockers are provided for each firefighter. A bed, nightstand, and desk are shared.

Other residential areas include a laundry room, a physical fitness room, bathrooms and showers.

## Maintain a Safe and Healthy Environment

Due to the continuous occupation of the facility by firefighters and the presence of hazardous materials, special attention must be given to designing the facility to accommodate equipment and operational strategies to both protect the occupants and maintain a healthy environment. Consider the following critical elements:

- Provide a secure facility for both personnel and materials such as controlled medical supplies and hazardous fire suppression agents.
- Ensure good indoor air quality and abundant natural light in the residential and administrative areas.
- Ensure good ventilation of industrial areas such as the apparatus bay and prevent contamination of clean spaces such as the SCBA maintenance areas.



Garner Fire Department facilities consist of 3 buildings:

Station 1, built in 1935 and located at East Broadway and Prospect Street is used for reserve apparatus and equipment storage.



Station 2, built in 1978 located at 70 City Hall Avenue serves as a Fire Headquarter in which all operations of the department are located.





Annex Building, located next to Fire Headquarters is used to store the Reserve Ambulance and some equipment.



During a site visit we noted many limitations that these facilities present to Fire Department operations and current needs of the department. The top tier issues are as follows:

1. There is a major roof leak both at the front and rear of the apparatus bay running the entire length of the bays. This leak has damaged the sheetrock covering the ceiling and has saturated the roof insulation. It seems to be related to an interior roof gutter system and should be repaired as soon as possible.



2. Lack of space for apparatus. Currently the front-line apparatus and the 2 ambulances from Wood's Ambulance occupy the entire apparatus floor area. The Reserve Engine and Reserve Ambulance are housed in Station 1 and the Annex Building, respectfully. Additionally, response trailers are stored outside and exposed to the elements. Storing and housing apparatus and trailers in this manner does not meet the needs of the Fire Department.



3. When Station 2 was built there was no consideration given to mixed gender use of facilities. There is only 1 bathroom and gang shower facility for both male and female members to use. Additionally, the 2 sleeping areas are open dorm style, giving little privacy between genders. Adding an additional bathroom and shower room in the current footprint of Headquarters is most likely not possible. Providing private sleeping rooms in the 2 current dorm rooms is a possibility in the current layout.



4. There is a lack of adequate lockers/storage/proper ventilation for turnout gear. Research, testing and evaluation of PPE tells us that there are several things that can have an adverse impact on the life cycle of firefighting PPE, particularly the integrity of the PPE fabric, including deteriorating UV light and surface contamination.

Over the past decade, the Fire Service has become more active regarding the storage of our PPE. This is based on science and studies regarding firefighters and their exposure to toxic materials and carcinogens during structural firefighting activities. Furthermore, this contamination can be brought back to the fire station and spread throughout the station by "off gassing". Because of this, in modern



fire stations, all structural firefighting gear is prohibited from living areas of the building and all gear is stored in a properly vented structural firefighter gear storage room.

At Headquarters firefighters are forced to store their second set of structural firefighting gear on the 2<sup>nd</sup> floor living area (picture bottom right). Although this gear is required to be cleaned and bagged before it is brought to the 2<sup>nd</sup> floor hallway area it is not a good practice. The size and configuration of the building give fire department management no real option for proper storage.



5. There is no dedicated decontamination area for Fire & EMS equipment.

6. Fire Headquarters needs a proper building air handling system for ventilation and air purification. This is needed to keep the contaminants created and stored in the apparatus bay area of the station out of the residential side of the building.

7. There is an absence of adequate storage space at headquarters. Currently, apparatus, equipment and gear are stored between 3 buildings of which only 1 is occupied. Currently the Reserve Ambulance is stored in the Annex Building. This Reserve Ambulance, Rescue 2, will be replaced by the current front-line ambulance, Rescue 3, in the next year when a new ambulance is purchased. Rescue 3 (when it becomes the Reserve) will not fit in the Annex Building.

Additionally, in the administrative area there is very limited room for department files and records storage and the department has been forced to store these in the stairwells of the fire station.

The need for adequate firefighting gear and locker storage has been addressed above in Item 4.

8. Office space is very limited and does not meet the current needs of the department. In today's fire service office space is needed for Administration, Administration Support, Fire Prevention, EMS Officer, Training Officer, Apparatus/equipment maintenance person and 4 Shift Officers.



9. Similar to the lack of gender specific bathrooms and showers, separate locker rooms, for male and female are needed. However, under the current footprint of the building this is not possible.

10. Training is the backbone of any fire department. Hands on training produces well-prepared firefighters that through repetitive basic training increases the speed of an operation and enhances proper execution while reducing injuries. Although GFD has an area to use for classroom training it does not have an area, facilities or props dedicated to hands on training as pictured below.



The 10 issues addressed above are not uncommon for a fire facility that was built 44 years ago. However, the operations and services of today's fire service have changed dramatically.

**Recommendations:**

1. The city should investigate the needs for a new or substantially remodeled Fire Headquarters to meet current and future needs.



### **Review of the Civil Service system and if improvements can be made in hiring Firefighter/EMTs**

Civil Service, as a government agency, was designed to provide fairness in the public sector, in entry level hiring, promotions, (including bypass in rank), demotions, (layoffs) and discipline (which includes suspensions and terminations). The Civil Service website under Mass.gov states that Civil Service strives to recruit a qualified diverse labor force and evaluate current and potential employees desiring a career in public safety, to fill jobs in agencies and municipalities across the Commonwealth.

The Commonwealth is made up of 39 cities and 312 towns. Out of these 351 cities and towns, 103 Fire Departments are currently under Civil Service, and 11 have opted out of Civil Service in recent years: Acushnet, Athol, Franklin, Greenfield, Mansfield, Marlborough, North Attleborough, Plainville, Swampscott, Wellesley, and Westwood.

The remainder of Fire Departments in the Commonwealth are not under Civil Service.

Some Civil Service key points on hiring and promoting:

- Children of firefighters killed in the line of duty go to the top of the Civil Service eligibility list.
- Children of firefighters permanently disabled in the line of duty go to the top of the Civil Service eligibility list.
- Disabled Veterans and Veterans with residence preference are next on the Civil Service eligibility list. Military personnel deployed at the time the test is scheduled, can make up the test at another time.
- People with residency can have preference if the city or town requests (Civil Service requires a person to have lived 1 year in a city or town they claim residency in).
- Civil Service provides for all testing both entry and promotions. Tests are generically written with the same questions Statewide.
- Hiring candidates through the civil service system is designed to remove Nepotism within the department and collusion with applicants.
- If a candidate is bypassed for employment or promotion, Civil Service provides a means for that applicant appeal the bypass and has a right to a hearing on why they were not hired.
- Civil Service allows for cities and towns to request a selective certification under Personnel Administration Rule (PAR).08, i.e., a selective certification based on gender, a specific language fluency or EMT can be requested.
- Civil Service protects firefighters that are laid off, with those officers being placed on a Lay Off List and have preference to work for another Civil Service city or town that has an opening in their department. The individual laid off has the first right to the job they were laid off from when or if it becomes open.

Recently, many police agencies and 9 fire agencies have chosen to leave Civil Service. Additionally, and over the past 30 years or so, many cities and towns have decided to take their police chiefs and fire chiefs out of Civil Service.

The communities that have left Civil Service have cited many of the following reason and or advantages in their decision to leave:

- Their minimal entrance and promotional standards are a high school education or GED, Mass driver's license.
- Absolute preferences are given to disabled veterans, veterans and children of deceased or severely injured officers.
- Leaving Civil Service allows for greater flexibility within the hiring and promotional process.
- Departments would not be required to hire from an existing lay off list.
- The department can determine the expiration date of the hiring and promotional lists.
- The police/fire department can set minimum eligibility guidelines not allowed under Civil Service such as higher education levels.
- The department can determine what hiring preferences they want to acknowledge (residency, military experience, Paramedic/EMT certifications, language proficiency, prior academy training).
- Instead of the candidate ratio of (2N+1) departments would have a much larger candidate pool to select from.
- Departments can diversify their workforce without jumping through the hurdles Civil Service presents when asking for a specialized certification.
- Flexibility to hire lateral transfers or reinstatements.
- Ability to incorporate community and department specific criteria into promotional exams.
  - Ability to offer promotional exams that more accurately gauge an officer's suitability to become a supervisor.
  - Attributes beyond test score, such as work productivity, contribution to the community and performance evaluations would factor into promotions.
  - Ability to mandate a probationary period for promotions.

**As with any hiring or promotional system there are Pros and Cons.**

First and foremost, there are collective bargaining issues with the Firefighters' Union that will need to be overcome if you leave Civil Service. Many of the key points under Civil Service offer various levels of protection for Union members. Furthermore, they view the independent Civil Service system as testing on an even playing field which can help to keep local politics and favoritism to a minimum.

The Civil Service testing system is independent of the city or town and requires little effort for the community in the process. They develop the tests for both entry and promotion and administer them. When you need to fill a vacancy or position, they send you a list of eligible candidates based on the established ratio of 2N+1 (2 names for every open position plus 1 additional candidate). For example, if you have 1 opening you get 2 names plus 1 for a total of 3, if you have 2 openings you get 4 names plus 1 for a total of 5.

The argument against using this system, on the management side, is that the test(s) is based on statewide questions and not unique to the specific community and that you are very limited to the candidate pool you can choose from. Additionally, Civil Service sets minimal entrance and promotional standards, only requiring a high school education or GED and a Massachusetts driver's license.

When a city or town leaves Civil Service, the entrance testing and promotional process now becomes the responsibility of the community. Depending how the city or town chooses to develop and administer the testing and promotional process there could be an additional cost. The positive side to a city or town when conducting its own testing process is they can develop it specifically for the needs of that community. There are many companies and consultants in Massachusetts that provide entrance exam testing and promotional services, but it is typically at a cost to the community.

In recent years, fire departments trying to hire certified Emergency Medical Technicians (EMT) and Paramedics off the civil service "new hire" list have been very disappointed because the "new hire" list with this type of candidate is exhausted very quickly, leaving the city or town with no candidates to hire until the next civil service entrance exam is given. Recently, civil service has changed its entrance testing cycle from once every two years to once every year. It is not known at this time if this change will improve the number of available candidates in the EMT or Paramedic pool.

#### **Recent experience at Gardner Fire Department**

The City of Gardner only hires off the civil service EMT list. Recently, Chief Lagoy tried to hire four firefighter/EMTs. He was sent a list with 180 names, 11 signed the list, 6 came for an interview, 3 withdrew when they found out they had to live within 10 miles of the city (a Civil Service requirement), 1 did not pass the background check, leaving Chief Lagoy with 2 candidates, which he hired. At this point the fire department must wait for the next Civil Service entrance exam before they can fill the two vacant positions. This can lead to additional overtime cost and potentially fatigue to department members. It is our understanding that Chief Lagoy is experiencing these difficulties, once again, with his most recent round of hiring.

If the fire department is looking to hire trained and certified firefighter/EMTs from other communities, under Civil Service, you are restricted to hire from only other Civil Service departments. This greatly reduces the pool of potential candidates, especially in the Gardner area where many of the area fire departments are non-Civil Service.

As originally stated, there are Pros and Cons in being a Civil Service department or not. The Gardner Police Department has partitioned the State to leave Civil Service and to our understanding was recently granted permission the leave. We would suggest that if remaining in the Civil Service system is inhibiting the fire department from meeting its mission, leaving Civil Service should be explored.

In either case, we believe that there are ways to increase the pool for potential local candidates. Reaching out to the local high school is a great resource for potential candidates by participating in career days and/or offering internships. Additionally, working with the schools to provide CPR and first aid classes can give the fire department an opportunity to reach the student population. Teenagers are making decisions about what their adult lives might be like and can process substantial information about a possible career in the fire service. Firefighters can talk honestly with this group about what it is really like to be a firefighter and what opportunities exist.

Marketing local colleges are also a good resource for potential candidates. Two very local colleges, Quinsigamond Community College, and Anna Maria College both offer fire science programs, including Emergency Medical Technician training.

The use of media outreach, and social media, is a particularly helpful tool to make potential candidates aware of job openings and dates of upcoming Civil Service entrance exams and can include information on how to register for these exams.

**Recommendations:**

1. Review the success of the upcoming hiring process to see if it yields sufficient qualified firefighter/EMT candidates. If it does not meet these needs and it is clear that remaining in the Civil Service system is inhibiting the fire department from meeting its mission, leaving Civil Service should be explored.
2. Whether the fire department remains in or leaves Civil Service, we would recommend that a proactive recruitment program be established to assist in providing qualified firefighter/EMT candidates for the Gardner Fire Department, into the future.



### Review the current department staffing model against industry standards and comparison departments in the Commonwealth of Massachusetts

Fire Departments across the Commonwealth vary greatly in size and scope due to size, economics, incident volume, traditions and needs of the communities they serve. No matter the size or community served, all successful fire departments share certain principles of organization for effective and safe function. These performance principles include:

- **Chain of command.** An established command hierarchy from the lowest to the highest department level, ensuring that each subordinate reports to one supervisor. The chain of command not only establishes accountability, it lays out a company's lines of authority and decision-making power. This chain of command is used for organizational day to day functions and for emergency incidents.
- **Supervisory limits or span of control.** This refers to the number of individuals or resources that one supervisor can manage effectively in emergency and non-emergency situations. Although the number can vary according to circumstance the Fire Chief's Handbook, 7<sup>th</sup> ed. uses a general guideline for fire service company supervision of up to five or six firefighters per one supervisor.
- **Division of labor.** Ensures that all responsibilities are assigned and prevents the duplication of efforts. Additionally, the process divides large jobs into smaller jobs to make them more manageable, equalize workloads, and increase efficiency.
- **Discipline and regulations.** Written policies, procedures, and guidelines to set boundaries and enforcement for expected individual and departmental performance.

To meet these expectations and achieve these principles, fire departments must be structured, organized, and staffed properly.

We looked at 10 fire departments in the Commonwealth that were either small cities or similar size departments and looked at the call volume, staffing and command structure.

|             | Population | calls<br>other | calls<br>EMS | total<br>calls | # Stations | AMB          |
|-------------|------------|----------------|--------------|----------------|------------|--------------|
| Agawam      | 28,613     | 1104           | 5254         | 6358           | 2          | 3 ALS        |
| Amesbury    | 17,532     | 1106           | 1844         | 2950           | 1          | 1 BLS        |
| Bridgewater | 27,619     | 2500           | 3600         | 6100           | 2          | 2/ALS/2 res. |
| Foxborough  | 16,700     | 1300           | 2900         | 4200           | 1          | 3/ALS        |
| Gardner     | 20,683     | 1938           | 3477         | 5415           | 1          | 1 BLS        |
| Greenfield  | 17,258     | 1305           | 1763         | 3068           | 1          | BLS/BU       |
| Leominster  | 41,581     | 2728           | 5728         | 8495           | 3          | 2 BLS        |
| Melrose     | 28,016     | 1798           | 2480         | 4278           | 3          | ALS          |
| Southbridge | 16,878     | 764            | 3690         | 4454           | 1          | 3 ALS        |
| Wilmington  | 22,325     | 2424           | 2332         | 4756           | 1          | 3 BLS        |
| Winthrop    | 18,544     | 1061           | 2132         | 3193           | 2          | No AMB       |

Figure # 7

ALS = Advanced Life Support, BLS = Basic Life Support, BU = Back Up Ambulance

Each department provided us with an Organizational Chart (see Appendix A).

What we noticed with the current Gardner Fire Department staffing model were two things, the lack of a Deputy Fire Chief and that the standard span of control for a fire department of five or six firefighters to one supervisor is exceeded on each Group.

We would recommend the city looks at making a nonunion (confidential) Deputy Fire Chief's position. The Deputy Fire Chief would serve as second in command of a fire department. The Deputy Fire Chief would manage day-to-day operations, direct and coordinate activities of personnel under their command, collaborating with internal and external stakeholders. This person may also act as a department head in the absence of the Fire Chief and assist in succession planning. This position will include a combination of administrative work and time spent in the field to keep operations running efficiently in the fire department.

Currently, all the positions below Fire Chief are union positions. This leaves the Fire Chief without a confidential employee on the department to assist and act in a confidential capacity when formulating, determining, and effectuating management policies and dealing with disciplinary issues. Additionally, it puts the current 2nd in command, the Fire Captain, in a very difficult position as he or she tries to balance their high-level management position and being a union member.

The current "Group" span of control in the Gardner Fire Department is eight firefighters to one supervisor, exceeding the recommended span of control for a fire department. Exceeding the span of control in this fashion becomes more apparent and potentially dangerous during emergency operations with the potential that the span of control can become unmanageable. Maintaining a manageable span of control is particularly important at incidents where safety and accountability are a top priority.

Because of this large span of control, we would recommend the city looks at creating a Captain's position on each Group in addition to the current Group Lieutenant. This would bring the span of control to four firefighters to one supervisor. This can be done with little impact to the budget by continuing the current staffing level of nine on the Group and promoting one of the nine members to the newly created position of "Group" Fire Captain. The budget cost would be the difference between a Firefighter/EMT's rate and that of a Fire Captain.

The Fire Captain would manage the Group and run the day-to-day operations on that Group including managing duties surrounding firefighting, training, accountability, emergency care, hazardous materials, etc.

The Fire Lieutenant would act in a supervisory/foreman type position and assist the Captain in day-to-day operations and oversee a company at emergency scenes.

Both these positions would add to successful succession planning for the department moving forward.

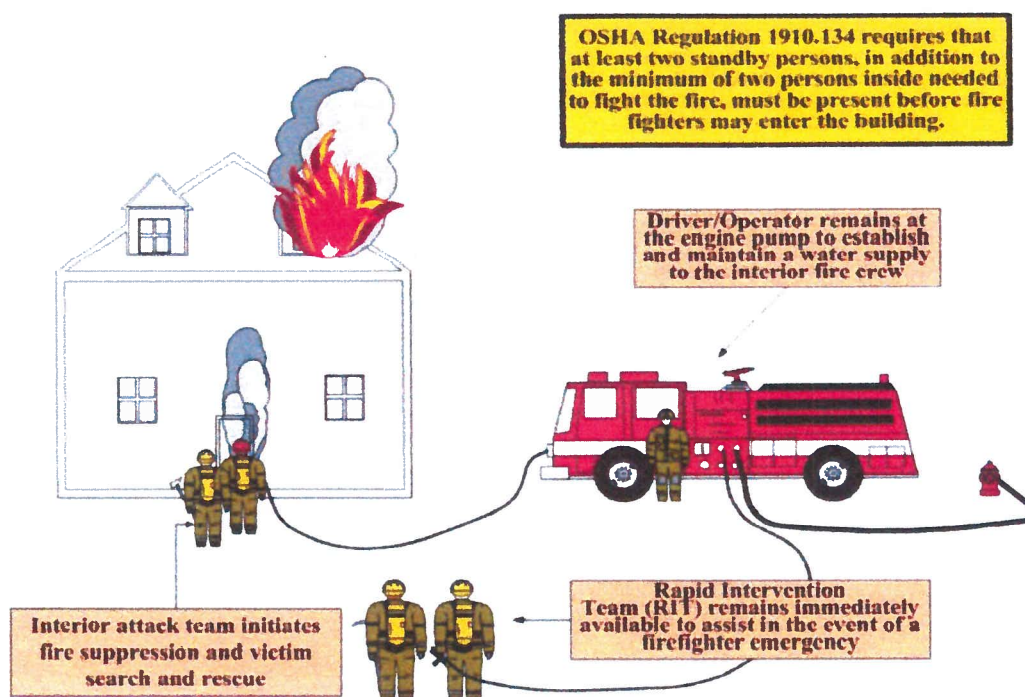
#### **OSHA 2in/2out law and NFPA Standard 1710 for Career Fire Departments**

The report would be incomplete if we did not address the current OSHA 29 CFR 1910.134 law "2in-2out" and the NFPA Standard 1710 for Career Fire Departments.

The "2 in-to-out" law was designed for the safety of firefighters engaged in interior structural firefighting and is the major focus of paragraph (g)(4) of the OSHA Respiratory Protection standard. This provision

requires that at least two firefighters enter the Immediately Dangerous to Life or Health (IDLH) atmosphere and remain in visual or voice contact with each other at all times. It also requires that at least two others be located outside the IDLH atmosphere, thus the term, "two in/two out". This assures that the "two in" can monitor each other and assist with equipment failure or entrapment or other hazards, and the "two out" can monitor those in the building, initiate rescue, or call for back-up. One of the "two out" can be assigned another role such as incident commander. I am pleased to say that we found that Gardner Fire Department complies this law under normal response conditions.

#### OSHA '2 In/2 Out' Illustrated



Credit: Fairview Fire District

NFPA 1710 Standard for Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments (see appendix B).

Appropriate staffing levels deliver effective and efficient deployment for fire suppression operations, emergency medical operations, and special operations to the public. NFPA 1710 is a standard/guideline for an all-career fire department to help protect citizens and provide for the occupational safety and health of its fire department employees. Provisions of 1710 cover functions and objectives of fire department emergency service delivery, response capabilities, and resources, including staffing levels, response times, and levels of service. General criteria for managing resources and systems, such as health and safety, incident management, training, communications, and pre-incident planning are also provided in NFPA 1710.

NFPA guidelines are based on research performed by trained members of the association. Scientific research, such as fire behavior in different environments and how different synthetic materials affect the burn process, are used in part to establish these guidelines.



NFPA 1710 addresses the structure and operation of organizations providing such services, which include fire suppression and other assigned emergency response responsibilities such as EMS and special operations.

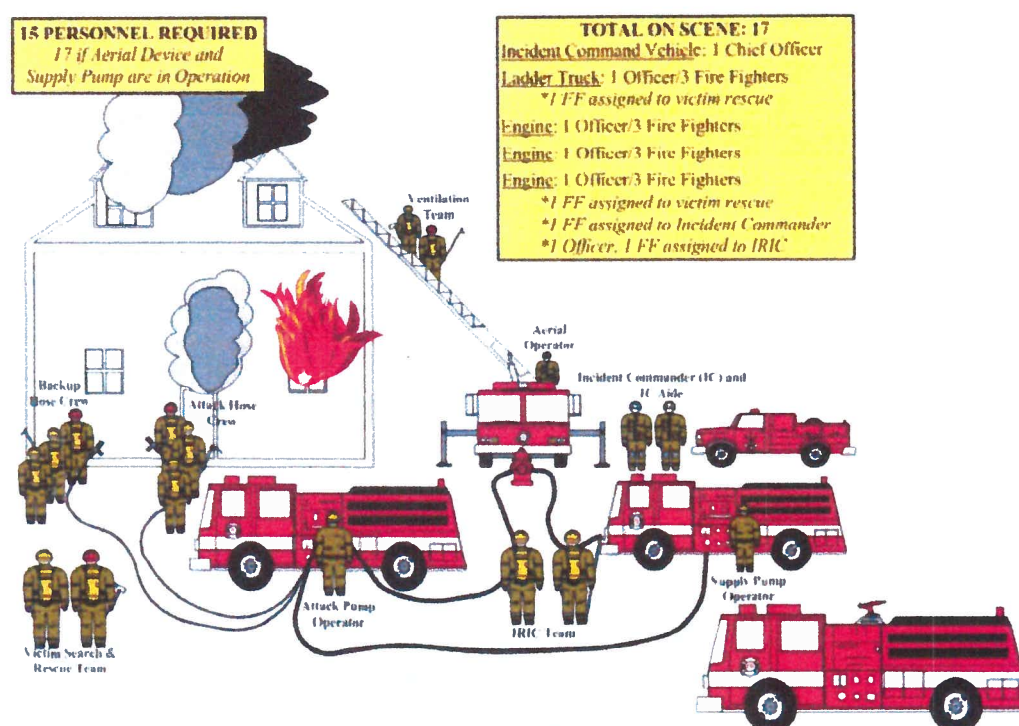
The requirements intend to provide effective, efficient, and safe protective services to help prevent fires, reduce risk to lives and property, deal with incidents that occur, and help prepare for anticipated incidents.

The requirements are listed in NFPA 1710 for fire department service deployment based on the type of occupancy, along with the appropriate response staffing levels for each. The minimum staffing level for a single-family dwelling according to the standard is:

Occupancy Type: Single-Family Dwelling Deployment: Minimum of 15 members or 17 if aerial device is used.

The initial full alarm assignment to a structure fire in a typical 2000 sq/ft two-story, single-family dwelling without a basement and with no exposures must provide for a minimum of 15 members (17 if an aerial device is used).

#### NFPA 1710 Illustrated



Credit: Peoria Fire Department

Additionally, NFPA 1710 provides essential benchmarks, fire departments often measure baseline performance in terms of total response time, which is the time it takes from the call to be received at the Public Safety Answering Point (PSAP) until the first unit arrives on the scene of the emergency



incident. Total response time should be measured and reported for all first-due units *and* the effective response force (ERF) assembly. Total response time is composed of call-processing time, turnout time and travel time:

- Alarm Answering Time: 15 seconds for 95% of calls; 40 seconds for 99% of calls
- Alarm Processing Time: 64 seconds for 90% of calls; 106 seconds for 95% of calls
- Turnout Time: 60 seconds for EMS responses; 80 seconds for fire responses
- First Engine Arrive on Scene Time: 240 sec (4 minutes) for 90% of responses with a minimum staffing of 4 personnel
- Second Company Arrive on Scene Time: 360 seconds (6 minutes) for 90% of responses with a minimum staffing of 4 personnel
- Initial Full Alarm – Low and Medium Hazard Assembly Time: 480 seconds (8 minutes) on 90% of responses
- Initial Full Alarm – High Hazard/High-Rise Assembly Time: 610 seconds (10 minutes 10 seconds) on 90% of responses

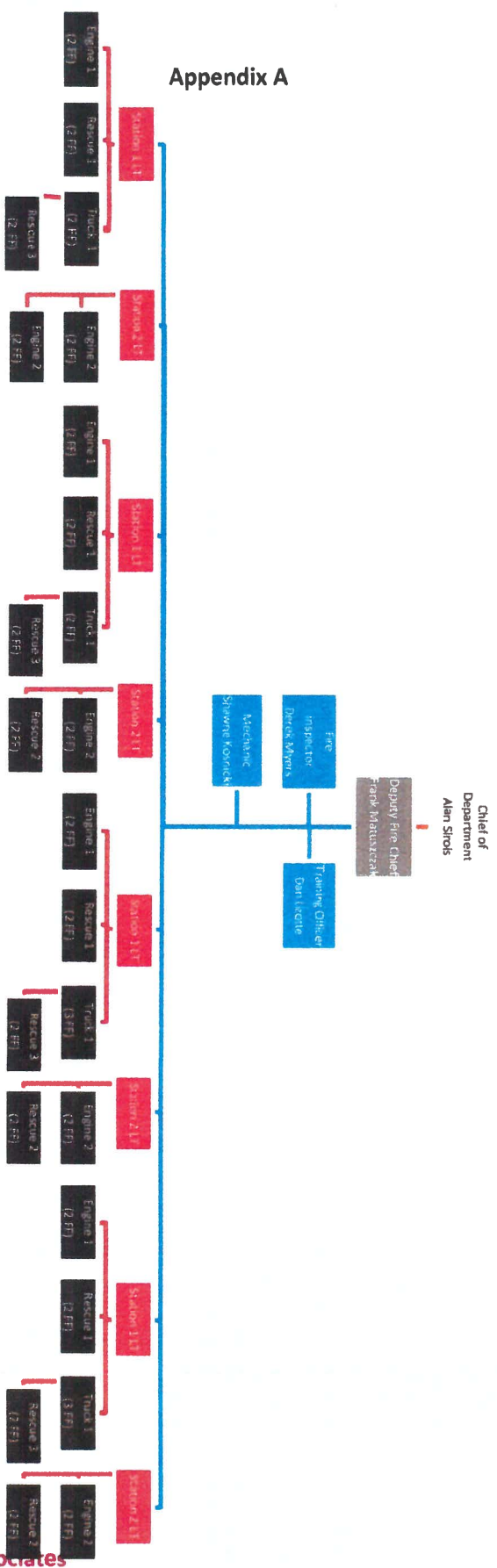
As stated earlier, NFPA Standards are guidelines for fire departments to be aware of and hopefully work towards implementing. There are many ways to move towards compliance with NFPA 1710 such as automatic aid, mutual aid with other neighboring communities, pre-fire plans, etc. It is suggested that Gardner Fire Department work towards meeting the guidelines of NFPA 1710 over time.

Taking this into account and after reviewing the organizational structures and shift manning of other Fire Departments in the study we would recommend adding a non-union Deputy Fire Chief's position and a Fire Captain to each group to be the Group Commander to solve the span of control issue.

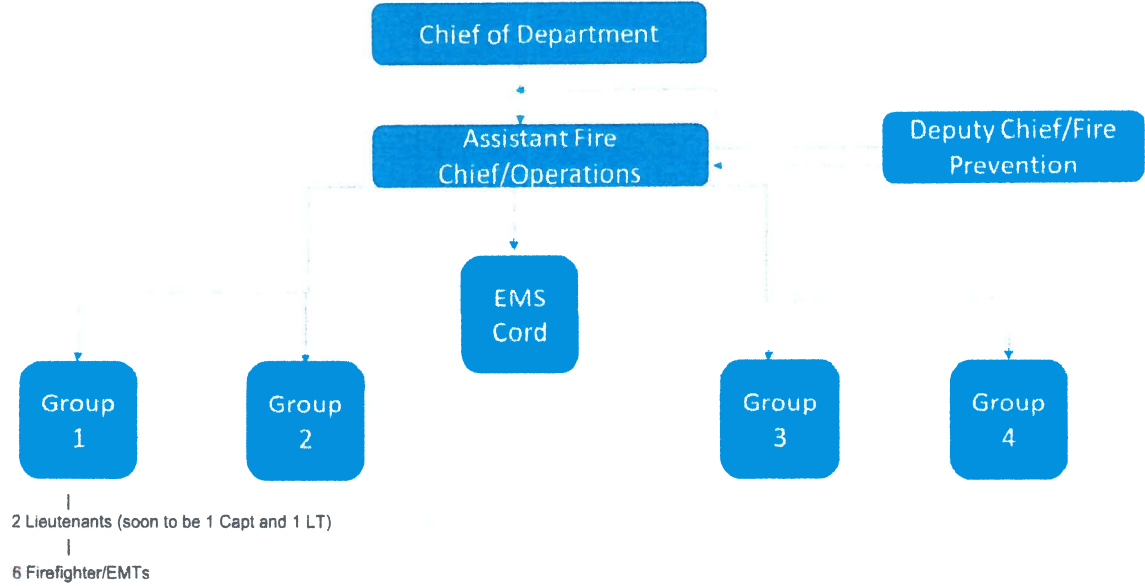
#### **Recommendations:**

1. The city looks at making a nonunion (confidential) Deputy Fire Chief's position. The Deputy Fire Chief would serve as second in command of a fire department
2. The city looks at creating a Captain's position on each Group to be the Group Commander. This would be within the current Group staffing of nine and in addition to the current Group Lieutenant to bring the span of control to 4 firefighters to 1 supervisor.
3. That Gardner Fire Department should work towards meeting the guidelines of NFPA 1710, over time.

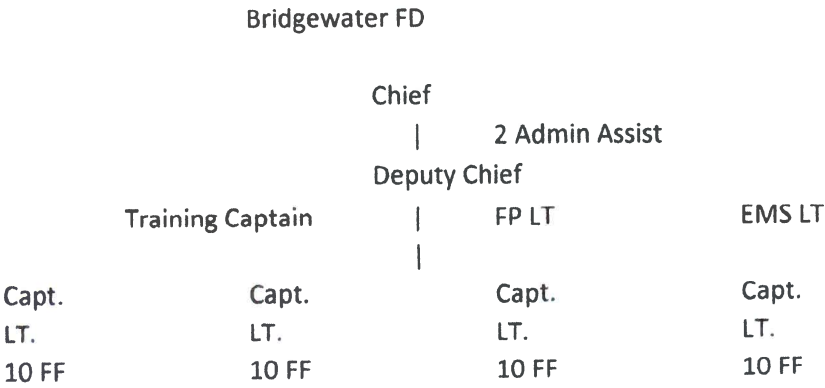
Current Agawam Fire Department Organizational Chart, 2022



Appendix A



Amesbury Fire Rescue





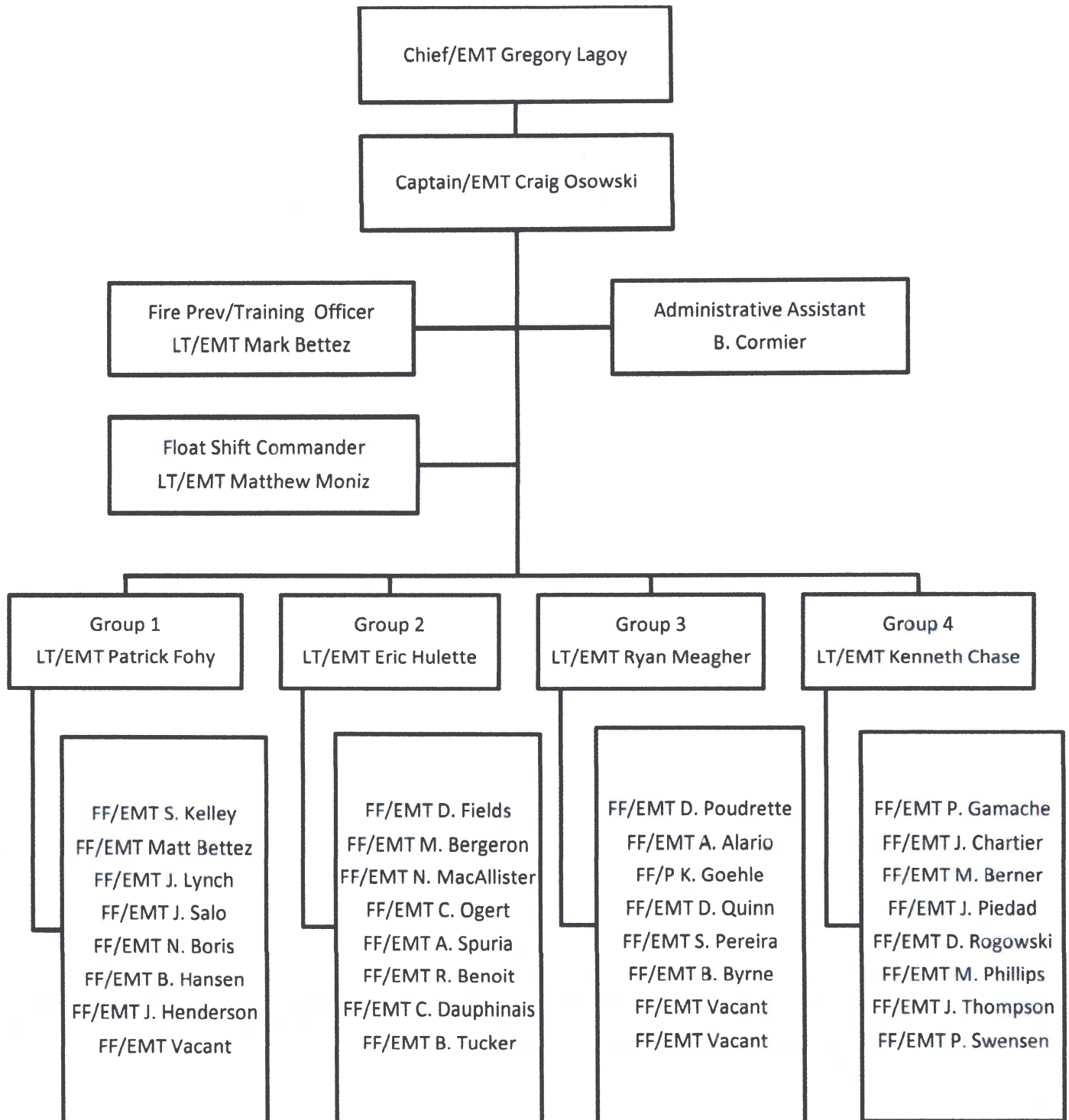
Rev. 10/5/2021

TOWN OF FOXBOROUGH  
DEPARTMENT OF FIRE, RESCUE & EMERGENCY SERVICES

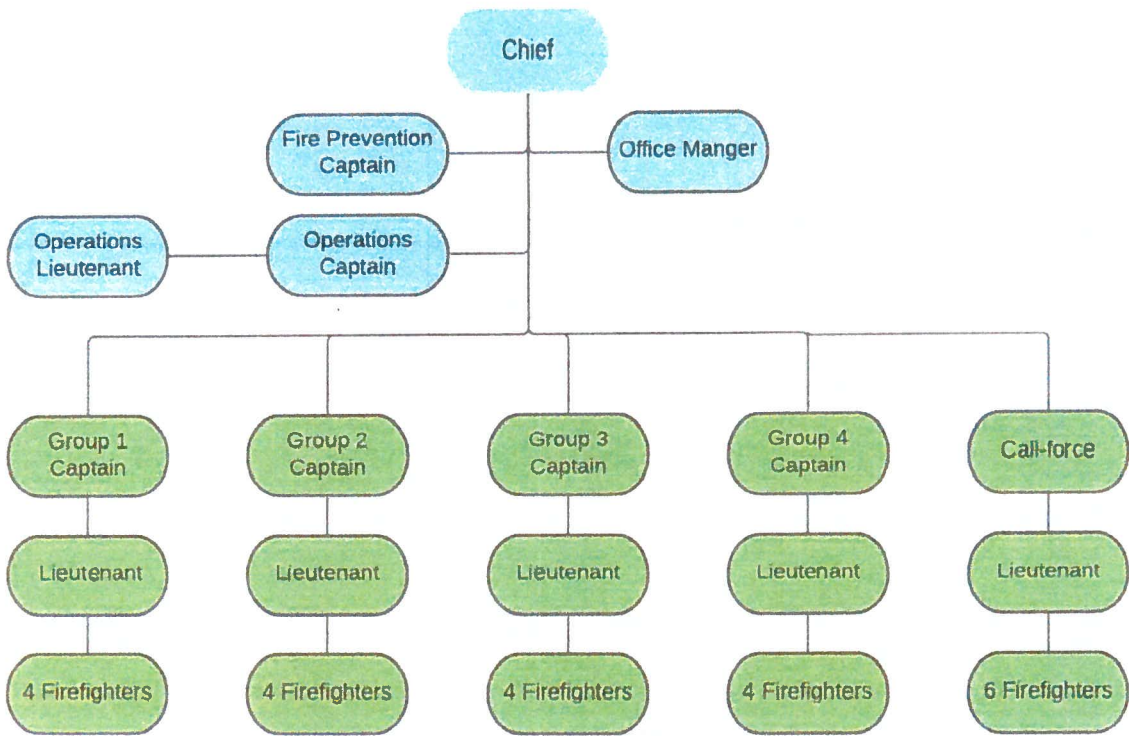


# GARDNER FIRE - RESCUE

## 2022 ORGANIZATIONAL CHART



Greenfield Fire Department





## FIRE/EMS DEPARTMENT STAFFING SURVEY

|                   |                             |                       |          |
|-------------------|-----------------------------|-----------------------|----------|
| DEPARTMENT/CITY   | Leominster Fire             | SERVICE               | FIRE/EMS |
| METRO AREA        | Worcester, MA-CT Metro Area | INCIDENTS FY 2021     | 8,495    |
| POPULATION (2020) | 43,782                      | INCIDENTS/1,000 (POP) | 194      |
|                   |                             | STATIONS              | 3        |

| DIVISIONS                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                  | Department Budget                                                                                                    | \$11,374,430 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|--------------|
| <input checked="" type="checkbox"/> EMS<br><input checked="" type="checkbox"/> TRAINING / EQUIPMENT<br><input checked="" type="checkbox"/> FIRE PREVENTION<br><input checked="" type="checkbox"/> INFORMATION TECHNOLOGY<br><input checked="" type="checkbox"/> FIRE ALARM / COMMUNICATIONS<br><input checked="" type="checkbox"/> APPARATUS MAINTENANCE | <input checked="" type="checkbox"/> Group 1<br><input checked="" type="checkbox"/> Group 2<br><input checked="" type="checkbox"/> Group 3<br><input checked="" type="checkbox"/> Group 4<br><input type="checkbox"/><br><input type="checkbox"/> | <b>FRONT LINE APPARATUS</b><br>FIRE CAR 1<br>BLS AMBULANCE (s) 2<br>ENGINE(S) 3<br>TRUCK(S) 1<br>BRUSH 0<br>RESCUE 0 |              |

| DIVISION HEADS           |                          |                                     |              |                          |                                     |
|--------------------------|--------------------------|-------------------------------------|--------------|--------------------------|-------------------------------------|
| HEALTH SAFETY & WELFARE  | SWORN                    | UNION                               | SUPPRESSION  | SWORN                    | UNION                               |
| DEPUTY CHIEF EMS / TRAIN | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Deputy Chief | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| DEPUTY CHIEF FIRE PREVEN | <input type="checkbox"/> | <input type="checkbox"/>            | Deputy Chief | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|                          | <input type="checkbox"/> | <input type="checkbox"/>            | Deputy Chief | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|                          | <input type="checkbox"/> | <input type="checkbox"/>            | Deputy Chief | <input type="checkbox"/> | <input type="checkbox"/>            |
|                          | <input type="checkbox"/> | <input type="checkbox"/>            |              | <input type="checkbox"/> | <input type="checkbox"/>            |

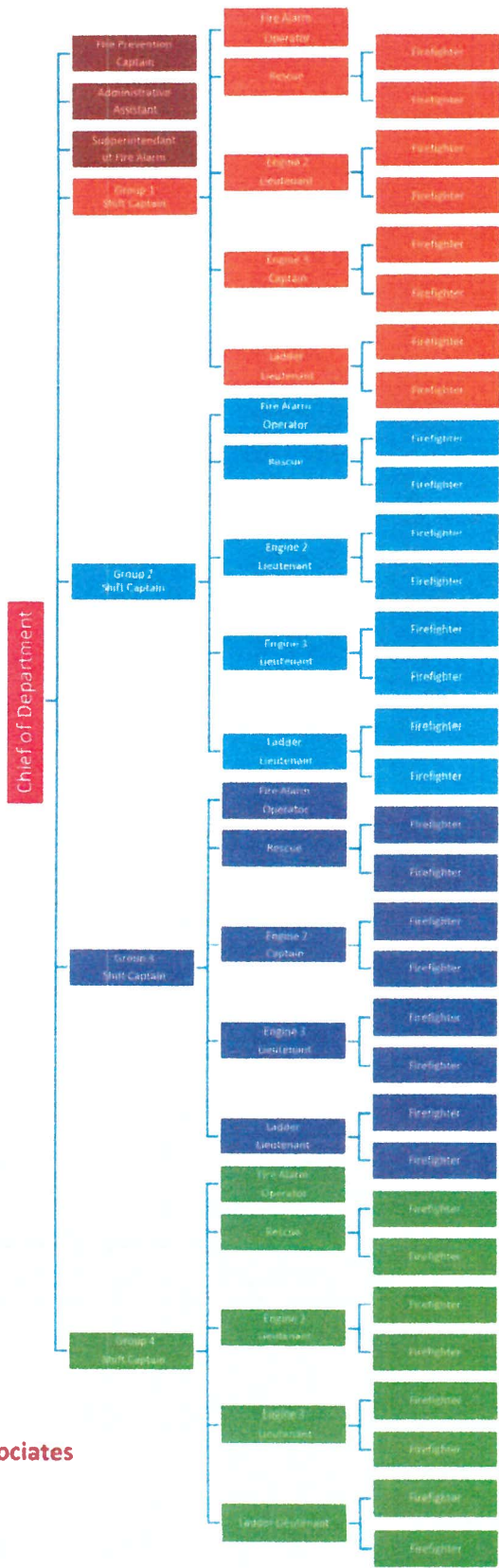
| DIVISIONS                           | STAFF #   | BASE SALARY (2021) |
|-------------------------------------|-----------|--------------------|
| <b>ADMINISTRATION</b>               | <b>3</b>  |                    |
| CHIEF                               | 1         | \$ -               |
| ADMINISTRATIVE ASSISTANT            | 1         | -                  |
| ADMINISTRATIVE CLERK                | 1         | -                  |
|                                     | -         | -                  |
| <b>HEALTH SAFETY &amp; WELFARE</b>  | <b>8</b>  |                    |
| DEPUTY CHIEF EMS / TRAINING         | 1         | \$ -               |
| DEPUTY CHIEF FIRE PREVENTION        | 1         | -                  |
| LIEUTENANT EMS/ TRAINING            | 1         | -                  |
| LIEUTENANT FIRE PREVENTION          | 1         | -                  |
| INFORMATION TECHNOLOGY              | 1         | -                  |
| FIRE ALARM SUPERINTENDENT           | 1         | -                  |
| ASSISTANT FIRE ALARM SUPERINTENDENT | 1         | -                  |
| APPARATUS MAINTENANCE               | 1         | -                  |
| <b>SUPPRESSION</b>                  | <b>77</b> |                    |
| DEPUTY FIRE CHIEF                   | 4         | \$ -               |
| LIEUTENANT                          | 16        | -                  |
| FIREFIGHTER                         | 57        | -                  |
|                                     | -         | -                  |

|               |     |             |     |             |    |                 |       |   |     |        |   |       |   |
|---------------|-----|-------------|-----|-------------|----|-----------------|-------|---|-----|--------|---|-------|---|
| MIN. STAFFING | YES | CONTRACTUAL | YES | # PER SHIFT | 19 | # PER APPARATUS | MEDIC | 2 | BLS | ENGINE | 3 | TRUCK | 3 |
|---------------|-----|-------------|-----|-------------|----|-----------------|-------|---|-----|--------|---|-------|---|



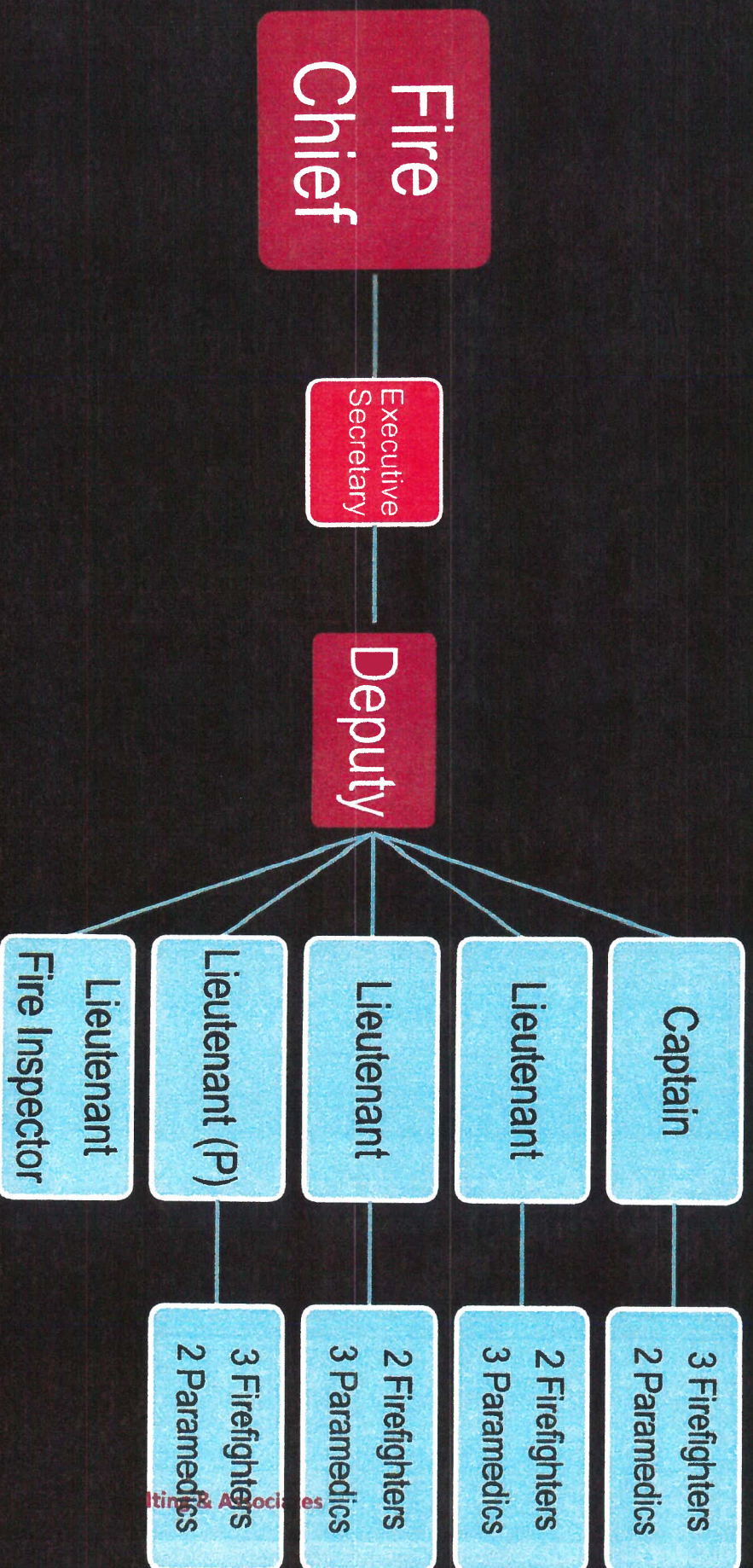
# Melrose Fire Department Organizational Chart

4 Staff Positions  
56 Line Firefighters

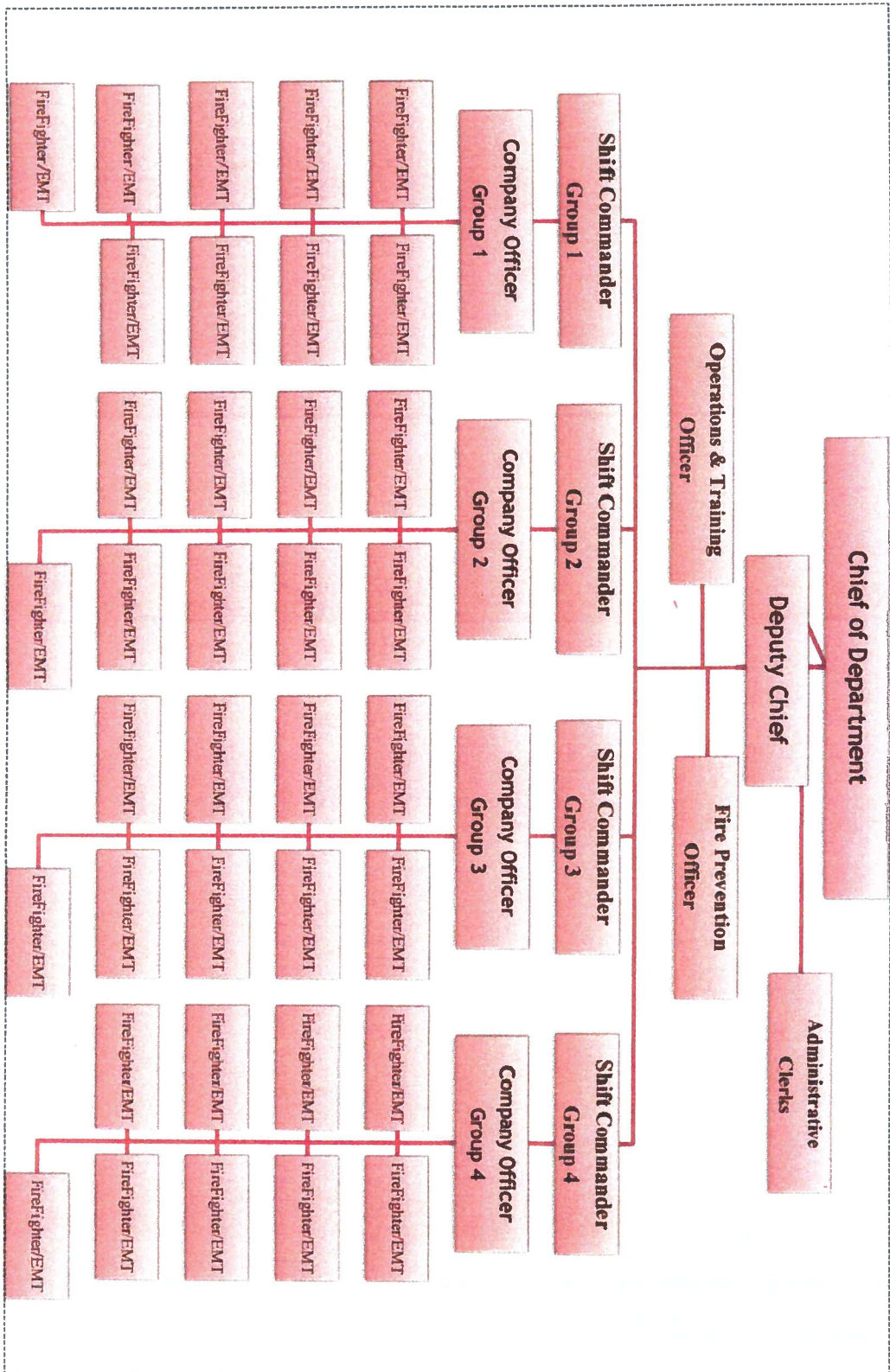




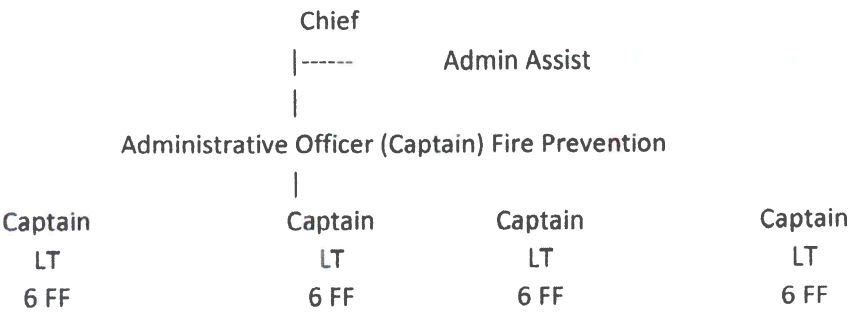
# Southbridge Fire Department - Career







Winthrop Fire Department





## Appendix B

# NFPA Standard 1710

## Organization and Deployment of Fire Suppression Operations, EMS and Special Operations in Career Fire Departments

### History and Purpose

- The 1710 Standard for was originally released in 2001. Following, there have been three revisions (2004, 2010, 2016) with the most recent released in September 2016.
- The standard is applicable to substantially all CAREER fire departments and provides the MINIMUM requirements for resource deployment for fire suppression, EMS and Special Operations while also addressing fire fighter occupational health and safety.
- The 1710 Standard addresses structure fire in three hazard levels. These included low hazard (residential single-family dwellings), medium hazard (three story garden apartments or strip malls), and high hazard structures (high-rise buildings).
- The Standard addresses fire suppression, EMS, Aircraft Rescue and Firefighting, Marine Rescue and Firefighting, Wildland Firefighting, and Mutual and Auto Aid.

### Fire Suppression and Special Operations Provisions

- "Company" is defined as:
  - Group of members under direct supervision
  - Trained and equipped to perform assigned tasks
  - Organized and identified as engine, ladder, rescue, squad or multi-functional companies
  - Group of members who arrive at scene and operate with one apparatus
- EXCEPTION to company arriving on one apparatus:
  - Multiple apparatuses are assigned, dispatched and arrive together
  - Continuously operate together
  - Managed by a single officer

- An Initial Alarm is personnel, equipment and resources originally dispatched upon notification of a structure fire.

#### ■ Performance Objectives

- Alarm Answering Time
  - 15 sec 95%
  - 40 sec 99%
- Alarm Processing Time
  - 64 sec 90%
  - 106 sec 95%
- Turnout Time =
  - 60 sec EMS
  - 80 sec Fire
- First Engine Arrive on Scene Time
  - 240 sec (4 min)
- Initial Full Alarm (Low and Medium Hazard) Time
  - 480 sec (8 min)
- Initial Full Alarm – High Hazard/ High-Rise Time
  - 610 sec (10 min 10 sec)



- Fire departments shall set forth criteria for various types of incidents to which they are required/expected to respond. These types of incidents should include but not be limited to the following:

- Natural disaster
- Acts of terrorism
- WMD
- Large-scale mass casualty





- Given expected firefighting conditions, the number of on-duty members shall be determined through task analysis considering the following criteria:

- Life hazard protected population
- Safe and effective performance
- Potential property loss
- Hazard levels of properties
- Fireground tactics employed

#### ■ Company Staffing (Crew Size)

- Engine = minimum 4 on duty
  - High volume/geographic restrictions = 5 minimum on duty
  - Tactical hazards dense urban area = 6 minimum on duty
- Truck = minimum 4 on duty
  - High volume/geographic restrictions = 5 minimum on duty
  - Tactical hazards dense urban area = 6 minimum on duty

#### ■ Initial Alarm Deployment (\*number of fire fighters including officers)

- Low hazard = 15 Fire fighters
- Medium hazard = 28 Fire fighters
- High hazard = 43 Fire fighters

### EMS Provisions

- The fire department shall clearly document its role, responsibilities, functions and objectives for the delivery of EMS. EMS operations shall be organized to ensure the fire department's capability and includes members, equipment and resources to deploy the initial arriving company and additional alarm assignments.

#### ■ EMS Treatment Levels include:

- First Responder
- Basic Life Support (BLS)
- Advanced Life Support (ALS)

#### ■ MINIMUM EMS Provision = First responder/AED

- Authority Having Jurisdiction (AHJ) should determine if Fire Department provides BLS, ALS services, and/or transport. Patient treatment associated with each level of EMS should be determined by the AHJ based on requirements and licensing within each state/province.

- On-duty EMS units shall be staffed with the minimum members necessary for emergency medical care relative to the level of EMS provided by the fire department.

#### ■ Personnel deployed to ALS emergency responses shall include:

- A minimum of two members trained at the emergency medical technician-paramedic level
- AND two members trained at the BLS level arriving on scene within the established travel time.

- All fire departments with ALS services shall have a named **medical director** with the responsibility to oversee and ensure quality medical care in accordance with state or provincial laws or regulations and must have a mechanism for immediate communication with EMS supervision and medical oversight.





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

RECEIVED

2022 SEP -1 PM 2:15

CITY CLERK'S OFFICE  
GARDNER, MA

August 18, 2022

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

RE: Notification of City Centennial Celebration Ad Hoc Advisory Committee

Dear Madam President and Councilors,

As you are aware, the City is planning on organizing several celebrations to commemorate our 100<sup>th</sup> year as a City in 2023.

I am writing to notify you that I have appointed the following individuals to the City Centennial Celebration Ad Hoc Advisory Committee:

- Michael Richard
- Brad Heglin
- Douglas Lepisto
- Gladys Richardson
- Jessica DeRoy

The Council President has also appointed the following individuals:

- Marion Knoll
- Dawn Erickson
- Theresa Thompson

These individuals will oversee the planning and fundraising of several events throughout the course of the coming year. Other individual volunteers will be participating in the planning and execution of these events, however, this will be the core committee to oversee the larger aspects of the year.

Ms. Patricia Bergstrom will also be assisting with the planning of a parade for Fall of 2023.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



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

RECEIVED

2022 SEP -1 PM 2:15

CITY CLERK'S OFFICE  
GARDNER, MA

August 23, 2022

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

RE: An Act to Establish a Special Act Charter Drafting Committee

Dear Madam President and Councilors,

The current City Charter was originally drafted ninety-nine (99) years ago, and aside from a few small changes, has remained largely the same over the course of the last century.

In both a spirit of collaboration between the branches of the City's government and a spirit of looking forward, I am asking that the City Council vote to establish a Special Act Charter Drafting Committee to review our City Charter and submit proposed amendments in order to keep the business of the City's government up to date in modern times.

As we approach the document's 100<sup>th</sup> anniversary on January 1<sup>st</sup> of this year, I believe it would be prudent to update the Charter to ensure the operations of the City's government are meeting the needs of a modern municipality.

While I fully believe the structure of the City's Mayor-Council form of government works well and fits what this City needs, I do believe that some of the systems and operational aspects of the existing charter could be updated.

Over the past 100 years, our world as a whole has gone through a Great Depression, two World Wars, the Cold War, and a global pandemic. Since the current document was enacted, man has landed on the moon, the airplane was invented, the Berlin Wall was constructed and torn down, the Civil Rights Act was adopted, citizens between the ages of 18 and 21 were given the right to vote, and eighteen (18) individuals have held the office of President of the United States.

In all of the aforementioned events, the world changed and adapted to meet the times - as we as a City must also do. A lot has changed over the past century, and as we move forward to a stronger tomorrow, we must make sure this City has all of the tools and processes it needs to be successful in dealing with the obstacles, issues, and opportunities that were not yet even dreamt of when the current Charter was penned in 1921 and enacted in 1923.

Respectfully,

Michael J. Nicholson  
Mayor, City of Gardner



**AN ACT TO ESTABLISH A  
SPECIAL ACT CHARTER DRAFTING COMMITTEE**

BE IT VOTED BY THE CITY COUNCIL AS FOLLOWS:

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



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

RECEIVED

2022 SEP -1 PM 2:15

CITY CLERK'S OFFICE  
GARDNER, MA

August 25, 2022

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

RE: Authorization for Increase in allowable funding limit for Council on Aging Revolving Fund

Dear Madam President and Councilors,

Massachusetts General Law requires that the City Council must vote to set the total amount of funding that can be deposited into revolving accounts that are overseen by different City Departments.

Due to increased revenue sources for programing at the Senior Center, I am requesting that the City Council vote to increase the funding limit for the Gardner Senior Center Revolving Account (Account No. 21541) to \$40,000.

The current limit on the account is \$20,000.00

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

COUNCIL ON AGING DEPARTMENT  
RECREATIONAL ACTIVITIES  
REVOLVING FUND M.G.L. CH.44, S.53E½

VOTED: To authorize and direct the City Treasurer to establish a revolving fund in accordance with M.G.L. Chapter 44, section 53E½ for salaries and expenses relating to recreational activities at the Senior Center.

Monies received from recreation fees at the Senior Center shall be credited to this fund. As per M.G.L., interest earned on this fund shall be treated as general fund revenue.

The Council on Aging Department is authorized to expend from this fund and is limited to a total amount not to exceed any available balance or twenty thousand dollars (\$40,000.00), whichever is less.

The Council on Aging Department shall report annually to the Mayor and City Council the total amount of receipts and expenditures for the prior fiscal year and for the current fiscal year through December 31<sup>st</sup>, along with any other information that City Council may by vote require.

In the event this fund is not reauthorized for the following fiscal year or the city changes the purpose of the revolving fund, the balance in the fund shall revert to surplus revenue, unless City Council and the Mayor vote to transfer the funds to another revolving fund established in accordance with M.G.L. Chapter 44, section 53E½.

CITY OF GARDNER  
MASSACHUSETTS 01440

COUNCIL ON AGING

---

Charles P. McKean Building  
294 Pleasant Street



---

T: (978) 630-4067  
F: (978) 632-5965

July 26, 2022

Mayor Michael Nicholson  
City of Gardner  
95 Pleasant Street  
Gardner, MA 01440

Dear Mayor Nicholson

The Gardner Council on Aging/Gardner Senior Center respectfully requests the City of Gardner to increase our maximum allowable funding limit for our Revolving Fund, Account 21541 be increased to \$40,000.

Changes in funding sources, increased revenues from programs, and limits in expenses during Covid has resulted in higher balances in this account at the close of the Fiscal Year. We have been very conservative in incurring expenses to provide for additional resources for larger scale projects at our Center. As a result, we would like to increase the amount allowable for carry-over in this account.

As always, should you have any questions or need any additional information, please feel free to reach out to me at 978-630-4067, or by email to [mellis@gardner-ma.gov](mailto:mellis@gardner-ma.gov).

Thank you for all you do to support our Senior Center.

Sincerely,

Michael F. Ellis  
Director

Cc: John Richard, Auditor  
Nathan Boudreau, Chair, Welfare Committee  
Ron Darmetka, Chair, Council on Aging





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

RECEIVED  
2022 AUG 29 AM 11:43  
CITY CLERK'S OFFICE  
GARDNER, MA

August 25, 2022

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

RE: Payment Authorization- FY22 Bill- IT Department

Dear Madam President and Councilors,

The attached bill from Xfinity Comcast was received by the IT Department for services provided in June after the fiscal year had closed.

As such, the payment of such bill must be approved by a nine-tenths (9/10ths) vote of the City Council in order for our finance departments to be able to process the invoice.

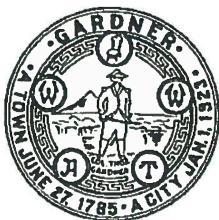
Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

## AUTHORIZING PAYMENT OF PRIOR YEAR OPERATING EXPENDITURE

*ORDERED:* To authorize payment of prior year IT operating expenditure account for prior year, as follows:

|        |                   |          |
|--------|-------------------|----------|
| FY2022 | TELECOMM. EXPENSE | \$546.10 |
|--------|-------------------|----------|



**CITY OF GARDNER  
MASSACHUSETTS 01440**

**INFO TECH DEPT  
95 Pleasant Street #209  
Tel (978) 630-4019**

August 9 2022

Dear Mayor Michael Nicholson:

We received a Comcast Invoice in July but it is dated from June. Therefore, we will need City Council approval to use FY23 funds to pay this FY22 invoice.

Respectfully,

A handwritten signature in black ink, appearing to read 'Robert O'Keefe', with a stylized, sweeping flourish at the end.

Robert O'Keefe

Enclosure: Comcast Invoice

# COMCAST BUSINESS

10783

|                  |                         |
|------------------|-------------------------|
| Account Number   | 8773 10 351 0560568     |
| Billing Date     | 06/24/22                |
| Balance Forward  | \$546.10                |
| New Charges      | \$546.10 - Due 07/08/22 |
| Total Amount Due | \$1092.20               |

Page 1 of 2

Contact us: @ [www.business.comcast.com](http://www.business.comcast.com) 1-800-391-3000

## Town Of Gardner

For service at:  
95 PLEASANT ST  
MODEM2  
GARDNER MA 01440-2630

## News from Comcast

Have you forgotten your payment? We had not received it as of the date this statement was printed. If payment has already been made, thank you.

Comcast Business Online Account: Service at your fingertips. Use your Online account to manage services, pay your bill, and shop business-grade apps. Simply go to [business.comcast.com/myaccount](http://business.comcast.com/myaccount) to register.

Go paperless with Ecobill. Sign up to view and pay your Comcast Business bill online at [business.comcast.com/myaccount](http://business.comcast.com/myaccount)

## Monthly Statement Summary

|                                       |                  |
|---------------------------------------|------------------|
| Previous Balance                      | 1092.20          |
| Payment - 05/28/22 - Thank You        | -546.10          |
| Balance Forward                       | 546.10           |
| New Charges - Due by 07/08/22         | 546.10           |
| <i>See below for more information</i> |                  |
| <b>Total Amount Due</b>               | <b>\$1092.20</b> |

## New Charges Summary

|                           |                 |
|---------------------------|-----------------|
| Comcast Business Internet | 544.85          |
| Taxes, Surcharges & Fees  | 1.25            |
| <b>Total New Charges</b>  | <b>\$546.10</b> |



Detach and enclose this coupon with your payment. Please write your account number on your check or money order. Do not send cash.

## COMCAST BUSINESS

If undeliverable, please return to:

PO BOX 6505, CHELMSFORD, MA 01824  
8633 0100 NO RP 24 06252022 NNNNNYNN 01 000026 0001

TOWN OF GARDNER  
ATTN BOB O'KEEFE  
95 PLEASANT ST  
GARDNER, MA 01440-2630

|                  |                     |
|------------------|---------------------|
| Account Number   | 8773 10 351 0560568 |
| Payment Due By   | Due Now             |
| Total Amount Due | \$1092.20           |
| Amount Enclosed  | \$                  |

Make checks payable to Comcast, and remit to address below

COMCAST  
PO BOX 70219  
PHILADELPHIA PA 19176-0219

877310351056056801092204



# COMCAST BUSINESS

## Service Details

Contact us: @ [www.business.comcast.com](http://www.business.comcast.com) ☎ 1-800-391-3000

Account Number **8773 10 351 0560568**  
 Billing Date 06/24/22  
 Balance Forward \$546.10  
 New Charges \$546.10 - Due 07/08/22  
 Total Amount Due \$1092.20  
 Page 2 of 2

### Comcast Business Internet

|                      |               |        |
|----------------------|---------------|--------|
| Business Internet 1G | 07/01 - 07/30 | 499.95 |
| Business Wifi        | 07/01 - 07/30 | 0.00   |
| Static IP - 5        | 07/01 - 07/30 | 24.95  |
| Equipment Fee        | 07/01 - 07/30 | 19.95  |
| Internet.            |               |        |

**Total Comcast Business Internet \$544.85**

### Taxes, Surcharges & Fees

#### Internet

Sales Tax 1.25

**Total Taxes, Surcharges & Fees \$1.25**

### Important Account Information

Please call Comcast at 1-800-391-3000 if you have any questions regarding the charges billed to your account. You have 60 days from the date of this bill to dispute any charges included on this bill.

Local Franchise Authority: MA Department of Telecommunications and Cable, Consumer Division, 1000 Washington Street, Boston, MA 02118-6500. The FCC ID for your town is MA0016.

Update to Terms and Conditions: Relevant terms have been added to Article 30 of the Terms and Conditions to include SecurityEdge Extended Coverage. The additional terms can be found at [business.comcast.com/terms-conditions-smb](http://business.comcast.com/terms-conditions-smb).

### Important Account Information, cont.

Moving? Let us help. If you're moving, give us as much advanced notice as possible so we can help make a smooth transition. Call 1-800-391-3000



Hearing/Speech Impaired call 711.

Recent and Upcoming Programming Changes: Information on recent and upcoming programming changes can be found at <https://www.xfinity.com/programmingchanges/> or by calling 866-216-8634.

BOWLING ALLEY FEE - \$30.00 FOR 1<sup>ST</sup> LANE + \$15.00 FOR EACH ADDITIONAL LANE  
 BILLIARD TABLE FEE - \$30.00 FOR 1<sup>ST</sup> TABLE + \$15.00 FOR EACH ADDITIONAL TABLE



## CITY OF GARDNER MASSACHUSETTS 01440

95 PLEASANT STREET - ROOM 121

TELEPHONE (978) 630-4058

FACSIMILE (978) 630-2589

RECEIVED  
2022 AUG -1 PM 2:41

CITY CLERK'S OFFICE  
GARDNER, MA

DO NOT WRITE IN THIS BOX

### APPLICATION FOR BILLIARD TABLE AND/OR BOWLING ALLEY LICENSE

#### APPLICANT INFORMATION

Applicant / Licensee Name: MICHAEL S BUDWICK

Applicant / Licensee Address: 63 BROOK LANE GARDNER, MA 01440

Applicant / Licensee phone number(s): 978-695-3367 Applicant / Licensee E-mail: GARDNER TEN PINS COMPANY

Social Security Number \_\_\_\_\_ OR FEIN 04-2443117

#### ESTABLISHMENT INFORMATION

Establishment Name: GARDNER TEN PINS, INC.

Establishment address: 56 W. BROADWAY Establishment Phone: 978-632-0010

On-Site manager / contact person: MICHAEL BUDWICK

License(s) applied for? BOWLING ALLEY No. of lanes? 24 No. of billiard tables? 0

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, §177 AND §§ 201-205.

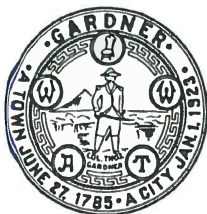
SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

Michael S Budwick DATE SIGNED 4/12/22  
 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 CHECK TO: CITY CLERK, 95 PLEASANT STREET, ROOM 121, GARDNER, MA 01440-2690.**

**BILLIARD TABLE AND BOWLING ALLEY LICENSES EXPIRE ON APRIL 30<sup>TH</sup> ANNUALLY**

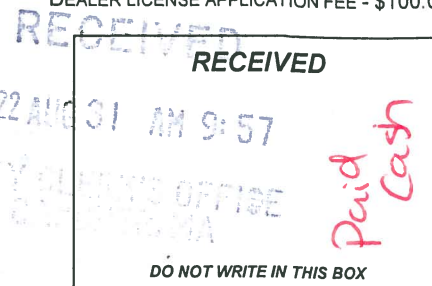


# CITY OF GARDNER MASSACHUSETTS 01440

95 PLEASANT STREET - ROOM 121

TELEPHONE (978) 630-4058

FACSIMILE (978) 630-2589



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

### APPLICANT INFORMATION

Applicant / Licensee Name: Daniel Quinlan  
 Applicant / Licensee Address: 275 Central St apt #6  
 Applicant / Licensee phone number(s): 978-467-3427  
 Applicant / Licensee E-mail: Quinlandan@yahoo.com  
 Social Security number: XXXXXXXXXXXX ~~XXXXXXXXXXXX~~ OR Business FID number \_\_\_\_\_

### ESTABLISHMENT INFORMATION

Establishment Name: Gardner Thrift Store  
 Establishment address: 280 Central St  
 Establishment Phone: 978-467-3427  
 On-Site manager / contact person: Daniel Quinlan  
 For which type of license(s) are you applying? Secondhand Dealer

#### 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, Nick-nacks, Jewelry, electronics, furniture, household goods

Where at the licensed address will the articles be stored, displayed, etc? Within the store, on ~~shelf~~ shelves and Glass display cases and on hanger racks

Massachusetts Sales & Use Tax Registration number: \_\_\_\_\_  
 (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 CITY OF GARDNER ORDINANCE NO. 32 GOVERNING JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES:

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

*Darnell O'Connell*  
INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE  
OFFICER OR APPLICANT

8-129/2022  
DATE SIGNED

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 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.





THE COMMONWEALTH OF MASSACHUSETTS  
 OFFICE OF THE ATTORNEY GENERAL  
 ONE ASHBURTON PLACE  
 BOSTON, MASSACHUSETTS 02108

MAURA HEALEY  
 ATTORNEY GENERAL

TEL: (617) 727-2200  
[www.mass.gov/ago](http://www.mass.gov/ago)

August 1, 2022

OML 2022 – 145

**VIA EMAIL ONLY**

Elizabeth J. Kazinskas  
 President, Gardner City Council  
[ekazinskas@gardner-ma.gov](mailto:ekazinskas@gardner-ma.gov)

**RE: Open Meeting Law Complaint**

Dear President Kazinskas:

This office received two complaints from Scott Graves<sup>1</sup> alleging that the Gardner City Council (the “Council”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The first complaint was filed with the Council on or about September 1, and, after an extension of time granted by our office, you responded on behalf of the Council by letter on September 29.<sup>2</sup> The second complaint was filed with the Council on or about October 18, and you responded on behalf of the Council by letter on November 5.

We understand the September 1 complaint to allege that 1) the Council met in executive session on August 2 for an improper purpose; and 2) the Chair’s announcement before entering executive session on August 2 was insufficient. We understand the October 18 complaint to allege that the Council 1) failed to meet to review the September 1 complaint and delegate authority to respond before responding to the complaint; and 2) deliberated outside of a meeting when a proposed response to the September 1 complaint was emailed to the full Council.<sup>3</sup>

We appreciate the parties’ patience while we reviewed these matters. Following our review, we find that the Council violated the Open Meeting Law by improperly deliberating via email. We find that the Council did not otherwise violate the Open Meeting Law as alleged. In

<sup>1</sup> At the time the complaints were filed with the Council, Mr. Graves was a member of the Council.

<sup>2</sup> All dates are in 2021 unless otherwise stated.

<sup>3</sup> The Complainant raises additional allegations and issues that, even if true, would not constitute violations of the Open Meeting Law. Because the Division of Open Government’s statutory authority concerns compliance only with the Open Meeting Law, G.L. c. 30A, §§ 18-25, we decline to review these additional allegations.

reaching this determination, we reviewed the Open Meeting Law complaints; the Council's responses; and the requests for further review. We also reviewed the notices and meeting packets for Council meetings held on August 2, September 7, and September 20, as well as video recordings of those same meetings. Additionally, we reviewed the September 16 email circulating the meeting packet for the Council's September 20 meeting.<sup>4</sup> Finally, we communicated a few times with Council President.<sup>5</sup>

## FACTS

We find the facts to be as follows. The Council is an eleven-member public body; therefore, six members constitute a quorum. In July of 2021, the Complainant, in his capacity as a City Councilor, filed a lawsuit in Worcester Superior Court naming John Flick, in his capacity as City Solicitor for the City of Gardner, and the Commonwealth's Supervisor of Records as defendants.<sup>6</sup> The lawsuit pertains to the City's refusal to provide records that the Complainant requested as part of a public records request, and the Supervisor of Record's determination that the records did not have to be produced. The September 1 complaint relates to an executive session held on August 2 during which the Council discussed the Complainant's lawsuit.

### **The August 2 Meeting**

At some point prior to August 2, the Mayor requested that the Council appropriate funds to hire outside counsel to defend against the Complainant's lawsuit. The Mayor asked that the Council meet in executive session to discuss this funding request and related litigation matter. The Council posted notice for a meeting to be held on August 2 at 7:30 p.m. Included on the notice was the topic

#### VIII. EXECUTIVE SESSION

Entered under Exemption 3 of the Massachusetts Open Meeting Law: "To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares." M.G.L. c.30A, §21(a)(3)

o For the purpose of discussing **S. Graves et al. v. City of Gardner et al.**

During the August 2 meeting, when the Council reached the executive session topic, Council President Elizabeth Kazinskas, acting as chair, called on Councilor Aleksander Dernalowicz who made a motion to "move into executive session." The motion was seconded by Councilor George Tyros. Thereafter President Kazinskas stated that the executive session would be held under "exemption 3 of the Massachusetts Open Meeting Law" stating that this allows a public body to enter executive session to "discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the chair so declares." President Kazinskas then explained that the specific purpose for the

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<sup>4</sup> Video recordings of the Council's meetings may be found at <https://www.gardner-ma.gov/637/3619/Video-On-Demand>.

<sup>5</sup> For the sake of clarity, we refer to you in the third person.

<sup>6</sup> Graves v. Flick, Mass. Sup. Ct., No. 2185CV00791 (Worcester County, July 16, 2021).

executive session that evening was “to discuss S. Graves versus City of Gardner and other parties filed in the Massachusetts Superior Court.” Thereafter, President Kazinskas stated that “as required by Chapter 30A of the General Laws, I declare that discussing these matters in open session would not be appropriate as the discussion involves an item in active litigation against the City.” President Kazinskas then asked if there was any discussion regarding the motion to enter executive session. There was none. The Council then voted by roll call to enter executive session. Finally, President Kazinskas announced that the Council would reconvene in open session.

The minutes of the August 2 executive session have not been released to the public yet, and we therefore do not recount their content in detail here. However, we note that the Council was provided with background information regarding the Complainant’s lawsuit. The Council also discussed conflicts of interest within the City’s law department with respect to the Complainant’s lawsuit and the request to hire outside counsel, including the cost of hiring outside counsel and the request to appropriate funds.

After adjourning executive session, the Council reconvened in open session and voted to transfer “\$15,000.00[] from [the] Mayor’s Unclassified Termination Leave Account to [the] Mayor’s Unclassified S. Graves versus City Et Al Lawsuit Account.”

### **The Response to the September 1 Open Meeting Law Complaint**

The Council posted notice for a meeting to be held on September 7 at 7:30 p.m. Included on the notice was the topic “An Open Meeting Law Complaint filed by Councillor Scott Joseph Graves.” During the September 7 meeting, the Council determined that it needed additional time to respond to the September 1 complaint and voted to refer the matter to the law department to request an extension of time from our office.

At some point between the September 7 meeting and September 16, President Kazinskas drafted a proposed response to the September 1 complaint. President Kazinskas submitted the proposed response to the City Clerk for inclusion in the meeting packet for the Council’s upcoming September 20 meeting. On September 16 the meeting packet was posted online. That same day the City Clerk emailed a link to the meeting packet to the full Council. Included on page 418 of the meeting packet was President Kazinskas’ proposed response to the September 1 Open Meeting Law complaint.

The Council posted notice for a meeting to be held on September 20 at 7:30 p.m. Included on the notice was the topic “An Open Meeting Law Complaint filed by Councillor Scott Joseph Graves (*In the City Council and Referred to Law Department to request an extension 9/7/2021*).” During the September 20 meeting, President Kazinskas introduced the Open Meeting Law complaint topic and then recognized Councilor Tyros. Councilor Tyros moved “to approve the proposed response.” The motion was seconded by Councilor Dernalowicz. President Kazinskas then asked for discussion on the motion. The Complainant announced that he would abstain. Thereafter, Councilor James Boone spoke regarding the Complainant’s Superior Court lawsuit. There was no further

discussion and the Council voted in favor of the motion to approve the proposed response. Thereafter, on September 29, the Council sent its response to the Complainant, copying our office.

## DISCUSSION

### I. The Council Met in Executive Session on August 2 for a Proper Purpose and the Announcement Before Entering Executive Session Was Sufficient.

#### *Executive Session Purpose 3*

The Open Meeting Law requires that all meetings of a public body be conducted in an open session, with some exceptions allowing a public body to convene behind closed doors in executive session. G.L. c. 30A, §§ 20(a), 21(a). One permissible reason to convene in executive session is “to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.” G.L. c. 30A, § 21(a)(3) (“Purpose 3”). The public body invoking Purpose 3 must have a bargaining or litigating position to protect and must declare in open session that having the discussion in open session may have a detrimental effect on that position. See G.L. c. 30A, § 21(a)(3); OML 2011-47.<sup>7</sup> Under Purpose 3, a public body has a litigating position to protect if there is pending litigation in which the public body has a litigating position, or if litigation is clearly and imminently threatened or otherwise demonstrably likely. See OML 2020-53.

The Complainant alleges that the Council did not have a litigating position with respect to his lawsuit because the City, not the City Council, was a party to the lawsuit. Although we recognize that the Complainant’s lawsuit raises some peculiarities with respect to the Council’s role in the litigation, we have found that public bodies responsible for appropriating funds that do not otherwise have a litigating position may meet in executive session to consider appropriation of litigation expenses. See OML 2011-47, citing Filippone v. Mayor of Newton, 392 Mass. 633, 625 (1984) (holding that a finance committee could enter executive to consider appropriation of litigation expenses where the mayor was the named party). We find that the Council properly met in executive session under Purpose 3.

#### *The Announcement Before Entering Executive Session*

The Open Meeting Law requires that before entering executive session the chair must “state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called [and] . . . shall publicly announce whether the open session will reconvene at the conclusion of the executive session.” G.L. c. 30A, § 21(b)(3), (4). As noted above, the Law requires that additional statements be made by the chair before entering executive session for specific purposes, such as Purpose 3 which requires the chair to declare that “an open meeting may have a detrimental effect on the bargaining or litigating position of the public body.” G.L. c. 30A, § 21(a)(3).

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<sup>7</sup> Open Meeting Law determinations may be found at the Attorney General’s website, [www.mass.gov/ago/openmeeting](http://www.mass.gov/ago/openmeeting).



The complaint alleges that President Kazinskas' announcement before entering executive session was insufficient, in part because she did not state that holding the discussion in open session may have a detrimental effect on the Council's litigating position. Although the Open Meeting Law requires that, before entering executive session under Purpose 3, the chair declare that holding the discussion in "an open meeting may have a detrimental effect on the bargaining or litigating position of the public body," G.L. c. 30A, § 21(a)(3), the Law does not mandate that the chair recite the exact language of the statute. See OML 2020-108. Here, when reviewed in its entirety, we find President Kazinskas' announcement sufficient to comply with the Law where she read aloud the Purpose 3 statutory language, identified the specific litigation matter to be discussed, and then stated "as required by Chapter 30A of the General Laws, I declare that discussing these matters in open session would not be appropriate as the discussion involves an item in active litigation against the City."

II. The Council Met to Review the September 1 Open Meeting Law Complaint Prior to Responding to the Complaint; However, the Council Improperly Deliberated When a Proposed Response Was Circulated to the Full Council Via Email.

Unless an extension of time has been granted by this office, within 14 business days of receipt of a complaint, the public body must meet to review the complaint's allegations; take remedial action, if appropriate; send to the complainant a response and a description of any remedial action taken; and send to the Attorney General a copy of the complaint and a description of any remedial action taken. G.L. c. 30A, § 23(b); 940 CMR 29.05(5). The public body may review a complaint during a meeting and refer the complaint to an individual to respond, or an individual may draft a response to the complaint in advance of a meeting for the public body to approve during a meeting, but the public body may not remove itself entirely from the process. See OML 2020-164; OML 2017-197. The Open Meeting Law does not require a public body to engage in a substantive discussion of the merits of the complaint. See OML 2020-38; OML 2018-134; OML 2017-148 ("That the Board may have chosen to refer the complaint rather than discuss its substance is the Board's prerogative.").

As discussed in the previous section, meetings of a public body must be open to members of the public unless an executive session is convened. G.L. c. 30A, §§ 20(a), 21. Additionally, meetings of a public body must be properly noticed. G.L. c. 30A, §§ 20(b). A "meeting" is defined, in relevant part, as "a deliberation by a public body with respect to any matter within the body's jurisdiction." G.L. c. 30A, § 18. The Law defines "deliberation" as "an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction; provided, however, that 'deliberation' shall not include the distribution of other procedural meeting [sic] or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed." Id. Email attachments are considered along with the body of an email when determining whether a public body member has expressed an opinion. See OML 2019-75; OML 2014-152; Boelter v. Bd. of Selectmen of Wayland, 479 Mass. 233, 239-43 (2018). A one-way communication from one public body member to a quorum on business within a body's jurisdiction is deliberation, even if no other members respond. See OML 2020-136; OML 2019-

144. For purposes of the Open Meeting Law, a “quorum” is a simple majority of the members of a public body. G.L. c. 30A, § 18.

To begin, we find that the Council met to review the September 1 Open Meeting Law complaint prior to formally responding to the complaint. The Council met on September 20, voted to approve President Kazinskas’ proposed response, and on September 29 formally sent the response to the Complainant, copying our office. That the Council did not discuss the complaint in depth did not violate the Open Meeting Law. See OML 2020-38; OML 2018-134; OML 2017-148.

Next, although we find that the Council did not violate the Open Meeting Law with respect to the procedures for responding to an Open Meeting Law complaint, we find that the Council improperly deliberated regarding its response to the September 1 complaint when the proposed response was circulated to the full Council via email as part of the meeting packet for the Council’s September 20 meeting. The proposed response was drafted by President Kazinskas and therefore necessarily contained her opinions, as such the distribution of the proposed response did not fall within the exception to the definition of “deliberation” for the distribution of reports or documents that may be discussed at a meeting. G.L. c. 30A, § 18. Although it is clear that certain administrative tasks are excluded from the definition of “deliberation,” that exception includes a strong caveat: such administrative communications are permissible “provided that no opinion of a member is expressed.” G.L. c. 30A, § 18; OML 2013-5.<sup>8</sup>

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<sup>8</sup> The Supreme Judicial Court suggested in dicta that a public body may avoid violating the Open Meeting Law if, when circulating documents that contain public body members’ opinions outside of an open meeting, the public body contemporaneously provides the documents to the public by, for example, posting the documents on a website. Boelter, 479 Mass. 233, 243-44 (2018). Those facts were not before the Court, and furthermore, the unambiguous language of the statute clearly prohibits distribution among a quorum of a public body of reports or document that may be discussed at a meeting if those reports or documents express the opinions of a public body member. See G.L. c. 30A, § 18 (“‘deliberation’ shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed.”) (emphasis added).

CONCLUSION

For the reasons stated above, we find that the Council violated the Open Meeting Law by improperly deliberating via email. We find that the Council did not otherwise violate the Open Meeting Law as alleged. We order the Council's immediate and future compliance with the Open Meeting Law, and caution that a future similar violation may be considered evidence of an intentional violation of the Law. Because the proposed response was previously released to the public on September 16 when the September 20 meeting packet was posted online, we order no further remedial action.

We now consider the complaints addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with the Council or with our office. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

Sincerely,



Elizabeth Carnes Flynn  
Assistant Attorney General  
Division of Open Government

cc: Scott Graves (via email: [sgraveslawoffice37@gmail.com](mailto:sgraveslawoffice37@gmail.com))  
John M. Flick, Esq., City of Gardner Law Department (via email: [jflick@flicklawgroup.com](mailto:jflick@flicklawgroup.com))

**This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.**

**SCOTT GRAVES**  
**CITY COUNCILLOR AT LARGE**

69 LAKEVIEW DRIVE  
GARDNER, MA 01440  
632-6556  
SGRAVESLAWOFFICE@VERIZON.NET

---

August 19, 2022

City Clerk Titi Siriphan  
95 Pleasant St.  
Gardner, MA 01440

Dear Clerk Siriphan:

You are hereby provided with my Open Meeting Law complaint – which is required under the Attorney General's rules and directions.

Sincerely,

Scott Graves, Councillor at Large

Enc. AG OML Complaint





# OPEN MEETING LAW COMPLAINT FORM

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 Dr  
City: Gardner State: MA Zip Code: 01440  
Phone Number: 632-6556 Ext. \_\_\_\_\_  
Email: sgraveslawoffice@verizon.net  
Organization or Media Affiliation (if any): \_\_\_\_\_

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: \_\_\_\_\_

Date of alleged violation: 08/02/21

**Description of alleged violation:**

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.

The President declared that 1) the stated purpose of Exec. Session was for the City Council to have a private general discussion with the City Solicitor about "litigation" filed "against the City," and 2) that it would not be "appropriate" to do that in front of the People, failing to declare that discussing this non-"strategy" in the open would be "detrimental" to the City Council's "litigating position." This violated Sec. 21(a)(3). Unlike the City, the City Council doesn't have a litigating position. Under the OML, the City Council can't discuss the City's litigation "strategy" or "litigating position" in Exec. Session. The only City defendant in the "litigation" is the City itself -- which is why neither the City Solicitor nor his Assistant are conflicted. There was no statutory purpose for the Solicitor to divulge the City's litigation strategy to the City Council because it is not a party in the "litigation," and has no role in it. That is wholly a function of the executive branch. The City Solicitor sought to influence the vote by convincing the City Council that expert legal counsel was needed. He couldn't do that unless he convinced the Councillors that he was "conflicted" from handling the litigation. Why was he even there then? That's not litigation "strategy." The Mayor wanted to be able to divert attention away from what is his own wasteful spending, and instead point to the City Council as the culprit. Whatever Flick said in the dark, no one told the Public in the light that Ordinance 140 requires the City Solicitor and/or the Asst. City Solicitor to handle this simple "litigation." Neither of the two City lawyers have a conflict. So, why aren't they doing it? That never came up. But one thing is clear: it's a violation of the OML to discuss the issue of spending the Citizens' money when they can't see and hear WHY their money is being spent.

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.

To declare the City Council's transfer of \$15,000 void, and rescind it.

**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: [Signature]

Date: 8/1/21

**Description of alleged violation:**

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.

AMENDMENT

Original complaint not changed.

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.

Amended request for relief: To declare the City Council's resultant transfer of \$15,000 void, and rescind it; and an order that the Executive Session Minutes be immediately released in accurate, full and complete detail, just as with any regular meeting Minutes, without redactions, omissions, or edits of any kind.

**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.

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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: \_\_\_\_\_

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

Amendment  
7/2/21

For Use By Public Body  
Not to be removed by Public Body

For Use By AGO  
Not to be removed by AGO



THE COMMONWEALTH OF MASSACHUSETTS  
 OFFICE OF THE ATTORNEY GENERAL  
 ONE ASHBURTON PLACE  
 BOSTON, MASSACHUSETTS 02108

MAURA HEALEY  
 ATTORNEY GENERAL

TEL: (617) 727-2200  
[www.mass.gov/ago](http://www.mass.gov/ago)

August 1, 2022

OML 2022 – 146

**VIA EMAIL ONLY**

Elizabeth J. Kazinskas  
 President, Gardner City Council  
[ekazinskas@gardner-ma.gov](mailto:ekazinskas@gardner-ma.gov)

**RE: Open Meeting Law Complaint**

Dear President Kazinskas:

This office received a complaint from Scott Graves alleging that the Gardner City Council (the “Council”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was filed with the Council on or about January 28, 2022, and you responded on behalf of the Council by letter dated February 7, 2022. The complaint alleges that 1) Council President Elizabeth Kazinskas<sup>1</sup> deliberated via email on December 30, 2021; and 2) the Council failed to create and approve minutes for its executive session held on August 2, 2021.<sup>2,3</sup>

We appreciate the parties’ patience while we reviewed this matter. Following our review, we find that the Council violated the Open Meeting Law as alleged. In reaching this determination, we reviewed the Open Meeting Law complaint; the Council’s response; and the request for further review. We also reviewed a video recording of the Council’s January 3, 2022, meeting and the meeting packet for that same meeting.<sup>4</sup> Finally, we communicated with the Council President.

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<sup>1</sup> For the sake of clarity, we refer to you in the third person.

<sup>2</sup> The propriety of the August 2, 2021, executive session is the subject of another Open Meeting Law complaint filed by the Complainant and is addressed in a separate determination.

<sup>3</sup> We decline to review additional allegations that were not raised in the original complaint filed with the Council. See OML Declination 4-22-15; OML Decimation 8-25-2015; OML 2022-129, n. 2.

<sup>4</sup> Video recordings of the Council’s meetings may be found at <https://www.gardner-ma.gov/637/3619/Video-On-Demand>.



### FACTS

We find the facts to be as follows. The Council is an eleven-member public body; therefore, six members constitute a quorum. On August 2, 2021, the Council convened in executive session under G.L. c. 30A, § 21(a)(3) to discuss a litigation matter. The Council approved the minutes for the August 2, 2021, executive session on April 19, 2022. The April 19, 2022, meeting was the Council's seventeenth meeting following the August 2, 2021, meeting.

On December 30, President Kazinskas sent the City Clerk an email entitled "Agenda Item – Committee Appointments" and asked that the Clerk forward the email to the full Council. That same day, the Clerk forwarded President Kazinskas's email to the full Council. The email stated as follows:

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.

The notice for the Council's January 3, 2022, meeting include the topic "A Measure Amending the Rules of the City Council to Establish a Standing Committee on Appointments." During the January 3, 2022, meeting, President Kazinskas announced the topic and then recognized Councilor Nathan Boudreau who moved to adopt the amendment to the Council Rules and create a standing committee on appointments. The motion was seconded, and President Kazinskas called for discussion. Councilor Judy Mack spoke commending the Mayor and President Kazinskas for recommending the establishment of a committee to oversee appointments and stating that she supported forming such a committee. Councilor Craig Cormier then spoke regarding the makeup of the new appointments committee. Thereafter, the Council voted in favor of creating an appointments committee.

## DISCUSSION

### I. The Council Failed to Timely Approve Minutes for Its August 2 Executive Session Meeting.

The Open Meeting Law requires public bodies to create and approve meeting minutes, whether for open or executive session, in a timely manner. G.L. c. 30A, § 22(c). “Timely manner” means “within the next three public body meetings or within 30 days, whichever is later, unless the public body can show good cause for further delay.” 940 CMR 29.11; see OML 2018-48. Whenever possible, we recommend that minutes of a meeting be approved at the next meeting. See OML 2018-67; OML 2017-133. Approval of executive session minutes is a separate and unrelated obligation from the requirement that executive session minutes be periodically reviewed to determine whether they should be released to the public. See OML 2019-115. This initial approval of executive session minutes is to approve the minutes as an accurate record of what occurred at a particular executive session and does not mean that the minutes are approved for release to the public.

The complaint alleges that the Council failed to create minutes for its executive session held on August 2, 2021. The Council responded to the complaint explaining that the minutes had not yet been released to the public. In response to questions from our office, the Council has explained that it approved the minutes for the August 2, 2021, executive session in the first instance on April 19, 2022, and that the minutes have not yet been approved for release to the public. Because the Council did not approve the minutes of its August 2, 2021, meeting until April 19, 2022, its seventeenth meeting and 260 days after the August 2 meeting, we find that the Council violated the Open Meeting Law by failing to timely approve meeting minutes.

### II. The Council President Improperly Deliberated Via Email on December 30, 2021, and This Violation Was Not Cured.

The Open Meeting Law requires that meetings of a public body be properly noticed and that they be open to members of the public unless an executive session is convened. See G.L. c. 30A, §§ 20(a)-(b), 21. A “meeting” is defined, in relevant part, as “a deliberation by a public body with respect to any matter within the body’s jurisdiction.” G.L. c. 30A, § 18. The Law defines “deliberation” as “an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction; provided, however, that ‘deliberation’ shall not include the distribution of other procedural meeting [sic] or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed.” Id. A one-way communication from one public body member to a quorum on business within a body’s jurisdiction is deliberation, even if no other members respond. See OML 2020-136; OML 2019-144. A public body may not use a non-member, such as the secretary, to facilitate a deliberation or communication on matters that the public body would otherwise be required to save for discussion at an open meeting. See OML 2020-144; OML 2017-69; OML 2016-48; see also Dist. Atty for the Northern Dist. v. Sch. Comm. of Wayland, 451 Mass. 561, 570-571 (2009) (“Governmental bodies may not circumvent the requirements of the open meeting law by

conducting deliberations via private messages, whether electronically, in person, over the telephone, or in any other form.”).

We find, and the Council does not dispute, that President Kazinskas violated the Open meeting Law by causing her December 30, 2021, email to be sent to the full Council and thus deliberating outside of a properly noticed meeting. Although the Council does not directly dispute that a violation occurred, it asserts that any violation was cured because President Kazinskas’ email was included in the meeting packet for the Council’s January 3, 2022, meeting—which is publicly posted online—and because the Council discussed the subject of the December 30, 2021, email during the January 3, 2022, meeting.

Violations of the Open Meeting Law may be cured by independent, deliberative action that is not merely a ceremonial acceptance and perfunctory ratification of action taken in violation of the Law. See Pearson v. Bd. of Selectmen of Longmeadow, 49 Mass. App. Ct. 119, 125 (2000); OML 2020-7; OML 2016-49. Generally, that means conducting deliberations anew at a subsequent meeting that is accessible to the public and for which proper notice is provided. For example, we found that a board of health cured a similar violation to the one found here when the Chair read the two memoranda that constituted improper deliberation aloud at an open meeting after having included this topic on a properly posted notice. OML 2021-130.

Here, we find that the actions taken by the Council are insufficient to cure the violation where the December 30, 2021, email was simply included in the meeting packet for the Council’s January 3, 2022, meeting and was not otherwise acknowledged or discussed during an open meeting. We take this opportunity to clarify for the Council that simply including deliberative emails in a meeting packet does not negate the fact that such emails violate the Open Meeting Law. The substance of the December 30, 2021, email is precisely the kind of communication that the Open Meeting Law requires be conducted in an open meeting for which proper notice has been given.

### CONCLUSION

For the reasons stated above, we find that the Council violated the Open Meeting Law by failing to timely approve executive session minutes. Additionally, we find that the Council President violated the Open Meeting Law by deliberating via email on December 30, 2021. We order the Council's immediate and future compliance with the Open Meeting Law, and caution that a future similar violation may be considered evidence of an intentional violation of the Law. Additionally, we order each member of the Council to attend a comprehensive Open Meeting Law training, either by participating in one of the Division of Open Government's monthly webinar trainings or by attending a training presented by the Council's legal counsel. Each member of the Council shall certify to our office that they have done so within ninety (90) days of receipt of this letter.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with the Council or with our office. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

Sincerely,



Elizabeth Carnes Flynn  
Assistant Attorney General  
Division of Open Government

cc: Scott Graves (via email: [sgraveslawoffice37@gmail.com](mailto:sgraveslawoffice37@gmail.com))  
John M. Flick, Esq., City of Gardner Law Department (via email: [jflick@flicklawgroup.com](mailto:jflick@flicklawgroup.com))

**This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.**



Scott Joseph Graves <sgraveslawoffice37@gmail.com>

Friday, January 28, 2022 12:35 PM

OpenMeeting (AGO)

**Cc:** Elizabeth Kazinskas; Titi Siriphan; James M. Walsh

**Subject:** [EXTERNAL] Open Meeting Law Complaint

**Attachments:** OML.Clown.Committee.pdf

**Follow Up Flag:** Follow up

**Flag Status:** Flagged

**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.

Dear Attorney General:

Enclosed is an Open Meeting Law Complaint regarding an opinion of one City Councillor shared by the Gardner City Council, en banc, on December 30, 2021, in a group email.

Scott Graves, Gardner Government Watch



# OPEN MEETING LAW COMPLAINT FORM

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

Date of alleged violation: December 30, 2021

**Description of alleged violation:**

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: \_\_\_\_\_

*Elizabeth Kazinskas*  
City Councillor

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

*1/28/22*

For Use By Public Body

Date Received by Public Body:

For Use By AGO

Date Received by AGO:



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

RECEIVED

2022 JUN 27 PM 2:16  
CITY CLERK'S OFFICE  
GARDNER, MA

June 27, 2022

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

RE: Appointment of Lorin Walter – Police Sergeant

Dear Madam President and Councilors,

I hereby submit the appointment of Mr. Lorin Walter for the position of Police Sergeant.

Sgt. Walter was first hired by the City as a patrol officer on March 12, 2012 and was originally promoted to the position of sergeant on January 20, 2019 by former Mayor Mark Hawke.

Sgt. Walter had resigned from this position in the Summer of 2021, but is now looking to return to working for the Gardner Police Department.

Whereas this is currently still as Civil Service Position, Sgt. Walter still has the ability to return to his previous position, as it was only filled with an Acting Sergeant and no permanent replacement was appointed.

As required by the General Laws of the Commonwealth, since this appointment is for an Officer who is protected through a collective bargaining agreement, this is a permanent appointment and not one that expires.

Therefore as required by Section 7 of the Charter of the City of Gardner, I appoint Lorin Walter to the position of Police Sergeant, and I certify that in my opinion he 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 interest of the city.

Respectfully submitted,

Michael J. Nicholson  
Mayor, City of Gardner

CC: Appointments Committee



RECEIVED

July 1, 2022

2022 JUN 27 PM 2:16  
CITY CLERK'S OFFICE  
GARDNER, MA

## Commonwealth of Massachusetts

Worcester County

City of Gardner

## CERTIFICATE OF APPOINTMENT

I appoint Lorin Walter, to the position of Sergeant, of the Gardner Police Department  
and I certify that in my opinion he 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: Permanent

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

Then personally appeared the above named Lorin Walter and made oath that he would bear  
true faith and allegiance to the United States of America and the Commonwealth of Massachusetts and  
would support the Constitution and laws thereof.

Before me,

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

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

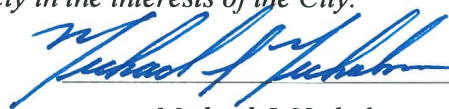
July 25, 2022

RECEIVED

2022 JUL 25 PM 4:05

**Commonwealth of Massachusetts****Worcester County**CITY CLERK'S OFFICE  
GARDNER, MA**City of Gardner****CERTIFICATE OF APPOINTMENT**

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

 Mayor  
Michael J. Nicholson

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

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

Expires: July 25, 2025

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

Then personally appeared the above named Nancy Binder and made oath that he/she would faithfully and impartially perform the duties of the office of Member, Bandstand Committee according to law and the best of his/her abilities.

Before me,

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

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

RECEIVED

July 25, 2022

2022 JUL 25 PM 4:05

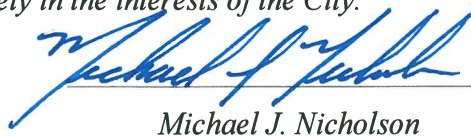
Commonwealth of Massachusetts

CITY CLERK'S OFFICE  
Worcester County

City of Gardner

## CERTIFICATE OF APPOINTMENT

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

 Mayor  
Michael J. Nicholson

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

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

Expires: July 25, 2025

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

Then personally appeared the above named Edward Vipond and made oath that he/she would faithfully and impartially perform the duties of the office of Member, Bandstand Committee according to law and the best of his/her abilities.

Before me,

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

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

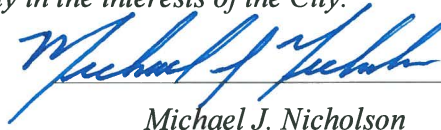
RECEIVED

July 25, 2022

2022 JUL 25 PM 4:05

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

I appoint **Donna Russo** to the position of **Member, Bandstand Committee**, and I certify that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.

 Mayor  
Michael J. Nicholson

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

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

Expires: July 25, 2025

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

Then personally appeared the above named **Donna Russo** and made oath that he/she would faithfully and impartially perform the duties of the office of **Member, Bandstand Committee** according to law and the best of his/her abilities.

Before me,

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

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

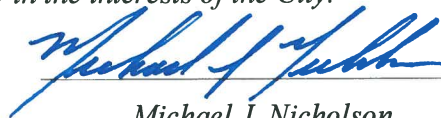
Received \_\_\_\_\_



RECEIVED

July 25, 2022

2022 JUL 25 PM 4:05

**Commonwealth of Massachusetts****Worcester County****City of Gardner****CERTIFICATE OF APPOINTMENT***I appoint Anne Hurst to the position of Member, Disability Commission, and I certify**that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.*

 Mayor  
 Michael J. Nicholson

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

 \_\_\_\_\_ City Clerk  
 Titi Siriphan
Expires: July 25, 2025

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

*Then personally appeared the above named Anne Hurst and made oath that he/she would faithfully and impartially perform the duties of the office of Member, Disability 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  
MASSACHUSETTS 01440-2630**

OFFICE OF THE  
**CITY CLERK**

Room 121, City Hall  
Tel (978) 630-4058  
Fax (978) 630-2589

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**NOTICE TO ABUTTERS**

July 13, 2022

**TO ABUTTERS AND OTHER INTERESTED PARTIES:**

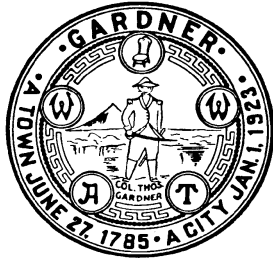
Pursuant to the provisions of M.G.L., c. 166, §22, you are hereby notified that a Public Hearing will be conducted on **MONDAY, AUGUST 1, 2022 at 7:30 o'clock P.M.** in the City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 95 Pleasant Street, Gardner, Massachusetts, upon the petition of Massachusetts Electric Company, d/b/a NATIONAL GRID and Verizon New England, Inc. for permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, under along and across the following public way:

**KEYES ROAD** – To relocate 1 Jointly Owned Pole on Keyes Road beginning at a point approximately 700 feet southeast of the centerline of the intersection of West Street. Relocate Pole #2 across the street to accommodate for bridge construction and upgrade to a 45-foot class 2.

A sketch of the proposed pole location is attached for your edification.

**CITY COUNCIL OF GARDNER**

By: **TITI SIRIPHAN**  
City Clerk



10740  
**ENGINEERING DEPARTMENT**  
**CITY OF GARDNER**  
50 Manca Drive, Gardner MA 01440

Robert E. Oliva, City Engineer  
Telephone (978) 630-8195  
roliva@gardner-ma.gov

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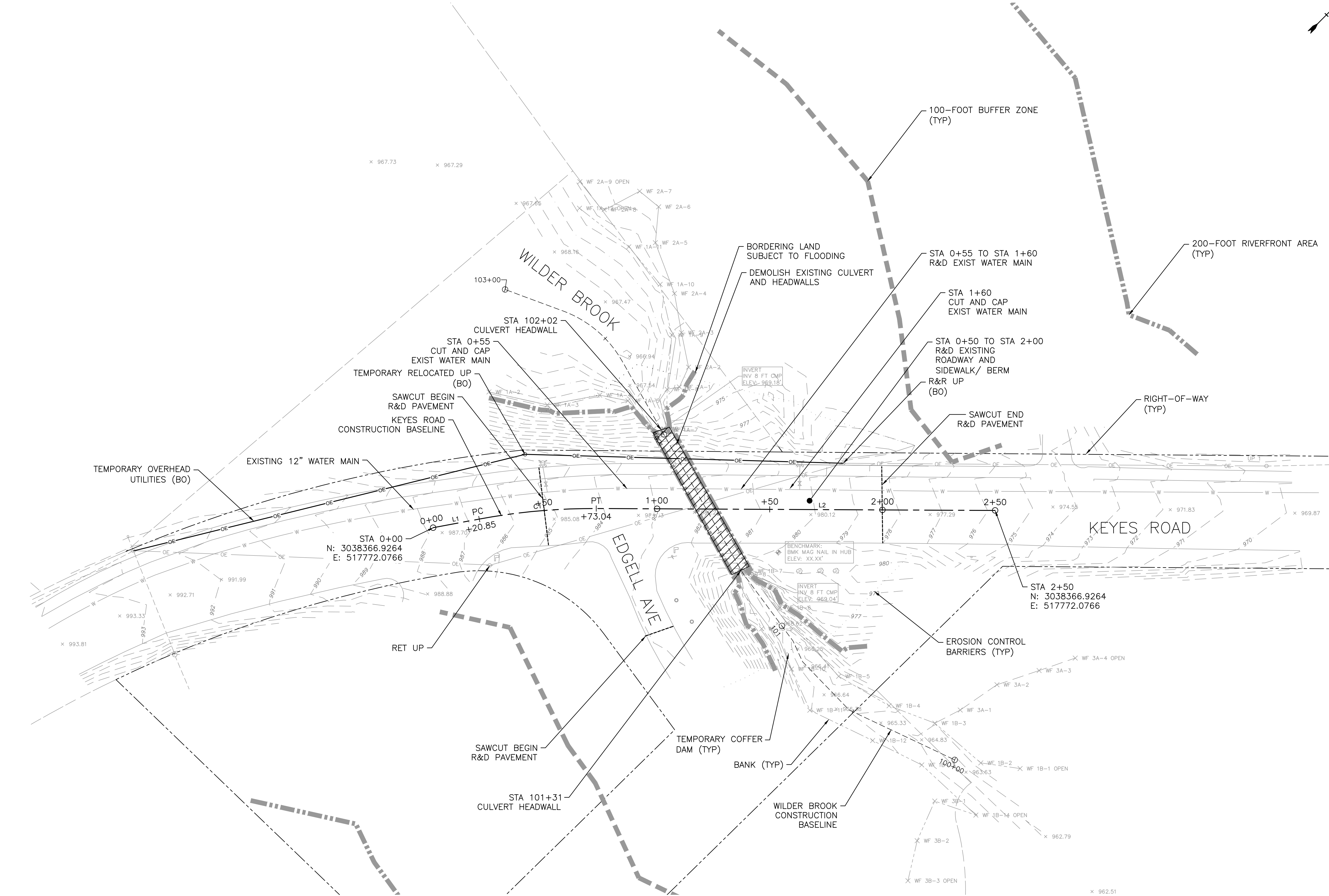
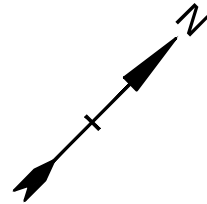
**PROJECT REVIEW MEMORANDUM**

**To:** Public Service Committee  
**Cc:** Dane Arnold, DPW Director  
Christine Harty, DPW Administrative Asst.  
Titi Siriphan, City Clerk  
**From:** Robert Oliva – City Engineer  
**Date:** July 20, 2022  
**Project:** National Grid Pole Petition - City Council Item #10740

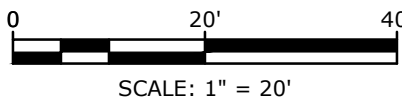
National Grid has submitted a pole petition to relocate two poles on Keyes Road. The following work is proposed:

- Pole #2 will be moved from its current location on the west side of the road to a new location on the east side of the road with a new guy, all within the City right of way.
- Pole #3 will be moved from the City right of way to be located on private property at 26 Keyes Road. National Grid has conveyed to me that the owner of 26 Keyes Road has agreed to an easement with them, and the easement is in the works.

This work is necessary to accommodate the construction of the proposed Keyes Road culvert replacement. I have reviewed the petition application, inspected the proposed locations, and have no comment on the petition at this time.



- NOTES:
- ALL OF THE PROPOSED WORK IN UPLANDS IS LOCATED WITHIN THE 100-FOOT BUFFER ZONE AND THE 200-FOOT RIVERFRONT AREA.
  - REFER TO SHEETS 12 AND 13 FOR CONSTRUCTION STAGING.



COMMONWEALTH OF MASSACHUSETTS  
MassDOT, Highway Division  
**CONCEPTUAL DESIGN IS ACCEPTABLE  
TO MASSDOT FOR CONTRACTING**  
STATE BRIDGE ENGINEER  
DATE

90% DESIGN  
NOT FOR  
CONSTRUCTION

Keyes Road  
Over Wilder  
Brook

Culvert  
Replacement

City of Gardner

Gardner,  
Massachusetts

MassDOT Bridge No.  
G-01-025, BIN 6PK

| MARK                 | DATE                                | DESCRIPTION |
|----------------------|-------------------------------------|-------------|
| PROJECT NO:          | G0384-060                           |             |
| DATE:                | MARCH 2022                          |             |
| FILE:                | G0384-T60_5-9_SITE PLAN DETAILS.dwg |             |
| DRAWN BY:            | SDS, RMC                            |             |
| DESIGNED/CHECKED BY: | XXX                                 |             |
| APPROVED BY:         | XXX                                 |             |

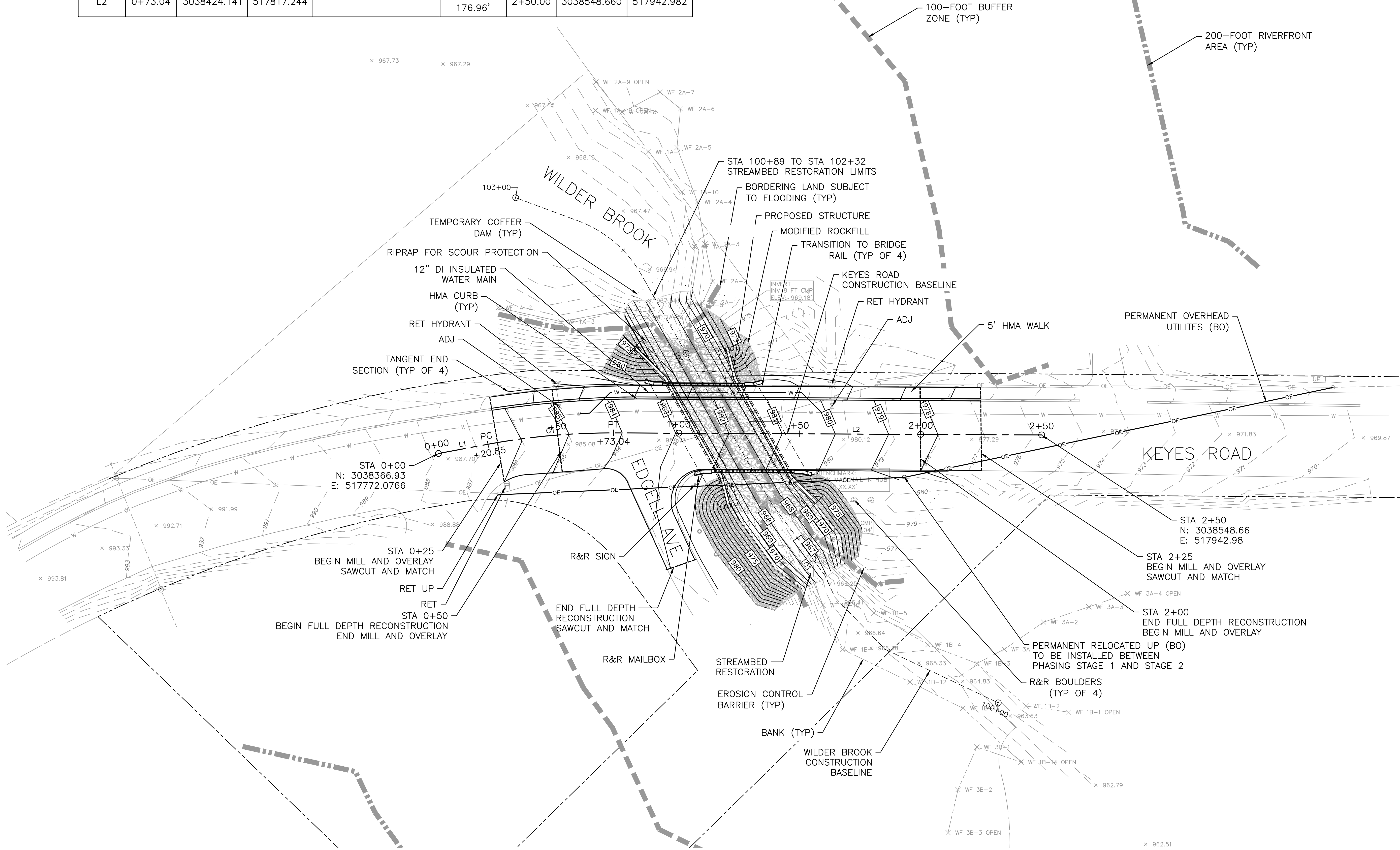
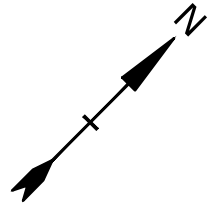
EXISTING CONDITIONS AND  
DEMOLITION PLAN

SCALE: 1" = 20'

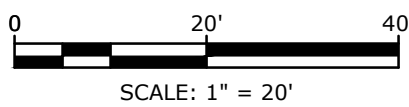
SHEET 5  
SHEET 5 OF 23



| KEYES ROAD CONSTRUCTION BASELINE DATA |                  |             |            |                                            |                        |                |             |            |
|---------------------------------------|------------------|-------------|------------|--------------------------------------------|------------------------|----------------|-------------|------------|
| NUMBER                                | STARTING STATION | NORTHING    | EASTING    | CURVE DATA                                 | LINE DATA              | ENDING STATION | NORTHING    | EASTING    |
| L1                                    | 0+00.00          | 3038366.926 | 517772.077 |                                            | N34°24'20"E<br>20.85'  | 0+20.85        | 3038384.130 | 517783.859 |
| C1                                    | 0+20.85          | 3038384.130 | 517783.859 | R=275.00' Δ=10°52'24"<br>L=52.19' T=26.17' |                        | 0+73.04        | 3038424.141 | 517817.244 |
| L2                                    | 0+73.04          | 3038424.141 | 517817.244 |                                            | N45°16'44"E<br>176.96' | 2+50.00        | 3038548.660 | 517942.982 |



- NOTES:
- ALL OF THE PROPOSED WORK IN UPLANDS IS LOCATED WITHIN THE 100-FOOT BUFFER ZONE AND THE 200-FOOT RIVERFRONT AREA.
  - REFER TO SHEETS 12 AND 13 FOR POTENTIAL CONSTRUCTION PHASING.



COMMONWEALTH OF MASSACHUSETTS  
MassDOT, Highway Division

CONCEPTUAL DESIGN IS ACCEPTABLE  
TO MASSDOT FOR CONTRACTING

STATE BRIDGE ENGINEER

DATE

90% DESIGN  
NOT FOR  
CONSTRUCTION

Keyes Road  
Over Wilder  
Brook

Culvert  
Replacement

City of Gardner

Gardner,  
Massachusetts

MassDOT Bridge No.  
G-01-025, BIN 6PK

| MARK                 | DATE                                | DESCRIPTION |
|----------------------|-------------------------------------|-------------|
| PROJECT NO:          | G0384-060                           |             |
| DATE:                | MARCH 2022                          |             |
| FILE:                | G0384-T60_5-9 SITE PLAN DETAILS.dwg |             |
| DRAWN BY:            | SDS, RMC                            |             |
| DESIGNED/CHECKED BY: | XXX                                 |             |
| APPROVED BY:         | XXX                                 |             |

SITE PLAN

SCALE: 1" = 20'

SHEET 6  
SHEET 6 OF 23

**nationalgrid**

RECEIVED

2022 JUN 27 AM 9:52

CITY CLERK'S OFFICE  
GARDNER, MA

June 23, 2022

City of Gardner

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole location(s)

If you have any questions regarding this permit please contact:

Please notify National Grid's Vincent LoGuidice of the hearing date / time.

If this petition meets with your approval, please return an executed copy to each of the above named Companies.

National Grid Contact: Vincent LoGuidice; 1101 Turnpike Street; North Andover, MA 01845. Phone 978-725-1392.

Very truly yours,

*Pat Cody*

Patrick Cody  
Supervisor, Distribution Design

Enclosures

Questions contact – Will Fontaine 978-725-1392

RECEIVED

**PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS**

2022 JUN 27 AM 9:53

North Andover, Massachusetts

CITY CLERK'S OFFICE  
GARDNER, MA

To the City Council  
Of Gardner, Massachusetts

Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Keyes Rd - National Grid to relocate 1 JO Pole on Keyes Rd beginning at a point approximately 700 feet southeast of the centerline of the intersection of West St. Relocate Pole # 2 across the street to accommodate for bridge construction and upgrade to a 45 foot class 2.

Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Keyes Rd - Gardner - Massachusetts.

**No. 30562003** May 23, 2022

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

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a National Grid

BY Det Cody  
Engineering Department

VERIZON NEW ENGLAND, INC.

BY \_\_\_\_\_  
Manager / Right of Way

**ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

To the City Council - Gardner, Massachusetts

Notice having been given and public hearing held, as provided by law,  
IT IS HEREBY ORDERED: that Massachusetts Electric Company d/b/a National Grid and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 23rd day of May, 2022.

All construction under this order shall be in accordance with the following conditions:  
Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Keyes Rd - Gardner - Massachusetts..

**No. 30562003** Dated May 24, 2022. Filed with this order

There may be attached to said poles by Massachusetts Electric Company d/b/a National Grid and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

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

Keyes Rd - National Grid to relocate 1 JO Pole on Keyes Rd beginning at a point approximately 700 feet southeast of the centerline of the intersection of West St. Relocate Pole # 2 across the street to accommodate for bridge construction and upgrade to a 45 foot class 2.

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

I hereby certify that the foregoing order was adopted at a meeting of the  
of the City/Town of \_\_\_\_\_, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_  
Massachusetts City/Town Clerk.  
20 \_\_\_\_.

Received and entered in the records of location orders of the City/Town of  
Book \_\_\_\_\_ Page \_\_\_\_\_

Attest:  
City/Town Clerk



I hereby certify that on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock, M  
 at \_\_\_\_\_ a public hearing was held on the petition of  
 Massachusetts Electric Company d/b/a National Grid and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and  
 that we mailed at least seven days before said hearing a written notice of the time and place of said  
 hearing to each of the owners of real estate (as determined by the last preceding assessment for  
 taxation) along the ways or parts of ways upon which the Company is permitted to erect  
 poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....  
 .....  
 .....  
 .....

Board or Council of Town or City, Massachusetts

# CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of  
 hearing with notice adopted by the \_\_\_\_\_ of the City of \_\_\_\_\_  
 Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and recorded with the  
 records of location orders of the said City, Book \_\_\_\_\_, Page \_\_\_\_\_. This certified copy  
 is made under the provisions of Chapter 166 of General Laws and any additions thereto or  
 amendments thereof.

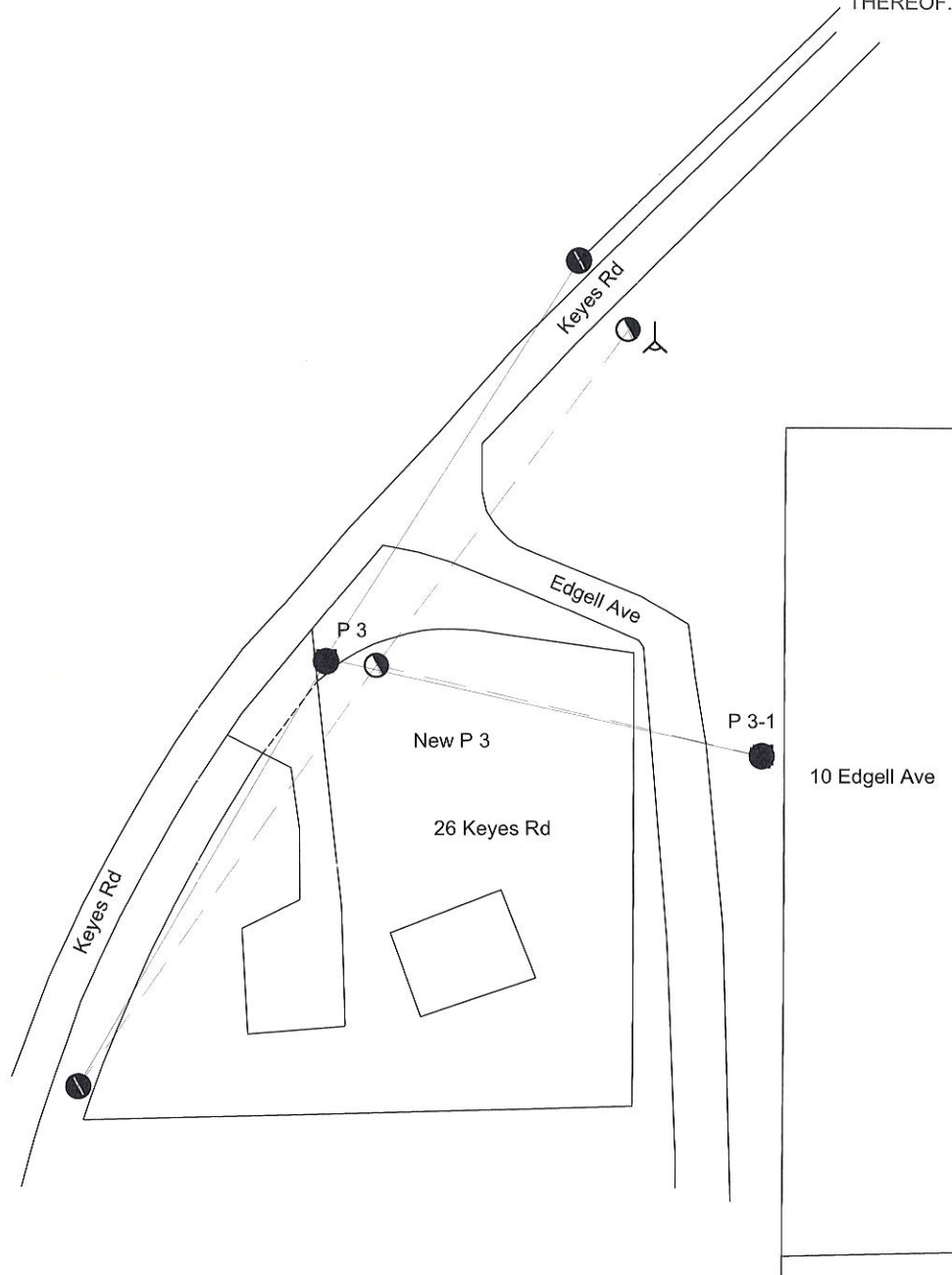
Attest:

City/Town Clerk

DO NOT USE THIS SPACE  
TOWN USE ONLY



EXHIBIT 'A' NOT TO SCALE  
THE EXACT LOCATION OF  
SAID FACILITIES TO BE  
ESTABLISHED BY AND UPON  
THE INSTALLATION AND  
ERECTION OF THE FACILITIES  
THEREOF.



## LEGEND



J/O POLE



PROPOSED POLE



ANCHOR/GUY

----- Proposed OH Wire

————— OH Wire

## EASEMENT

Date: 5/19/22

Designer: Will Fontaine

W/R: 30562003

26 Keyes RD

GARDNER, MA

SKETCH TO ACCOMPANY EASEMENT:  
Moving Poles 2&3 for roadwork

**nationalgrid**



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

RECEIVED

2022 JUN 30 AM 11:43

CITY CLERK'S OFFICE  
GARDNER, MA

June 27, 2022

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

RE: Ordinance to Amend Code of the City of Gardner Section 44-171, Entitled "Compensation In Lieu of Paid Holidays"

Dear Madam President and Councilors,

On a review of the City Code, it was noted that the Police Chief position was listed in the ordinance to receive holiday pay.

This benefit time is meant to provide additional compensation to employees who are expected to work on holidays as part of their normal job performance.

Neither the Chief nor the Deputy Chief work on holidays as part of that job duties. As salaried employees these positions are expected to be on call during emergencies, just like all other department heads within the city. While the position is currently vacant, the attached ordinance proposal is being submitted in order to clean up the language in the City Code so it is more in line with its original intent.

Furthermore, as was discovered last year, there are positions listed in the ordinance that are covered under collective bargaining agreements and not under this section of the City Code. This amendment seeks to correct those discrepancies as well.

As I have done with ordinance changes in the past, the following are included with this correspondence:

- the legislative document
- a comparison document in which any deletions are in red and additions in green
- an opinion on the amendment from the Law Department

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

CC: Finance Committee

---

*Legislative Document*

---



**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, SECTION 44 OF CHAPTER 171, ENTITLED "COMPENSATION IN LIEU OF PAID HOLIDAYS"**

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

SECTION 1: Section 44 of Chapter 171 of the Code of the City of Gardner, entitled "Compensation in Lieu of Paid Holidays," be amended by deleting subsection A.

SECTION 2: Section 44(B) of Chapter 171 of the Code of the City of Gardner, entitled "Compensation in Lieu of Paid Holidays: Police Department," be amended by deleting the word "Captain" from the provisions of this section.

SECTION 3: Section 44(B) of Chapter 171 of the Code of the City of Gardner, entitled "Compensation in Lieu of Paid Holidays: Fire Department," be amended by deleting the word "Lieutenant" from the provisions of this section.

SECTION 4: Section 44(B) of Chapter 171 of the Code of the City of Gardner, entitled "Compensation in Lieu of Paid Holidays: Fire Department," be amended by deleting the words "and all regular firefighters" from the provisions of this section.

SECTION 4: This ordinance shall take effect upon passage and publication as required by law.

---

# *Comparison Document*

---

## ORDINANCE COMPARISON:

### § 171-44 **Compensation in lieu of paid holidays.**

In order to make uniform a policy of paid holidays for certain officers and employees of the City of Gardner, not covered under a collective bargaining agreement, who have not been otherwise provided for, there shall be paid to the following persons, for the 11 holidays per year, in addition to their regular and maximum compensation as follows: 10.15% of the yearly salary in lieu of the 11 paid holidays to each of the persons in the following groups according to his present pay schedule as said schedule may hereafter be in force:

A. ~~Police Department: Chief, Deputy Chief, Lieutenant, Sergeant, and all regular patrolmen.~~

B. Fire Department: Chief, ~~Captain, Lieutenant, and all regular firefighters.~~

---

*Law Department*

*Legal Opinion*

---



# CITY OF GARDNER LAW DEPARTMENT

John M. Flick  
City Solicitor

Ethan Kolodny  
Assistant City Solicitor



144 Central Street, Suite 201  
Gardner, MA 01440

Telephone (978) 632-7948  
Fax (978) 630-3703

Writer's Email:

May 5, 2022

VIA ELECTRONIC DELIVERY ([Mayor@gardner-ma.gov](mailto:Mayor@gardner-ma.gov))

Mayor Michael J. Nicholson  
City of Gardner  
95 Pleasant Street  
Gardner, MA 01440

*Re: Holiday Pay Ordinance, Chapter 171 of City Code*

Dear Mayor Nicholson:

You have requested an opinion from the City Law Department concerning the proposed Ordinance changes to Chapter 171 of the City Code, entitled "Compensation in Lieu of Paid Holidays." Specifically, you are proposing various amendments to Section 44 of said Chapter including removal of subsection A ("Police Department: Chief, Deputy Chief, Lieutenant, Sergeant, and all regular patrolmen"), as well as the following deletions to Section 44(B) (removal of "Captain, Lieutenant, and all regular firefighters"). Seeing no significant legal issues posed with the proposed amendments, it is the opinion of the City Law Department that this Ordinance be submitted to the City Council for enactment and approval.

I hope this answers your question. Please let me know if you have any additional questions or if I may be of any further assistance.

Very truly yours,

Ethan D. Kolodny, Esq.  
Assistant City Solicitor

Cc: Debra Pond, Director of Human Resources