

November 1, 2022

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

RE: Response to New Business Comments Regarding South Main Street Bridge

Dear Madam President and Councilors,

At the October 17, 2022 meeting of the City Council, Councilor James Boone stated the following during the "New Business" portion of the meeting:

"Thank you Madam President. A few days ago, I sent an email to the Mayor's Office and DPW Director regarding the bridge on South Main Street. We all probably received the email wondering what's going on, and I'm wondering what's going on, and I haven't got a response so I'm hoping that maybe we can get clarification on what's going on that bridge. In fact, Travers Street was blocked on West Broadway ,and I went by Knights of Columbus and started driving down, and go "oh damn I forgot that bridge is out," so I'm just looking for an update, but I appreciate if I can get a response and a reply as to what what is going on, and maybe the entire Council deserves a response, so I appreciate that." (quote from YouTube subtitle transcription).

While I had intended to reply to Councilor Boone via email, as he had originally done, whereas the Councilor chose to bring this item up in an open, public forum and whereas the Councilor chose to specifically note my response time to the Council, I felt the need to reply to the Councilor's comments in the same manner in which he chose to bring this matter forward. Furthermore, since the Councilor stated that this should be an item presented to the full council, after speaking about it in an open meeting, I am responding via this method, in order to avoid any potential violations of the Open Meeting Law. Lastly, I feel as though this issue and instance have made it where I feel compelled to bring up other issues related to how this situation was brought forward.

To address the matter regarding the bridge, as has been stated multiple times since the bridge was first closed in the Spring of 2017, after it was listed as being in critical failure following its mandatory safety and structural inspection. (See Attachment 1). Notice of the closure, along with the written recommendation of the City Engineer was then forwarded to the City Council, including Councilor Boone, by former Mayor Mark Hawke via email on Wednesday, February 21, 2018 10:50 AM, with the subject line "South Main Street Bridge Closure." (See attachments 2 and 3).

Councilor Boone even responded to this email, asking for a copy of the inspection report and a map of the area stating, "Can we get a map of where it is located. Also the report from Mass DOT." (See attachment 4). The requested items were sent and Councilor Boone responded, "Thank you. Didn't even realize there was a bridge there." (See attachment 5).

That same year, the previous administration sent out a newsletter to residents of the City, which included an announcement of the bridge closure. (See attachment 6.)

As you are likely aware, the City and the Commonwealth have very limited jurisdiction over a railroad. The Article 1, Section 8, Clause 3 of the Constitution of the United States (more commonly referred to as the Interstate Commerce Clause), Chapter 33 of the United States Code, the Federal Interstate Commerce Act of 1887, and the Department of Transportation Act of 1966 (which created the Federal Railroad Administration) placed full jurisdiction over railroads with the Federal Government of the United States.

The issue regarding this structure is that the City owned bridge itself is in such critical condition that it no longer meets the safety standards set by both the Federal and Massachusetts Departments of Transportation for vehicular traffic. However, there are two separate bridges in this location- one owned by the City, and one owned by the Railroad. The City bridge, unfortunately, shares an abutment with the railroad bridge, and is mostly contained within the railroad's right-of-way. The City would need the Railroad's express, written permission and obtain a legally documented construction easement to perform any work on the bridge. The City reached out to the railroad shortly after the bridge was closed and was quickly denied any access from the railroad for the abutments or their right of way.

The reasoning given by the Railroad for this denial was that in 2015, the Federal Railroad Administration issued a mandate to the Railroad that over the course of the subsequent ten (10) years, a certain number of at-grade street crossings had to be discontinued, as a result of a jump in the number of accidents regarding trains and cars nationwide. As such, since April of 2015, the Railroad had been requesting permission from the City to discontinue the road in the area as a way to comply with that mandate. The City had continuously denied this request, however, when the City bridge had to be closed due to its structural instability, and the City then needed permission from the Railroad in order to keep the intersection open, the Railroad then had the upper hand.

While the City has reached out on multiple occasions since then requesting permission, the Railroad has held firm to their denial. Since the City has no jurisdiction over the railroad, the City cannot order the railroad to allow the City onto the Railroad's property in order to make the necessary repairs to abutting property owned by the City.

Since the bridge was closed in the Spring of 2017, this item has been discussed at three (3) meetings of the Gardner Redevelopment Authority, five (5) meetings of the Gardner Traffic Commission, two (2) meetings of the City Council Public Safety Committee, and three (3) meetings of the City Council Public Service Committee. Also, during my two years as Mayor, I

have also discussed this topic in two (2) of my Weekly Mayor's Update videos. As such, to say that the Administration (both mine and the previous administration) have not provided any updates regarding this matter is simply false and uninformed.

Furthermore, I also feel compelled to address the way in which this topic was brought forward both to my office and at the City Council meeting.

This topic was brought forward after a resident of the City of Clearwater, Florida sent an email to several different parties on October 11, 2022 at 10:10am, regarding concerns about the bridge closure. (See attachment 7). Councilor Boone responded to this email on October 12, 2022 at 8:25am, in which he discussed an experience driving in the area stating, "No big deal had to turn around. But I would be interested in and update." (grammatical error copied directly from email) (See attachment 8).

While the Councilor stated that he was interested in receiving an update, there was no direct request for information regarding the matter, nor was there an update to give other than what had already been provided on several different occasions.

On Friday, October 14, 2022 at 12:15pm, only two (2) days after his first email, Councilor Boone sent a rather churlish email stating, "Cat got your tongue? As a City Councilor I deserve a reply. I would think. In fact the entire council should be updated." (See attachment 9).

During my tenure in office, I feel as though I have been extremely differential and cooperative to the City Council in providing information about topics regarding the City and actions taken by the Administration. On several occasions, I have shared information with the City Council, simply for the sake of keeping everyone on the same page, whether there was action required to be taken by the City Council or not.

Furthermore, if an elected official cares enough about a topic to be as passionate about it as Councilor Boone is claiming to be, one would expect they would explore every avenue possible to obtain such information. Following a records request search, even though Councilor Boone's initial inquiry was made before the Council's agenda was posted for the October 17, 2022 meeting, at no point did Councilor Boone reach out to the Council President and request that the topic be placed on the Council Calendar for the meeting. For a Councilor to state that this topic was important enough to be presented to the entire Council, Councilor Boone certainly did not make an effort to accomplish his own goal. Including when a resident and registered voter of the City of Clearwater, Florida requested that Councilor Boone bring this item up under new business in an email sent on Wednesday, October 12, 2022 at 9:59am. (See Attachment 10).

Furthermore, Councilor Boone, as a member of the Public Safety Committee of the City Council which oversees operations of the Police Department and has a representative to the City's Traffic Commission has not once brought up this topic for discussion in those forums.

In addition to the above, the Charter of the City of Gardner has a method for which the Council can formally request information of the Administration, as follows:

SECTION 25. The city council may at any time request from the mayor specific information upon any municipal matter within its jurisdiction, and may request his presence to answer written questions relating thereto at a meeting to be held not earlier than one week after the date of the receipt by the mayor of said questions. The mayor shall personally, or through a head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other matter... The council, or any committee thereof duly authorized by the council so to do, may investigate the financial transactions of any office or department of the city government, and the official acts and conduct of any official, and, by similar investigations, may secure information upon any matter.

As previously stated, in the last two (2) years since I was first sworn into office, I have had no qualms in not requiring this process and have simply provided the Council with information as things come up. However, while I have respected the Council's role in the governance of the City and have worked to build a collaborative working relationship between the branches of the City's Government, I do ask that the Councilor respect the fact that the Mayor's Office is a highly trafficked office, busy with overseeing the full operations of the City that it may take more than a mere two days to be able to respond to an email. Anyone who has truly paid attention to the amount of progress that has been made recently in the City and the project planned for the future can see that there is a lot of work being done to move this City forward, which takes time. While things may not take the full week's notice, as outlined in the Charter above, the duties of the Office of Mayor cannot always be dropped to respond to an email right away.

This is also not the first time that Councilor Boone has taken a rude/condescending tone in a public email correspondence. (See Attachments 11-17).

Nor is this the first time that Councilor Boone has made statements publicly without actually doing the research behind the topic to make an informed and accurate statement (Attachment 18-20), or asked someone else to conduct the research on the topic for him. (See Attachments 21-32)

Lastly, there have been other Councilors who have asked how this situation was faring in the past, particularly Councilor Dernalowicz, but whereas this was brought up during New Business and Councilor Dernalowicz had already had his time, he was unable to speak on this matter with the information he had already obtained on his own.

As I have stated before, my goal has always been to work with the City Council in a respectful, collaborative, and cooperative manner, as we share the same goal of advancing our City to a better future. I will continue to work and perform my duties as Mayor in this manner, and

respectfully ask that other officials in the City return the same level of professional respect in return.

Respectfully,

Michael J. Nicholson
Mayor, City of Gardner

*Attachment 1:
MassDOT National Bridge
Inspection Standards Bridge
Inspection Report 04/24/2017*



Charles D. Baker, Governor
 Karyn E. Polito, Lieutenant Governor
 Stephanie Pollack, Secretary & CEO
 Thomas J. Tirlin, Administrator



July 26, 2017

City of Gardner
 Mayor Mark Hawke
 95 Pleasant St.
 Gardner, MA 01440

Attn: Dane Arnold, DPW Director

SUBJECT: NATIONAL BRIDGE INSPECTION STANDARDS (NBIS)
BRIDGE INSPECTION REPORTS

G-01-045

(6PN) S MAIN ST / TRAVERS POND INLET

Dated: 04/24/17

Dear Mr. Arnold:

As a courtesy, MassDOT has performed the inspection of the above referenced "BRI" structure, owned by your municipality. A "BRI" is a structure with clear span of less than 20 feet. These structures do not have a set inspection frequency and any future inspections are the responsibility of the municipality.

In review of attached report please note the deficiencies highlighted.

For your records are copies of recent bridge inspection field reports for the referenced structures. Repair, rehabilitation or reconstruction of any bridges to address the deficiencies reported is the owner/custodian's responsibility. Chapter 90 funds may be used for these purposes.

Questions regarding the content of the reports may be directed to the District Bridge Inspection Engineer, Mahmood Azizi, at 508-929-3822.

Sincerely,

Barry Lorion
 Acting District 3 Highway Director

MA/ma
 cc: BIE (2), DHD D-3, DBIE D-3
 Enclosure

Report Date: April 25, 2017

State Information				Classification				Code				
BDEPT#= G01045				Agency Br.No.				(112) NBIS Bridge Length				N
Town= Gardner				L.O.				(104) Highway System				N
B.I.N= 6PN				AASHTO= 035.0				(26) Functional Class - Urban Local				19
RANK= 0 H.I.= NA				FHWA Select List= N				(100) Defense Highway				0
(8) Structure Number				G010456PNMJUNBRI				(101) Parallel Structure				N
(5) Inventory Route				151000000				(102) Direction of Traffic - 2-way traffic				2
(2) State Highway Department District				03				(103) Temporary Structure				N
(3) County Code 027 (4) Place code				25485				(105) Federal Lands Highways				0
(6) Features Intersected				WATER TRAVERS POND INLET				(110) Designated National Network				N
(7) Facility Carried				HWY S MAIN ST				(20) Toll - On free road				3
(9) Location				.1 MI. N OF PEARSON BLVD.				(21) Maintain - City/Municipal Highway A				04
(11) Kilometerpoint				0000.161				(22) Owner - City/Municipal Highway A				04
(12) Base Highway Network				N				(37) Historical Significance undetermined				
(13) LRS Inventory Route & Subroute				000000000000				Condition				Code
(16) Latitude				42DEG 33MIN 38.70 SEC				(58) Deck				5
(17) Longitude				71DEG 58MIN 55.91 SEC				(59) Superstructure				3
(98) Border Bridge State Code				Share %				(60) Substructure				5
(99) Border Bridge Structure No. #								(61) Channel & Channel Protection				6
								(62) Culverts				N
Structure Type and Material								Load Rating and Posting				Code
(43) Structure Type Main: Steel				Code 302				(31) Design Load - Unknown				0
Stringer/Girder				Jointless bridge type: Not applicable				(63) Operating Rating Method - Allowable Stress (AS)				2
(44) Structure Type Appr:				Other Code 000				(64) Operating Rating				00.0
(45) Number of spans in main unit				001				(65) Inventory Rating Method - Allowable Stress (AS)				2
(46) Number of approach spans				0000				(66) Inventory Rating				00.0
(107) Deck Structure Type - Concrete Cast-in-Place				Code 1				(70) Bridge Posting				0
(108) Wearing Surface / Protective System:								(41) Structure - Open				A
A) Type of wearing surface - Bituminous				Code 6				Appraisal				Code
B) Type of membrane - None				Code 0				(67) Structural Evaluation				3
C) Type of deck protection - None				Code 0				(68) Deck Geometry				5
								(69) Underclearances, vert. and horiz.				N
Age and Service								(71) Waterway adequacy				7
(27) Year Built				1938				(72) Approach Roadway Alignment				7
(106) Year Reconstructed				0000				(36) Traffic Safety Features				0 0 0 0
(42) Type of Service: On - Highway-Ped								(113) Scour Critical Bridges				6
Under - Waterway				Code 55				Inspections				
(28) Lanes: On Structure 02 Under structure				00				(90) Inspection Date 04/25/16				(91) Frequency 24 MO
(29) Average Daily Traffic				001300				(92) Critical Feature Inspection:				(93) CFI DATE
(30) Year of ADT 2000 (109) Truck ADT				06 %				(A) Fracture Critical Detail				N 00 MO A) 00/00/00
(19) Bypass, detour length				001 KM				(B) Underwater Inspection				N 00 MO B) 00/00/00
Geometric Data								(C) Other Special Inspection				Y 06 MO C) 04/24/17
(48) Length of maximum span				0005.2M				(*) Other Inspection ()				N 00 MO *) 00/00/00
(49) Structure Length				00006.7M				(*) Closed Bridge				N 00 MO *) 00/00/00
(50) Curb or sidewalk: Left 00.7 M Right 01.7M								(*) UW Special Inspection				N 00 MO *) 00/00/00
(51) Bridge Roadway Width Curb to Curb				009.1M				(*) Damage Inspection				MO *) 00/00/00
(52) Deck Width Out to Out				012.5M				Rating Loads				
(32) Approach Roadway Width (w/shoulders)				009.1M				Report Date 00/00/00				H20 Type 3 Type 3S2 Type HS
(33) Bridge Median - No median				Code 0				Operating				0.0 0.0 0.0 0.0
(34) Skew 25 DEG (35) Structure Flared				N				Inventory				0.0 0.0 0.0 0.0
(10) Inventory Route MIN Vert Clear				99.99M				Field Posting				
(47) Inventory Route Total Horiz Clear				09.1M				Status				Posting Date 00/00/00
(53) Min Vert Clear Over Bridge Rdwy				99.99M				Actual				2 Axle 3 Axle 5 Axle
(54) Min Vert Underclear ref N				00.00M				Recommended				
(55) Min Lat Underclear RT ref N				00.0M				Missing Signs N				
(56) Min Lat Underclear LT				00.0M				Misc.				
Navigation Data								Bridge Name				N Anti-missile fence N Acrow Panel N Jointless Bridge
(38) Navigation Control - No navigation control on waterway				Code 0				Freeze/Thaw N : Not Applicable				
(111) Pier Protection				Code				Accessibility (Needed/Used)				
(39) Navigation Vertical Clearance				000.0M				N / N Liftbucket				N / N Rigging N / N Other
(116) Vert-lift Bridge Nav Min Vert Clear				M				Y / Y Ladder				N / N Staging
(40) Navigation Horizontal Clearance				0000.0M				N / N Boat				N / N Traffic Control
								Y / Y Wader				N / N RR Flagperson Inspection Hours: 008
								N / N Inspector 50				N / N Police

STRUCTURES INSPECTION FIELD REPORT

2-DIST
03

B.I.N.
6PN

SPECIAL MEMBER INSPECTION

BR. DEPT. NO.
G-01-045

CITY/TOWN GARDNER	8-STRUCTURE NO. G01045-6PN-MUN-BRI	11-Kilo. POINT 000.161	90-ROUTINE INSP. DATE Apr 25, 2016	93*-SPEC MEMB. INSP. DATE Apr 24, 2017
07-FACILITY CARRIED HWY S MAIN ST	MEMORIAL NAME/LOCAL NAME	27-YR BUILT 1938	106-YR REBUILT 0000	*YR REHAB'D (NON 106) 0000
06-FEATURES INTERSECTED WATER TRAVERS POND INLET	26-FUNCTIONAL CLASS Urban Local	DIST. BRIDGE INSPECTION ENGINEER <i>[Signature]</i>		
43-STRUCTURE TYPE 302 : Steel Stringer/Girder	22-OWNER City/ Municipal Highway A	21-MAINTAINER City/ Municipal Highway A	TEAM LEADER R. Orlando <i>[Signature]</i>	
107-DECK TYPE 1 : Concrete Cast-in-Place	WEATHER Clear	TEMP. (air) 18°C	TEAM MEMBERS D. SMITH <i>[Signature]</i>	

WEIGHT POSTING Not Applicable X

Actual Posting	H	3	3S2	Single
	N	N	N	N
Recommended Posting	N	N	N	N

Signs In Place (Y=Yes, N=No, NR=Not Required)
Legibility/Visibility

At bridge		Advance	
N	S	N	S

PLANS (Y/N): N

(V.C.R.) (Y/N): N

TAPE#: _____

Waived Date: **00/00/0000** EJDMT Date: **00/00/0000**

RATING

Rating Report (Y/N): N Date: _____

Request for Rating or Rerating (Y/N): N

If YES please give priority:
HIGH () MEDIUM () LOW ()

REASON: *[Handwritten: N/A]*

Inspection data at time of existing rating
I 58: - I 59: - I 60: - I 62: - Date: **00/00/0000**

SPECIAL MEMBER(S):

	MEMBER	CRACK (Y/N):	WELD'S CONDITION (0-9)	LOCATION OF CORROSION, SECTION LOSS (%), CRACKS, COLLISION DAMAGE, STRESS CONCENTRATION, ETC.	CONDITION		INV. RATING OF MEMBER FROM RATING ANALYSIS			Deficiencies
					PREVIOUS (0-9)	PRESENT (0-9)	H-20	3	3S2	
A	Item 59.4 - Girders or Beams	N	N	See remarks in comments section.	3	3	Not Rated			S-A
B										
C										
D										
E										

List of field tests performed:

(Overall Previous)

I-58	I-59	I-60	I-62
5	3	5	-

(Overall Current)

I-58	I-59	I-60	I-62
5	3	5	-

DEFICIENCY A defect in a structure that requires corrective action.

CATEGORIES OF DEFICIENCIES:

M= Minor Deficiency - Deficiencies which are minor in nature, generally do not impact the structural integrity of the bridge and could easily be repaired. Examples include but are not limited to: Spalled concrete, Minor pot holes, Minor corrosion of steel, Minor scouring, Clogged drainage, etc.

S= Severe/Major Deficiency - Deficiencies which are more extensive in nature and need more planning and effort to repair. Examples include but are not limited to: Moderate to major deterioration in concrete. Exposed and corroded rebar, Considerable settlement, Considerable scouring or undermining, Moderate to extensive corrosion to structural steel with measurable loss of section, etc.

C-S= Critical Structural Deficiency - A deficiency in a structural element of a bridge that poses an extreme unsafe condition due to the failure or imminent failure of the element which will affect the structural integrity of the bridge.

C-H= Critical Hazard Deficiency - A deficiency in a component or element of a bridge that poses an extreme hazard or unsafe condition to the public, but does not impair the structural integrity of the bridge. Examples include but are not limited to: Loose concrete hanging down over traffic or pedestrians, A hole in a sidewalk that may cause injuries to pedestrians, Missing section of bridge railing, etc.

URGENCY OF REPAIR:

I = Immediate - (Inspector(s) immediately contact District Bridge Inspection Engineer (DBIE) to report the Deficiency and to receive further instruction from him/her).

A = ASAP - (Action/Repair should be initiated by District Maintenance Engineer or the Responsible Party (if not a State owned bridge) upon receipt of the Inspection Report).

P = Prioritize - (Shall be prioritized by District Maintenance Engineer or the Responsible Party (if not a State owned bridge) and repairs made when funds and/or manpower is available).

X=UNKNOWN N=NOT APPLICABLE H=HIDDEN/INACCESSIBLE R=REMOVED

CITY/TOWN GARDNER	B.I.N. 6PN	BR. DEPT. NO. G-01-045	8.-STRUCTURE NO. G01045-6PN-MUN-BRI	INSPECTION DATE APR 24, 2017
----------------------	---------------	---------------------------	--	---------------------------------

REMARKS

BRIDGE ORIENTATION

According to the compass the approaches are North and South and the elevations are East and West. This is a single span steel beam and concrete jack arch bridge. The roadway section of the bridge consists of 25 beams and 24 arch bays numbered West to East. The East and West sidewalks consist of 3 steel beams and 3 arch bays numbered separately West to East. All bays consist of concrete jack arches formed with corrugated galvanized steel. The brook flows East to West.

ITEM 59 - SUPERSTRUCTURE

Item 59.4 - Girders or Beams

The beams under the roadway are assumed to be 10 in. standard beams. Original flange thickness is 0.31 in. at the edge tapering to 0.67 in. at centerline.

The extreme ends of all the beams are hidden by concrete encasement above the bridge seats. The North ends of beams #1 through #7, #13, and #18 through #25 have up to 100% section loss to the bottom flanges, up to 8 in. long x 1.75 in. wide. **See Photos 1 and 2.**

Beam #1: The South half of the East edge of the bottom flange has 100% section loss, up to 0.5 in. wide. **See Photo 3.** The North half of the East edge has an average of 0.2 in. remaining.

Beam #13: There is moderate rust flaking throughout the North half of the bottom flange, with an average of 0.22 in. remaining.

Beam #25: The West edge of the bottom flange has full length 100% section loss, up to 1 in. wide. **See Photo 4.** The East edge has an average of 0.2 in. remaining.

Many of the remaining North beam ends and the South ends of beams #2 and #24 have moderate to heavy rust flaking to the bottom flanges, up to 12 in. out from the breastwall faces with as little as 0.12 in. remaining to the bottom flanges. **See Photo 5.** The remainder of the beams have heavy surface rusting to the bottom flanges. **See Photo 6.**

Photo Log

- Photo 1 : North end of beams #1 and #2.
- Photo 2 : North end of beams #5 - #7.
- Photo 3 : East edge of the North half of beam #1.
- Photo 4 : West edge of the bottom flange of beam #25.
- Photo 5 : Typical North ends of the beams.
- Photo 6 : Typical condition of the beams away from the North abutment.

CITY/TOWN GARDNER	B.I.N. 6PN	BR. DEPT. NO. G-01-045	8.-STRUCTURE NO. G01045-6PN-MUN-BRI	INSPECTION DATE APR 24, 2017
----------------------	---------------	---------------------------	--	---------------------------------

PHOTOS

Photo 3: East edge of the North half of beam #1.



Photo 4: West edge of the bottom flange of beam #25.

CITY/TOWN GARDNER	B.I.N. 6PN	BR. DEPT. NO. G-01-045	8-STRUCTURE NO. G01045-6PN-MUN-BRI	INSPECTION DATE APR 24, 2017
----------------------	---------------	---------------------------	---------------------------------------	---------------------------------

PHOTOS



Photo 1: North end of beams #1 and #2.



Photo 2: North end of beams #5 - #7.

CITY/TOWN GARDNER	B.I.N. 6PN	BR. DEPT. NO. G-01-045	8.-STRUCTURE NO. G01045-6PN-MUN-BRI	INSPECTION DATE APR 24, 2017
----------------------	---------------	---------------------------	--	---------------------------------

PHOTOS

Photo 5: Typical North ends of the beams.



Photo 6: Typical condition of the beams away from the North abutment.

Report Date: March 30, 2017

State Information				Classification				Code				
BDEPT#= G01045				Agency Br.No.				(112) NBIS Bridge Length				N
Town= Gardner				L.O.				(104) Highway System				N
B.I.N= 6PN				AASHTO= 035.0				(26) Functional Class - Urban Local				19
RANK= 0 H.I.= NA				FHWA Select List= N				(100) Defense Highway				0
(8) Structure Number				G010456PNMUNBRI				(101) Parallel Structure				N
(5) Inventory Route				151000000				(102) Direction of Traffic - 2-way traffic				2
(2) State Highway Department District				03				(103) Temporary Structure				N
(3) County Code 027 (4) Place code				25485				(105) Federal Lands Highways				0
(6) Features Intersected				WATER TRAVERS POND INLET				(110) Designated National Network				N
(7) Facility Carried				HWY S MAIN ST				(20) Toll - On free road				3
(9) Location				.1 MI. N OF PEARSON BLVD.				(21) Maintain - City/Municipal Highway A				04
(11) Kilometerpoint				0000.161				(22) Owner - City/Municipal Highway A				04
(12) Base Highway Network				N				(37) Historical Significance undetermined				
(13) LRS Inventory Route & Subroute				000000000000				Condition				Code
(16) Latitude				42DEG 33MIN 38.70 SEC				(58) Deck				5
(17) Longitude				71DEG 58MIN 55.91 SEC				(59) Superstructure				3
(98) Border Bridge State Code				Share %				(60) Substructure				5
(99) Border Bridge Structure No. #								(61) Channel & Channel Protection				6
Structure Type and Material								(62) Culverts				N
(43) Structure Type Main: Steel				Code 302				(31) Design Load - Unknown				0
Stringer/Girder				Jointless bridge type: Not applicable				(63) Operating Rating Method - Allowable Stress (AS)				2
(44) Structure Type Appr: Other				Code 000				(64) Operating Rating				00.0
(45) Number of spans in main unit				001				(65) Inventory Rating Method - Allowable Stress (AS)				2
(46) Number of approach spans				0000				(66) Inventory Rating				00.0
(107) Deck Structure Type - Concrete Cast-in-Place				Code 1				(70) Bridge Posting				0
(108) Wearing Surface / Protective System:								(41) Structure - Open				A
A) Type of wearing surface - Bituminous				Code 6				Appraisal				Code
B) Type of membrane - None				Code 0				(67) Structural Evaluation				3
C) Type of deck protection - None				Code 0				(68) Deck Geometry				5
Age and Service								(69) Underclearances, vert. and horiz.				N
(27) Year Built				1938				(71) Waterway adequacy				7
(106) Year Reconstructed				0000				(72) Approach Roadway Alignment				7
(42) Type of Service: On - Highway-Ped								(36) Traffic Safety Features				0 0 0 0
Under - Waterway				Code 55				(113) Scour Critical Bridges				6
(28) Lanes: On Structure 02				Under structure 00				Inspections				
(29) Average Daily Traffic				001300				(90) Inspection Date 04/25/16				(91) Frequency 24 MO
(30) Year of ADT 2000 (109) Truck ADT				06 %				(92) Critical Feature Inspection:				(93) CFI DATE
(19) Bypass, detour length				001KM				(A) Fracture Critical Detail				N 00 MO A) 00/00/00
Geometric Data								(B) Underwater Inspection				N 00 MO B) 00/00/00
(48) Length of maximum span				0005.2M				(C) Other Special Inspection				Y 06 MO C) 4/24/17 10/17/16
(49) Structure Length				00006.7M				(*) Other Inspection ()				N 00 MO *) 00/00/00
(50) Curb or sidewalk: Left 00.7 M Right 01.7M								(*) Closed Bridge				N 00 MO *) 00/00/00
(51) Bridge Roadway Width Curb to Curb				009.1M				(*) UW Special Inspection				N 00 MO *) 00/00/00
(52) Deck Width Out to Out				012.5M				(*) Damage Inspection				MO *) 00/00/00
(32) Approach Roadway Width (w/shoulders)				009.1M				Rating Loads				
(33) Bridge Median - No median				Code 0				Report Date 00/00/00				H20 Type 3 Type 352 Type HS
(34) Skew 25 DEG (35) Structure Flared				N				Operating				0.0 0.0 0.0 0.0
(10) Inventory Route MIN Vert Clear				99.99M				Inventory				0.0 0.0 0.0 0.0
(47) Inventory Route Total Horiz Clear				09.1M				Field Posting				
(53) Min Vert Clear Over Bridge Rdwy				99.99M				Status				Posting Date 00/00/00
(54) Min Vert Underclear ref				N 00.00M				Actual				2 Axle 3 Axle 5 Axle
(55) Min Lat Underclear RT ref				N 00.00M				Recommended				
(56) Min Lat Underclear LT				00.00M				Missing Signs				N
Navigation Data								Misc.				
(38) Navigation Control - No navigation control on waterway				Code 0				Bridge Name				N Anti-missile fence N Acrow Panel N Jointless Bridge
(111) Pier Protection				Code				Freeze/Thaw				N : Not Applicable
(39) Navigation Vertical Clearance				000.0M				Accessibility (Needed/Used)				
(116) Vert-lift Bridge Nav Min Vert Clear				M				N / N Liftbucket				N / N Rigging N / N Other
(40) Navigation Horizontal Clearance				0000.0M				Y / Y Ladder				N / N Staging
								N / N Boat				N / N Traffic Control
								Y / Y Wader				N / N RR Flagperson
								N / N Inspector 50				N / N Police
												Inspection Hours: 008

*Attachment 2:
Email from Former Mayor Hawke
to City Council notifying the
Council of the Closure of South
Main Street Bridge*

Mayor

From: Mayor
Sent: Wednesday, February 21, 2018 10:50 AM
To: Alan Agnelli; Councillor Christine A. Johnson; Councillor J Johnson; Councillor K Hardern; Councillor R Cormier; Councillor S Graves; Craig Cormier; e_gravel@comcast.net; Elizabeth Kazinskas; James Boone; James M. Walsh; Nathan R. Boudreau
Cc: 'rstephano@Gardner-ma.gov'; Michael Nicholson
Subject: FW: South Main Street Bridge Closure
Attachments: Closure Recommendation.pdf

Councilors,

Please see the attached. The DPW will be preparing for the closure of the South Main Street bridge to vehicular traffic sometime next week.

We have a grant application pending for the Municipally Owned Small Bridge Repair Program. The application was submitted in 2015 and is funded once a year. The application stays in que until funded. The closure of the bridge will strengthen our application, but it is not the reason for closure. The grant will pay for up to \$500k, however, the anticipated cost may far exceed that cost. The main reason for the high cost is that the railroad bridge actually rests on one of our bridge abutments. This will greatly complicate not only the design and rebuild, but it will greatly complicate everything about the project as dealing with the railroad is next to an impossible task.

The bridge is scheduled for its next inspection in April and every six (6) months after that until it is deemed critical, then the inspections fall to every three (3) months.

Mark

From: Chris Coughlin
Sent: Friday, February 16, 2018 12:49 PM
To: Mayor <Mayor@gardner-ma.gov>
Cc: Dane Arnold <darnold@gardner-ma.gov>
Subject: South Main Street Bridge Closure

Please find my letter attached with my recommendation to close South Main Street Bridge to vehicular traffic.

-Chris



Chris Coughlin
 City Engineer – Room 226
 City Hall
 978.630.4010
ccoughlin@gardner-ma.gov

*Attachment 3:
Correspondence from City
Engineer Recommending the
Closure of the South Main Street
Bridge*

CITY OF GARDNER

SURVEY DEPARTMENT

Room 226, City Hall - Gardner Ma 01440-2688

Chris Coughlin
City EngineerTel: (978) 630-4010
FAX: (978) 630-4896Mayor Mark P. Hawke
City Hall
95 Pleasant Street
Gardner, MA 01440

RE: South Main Street Bridge over Travers Pond Inlet

February 16, 2018

Dear Mayor Hawke:

As you may know, the bridge located on South Main Street over the Travers Pond Inlet is in a state of disrepair. MassDOT provides courtesy inspections for municipally-owned bridges. In their latest report the bridge was determined to have severe/major deficiencies. This rating is on the cusp of a critical structural deficiency. My recommendation is to close the bridge to vehicular traffic once we properly notify the public.

I will direct the DPW to prepare for the appropriate signage and roadblocks to secure the area.

If you have any questions regarding this matter, please do not hesitate to call.

Sincerely,

Chris Coughlin
City EngineerCC:
Dane Arnold, Director of Public Works

*Attachment 4:
Email from Councilor Boone to
Former Mayor Hawke requesting
a map of the proposed closure*

Mayor

From: jboone@gardner-ma.gov
Sent: Wednesday, February 21, 2018 10:53 AM
To: Mayor
Subject: Re: South Main Street Bridge Closure

Can we get a map of where it is located. Also the report from Mass DOT.

Thank you,

Jim Boone
 Gardner Councilor At-Large

From: Mayor
Sent: Wednesday, February 21, 2018 10:49 AM
To: Alan Agnelli; Councillor Christine A. Johnson; Councillor J Johnson; Councillor K Hardern; Councillor R Cormier; Councillor S Graves; Craig Cormier; e_gravel@comcast.net; Elizabeth Kazinskas; James Boone; James M. Walsh; Nathan R. Boudreau
Cc: Rachel Stephano (Mayor's Office); Michael Nicholson
Subject: FW: South Main Street Bridge Closure

Councilors,

Please see the attached. The DPW will be preparing for the closure of the South Main Street bridge to vehicular traffic sometime next week.

We have a grant application pending for the Municipally Owned Small Bridge Repair Program. The application was submitted in 2015 and is funded once a year. The application stays in que until funded. The closure of the bridge will strengthen our application, but it is not the reason for closure. The grant will pay for up to \$500k, however, the anticipated cost may far exceed that cost. The main reason for the high cost is that the railroad bridge actually rests on one of our bridge abutments. This will greatly complicate not only the design and rebuild, but it will greatly complicate everything about the project as dealing with the railroad is next to an impossible task.

The bridge is scheduled for its next inspection in April and every six (6) months after that until it is deemed critical, then the inspections fall to every three (3) months.

Mark

From: Chris Coughlin
Sent: Friday, February 16, 2018 12:49 PM
To: Mayor <Mayor@gardner-ma.gov>
Cc: Dane Arnold <darnold@gardner-ma.gov>
Subject: South Main Street Bridge Closure

Please find my letter attached with my recommendation to close South Main Street Bridge to vehicular traffic.

*Attachment 5:
Email from Councilor Boone to
Former Mayor Hawke indicating
he did not know there was a
bridge at this location*

Mayor

From: jboone@gardner-ma.gov
Sent: Wednesday, February 21, 2018 11:41 AM
To: Mayor
Subject: Re: South Main Street Bridge Closure

Thank you. Didn't even realize there was a bridge there.

From: Mayor
Sent: Wednesday, February 21, 2018 11:06 AM
To: James Boone
Subject: RE: South Main Street Bridge Closure

I'll try to track down the report, but I just sent the map.

From: James Boone
Sent: Wednesday, February 21, 2018 10:53 AM
To: Mayor <Mayor@gardner-ma.gov>
Subject: Re: South Main Street Bridge Closure

Can we get a map of where it is located. Also the report from Mass DOT.

Thank you,

Jim Boone
 Gardner Councilor At-Large

From: Mayor
Sent: Wednesday, February 21, 2018 10:49 AM
To: Alan Agnelli; Councillor Christine A. Johnson; Councillor J Johnson; Councillor K Hardern; Councillor R Cormier; Councillor S Graves; Craig Cormier; e_gravel@comcast.net; Elizabeth Kazinskas; James Boone; James M. Walsh; Nathan R. Boudreau
Cc: Rachel Stephano (Mayor's Office); Michael Nicholson
Subject: FW: South Main Street Bridge Closure

Councilors,

Please see the attached. The DPW will be preparing for the closure of the South Main Street bridge to vehicular traffic sometime next week.

We have a grant application pending for the Municipally Owned Small Bridge Repair Program. The application was submitted in 2015 and is funded once a year. The application stays in que until funded. The closure of the bridge will strengthen our application, but it is not the reason for closure. The grant will pay for up to \$500k, however, the anticipated cost may far exceed that cost. The main reason for the high cost is that the railroad bridge actually rests on

one of our bridge abutments. This will greatly complicate not only the design and rebuild, but it will greatly complicate everything about the project as dealing with the railroad is next to an impossible task.

The bridge is scheduled for its next inspection in April and every six (6) months after that until it is deemed critical, then the inspections fall to every three (3) months.

Mark

From: Chris Coughlin
Sent: Friday, February 16, 2018 12:49 PM
To: Mayor <Mayor@gardner-ma.gov>
Cc: Dane Arnold <darnold@gardner-ma.gov>
Subject: South Main Street Bridge Closure

Please find my letter attached with my recommendation to close South Main Street Bridge to vehicular traffic.

-Chris



Chris Coughlin
City Engineer – Room 226
City Hall
978.630.4010
ccoughlin@gardner-ma.gov

*Attachment 6:
“Update from the Corner Office”
Newsletter from Former Mayor
Mark Hawke, written by Former
Executive Aide Michael
Nicholson. Notification of Bridge
Closure found on Page 3*



Update From The Corner Office

March 2018

Winter Parking Ban is in Effect

The annual winter parking ban is currently in effect in the City of Gardner. By city ordinance, on street parking is not allowed between 2:00AM and 6:00AM from November 15th to April 1st. This is to allow plow crews to be able to fully clear the roadways in the event of inclement weather. During those hours, parking is available in all city parking lots on a first come- first serve basis. Vehicles parked in city parking lots during this time period must be moved, daily, between the hours of 7:00AM and 9:00AM to allow plow crews to clear the parking lots of snow as well. Residents are encouraged to read the rules and regulations posted on signs in the City Municipal Parking Lots for further information, or consult the City Code Book on the City's website under Chapter 600-23.

Boys and Girls Club Running Strong in Gardner

The Gardner Chapter of the Boys and Girls Club has been off to a great start at Gardner Middle School. During the month of September, about 40 students signed up to participate in the program, with about 22 students attending daily, due to attendance restrictions due to current location requirements. Students who participate in these programs have an opportunity to receive help with school assignments, take part in programs that teach young boys and girls about positive role modeling and healthy life styles, join a book club, participate in robotics programs and much more. Middle School Students looking to enroll in the program should reach out to the Administration at Gardner Middle School for further information.



BOYS & GIRLS CLUBS

Open Burning Season

The City of Gardner Fire Department would like to remind residents that Open Burning Season begins on January 15th and runs until April 30th. Those wishing to burn yard waste during this time period are required to receive a free permit from the Fire Department. Permits can be obtained either in person at the Fire Station (70 City Hall Ave.) or residents can apply online at the City's Website (gardner-ma.gov). Those who apply online may use the same permit throughout the season, and will only need to go online to re-activate the permit for each use. This is so the Fire Department can monitor where burnings are taking place throughout the city. Residents will not be allowed to re-activate permits on days when the Department has prohibited burning due to weather conditions. Once the restriction is listed, permits may be activated again. For more information on this, please contact the Gardner Fire Department at 978-630-4051.

Update from the Corner Office

Register Your Dogs: Reminder from the City Clerk

Gardner residents who keep or own dogs are reminded that 2017 dog licenses expire on March 31, 2018. Licenses may be purchased in the City Clerk's Office, Room 121, City Hall (Mon. - Thur. 8:00 AM to 4:30 PM, Fri. 8:00 AM to 1:00 PM), or by mail through a form that can be found on the City's website. Fees are \$11.00 for spayed/neutered dogs and \$15.00 for unaltered dogs. Proof of alteration must be provided when first licensed and rabies vaccination must be current. Questions? Call 978-630-4058 or visit the City Clerk's page on the City's website.



Mayor Sworn into Historic Sixth Term

Gardner Mayor Mark Hawke was sworn into his sixth term as Mayor of Gardner on New Year's Day, breaking the record previously set by Mayors Cyrille Landry and Charles Manca for Gardner's longest serving mayor. The mayor along with the Councilors- and School Committee Members- Elect took their Oaths of Office in a small ceremony in the City Council Chambers on the morning of January 1st, in accordance with the requirements of Massachusetts General Laws and the City Charter. A larger ceremony was held the following day at Gardner High School, attended by members of the public, the Class of 2018, and the Class of 2023. The ceremony featured Congresswoman Niki Tsongas (D-Lowell) and Lt. Governor Karyn Polito (R-Shrewsbury) as guest speakers at the event. In his address, Mayor Hawke thanked the Polito and Tsongas for their continued service to the people of Gardner and the Commonwealth. Hawke also pointed to many accomplishments the city has seen since he took office in 2008, including playground renovations, economic development measures, the new school building project, and the creation of the Williams-Rockwell Educational Gift Fund. A copy of Mayor Hawke's Inaugural Address can be found on the City's website.



Applications Available for Senior Tax Work Off Program

The City of Gardner is now accepting applications for the Senior 2018 VIPS Program. Residents of Gardner can volunteer for public service and receive a maximum credit of \$750 against their property tax bill for the Fiscal Year 2019. Credit earned is based upon number of volunteer hours worked. If you are a resident of Gardner, 60 years of age or over please consider applying for this program. You must be the homeowner or spouse of the homeowner and occupy the home for which you are seeking a property tax credit.

Applications are available in the Human Resources Department (Room 14) at City Hall or on the City of Gardner website and must be submitted no later than 1:00 pm on March 30, 2018. Twenty applicants will be chosen to fill positions in a variety of City Departments.

City to Hold Second Annual Food Truck Festival

The Mayor's Office has announced that the Second Annual Gardner Food Truck Festival will be held on Saturday, June 9th from 4:00pm to 8:30pm. The event will take place on the front lawn of Gardner City Hall, with the trucks being parked along Pleasant Street and City Hall Avenue. The Committee overseeing the event has made some adjustments to the lay out of the event, based on feedback that was received after last year's festival. Over 4,000 people attended the event last year, exceeding the 1,000 attendee prediction that the City gave to the attending trucks prior to the event. All the trucks who attended last year are expected to attend again, as well as several other new trucks as well. Similar to last year, the event will be a BYOC (Bring your own Chair) picnic on the front lawn of City Hall with music and other activities going on as well. Truck announcements and other information on the event can be found on both the City's Website and City's Facebook Page.



Update from the Corner Office

Bridge Closure:

The South Main Street Bridge over the Travers Pond Inlet has been closed to all vehicular traffic for the foreseeable future. MassDOT latest inspection has shown major deficiencies leading to the City Engineer's decision to close the bridge. The City is currently pursuing options to repair/replace the bridge.



Update from the City Engineer:

In the last newsletter, we sent out some information on some of the projects being undertaken by the City Engineering Department. Here are some updates since the last issue:

- Construction on the new City Engineering/Department of Public Works Facility is underway and is expected to be completed in Spring of 2018.
- The design for the new LED Street Light Retrofit has begun. The new LED lights should be operational during the upcoming Spring. You will see the Victorian lights in Downtown also updated to LED lights as well.
- The proposed design for the changes to the Uptown Rotary are 25% complete. The City is hoping to begin construction on this project in 2022.
- The Pleasant Street Bridge Plans, Specs, and Estimates Phase is nearing completion with a proposed bid date sometime this month.

Land being marketed for Development:

Progress is continuing to move forward at the Garbose Site on Rt. 68 in Gardner. Final remediation of contaminated soil was completed in early September of 2017. In total, 420 tons of soils contaminated with lead, PCBs and other heavy metals were removed offsite. This project was funded through a MassDevelopment grant of \$500,000.00, EPA Clean-Up funding in the amount of \$600,000.00 MassWorks funding or \$1,450,000, and \$340,000 in Brownfields Revolving Loan Fund money. The area is currently being marketed by Keller Williams Commercial for commercial development. Keller Williams is also currently marketing the Rt 140-South Main and the Mill Street Corridor locations.

City of Gardner Receives Heart Safe Community Status

The Massachusetts Department of Public Health Office of Emergency Medical Services has named the City of Gardner a HeartSafe Community. This designation is awarded to municipalities who undertake efforts to "encourage and promote community awareness of the potential for saving the lives of sudden cardiac arrest victims through the use of CPR and increased public access to defibrillation." (HeartSafe Community Application) Receiving designation as a HeartSafe Community determines on the number of points a community receives based on CPR Training Sessions, placements of automatic external defibrillators (AEDs), training undertaken by first responders, and work with organizations to increase awareness of heart safe practices in order to improve the City's "chain of survival." The number of points needed to be earned by each community is determined by the area's population. Whereas the 2010 US Census placed Gardner's population at 20,221, The City of Gardner was required to submit proof of 60 points in order to receive HeartSafe Designation. Upon review of the City's application, the city received 415 points from the Office of Emergency Medical Services, largely exceeding its minimum requirement.



Update on Rear Main Street:

Phase I of the Rear Main Street Corridor Revitalization Project is expected to be completed soon. This project received a \$1,750,000 MassWorks Grant from the Commonwealth of Massachusetts in late 2015. The grant has funded the acquisition and demolition of the last remaining mill building at 158 Rear Main Street, which was completed in June of 2016. Bids were received for construction of Derby Drive in September of the same year. Additional funding of \$500,000 was awarded by the State to cover the costs of roadway construction, which began in June of 2017. Completion of Derby Drive along with a ten-foot wide multi-use path is expected in May of 2018. The city is also exploring the possibility of installing electric car charging stations at this location once completed.

Update from the Corner Office

Department Spotlight:

Conservation Commission

Conservation Agent: Jeffrey Legros
Phone: 978-630-4014, ext. 3
Fax: 978-632-1905

Crystal Lake Community Forest, Wellness Path, and Natural Learning Area



Beginning in August of 2016 with the award of a \$7,500 Forest Stewardship Implementation Grant from the Department of Conservation and Recreation, the Gardner Conservation Commission and several local partners, supporters, and volunteers began their efforts to turn a recently logged patch of forest between Heywood Hospital and Crystal Lake into a place for recreation, teaching, learning, and overall health and wellness. After several volunteer planting and trail maintenance days, the area has blossomed into a forested garden of unique and important wildlife habitats including pollinator habitat for butterflies and bees, a wetland habitat raingarden for biological diversity and water quality, and native shrub habitat for wildlife forage.

The Crystal Lake Community Forest, Wellness Path, and Nature Learning Area will offer countless opportunities for the people of Gardner and the surrounding region.

The Crystal Lake Community Forest is located along the North Central Pathway between the Veterans Memorial Skating Rink and Green Street. The Wellness Path and Natural Learning Area can be accessed from the North Central Pathway between Heywood Hospital and Crystal Lake. Parking is located off of Green Street, across from Mount Wachusett Community College between the radio station and Municipal Golf Course.

Get Out and Enjoy what Gardner Has to Offer:

The City of Gardner has recently acquired more than 200 acres of Conservation Land perfect for hiking, fishing, hunting, mountain biking, birdwatching, wildlife & nature photography, or just exploring and enjoying the great outdoors. The Conservation Commission encourages you to get out and enjoy the area and its miles of trails and access to Baily Brook, a pristine Cold Water Fish Resource Area.

The Alisaukas Conservation Area is located along Howard Street off of Clark Street near the Winchendon town line. Parking is available at the entrance to the Field near the Conservation Area sign and trails can be accessed from the northwest corner of the field.

The Gardner Conservation Commission, Department of Community Development and Planning, Engineering and Survey Department, and Department of Public Works are continuing to collaborate on a City-wide trail enhancement project including trail signs, maps, new trails, improved parking areas, and trail maintenance and access improvements. Recent efforts have included trail mapping by a student intern from Fitchburg State College GIS Department, and a student volunteer from Mount Wachusett Community College's Natural Resources Program.

If you are interested in helping to protect and manage your Gardner Conservation Commission lands contact the Conservation Commission to inquire about making a donation through the Conservation Trust or volunteering as a land and trail steward.

Update from the Corner Office



4th Annual Lions Club Easter Egg Hunt

Saturday, March 31, 2018

10:00AM – 12:00PM

Gardner City Hall

There will be one hunt for Children under 5 years old and a separate hunt for Children between the ages of 5 and 10.

In the event of inclement weather, the hunt will be moved to the City Hall Auditorium.

City of Gardner's New Mobile App Introduced

The City of Gardner is constantly trying to find ways to better reach our citizens with important information. We are proud to announce the City's new mobile app designed for both iOS and Android devices through CivicPlus. Need to find out when the next City Council Meeting is or perhaps you need to order a birth certificate? You can now do both with a tap on your handheld device. App users can also access job postings, city maps, property cards and much more. If you cannot find what you want, there is a helpful 'Search' icon. Download it today and discover all the ways this great new tool can make doing business with Gardner City Hall easier than ever!



iOS Device

Download the CivicMobile app from the App Store. Upon opening CivicMobile, users have the option to enter Gardner, MA or to use the "Find Your Location" feature. The City of Gardner app will display on the device as CivicMobile. Upon opening the app, users have the option to sign up for notifications.

Android Device

Download the myGardnerMA app from the Play Store. Upon opening the app, users have the option to sign up for notifications.

Stay Up to Date!

The City would like to remind residents of the different ways in which they are able to stay up to date with important notifications that the City sends out.

CodeRED:

The City of Gardner has contracted with Emergency Communications Network to deliver Emergency Notification Messages through the CodeRED high-speed notification solution. The CodeRED system provides city officials the ability to quickly deliver messages to targeted areas or the entire city. Residents will receive messages pertaining to water main breaks, road closures, trash delays, Amber Alerts, Police and Fire Emergencies and other such actionable items.

To register for this service, go to the City's Website under the City Services tab.

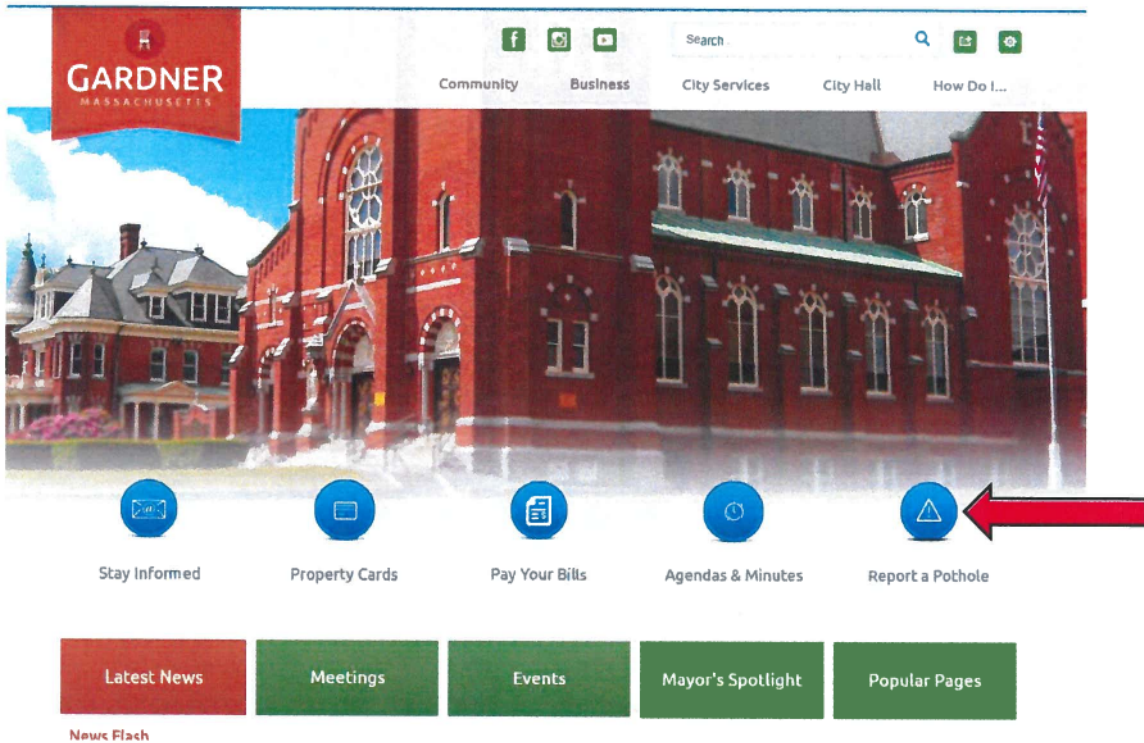
City Website Notifications:

Members of the Public may register to receive notifications directly from the city's website. These notifications include newsflashes, bid opportunities, job and meeting postings, and more. You can register for this service under the "Stay Informed" button on the City website's homepage.

Update from the Corner Office

How Do I Report a Pothole?

Step 1: Go to www.Gardner-MA.gov and click on “Report a Pothole”



Step 2: Fill Out Form and Click “Submit”

Report a Pothole Sign in to Save Progress

Pothole Address*

Additional Information

First Name* Last Name*

Phone Number* Email Address

Upload a Photo

No file chosen

Use this to upload a photo of the pothole.

If you do not have access to the internet, call the DPW at 978-632-7661

Office of Mayor Mark P. Hawke
Gardner City Hall, Room 125
95 Pleasant Street
Gardner, MA 01440

*Attachment 7:
Email from Mr. Paul N. DeMeo
regarding South Main Street
Bridge*

Mayor

From: PAUL DEMEO <ryanrealty@comcast.net>
Sent: Tuesday, October 11, 2022 10:11 PM
To: Mayor; Titi Siriphan; Alek Dernalowicz
Cc: James Boone; Nate Boudreau; Craig Cormier; Ronald Cormier; Karen Hardern; Elizabeth Kazinskas; James M. Walsh; Dana Heath; Alek Dernalowicz; Judy Mack; gtyros@gmail.com; Scott Graves; Scott Graves; Bruce Chester; anne.gobi@masenate.gov; PAUL DEMEO; cene-pa@usace.army.mil; Samantha.K.Hutchins@usace.army.mil; AGO@state.ma.us
Subject: [EXTERNAL] South Main Street Bridge is a Public Safety Hazzard and Defect in Legal Public Way
Attachments: South Main 2.jpg; South Main 1.jpg; EPSON424.PDF; South Main 3.jpg
Importance: High

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.

Mayor Nicholson,

As you are well aware, the South Main Street Bridge in South Gardner has been closed for some time with no clear efforts on your part to either repair/replace it. This is a Defect in a Public Way as defined by Massachusetts General Laws. (attached). It is also a danger to the waterway if it collapses and poses a flooding danger. This is a tributary (Mahoney Brook) which flows from Wrights Reservoir (under Army Corps of Engineers control) to the Otter and Miller's Rivers and Birch Hill Dam. (42.560711, -71.982183 location of bridge)

It was brought to my attention by a neighbor how unsafe the barricades are with little notice to motorists the road is blocked. This neighbor spoke of cars going off the road at night due to poor driving conditions. GPS shows it as an active and open road. She asked for my help.

You and the city council should either fix the bridge or discontinue the road.

It's a poor excuse that the Worcester and Providence Railroad won't cooperate in the repair of the bridge. How about removing the bridge and putting in a culvert?

Would the Army Corps of Engineers assist as they control this waterway?

Senator Anne Gobi has been copied to make her aware of the issue.

As the bridge has been left by the DPW Director Arnold, it is unsafe and a danger to motorists. It is apparent a resident has spray painted DANGER, as it surely is.

Thank you for your prompt attention to this public safety hazard and danger.

Regards,
 Paul DeMeo

*Attachment 8:
Email from Councilor Boone to
Mr. Paul DeMeo stating detour
“no big deal”*

Mayor

From: James Boone
Sent: Wednesday, October 12, 2022 8:26 AM
To: PAUL DEMEO; Mayor; Dane Arnold; Nathan R. Boudreau
Subject: Re: [EXTERNAL] South Main Street Bridge is a Public Safety Hazzard and Defect in Legal Public Way

Recently I made the mistake of trying to get to Travers St forgetting the bridge was still closed. No big deal had to turn around. But I would be interested in and update.

From: PAUL DEMEO <ryanrealty@comcast.net>
Sent: Tuesday, October 11, 2022 10:10 PM
To: Mayor <Mayor@gardner-ma.gov>; Titi Siriphan <tsiriphan@gardner-ma.gov>; Alek Dernalowicz <adernalowicz@gardner-ma.gov>
Cc: James Boone <jboone@gardner-ma.gov>; Nate Boudreau <n8boudreau@gmail.com>; Craig Cormier <ccormier@gardner-ma.gov>; Ronald Cormier <railron@aol.com>; Karen Hardern <karenhardern@hotmail.com>; Elizabeth Kazinskas <ekazinskas@gardner-ma.gov>; James M. Walsh <jwalsh@gardner-ma.gov>; Dana Heath <dheath@gardner-ma.gov>; Alek Dernalowicz <adernalowicz@gardner-ma.gov>; Judy Mack <jmack@gardner-ma.gov>; gtyros@gmail.com <gtyros@gmail.com>; Scott Graves <sgraveslawoffice37@gmail.com>; Scott Graves <scott.graves.info@gmail.com>; Bruce Chester <bkchester@yahoo.com>; anne.gobi@masenate.gov <anne.gobi@masenate.gov>; PAUL DEMEO <ryanrealty@comcast.net>; cenae-pa@usace.army.mil <cenae-pa@usace.army.mil>; Samantha.K.Hutchins@usace.army.mil <Samantha.K.Hutchins@usace.army.mil>; AGO@state.ma.us <AGO@state.ma.us>
Subject: [EXTERNAL] South Main Street Bridge is a Public Safety Hazzard and Defect in Legal Public Way

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.

Mayor Nicholson,

As you are well aware, the South Main Street Bridge in South Gardner has been closed for some time with no clear efforts on your part to either repair/replace it. This is a Defect in a Public Way as defined by Massachusetts General Laws. (attached). It is also a danger to the waterway if it collapses and poses a flooding danger. This is a tributary (Mahoney Brook) which flows from Wrights Reservoir (under Army Corps of Engineers control) to the Otter and Miller's Rivers and Birch Hill Dam. (42.560711, -71.982183 location of bridge)

It was brought to my attention by a neighbor how unsafe the barricades are with little notice to motorists the road is blocked. This neighbor spoke of cars going off the road at night due to poor driving conditions. GPS shows it as an active and open road. She asked for my help.

You and the city council should either fix the bridge or discontinue the road.

It's a poor excuse that the Worcester and Providence Railroad won't cooperate in the repair of the bridge. How about removing the bridge and putting in a culvert?

Would the Army Corps of Engineers assist as they control this waterway?

Senator Anne Gobi has been copied to make her aware of the issue.

As the bridge has been left by the DPW Director Arnold, it is unsafe and a danger to motorists. It is apparent a resident has spray painted DANGER, as it surely is.

Thank you for your prompt attention to this public safety hazard and danger.

Regards,
Paul DeMeo

*Attachment 9:
Email from Councilor Boone to
Mayor Nicholson and DPW
Director Arnold*

Mayor

From: James Boone <jboone@gardner-ma.gov>
Sent: Friday, October 14, 2022 12:16 PM
To: Mayor; Dane Arnold
Cc: WERNER POEGEL; Titi Siriphan; Elizabeth Kazinskas; PAUL DEMEO; Nathan R. Boudreau; James M. Walsh
Subject: Re: [EXTERNAL] South Main Street Bridge is a Public Safety Hazzard and Defect in Legal Public Way

Hello,

Cat got your tongue? As a City Councilor I deserve a reply. I would think. In fact the entire council should be updated.

Councilor Boone

From: James Boone <jboone@gardner-ma.gov>
Sent: Wednesday, October 12, 2022 8:25 AM
To: PAUL DEMEO <ryanrealty@comcast.net>; Mayor <Mayor@gardner-ma.gov>; Dane Arnold <darnold@gardner-ma.gov>; Nathan R. Boudreau <nboudreau@gardner-ma.gov>
Subject: Re: [EXTERNAL] South Main Street Bridge is a Public Safety Hazzard and Defect in Legal Public Way

Recently I made the mistake of trying to get to Travers St forgetting the bridge was still closed. No big deal had to turn around. But I would be interested in and update.

From: PAUL DEMEO <ryanrealty@comcast.net>
Sent: Tuesday, October 11, 2022 10:10 PM
To: Mayor <Mayor@gardner-ma.gov>; Titi Siriphan <tsiriphan@gardner-ma.gov>; Alek Dernalowicz <adernalowicz@gardner-ma.gov>
Cc: James Boone <jboone@gardner-ma.gov>; Nate Boudreau <n8boudreau@gmail.com>; Craig Cormier <ccormier@gardner-ma.gov>; Ronald Cormier <railron@aol.com>; Karen Hardern <karenhardern@hotmail.com>; Elizabeth Kazinskas <ekazinskas@gardner-ma.gov>; James M. Walsh <jwalsh@gardner-ma.gov>; Dana Heath <dheath@gardner-ma.gov>; Alek Dernalowicz <adernalowicz@gardner-ma.gov>; Judy Mack <jmack@gardner-ma.gov>; gtyros@gmail.com <gtyros@gmail.com>; Scott Graves <sgraveslawoffice37@gmail.com>; Scott Graves <scott.graves.info@gmail.com>; Bruce Chester <bkchester@yahoo.com>; anne.gobi@masenate.gov <anne.gobi@masenate.gov>; PAUL DEMEO <ryanrealty@comcast.net>; cенаe-pa@usace.army.mil <cенаe-pa@usace.army.mil>; Samantha.K.Hutchins@usace.army.mil <Samantha.K.Hutchins@usace.army.mil>; AGO@state.ma.us <AGO@state.ma.us>
Subject: [EXTERNAL] South Main Street Bridge is a Public Safety Hazzard and Defect in Legal Public Way

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.

Mayor Nicholson,

As you are well aware, the South Main Street Bridge in South Gardner has been closed for some time with no clear efforts on your part to either repair/replace it. This is a Defect in a Public Way as defined by Massachusetts General Laws. (attached). It is also a danger to the waterway if it collapses and poses a flooding danger. This is a tributary (Mahoney Brook) which flows from Wrights

Reservoir (under Army Corps of Engineers control) to the Otter and Miller's Rivers and Birch Hill Dam. (42.560711, -71.982183 location of bridge)

It was brought to my attention by a neighbor how unsafe the barricades are with little notice to motorists the road is blocked. This neighbor spoke of cars going off the road at night due to poor driving conditions. GPS shows it as an active and open road. She asked for my help.

You and the city council should either fix the bridge or discontinue the road.

It's a poor excuse that the Worcester and Providence Railroad won't cooperate in the repair of the bridge. How about removing the bridge and putting in a culvert?

Would the Army Corps of Engineers assist as they control this waterway?

Senator Anne Gobi has been copied to make her aware of the issue.

As the bridge has been left by the DPW Director Arnold, it is unsafe and a danger to motorists. It is apparent a resident has spray painted DANGER, as it surely is.

Thank you for your prompt attention to this public safety hazard and danger.

Regards,
Paul DeMeo

*Attachment 10:
Email request from Mr. Paul
DeMeo requesting Councilor
Boone bring the item up under
New Business at the Oct 17 City
Council Meeting*

Mayor

From: PAUL DEMEO <ryanrealty@comcast.net>
Sent: Wednesday, October 12, 2022 9:59 AM
To: James Boone
Subject: [EXTERNAL] Re: [EXTERNAL] South Main Street Bridge is a Public Safety Hazard and Defect in Legal Public Way

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.

Jim, please ask under new business at the next city council meeting.

On 10/12/2022 8:25 AM James Boone <jboone@gardner-ma.gov> wrote:

Recently I made the mistake of trying to get to Travers St forgetting the bridge was still closed. No big deal had to turn around. But I would be interested in an update.

From: PAUL DEMEO <ryanrealty@comcast.net>
Sent: Tuesday, October 11, 2022 10:10 PM
To: Mayor <Mayor@gardner-ma.gov>; Titi Siriphan <tsiriphan@gardner-ma.gov>; Alek Dernalowicz <adernalowicz@gardner-ma.gov>
Cc: James Boone <jboone@gardner-ma.gov>; Nate Boudreau <n8boudreau@gmail.com>; Craig Cormier <ccormier@gardner-ma.gov>; Ronald Cormier <railron@aol.com>; Karen Hardern <karenhardern@hotmail.com>; Elizabeth Kazinskas <ekazinskas@gardner-ma.gov>; James M. Walsh <jwalsh@gardner-ma.gov>; Dana Heath <dheath@gardner-ma.gov>; Alek Dernalowicz <adernalowicz@gardner-ma.gov>; Judy Mack <jmack@gardner-ma.gov>; gtyros@gmail.com <gtyros@gmail.com>; Scott Graves <sgraveslawoffice37@gmail.com>; Scott Graves <scott.graves.info@gmail.com>; Bruce Chester <bkchester@yahoo.com>; anne.gobi@masenate.gov <anne.gobi@masenate.gov>; PAUL DEMEO <ryanrealty@comcast.net>; cnae-pa@usace.army.mil <cnae-pa@usace.army.mil>; Samantha.K.Hutchins@usace.army.mil <Samantha.K.Hutchins@usace.army.mil>; AGO@state.ma.us <AGO@state.ma.us>
Subject: [EXTERNAL] South Main Street Bridge is a Public Safety Hazard and Defect in Legal Public Way

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.

Mayor Nicholson,

As you are well aware, the South Main Street Bridge in South Gardner has been closed for some time with no clear efforts on your part to either repair/replace it. This is a Defect in a Public Way as defined by Massachusetts General Laws. (attached). It is also a danger to the waterway if it collapses and poses a flooding danger. This is a tributary (Mahoney Brook) which flows from Wrights Reservoir (under Army Corps of Engineers control) to the Otter and Miller's Rivers and Birch Hill Dam. (42.560711, -71.982183 location of bridge)

It was brought to my attention by a neighbor how unsafe the barricades are with little notice to motorists the road is blocked. This neighbor spoke of cars going off the road

at night due to poor driving conditions. GPS shows it as an active and open road. She asked for my help.

You and the city council should either fix the bridge or discontinue the road.

It's a poor excuse that the Worcester and Providence Railroad won't cooperate in the repair of the bridge. How about removing the bridge and putting in a culvert?

Would the Army Corps of Engineers assist as they control this waterway?

Senator Anne Gobi has been copied to make her aware of the issue.

As the bridge has been left by the DPW Director Arnold, it is unsafe and a danger to motorists. It is apparent a resident has spray painted DANGER, as it surely is.

Thank you for your prompt attention to this public safety hazard and danger.

Regards,
Paul DeMeo

Attachment 11-17: Emails sent by Councilor Boone

	Date	Sent To	Summary
11	May 27, 2022 -9:42AM May 12, 2022 – 5:55pm	Council President Kazinskas Fmr. Mayor Mark Hawke	Comments regarding Monty Tech Appointment
12	Feb 18, 2022- 6:46am	Mayor Mike Nicholson	Asking Mayor Nicholson if he was angry at him
13	Sept 14, 2021 – 8:41pm	IT Director Bob O’Keefe	Comments regarding City IT Help Desk system
14	Nov 21, 2021 – 7:30am	Mayor Mike Nicholson	Questions regarding school properties owned by the City
15	April 23, 2020 – 6:04pm	Acting Mayor Kazinskas	Use of Code Red System to notify residents of upcoming special election
16	April 2, 2020- 11:02am	Fmr City Clerk Alan Agnelli	In Person Meeting Format during Pandemic Shut Down
17	March 17, 2020 – 1:51pm	Fmr City Councilor Scott Graves	Response to email regarding solid waste fee assessments

AH 11

Mayor

From: Elizabeth Kazinskas
Sent: Saturday, May 28, 2022 12:08 PM
To: 'hawkem@gardnerk12.org'
Cc: Mayor
Subject: Fw: [EXTERNAL] Fwd: Nice move

Below is the first response I received from Councillor Boone. It was not included in the thread of my previous email to you.

Best,
Lizzy

Elizabeth Kazinskas
City Council President
Councillor at-Large
City of Gardner
Cell: [\(978\) 337-1533](tel:9783371533)
ekazinskas@gardner-ma.gov

From: James Boone <jboone@gardner-ma.gov>
Sent: Friday, May 27, 2022 9:42 AM
To: Elizabeth Kazinskas <ekazinskas@gardner-ma.gov>
Subject: Re: [EXTERNAL] Fwd: Nice move

Understood, mistake made by not waiting a day before sending an email.

From: Elizabeth Kazinskas <ekazinskas@gardner-ma.gov>
Sent: Friday, May 27, 2022 6:13 AM
To: James Boone <jboone@gardner-ma.gov>
Subject: Fw: [EXTERNAL] Fwd: Nice move

Dear Councillor Boone,

Please see the emails below. As City Council President, a fellow City Councillor, and a proud Gardner resident, I would sincerely appreciate it if you would please be respectful and courteous in your correspondence. The language you used and tone you implied in your email is unacceptable in my opinion, and the people we represent and community we lead do not deserve that type of conduct from their City Councillors.

Thank you for your consideration of this email.

Best,
Lizzy

Elizabeth Kazinskas
City Council President
Councillor at-Large

City of Gardner
Cell: (978) 337-1533
ekazinskas@gardner-ma.gov

From: Mark Hawke <hawkem@gardnerk12.org>
Sent: Wednesday, May 18, 2022 12:04 PM
To: Mayor <Mayor@gardner-ma.gov>; Elizabeth Kazinskas <ekazinskas@gardner-ma.gov>
Subject: [EXTERNAL] Fwd: Nice move

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.

FYI

----- Forwarded message -----

From: Mark Hawke <hawkem@gardnerk12.org>
Date: Thu, May 12, 2022 at 9:15 PM
Subject: Re: Nice move
To: James Boone <jboone@gardner-ma.gov>

Councilor,

You might as well blame the City Council (you included) for appropriating the funds for meters that were chosen by a committee (including a City Councilor) and procured by the Purchasing Agent that the City Council confirmed the appointment of.

For that matter, I wanted to remove the street meters and have kiosks in the parking lots, but the City Council shot that idea down.

I voted for you as the MT Rep. that's the end of my plan for anything related to that.

All the best,

Mark

Mark Hawke

On May 12, 2022, at 5:55 PM, James Boone <jboone@gardner-ma.gov> wrote:

Way to go Mark, put in meters that are no longer working in 5 years. Not to mention the piece of shit plan to eliminate me from MT after you talked me into the BS position.

The Gardner Public Schools does not discriminate due to race, color, sex, gender identity, religion, national origin, sexual orientation, disability, age, homelessness or limited English proficiency.

Mayor

From: James Boone <jboone@gardner-ma.gov>
Sent: Friday, February 18, 2022 6:46 AM
To: Mayor
Subject: Re: Angry at me?

Forgot to send this yesterday.

Mike,

Usually you are very responsive. I know you are super busy and I should be more patient. Wanted to be sure we are still in good "graces" if you will. Certainly no need to respond to this. Thank you for all you are doing for Gardner.

Very Best Regards,
Jim

From: Mayor <Mayor@gardner-ma.gov>
Sent: Thursday, February 17, 2022 8:39 AM
To: James Boone <jboone@gardner-ma.gov>
Subject: RE: Angry at me?

Jim,

I'm a little confused by your email. I was just responding to emails from you the other day.

If I don't respond to an email right away it usually because I have other meetings or things going on in the office like the few ordinance proposals that were submitted for Tuesday's Council meeting this morning.

I saw your other town comparison email and am seeing what can be done.

Mike

From: James Boone <jboone@gardner-ma.gov>
Sent: Thursday, February 17, 2022 8:31 AM
To: Mayor <Mayor@gardner-ma.gov>
Subject: Angry at me?

Hi Mike,

Are you angry at me. You don't respond to my emails any more?

Jim

Mayor

From: James Boone <jboone@gardner-ma.gov>
Sent: Tuesday, September 14, 2021 8:41 PM
To: Bob OKeefe
Subject: Re: HelpDesk

tickets@gardner-ma.gov really? why not helpdesk@gardner-ma.gov sheez

From: Bob OKeefe <rokeefe@gardner-ma.gov>
Sent: Tuesday, September 14, 2021 11:17 AM
To: Bob OKeefe <rokeefe@gardner-ma.gov>
Subject: HelpDesk

Hello,

Our HelpDesk system has now been linked to our IT Management system. You now have two ways to enter a helpdesk ticket, go to this website <http://ithelpdesk.gardner.local:81/helpdesk/> and use your normal computer username and password. You should go to that site now and bookmark/favorite it.

At this site you may create, review, track, modify and close your tickets. If that website is unavailable you may also email tickets@gardner-ma.gov, do not email if the site is available.

Please be as descriptive as you can. Include screen shots or error messages.

Thank you,

Bob

A# 14

Mayor

From: James Boone
Sent: Saturday, November 21, 2020 7:30 AM
To: Mayor
Subject: Re: School Properties

Mr. Mayor?

From: James Boone
Sent: Tuesday, November 17, 2020 9:58 AM
To: Mayor
Subject: Re: School Properties

Oh one more Mayor Hawke used to talk about. MWCC college dorm... or extension of UMASS :)

From: Mayor
Sent: Monday, November 16, 2020 7:11 PM
To: James Boone
Subject: RE: School Properties

Hi Councilor,

No problem. Not sure what happened there with the reply I sent but I can get how things like that get lost.

The City is planning on maintaining ownership of all buildings but Prospect. Helen Mae will be the new Superintendent's Office and Elm will be the new GALT. We have to keep them, because there has been MSBA grants that have been obtained for things for the building over the past 20 years and if we turn over ownership of any schools that we have to pay all that money back to the MSBA. (close to \$2.1 million)

The other plan is to lease Waterford to the Boys and Girls Club for a community center and possibly moving the senior center to the other half of that since it's a one floor building.

Prospect we're still trying to see what we can do with it and if we can sell it great, but we are still very preliminarily on in that project to make sure there are no financial traps in that (for lack of a better word) like there would be with the other schools.

Best,

Mike

From: James Boone <jboone@gardner-ma.gov>
Sent: Monday, November 16, 2020 7:08 PM
To: Mayor <Mayor@gardner-ma.gov>
Subject: Re: School Properties

I know you have a lot on your plate. Maybe some of your quick thought on this. Thank you. My apologies is I missed your reply.

A# 15

Mayor

From: jboone@gardner-ma.gov
Sent: Thursday, April 23, 2020 6:04 PM
To: sgraveslawoffice37@gmail.com
Subject: Fw: CodeRed system message

From: Mayor
Sent: Thursday, April 23, 2020 3:05 PM
To: James Boone; Alan Agnelli
Subject: RE: CodeRed system message

Dear Councillor Boone,

Thank you for your suggestion regarding the CodeRED notification in relation to the City election procedures. I don't appreciate your "asking a lot" comment, and would appreciate your patience. The City Clerk's Office is extremely busy, as you are aware of their mailing of approximately 12,000 early voting applications to voters at the end of last week. Completed applications continue to be received and processed this week at a large volume. With respect to the Clerk's Office's attention to their regular office operations along with their work on the City election, it should be expected that City Clerk Agnelli and I had our first chance to speak today regarding your email. His recommendation is to send a CodeRED call next week. I agree with his recommendation and will do so.

Thank you, again, for your suggestion.

Best,
 Lizzy

Elizabeth Kazinskas
 Acting Mayor, City of Gardner
 95 Pleasant Street, Room 125
 Gardner, MA 01440
 (O) 978-630-1490

From: James Boone <jboone@gardner-ma.gov>
Sent: Thursday, April 23, 2020 11:41 AM
To: Alan Agnelli <aagnelli@gardner-ma.gov>; Mayor <Mayor@gardner-ma.gov>
Subject: Re: CodeRed system message

Be nice if the "acting" Mayor would reply but I guess that is asking a lot.

From: James Boone
Sent: Wednesday, April 22, 2020 12:40 PM
To: Alan Agnelli; Mayor
Subject: CodeRed system message

I think it would be helpful to use our Call system to remind/engage voters to use Early Voting/Remote Voting. Your thoughts?

In light of Covid-19 virus, the risk of voting in person and making it easier for you to vote we've sent Early voting application forms to all registered voters. In order to do early voting please follow the instructions sent to you. If you have question call... Chamber? to help alleviate Clerks office(just a thought).

Once received we will do xxx and then send you a Voting ballot with a self addressed stamped envelope. Yada yada

Please note: Polls will be open. 3A has been moved to Acadien club for safety reasons.

Date of primary, date of Mayoral election

yada yada

Thoughts?

Thanks,
Jim

AH16

Mayor

From: jboone@gardner-ma.gov
Sent: Thursday, April 2, 2020 11:02 AM
To: sgraveslawoffice37@gmail.com
Cc: sjgraves@gardner-ma.gov
Subject: Fw: Welfare meeting

From: Alan Agnelli
Sent: Thursday, April 2, 2020 8:27 AM
To: James Boone
Subject: RE: Welfare meeting

Hi Jim,

I am unable to answer your question. Feel free to contact the Council President/Acting Mayor.

Sincerely,

Alan

Alan L. Agnelli
City Clerk
95 Pleasant Street, Room 121
Gardner, MA 01440
Tel 978-630-4058
Fax 978-630-2589

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

From: James Boone <jboone@gardner-ma.gov>
Sent: Wednesday, April 1, 2020 4:15 PM
To: Alan Agnelli <aagnelli@gardner-ma.gov>
Cc: Councillor S Graves <sgraveslawoffice37@gmail.com>
Subject: Welfare meeting

Hi Alan,

Councilor Graves asked if we can hold an in person Welfare meeting on Monday at 6:30. Is this currently allowed?

Best and stay well,
JimB

Mayor

From: jboone@gardner-ma.gov
Sent: Tuesday, March 17, 2020 1:51 PM
To: sgraveslawoffice37@gmail.com
Subject: Re:

Agree. Wtf.

Sent from my iPad

On Mar 17, 2020, at 8:49 AM, Scott Joseph Graves <sgraveslawoffice37@gmail.com> wrote:

Mr. President:

I just wanted to follow up on my comment about the Mayor approving the solid waste fee assessment.

You had stated at the Meeting last night that Charter Section 30 requires that all ordinances be presented to the Mayor for approval. That Charter requirement is not what I was talking about. I'll get to what I mean.

But, back to Section 30 - as this is clearly not a matter not admitting of delay, what is your opinion as to Section 30's 10-day presentment period? My opinion is that the 10 days does not begin until the Elected Mayor is in office, but you may disagree?

Back to what I meant about the Mayor's input on the new Ordinance: Section 30 of the Charter does not change the fact that Ordinance 560-3A requires that **both** the Mayor and the City Council "shall" assess the amount of the user fees, together. That is, it takes both branches of government to come up with the new assessment of fees. There is no Charter provision that conflicts with this, obviously. So, this must be complied with. As the Mayor did not have any input in the Public Safety Committee's ideas about staggering the fees, the City

Council adopted something that is not in compliance with the said Ordinance. Also, it is not in compliance with M.G.L. c. 44, sec. 28C for the same reason.

I pointed this all out on March 2, 2022 at our Public Meeting, and last night at our Public Meeting.

Therefore, I suggest that you, as President (not as Acting Mayor) provide the City Council with guidance in this regard. It looks to me that the law is not legitimate as passed for these reasons.

Please advise.

SG

*Attachment 18-20:
Corrections from Administration
regarding comments by Councilor
Boone*

#	Date	Sent To	Summary
18			Email dialogue between Mayor Nicholson and Councilor Boone in which Councilor Boone was confused about an ordinance proposal regarding Fire Department Fee changes due to looking at the wrong document. Email sent in response to comments made at the February 7, 2022 Regular Meeting of the City Council. - February 10, 2022- 4:01pm
19			Formal Notification from Mayor Nicholson to City Council correcting misinformation regarding the use of Free Cash stated by Councilor James Boone at the October 3, 2022 regular meeting of the City Council. Council voted to place item on file at the October 17, 2022 regular City Council Meeting.
20			Response from Mayor Nicholson to Councilor James Boone's Comments at the October 17, 2022 Regular Meeting of the City Council regarding the City's electrical aggregation rates, pointing out that Mayor Nicholson had notified the City Council of the changes Councilor Boone mentioned and forwarded the advance copy of the postcard Councilor Boone referenced on September 30, 2022.

AH 18

Mayor

From: James Boone <jboone@gardner-ma.gov>
Sent: Thursday, February 10, 2022 4:01 PM
To: Mayor
Subject: Re: Fee Comparisons

I apologize Mr. Mayor. I didn't read far enough into the document. You are right the ordinance threw me off. Sorry, Jim

From: Mayor <Mayor@gardner-ma.gov>
Sent: Thursday, February 10, 2022 3:11 PM
To: James Boone <jboone@gardner-ma.gov>
Subject: RE: Fee Comparisons

Dear Councilor Boone,

If a student failed to look at the second page of their assignment and didn't do the work on that page, they would be graded poorly as well.

The information you are looking for was already provided to you. Please see the screenshots that are attached and after reviewing that material please let me know if you have any questions.

The new fees were already marked N/A in the packet.

Best,

Mike

From: James Boone <jboone@gardner-ma.gov>
Sent: Thursday, February 10, 2022 1:59 PM
To: Mayor <Mayor@gardner-ma.gov>
Subject: Re: Fee Comparisons

Dear Mr. Mayor,

Thank you for sharing links to the websites. Respectfully, if I was to give a report to my manager with New fees and left out the corresponding old fees he would not be happy. If a student did the same on a report the teacher would grade them poorly. I respectfully request for each new fee to show the old fee adjacent to the new fee. Of course if it is new then old can be marked n/a or something else. Appreciate your consideration of my expectation. Department heads get paid a great deal of money and they should be able to provide such a report or your staff should be able to compile. Do you agree? Am I expecting too much?

Thank you,
Jim

From: Mayor <Mayor@gardner-ma.gov>
Sent: Monday, February 7, 2022 8:51 PM
To: Elizabeth Kazinskas <ekazinskas@gardner-ma.gov>
Cc: Titi Siriphan <tsiriphan@gardner-ma.gov>
Subject: Fee Comparisons

Good Evening Madam President and Councilors,

My apologies for not having the comparison pages directly in front of me at this evening's meeting, however, they were included in the packet.

For Fire Department Fees, they were included on pages 30-33 of the packet. For Building Department Fees, pages 60-61.

The packet can be found here: <http://www.gardner-ma.gov/AgendaCenter/ViewFile/Agenda/02072022-3273>

Due to the fees being part of the ordinance themselves, it may have caused confusion as to what was the actual ordinance amendment and what was the comparison.

I am happy to re-send these to the Council if it would be easier to find.

The current fees can also be found in the City Code here:

Fire Fees: <https://ecode360.com/15378457>

Building: <https://ecode360.com/15378316>

Plumbing and Gas: <https://ecode360.com/15378422>

Electrical: <https://ecode360.com/15378510>

Best,

Mike

Michael J. Nicholson, J.D.

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

AH 19



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

October 6, 2022

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

RE: Correspondence regarding Municipal Finances and Free Cash Regulations

Dear Madam President and Councilors,

At the meeting of the City Council on October 3, 2022, during new business, Councilor James Boone stated the following:

"The second thing I wanted to mention, in our Public Safety meeting the Board of Health Director, Lauren Saunders, mentioned she's going to need about \$200,000 to fix the pumps at the landfill and she was hoping to get money from our free cash. But last I heard, we spent almost all of our free cash, so I'm hoping that the Finance Committee can deliberate on this and the Mayor and figure out what needs to be done for the landfill"

And,

"Follow-up: Mr. Mayor, if I'm not mistaken, that Leominster used to keep tons of free cash available and they had all this excess funds and we're down I think last I saw \$60,000."

And,

"Last follow-up if I may Madam President, Mr. Mayor, so there will be money in case it's needed to spend at the landfill?"

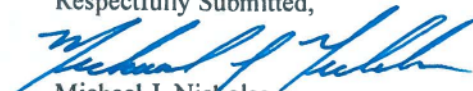
As a reminder to the Council, as I have stated in the past on several occasions, the regulations regarding the use of Free Cash, issued by the Massachusetts Department of Revenue state that free cash **cannot be used** between the period from June 30th of any given year until the Division of Local Services Director of Accounts certifies a community's free cash from the previous fiscal year.

Furthermore, free cash is a one-time funding source, not a revolving account, therefore it renews with a different amount every year, as it is solely based on the amounts certified from the previous fiscal year.

As such, statements like, "we spent almost all of our free cash," are misleading, as free cash is different every year. The Department of Revenue does recommend that municipalities spend their certified free cash amounts down to as close to \$0 annually as they can, as it is a one-time revenue source. However, any remaining balances at the end of the fiscal year do carry over into the next year. Though any carry-over amounts are still restricted to not be used or appropriated until the full aggregate amount is certified by the Commonwealth's Division of Local Services Director of Accounts.

Attached, please find the guidance and regulations issued by the Commonwealth on these matters, previous correspondence I have sent to the City Council regarding this matter, and the City's free cash history from 2015 to present showing 1) how much the City has had certified in free cash each year, 2) how much of that year's free cash was expended, 3) the amount of free cash that was carried over to the next year (listed as "remainder"), and 4) where that free cash amount came from in that year's certification calculation.

Respectfully Submitted,


Michael J. Nicholson
Mayor, City of Gardner

2022 OCT 6 5 21 PM '22
RECEIVED



City of Gardner - Executive Department
Mayor Michael J. Nicholson

November 1, 2022

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

RE: Response regarding New Business Comments Regarding Electrical Rates

Dear Madam President and Councilors,

At the regular meeting of the City Council of October 17, 2022, during "New Business," Councilor James Boone stated the following:

"Next thing I wanted to talk about- many of us may have received this postcard in the mail about the electrical rates going up more than double, from 10.5 cents to nearly 24 cents per kilowatt hour. I'm curious, I thought there were laws against utilities going up that much. I thought there was some kind of protection for consumers. With that said I had another Resident tell me that they could get a rate of 18 cents from Constellation Energy which kind of surprised me. I haven't checked into it, but that's what they told me they could lock in for three years. They didn't have to remain. But why is the city almost 24 cents and this one resident can get it for 18 cents - even though that's ridiculous too but you know everything's gone through the roof. So I just wanted to point that out, and I guess I want to ask a question why the city isn't given a better rate than this individual resident. It just doesn't make any sense."

Attached to this letter is an email that I sent to the City Council on Friday, September 30, 2022 at 9:34am. This email explained the bidding process the City undertook for our next municipal aggregation contract, explained why we entered into a one (1) year contract agreement, and even included a copy of the postcard that Councilor Boone referenced in his comments as an attachment. Please note that Councilor Boone was included on this email with the answers to his questions on the process included in the contents of the email eighteen (18) days before the Council Meeting. Furthermore, please note that in a request for proposal ("RFP") process, the City cannot take into account any company/supplier that does not submit a bid/response to the City through the formal process.


Additionally, at this meeting, Councilor Boone stated"

"The next thing I wanted to mention briefly anybody look at their electric bill lately? Electrical vehicle charge. Distributed solar charge. Renewable energy charge. Energy Efficiency charge. I guess I don't pay attention to it that much, but once I, you know, the rates went up it was just like I said I'm going to look at the bill a little more closely."

20-2

Please note that none of the aforementioned charges are associated with the City, nor our electrical aggregation program and are issued by National Grid directly through regulations promulgated by different agencies at the Commonwealth and Federal levels.

Respectfully Submitted,



Michael J. Nicholson
Mayor, City of Gardner

Mayor

From: Mayor
Sent: Friday, September 30, 2022 9:34 AM
To: Elizabeth Kazinskas
Cc: Rachel Roberts (Mayor's Office); Colin Smith; Titi Siriphan
Subject: City Electrical Aggregation Rates
Attachments: Gardner New Rate+Term Postcard COLOR -- Back.pdf

Good Morning Madam President and Councilors,

As you may be aware, the City's three-year electrical aggregation contract expires on November 1st of this year.

If you are unaware with this process, the City, on behalf of its residents, has the ability to go out to bid for electrical rates to help residents assist in savings over the long term by obtaining a fixed rate for residents rather than utilizing a variable electricity rate through National Grid. This program is an option for residents of the City for the electricity that they use. The City does not make or expend any money in this program, it is simply a service we provide. Furthermore, residents have the option to opt in or opt out of this program at any time with no charge or fee from the City's provider.

Back in 2019, when the last contract was signed, the rate per kilowatt hour (kWh) was approximately \$0.13 per kWh. As with most things in the recent years, electric rates have gone up since then substantially. After going out to bid three separate times, the lowest bid the City was able to obtain for our new contract is \$0.23787 per kWh. While this is approximately a ten cent per kilowatt hour increase, National Grid released their new rate to for the year at \$0.33891 per kWh- ten cents higher than our new rate. Therefore, the City's electrical aggregation rate is still a better option for our residents at this time.

Understanding that the anomalies in the market are what they are currently and that inflationary trends in the market right now are causing prices to be higher, I have decided to go with the recommendations of our consultant – Constellation Power Group – and have signed this as a one-year contract instead of a three year contract to see if we can obtain a lower rate next summer. Several municipalities have opted for similar contract lengths in order to try to watch the market and obtain a better rate for our residents.

The attached post card will be mailed out to all residents next week regarding this program and its changes.

Respectfully,

Mike Nicholson

Michael J. Nicholson, J.D.

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



THE CITY OF GARDNER'S COMMUNITY CHOICE POWER SUPPLY PROGRAM



The City of Gardner is announcing the new rate and term for its Community Choice Power Supply Program through its current electricity supplier, NextEra Energy Services. The City's new aggregation rate is fixed for all rate classes for 12 months as follows:

Term	New Rate (Supply Only)	Renewable Energy Content
November 2022 to November 2023	\$0.23787 per kWh	Meets MA renewable energy requirements
<i>[Rate applies to service beginning and ending on the days of the month that your meter is read in your service area. This date varies by account.]</i>		

For comparison purposes, National Grid's Residential Basic Service rate is fixed at \$.33891 per kWh from November 1, 2022 thru April 30, 2023. Due to economic and geo-political conditions worldwide, electricity prices are higher now than in prior years. However, the City's new rate is fixed which provides protection against market spikes over the 12-month term but doesn't lock the City into the elevated prices beyond that should the market stabilize.

It is important to note that **no action will be required** by individual consumers. All accounts currently enrolled in the City's Program will continue to see NextEra printed under the "Supply Services" section of their monthly bill. This rate change will be seen on the December 2022 bills. Consumers with questions about the Program should call Colonial Power Group, the City's aggregation consultant, at (866) 485-5858 ext. 1.

For more detailed information about the City's Program, including how to OPT-OUT or OPT-IN, or to access National Grid's Basic Service rates, please visit colonialpowergroup.com/gardner or call NextEra at (855) 639-8076. You may OPT-OUT or OPT-IN at any time in the future with NO CHARGE.

National Grid has several programs to help income-eligible families and customers needing special assistance meet their energy needs. To learn more, please visit nationalgridus.com/MA-Home/Bill-Help/Payment-Assistance-Programs.

Basic Service rates change twice a year or more, depending on rate class. As a result, the aggregation rate may not always be lower than the Basic Service rate. The goal of the aggregation is to deliver savings over the life of the Program against National Grid Basic Service. However, such savings and future savings cannot be guaranteed.

*Attachment 21-32:
Corrections from Administration
regarding comments by Councilor
Boone*

#	Date	Sent To	Summary
21	Oct 24, 2022 – 9:03am	Scott Graves	Request for instructions on public records request
22	Oct 19, 2022 – 2:31pm	City Clerk Siriphan	Request for Summary of Public Record Request
23	Feb 10, 2022 – 2:58pm	City Clerk Siriphan	Inquiry as to which seat on the Monty Tech School Committee is expired
24	Feb 7, 2022 – 7:08pm	City Clerk Siriphan	Inquiry as to which seat on the Monty Tech School Committee is expired
25	Jan 31, 2022 – 6:26pm	City Clerk Siriphan	Inquiry as to whether or not the City Council was meeting at 7:30 that evening
26	Nov 11, 2021 – 7:39pm	Mayor Nicholson	Inquiry as to where Chair City Church is located
27	Nov 6, 2021- 8:36am	City Clerk Siriphan	Request for City Clerk to ask Fitchburg and Leominster regarding Police presence and public comment period at City Council meetings
28	Sept 10, 2022 – 10:53am	City Clerk Siriphan	Request for City Clerk to ask area municipalities about public comment periods during meetings
29	Sept 29, 2021 – 2:04pm	City Clerk Siriphan	Request for a list of the holidays listed in the City's ordinances
30	April 5, 2021 – 12:12pm	Fmr Councilor Scott Graves	Request for shorter emails
31	March 4, 2021 – 1:46pm	Fmr Councilor Scott Graves	Request for City Clerk to do research for Councilor Boone regarding subject topic before the City Council
32	Oct 24, 2019 – 2:20pm	Fmr Councilor Graves Fmr City Clerk Agnelli City Solicitor Flick	Request for Instructions on how to respond to public records request

Mayor

From: Scott Joseph Graves <sgraveslawoffice37@gmail.com>
Sent: Monday, October 24, 2022 9:03 AM
To: James Boone
Subject: [EXTERNAL] Re: [EXTERNAL] Re: Fw: [EXTERNAL] South Main Street Bridge is a Public Safety Hazard and Defect in Legal Public Way

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.

Jimmy: Seriously, if you don't even know how to respond to a Public Records Request, you really shouldn't be there - and you should resign. This role of a City Councillor is not so easy as putting up some lawn signs, holding a sign and waving at cars for about 4 hours. It isn't just showing up at a Meeting, and "going through the motions," and sending the Mayor an email once in awhile with some juvenile turd about "cat gotcha tongue?" Please.

What have you done as a City Councillor? Are you making a difference? It's all going downhill, and you even sit back and let the intellectually-challenged and obsequious politician wanna-be important person, Kazinskas, give you a spanking in a global email - and you do nothing about it. You've been made irrelevant, and they're laughing at you.

Resign, and I'll take your seat. We'll see how Kazinskas will try to correct me, or spank me, out of some power-trip of keeping the herd in line like some pied piper. It won't happen - or, it won't happen without some serious ramifications about her utter incompetence and lack of leadership. We don't have a Legislative Branch anymore, thanks to her - and silent sleepwalkers like you.

How about this for a response, you might want to use this one: "Dear President: you should be concentrating on assisting the Legislative Branch

of the City Council, including by helping Councillors obtain information from the Executive Branch, instead of maintaining politeness and groupthink in blind allegiance to the present Executive Branch regime."

SG

On Sun, Oct 23, 2022 at 4:25 PM James Boone <jboone@gardner-ma.gov> wrote:

LOL Thanks for the advice. 😊

p.s. What do I have to send you for your public records request?

From: Scott Joseph Graves <sgraveslawoffice37@gmail.com>

Sent: Friday, October 21, 2022 7:08 AM

To: PAUL DEMEO <ryanrealty@comcast.net>

Cc: Elizabeth Kazinskas <elizabeth.kazinskas@gmail.com>; Elizabeth Kazinskas <ekazinskas@gardner-ma.gov>; Titi Siriphan <tsiriphan@gardner-ma.gov>; James Boone <jboone@gardner-ma.gov>; Nate Boudreau <n8boudreau@gmail.com>; Craig Cormier <ccormier@gardner-ma.gov>; Ronald Cormier <railron@aol.com>; Karen Hardern <karenhardern@hotmail.com>; James M. Walsh <jwalsh@gardner-ma.gov>; gtyros@gmail.com <gtyros@gmail.com>; Judy Mack <jmack@gardner-ma.gov>; Dana Heath <dheath@gardner-ma.gov>; Scott Graves <scott.graves.info@gmail.com>; Bruce Chester <bkchester@yahoo.com>; newstips@wbztv.com <newstips@wbztv.com>; newstips@whdh.com <newstips@whdh.com>; newsroom@wcvb.com <newsroom@wcvb.com>; senditto7@whdh.com <senditto7@whdh.com>; news@wgaw1340.com <news@wgaw1340.com>; News NBC Boston <Tips@nbcboston.com>; Mayor <Mayor@gardner-ma.gov>; MikeNicholsonMA@gmail.com <MikeNicholsonMA@gmail.com>; ryan.kath@nbcuni.com <ryan.kath@nbcuni.com>; Fiandaca, Cheryl <cfiandaca@cbs.com>; Bent, Nancy <nbent@hearst.com>; Alan <rousseaua@verizon.net>; spotlight@globe.com <spotlight@globe.com>; patricia.wen@globe.com <patricia.wen@globe.com>; Carissapervier0905@gmail.com <Carissapervier0905@gmail.com>

Subject: [EXTERNAL] Re: Fw: [EXTERNAL] South Main Street Bridge is a Public Safety Hazzard and Defect in Legal Public Way

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 Mr. DeMeo:

What was Boone thinking? When your voice is disregarded and muted by the machinery controlled by the ones with the power, you must remain silent.

If you don't get a response to your inquiries, it's because you do not deserve a response. What is so hard to understand about this?

Being rude will only get you quickly eradicated.

So, Boone, put on your pom-poms. "If you're cheerleading, you're with us . . . If you're not cheerleading, you're against us."

It's simple.

Boone, get with the program. Put on a smile, ask how everyone's weekends were, and shut the hell up.

SG

On Thu, Oct 20, 2022 at 8:10 PM PAUL DEMEO <ryanrealty@comcast.net> wrote:

Dear Gardner City Council President Elizabeth Kazinskas,

Your email to Councilor Boone was shameful. He deserves a Public apology.

Mayor Nicholson is a twenty-eight year old man and can fight his own battles without you "stepping in to the ring" to defend him.

You have violated Massachusetts State Law on numerous occasions while serving as council president so you should be the last one to chastise a fellow councilor who is truly representing the people who elected him.

It is courteous for the mayor to respond to a sitting city councilor but we have a mayor who believes he does not need to respond to anybody in the city including the media. We have a mayor who is not respectful and courteous.

The Gardner City Council is run like a "three ring circus" with you as the ringmaster. **There is no longer any separation of power between the city council and executive office as you have created the 12th seat on the city council, for the mayor!**

The Public Safety issue and defect in a public way has not been addressed though the city is now liable as it has been brought to the attention of the city. There have already been numerous accidents at this abutment.

The NEWS media has been copied so hopefully someone will investigate WHY a safety hazard has not been addressed with a timeline for repair/replacement of a bridge on a legal public way.

Gardner City Councilor Jim Boone is the only one left with an independent voice on the city council with the other ten supporting whatever the mayor wants with you paving the way. Boone truly represents the people who elected him.

Regards,
Paul DeMeo

From: James Boone <jboone@gardner-ma.gov>
Sent: Thursday, October 20, 2022 11:23 AM
To: Elizabeth Kazinskas <ekazinskas@gardner-ma.gov>
Cc: Titi Siriphan <tsiriphan@gardner-ma.gov>; Mayor <Mayor@gardner-ma.gov>; Dane Arnold <darnold@gardner-ma.gov>
Subject: Re: [EXTERNAL] South Main Street Bridge is a Public Safety Hazzard and Defect in Legal Public Way

As an elected City Councilor of the people of Gardner it would be common courtesy to respond to a councilor in a timely manner or at least acknowledge the request. I realize everyone is busy however I asked for an update 8 days ago and still don't have any update.

From: Elizabeth Kazinskas <ekazinskas@gardner-ma.gov>
Sent: Thursday, October 20, 2022 9:44 AM
To: James Boone <jboone@gardner-ma.gov>
Cc: Titi Siriphan <tsiriphan@gardner-ma.gov>; Mayor <Mayor@gardner-ma.gov>; Dane Arnold <darnold@gardner-ma.gov>
Subject: Re: [EXTERNAL] South Main Street Bridge is a Public Safety Hazzard and Defect in Legal Public Way

Dear Councilor Boone,

As City Council President, a fellow City Councilor, and a proud Gardner resident, I would sincerely appreciate it if you would please be respectful and courteous in your correspondence. Your choice of words and implied tone in your email to Mayor Nicholson are unacceptable. The people we represent and community we lead, along with Mayor Nicholson and every other City employee or elected official, do not deserve this type of conduct from a City Councilor.

I do not appreciate this being the second instance, never mind within the past 5 months, where I've read an email like this from you. Common courtesy and professionalism should be expected from every City Councilor, no matter the issue.

Thank you for your consideration of this email.

**Best,
Lizzy**

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

From: James Boone <jboone@gardner-ma.gov>
Sent: Friday, October 14, 2022 12:15 PM
To: Mayor <Mayor@gardner-ma.gov>; Dane Arnold <darnold@gardner-ma.gov>
Cc: WERNER POEGEL <wernerpoegel@comcast.net>; Titi Siriphan <tsiriphan@gardner-ma.gov>; Elizabeth Kazinskas <ekazinskas@gardner-ma.gov>; PAUL DEMEO <ryanrealty@comcast.net>; Nathan R. Boudreau <nboudreau@gardner-ma.gov>; James M. Walsh <jwalsh@gardner-ma.gov>
Subject: Re: [EXTERNAL] South Main Street Bridge is a Public Safety Hazzard and Defect in Legal Public Way

Hello,

Cat got your tongue? As a City Councilor I deserve a reply. I would think. In fact the entire council should be updated.

Councilor Boone

From: James Boone <jboone@gardner-ma.gov>
Sent: Wednesday, October 12, 2022 8:25 AM
To: PAUL DEMEO <ryanrealty@comcast.net>; Mayor <Mayor@gardner-ma.gov>; Dane Arnold <darnold@gardner-ma.gov>; Nathan R. Boudreau <nboudreau@gardner-ma.gov>
Subject: Re: [EXTERNAL] South Main Street Bridge is a Public Safety Hazzard and Defect in Legal Public Way

Recently I made the mistake of trying to get to Travers St forgetting the bridge was still closed. No big deal had to turn around. But I would be interested in and update.

From: PAUL DEMEO <ryanrealty@comcast.net>
Sent: Tuesday, October 11, 2022 10:10 PM
To: Mayor <Mayor@gardner-ma.gov>; Titi Siriphan <tsiriphan@gardner-ma.gov>; Alek Dernalowicz <adernalowicz@gardner-ma.gov>
Cc: James Boone <jboone@gardner-ma.gov>; Nate Boudreau <n8boudreau@gmail.com>; Craig Cormier <ccormier@gardner-ma.gov>; Ronald Cormier <railron@aol.com>; Karen Hardern <karenhardern@hotmail.com>; Elizabeth Kazinskas <ekazinskas@gardner-ma.gov>; James M. Walsh <jwalsh@gardner-ma.gov>; Dana Heath <dheath@gardner-ma.gov>; Alek Dernalowicz <adernalowicz@gardner-ma.gov>; Judy Mack <jmack@gardner-ma.gov>; gtyros@gmail.com <gtyros@gmail.com>; Scott Graves <sgraveslawoffice37@gmail.com>; Scott Graves <scott.graves.info@gmail.com>; Bruce Chester <bkchester@yahoo.com>; anne.gobi@masenate.gov <anne.gobi@masenate.gov>; PAUL DEMEO <ryanrealty@comcast.net>; cenae-pa@usace.army.mil <cenae-pa@usace.army.mil>; Samantha.K.Hutchins@usace.army.mil <Samantha.K.Hutchins@usace.army.mil>; AGO@state.ma.us <AGO@state.ma.us>
Subject: [EXTERNAL] South Main Street Bridge is a Public Safety Hazzard and Defect in Legal Public Way

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.

Mayor Nicholson,

As you are well aware, the South Main Street Bridge in South Gardner has been closed for some time with no clear efforts on your part to either repair/replace it. This is a Defect in a Public Way as defined by Massachusetts General Laws. (attached). It is also a danger to the waterway if it collapses and poses a flooding danger. This is a tributary (Mahoney Brook) which flows from Wrights Reservoir (under Army Corps of Engineers control) to the Otter and Miller's Rivers and Birch Hill Dam. (42.560711, -71.982183 location of bridge)

It was brought to my attention by a neighbor how unsafe the barricades are with little notice to motorists the road is blocked. This neighbor spoke of cars going off the road at night due to poor driving conditions. GPS shows it as an active and open road. She asked for my help.

You and the city council should either fix the bridge or discontinue the road.

It's a poor excuse that the Worcester and Providence Railroad won't cooperate in the repair of the bridge. How about removing the bridge and putting in a culvert?

Would the Army Corps of Engineers assist as they control this waterway?

Senator Anne Gobi has been copied to make her aware of the issue.

As the bridge has been left by the DPW Director Arnold, it is unsafe and a danger to motorists. It is apparent a resident has spray painted DANGER, as it surely is.

Thank you for your prompt attention to this public safety hazard and danger.

**Regards,
Paul DeMeo**

Mayor

From: James Boone <jboone@gardner-ma.gov>
Sent: Wednesday, October 19, 2022 2:31 PM
To: Titi Siriphan
Subject: Re: [EXTERNAL] Fwd: Free Pass Defamation - Public Records Request

Can you summarize.

From: Titi Siriphan <tsiriphan@gardner-ma.gov>
Sent: Wednesday, October 19, 2022 9:05 AM
To: James Boone <jboone@gardner-ma.gov>
Subject: RE: [EXTERNAL] Fwd: Free Pass Defamation - Public Records Request

Morning Councillor Boone,

This a public records request. You will need to respond to the requestor by November 1st.

If you read the public request in it's entirety, it lists what the requestor is asking for.

Best,

Ti

From: James Boone <jboone@gardner-ma.gov>
Sent: Tuesday, October 18, 2022 3:28 PM
To: Titi Siriphan <tsiriphan@gardner-ma.gov>
Subject: Re: [EXTERNAL] Fwd: Free Pass Defamation - Public Records Request

I don't understand. What do we have to specifically do?

From: Titi Siriphan <tsiriphan@gardner-ma.gov>
Sent: Tuesday, October 18, 2022 1:43 PM
To: CityCouncil <CityCouncil@gardner-ma.gov>; John Flick <jflick@flicklawgroup.com>; Mayor <Mayor@gardner-ma.gov>
Cc: Scott Joseph Graves - City of Gardner (sgraveslawoffice37@gmail.com) <sgraveslawoffice37@gmail.com>
Subject: FW: [EXTERNAL] Fwd: Free Pass Defamation - Public Records Request

Dear Department and City Councillors,

Please see Public Record Request attached.

If I have missed any other department head that should be included with this public records request, please feel free to forward this email to them as well.

The deadline to respond is November 1, 2022, which is the 10 day requirement per Massachusetts Public Records Law.

Regards,

Ti

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

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

From: Scott Joseph Graves <sgraveslawoffice37@gmail.com>
Sent: Monday, October 17, 2022 8:07 PM
To: Titi Siriphan <tsiriphan@gardner-ma.gov>
Subject: [EXTERNAL] Fwd: Free Pass Defamation - Public Records Request

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.

----- Forwarded message -----

From: Scott Joseph Graves <sgraveslawoffice37@gmail.com>
Date: Mon, Oct 17, 2022 at 8:07 PM
Subject: Free Pass Defamation - Public Records Request
To: John Flick <jflick@flicklawgroup.com>, James M. Walsh <jwalsh@gardner-ma.gov>, James Boone <jboone@gardner-ma.gov>, Judy Mack <jmack@gardner-ma.gov>, Nathan R. Boudreau <nboudreau@gardner-ma.gov>, <dheath@gardner-ma.gov>, Karen G. Hardern <khardern@gardner-ma.gov>, Craig Cormier <ccormier@gardner-ma.gov>, Alek Dernalowicz <adernalowicz@gardner-ma.gov>, George Tyros <gtyros@gardner-ma.gov>, Councillor R Cormier <railron@aol.com>, Elizabeth Kazinskas <ekazinskas@gardner-ma.gov>

Dear Public Servants:

Enclosed is my Public Records Request concerning your recent global City of Gardner Government defamation of me.

Scott Graves, Citizen

Mayor

From: James Boone <jboone@gardner-ma.gov>
Sent: Thursday, February 10, 2022 2:58 PM
To: Titi Siriphan
Subject: Re: Joint Convention of City Council and School Committee - February 22, 2022

Ti, is Vance term expiring? (wish mine was) 😊

From: James Boone <jboone@gardner-ma.gov>
Sent: Monday, February 7, 2022 7:07 PM
To: Titi Siriphan <tsiriphan@gardner-ma.gov>
Subject: Re: Joint Convention of City Council and School Committee - February 22, 2022

Am I up for Vance?

From: Titi Siriphan <tsiriphan@gardner-ma.gov>
Sent: Monday, February 7, 2022 10:20 AM
To: Alek Dernalowicz <adernalowicz@gardner-ma.gov>; Craig Cormier <ccormier@gardner-ma.gov>; Dana Heath <dheath@gardner-ma.gov>; Elizabeth Kazinskas <ekazinskas@gardner-ma.gov>; George Tyros <gtyros@gardner-ma.gov>; James M. Walsh <jwalsh@gardner-ma.gov>; James Boone <jboone@gardner-ma.gov>; Judy Mack <jmack@gardner-ma.gov>; Councillor Karen G. Hardern <karenhardern@hotmail.com>; Karen G. Hardern <khardern@gardner-ma.gov>; Nathan R. Boudreau <nboudreau@gardner-ma.gov>; Councillor Ronald F. Cormier <railron@aol.com>; Ronald F Cormier <roncormier@gardner-ma.gov>
Subject: Joint Convention of City Council and School Committee - February 22, 2022

President Kazinskas and Councillors:

Please see attached Joint Convention of City Council and School Committee notice.

Meeting notice is also posted on the City's website. Link to agenda: <http://www.gardner-ma.gov/AgendaCenter/ViewFile/Agenda/02222022-3274>

Regards,

Ti

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

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

AH 24

Mayor

From: James Boone <jboone@gardner-ma.gov>
Sent: Monday, February 7, 2022 7:08 PM
To: Titi Siriphan
Subject: Re: Joint Convention of City Council and School Committee - February 22, 2022

Am I up for Vance?

From: Titi Siriphan <tsiriphan@gardner-ma.gov>
Sent: Monday, February 7, 2022 10:20 AM
To: Alek Dernalowicz <adernalowicz@gardner-ma.gov>; Craig Cormier <ccormier@gardner-ma.gov>; Dana Heath <dheath@gardner-ma.gov>; Elizabeth Kazinskas <ekazinskas@gardner-ma.gov>; George Tyros <gtyros@gardner-ma.gov>; James M. Walsh <jwalsh@gardner-ma.gov>; James Boone <jboone@gardner-ma.gov>; Judy Mack <jmack@gardner-ma.gov>; Councillor Karen G. Hardern <karenhardern@hotmail.com>; Karen G. Hardern <khardern@gardner-ma.gov>; Nathan R. Boudreau <nboudreau@gardner-ma.gov>; Councillor Ronald F. Cormier <railron@aol.com>; Ronald F Cormier <roncormier@gardner-ma.gov>
Subject: Joint Convention of City Council and School Committee - February 22, 2022

President Kazinskas and Councillors:

Please see attached Joint Convention of City Council and School Committee notice.

Meeting notice is also posted on the City's website. Link to agenda: <http://www.gardner-ma.gov/AgendaCenter/ViewFile/Agenda/02222022-3274>

Regards,

Ti

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

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

A# 25

Mayor

From: James Boone <jboone@gardner-ma.gov>
Sent: Monday, January 31, 2022 6:26 PM
To: Titi Siriphan
Subject: Re: Vincent Alfano, Acting Police Chief

Ti do we have a meeting tonight?

From: Titi Siriphan <tsiriphan@gardner-ma.gov>
Sent: Monday, January 31, 2022 4:49 PM
To: Alek Dernalowicz <adernalowicz@gardner-ma.gov>; Craig Cormier <ccormier@gardner-ma.gov>; Dana Heath <dheath@gardner-ma.gov>; Elizabeth Kazinskas <ekazinskas@gardner-ma.gov>; George Tyros <gtyros@gardner-ma.gov>; James M. Walsh <jwalsh@gardner-ma.gov>; James Boone <jboone@gardner-ma.gov>; Judy Mack <jmack@gardner-ma.gov>; Councillor Karen G. Hardern <karenhardern@hotmail.com>; Karen G. Hardern <khardern@gardner-ma.gov>; Nathan R. Boudreau <nboudreau@gardner-ma.gov>; Councillor Ronald F. Cormier <railron@aol.com>; Ronald F Cormier <roncormier@gardner-ma.gov>
Subject: Vincent Alfano, Acting Police Chief

President Kazinskas and Councillors:

The Mayor has filed a Certificate of Appointment for Vincent Alfano for the position of Acting Police Chief. The Appointment is for a 60-day period. A scan of the Certificate is attached.

Regards,

Ti

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

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

Mayor

From: James Boone <jboone@gardner-ma.gov>
Sent: Thursday, November 11, 2021 7:39 PM
To: Mayor
Subject: Re: Upcoming Vaccine Clinics

Where is Chair City church?

From: Mayor <Mayor@gardner-ma.gov>
Sent: Wednesday, November 10, 2021 7:08 PM
To: Elizabeth Kazinskas <ekazinskas@gardner-ma.gov>
Cc: Titi Siriphan <tsiriphan@gardner-ma.gov>
Subject: Upcoming Vaccine Clinics

Good Evening Madam President, Councilors, Senator Gobi, and Rep Zlotnik,

I wanted to let you know about two vaccination clinics we have coming up. Both clinics will have Moderna, Pfizer, and Johnson and Johnson Vaccines available. Those who receive Moderna or Pfizer must have had their last dose 6 months ago. Johnson and Johnson has a 2 month waiting period.

Tuesday, Nov 16-

There will be a vaccination clinic at Gardner City Hall next Tuesday, November 16th, from 9am to 3pm. This clinic is open to the public and is being offered on a walk-in basis with no appointments.

Wednesday, Nov 17-

There will be another clinic on Wednesday at Chair City Church sponsored by the Gardner Senior Center. This will be from 9am-2:45pm.

This clinic requires advanced registration.

The graphics for the posters for these clinics are attached to this email.

Best,

Mike

Michael J Nicholson
Mayor, City of Gardner, MA

AH 27

Mayor

From: James Boone <jboone@gardner-ma.gov>
Sent: Wednesday, October 6, 2021 8:36 AM
To: Titi Siriphan
Subject: Re: Can you ask local City clerks

Hi Ti,

Can you ask both Fitchburg and Leominster if they have a police officer at there meeting. Also do they ask for public comment at the beginning of the meeting?

Thanks,
Jim

From: Titi Siriphan <tsiriphan@gardner-ma.gov>
Sent: Monday, September 20, 2021 10:54 AM
To: James Boone <jboone@gardner-ma.gov>
Subject: RE: Can you ask local City clerks

Morning Jim,

I apologize for the late response. I called out sick on Friday and catching up on my emails now. I've been a busy with election preparations and cleaning of my "to do" piles. At some point I'd like to see the top of my desk.

I was able to reach out to Leominster and Fitchburg and here are their responses below:

LEOMINSTER

Hello,

We allow a public comment period at the beginning of the City Council meeting. The public comment period is restricted to items only listed on the agenda and a 2 minute time period. No other comment from the public is allowed during the meeting unless otherwise accepted by the city council president, and then the vote to go to recess to do so.

OML states that while public comment is ENCOURAGED it is NOT REQUIRED unless during a public hearing, at the designated time the chair/president calls for it. So in the end, except for public hearings it is the president/chair's discretion.

FITCHBURG

Ti,

The public is always heard at the discretion of the Council President. Here, in Fitchburg, we have a "public comment" section, but it's only for anything on the Agenda, so if the topic isn't on the Agenda, they won't hear it.

Best,

Mary

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

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

From: James Boone <jboone@gardner-ma.gov>
Sent: Wednesday, September 15, 2021 10:11 PM
To: Titi Siriphan <tsiriphan@gardner-ma.gov>
Subject: Re: Can you ask local City clerks

Hi Ti, any update? Thanks, Jim

From: James Boone <jboone@gardner-ma.gov>
Sent: Friday, September 10, 2021 4:36 PM
To: Titi Siriphan <tsiriphan@gardner-ma.gov>
Subject: Re: Can you ask local City clerks

Thanks Ti, enjoy the time off.

From: Titi Siriphan <tsiriphan@gardner-ma.gov>
Sent: Friday, September 10, 2021 12:34 PM
To: James Boone <jboone@gardner-ma.gov>
Subject: RE: Can you ask local City clerks

Hi Jim!

I am off today and Monday, but check my emails periodically and work remotely when I can. Didn't want you to think I'm ignoring you.

When I get back to the office, I will contact other clerks and select boards to get their opinions.

Best,

Ti

From: James Boone <jboone@gardner-ma.gov>
Sent: Friday, September 10, 2021 10:53 AM
To: Titi Siriphan <tsiriphan@gardner-ma.gov>
Subject: Can you ask local City clerks

Hi Ti,

Can you ask local City clerks if City Councils and Select boards allow the public to comment at there regular meetings?

Thanks,
Jim

Mayor

From: James Boone <jboone@gardner-ma.gov>
Sent: Friday, September 10, 2021 10:53 AM
To: Titi Siriphan
Subject: Can you ask local City clerks

Hi Ti,

Can you ask local City clerks if City Councils and Select boards allow the public to comment at there regular meetings?

Thanks,
Jim

Mayor

From: James Boone <jboone@gardner-ma.gov>
Sent: Wednesday, September 29, 2021 2:04 PM
To: Titi Siriphan
Subject: Re: Finance Committee Agenda - Thursday, September 30, 2021 - 8:00 AM

Hi Ti,

Can I get a list of official holidays today. I guess the proposed is to add Juneteenth.

Thanks,
Jim

From: Titi Siriphan <tsiriphan@gardner-ma.gov>
Sent: Monday, September 27, 2021 3:54 PM
To: Alek Dernalowicz <adernalowicz@gardner-ma.gov>; Craig Cormier <ccormier@gardner-ma.gov>; Elizabeth Kazinskas <ekazinskas@gardner-ma.gov>; George Tyros <gtyros@gardner-ma.gov>; James M. Walsh <jwalsh@gardner-ma.gov>; James Boone <jboone@gardner-ma.gov>; Judy Mack <jmack@gardner-ma.gov>; Councillor Karen G. Hardern <karenhardern@hotmail.com>; Karen G. Hardern <khardern@gardner-ma.gov>; Nathan R. Boudreau <nboudreau@gardner-ma.gov>; Councillor Ronald F. Cormier <railron@aol.com>; Ronald F Cormier <roncormier@gardner-ma.gov>; Scott Joseph Graves - City of Gardner (sgraveslawoffice37@gmail.com) <sgraveslawoffice37@gmail.com>
Subject: Finance Committee Agenda - Thursday, September 30, 2021 - 8:00 AM

President Kazinskas and Councillors:

Please find attached the Finance Committee Agenda for Thursday's Meeting.

Link to packet: http://www.gardner-ma.gov/AgendaCenter/ViewFile/Agenda/_09302021-3144

Regards,

Ti

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

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

Mayor

From: jboone@gardner-ma.gov
Sent: Monday, April 5, 2021 12:12 PM
To: sgraveslawoffice37@gmail.com
Subject: Re: Waste Management - Proposal to the City of Gardner - Solid Waste & Recycling Collection Services

Scotty,

Although I am still irritated from a public records request that was sent to me with you chewing me out I still respect you. As an opinion your emails are too long. At least I, being dumb, lose interest. My opinion for what it is worth. Keep it short. Send multiple short emails if necessary. Again my opinion.

Best,
Jimmy

From: Scott Joseph Graves <sgraveslawoffice37@gmail.com>
Sent: Sunday, April 4, 2021 12:07 PM
To: Mayor
Cc: Pacek, Ed; James M. Walsh; James Boone; Nathan R. Boudreau; Joshua Cormier
Subject: Re: Waste Management - Proposal to the City of Gardner - Solid Waste & Recycling Collection Services

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 Mr. Mayor:

First of all, I don't know how you can say that "Harvey's proposal simply offered cheaper prices than Waste Management's proposal" because, objectively, it is not "cheaper."

Also, so as to cut down on the confusion, you did not request, nor did you receive, a "proposal" from Waste Management in whatever process it is you are using. At FinCom you told the Public that you received "proposals" from 2 or 3 companies. That would be *one* company: E.L. Harvey (because, you say, Shaw's did not provide one).

The bottom line is this: your email statements to Mr. Pacek/Waste Management indicate that your interest is to teach Waste Management a lesson.

I once suggested that an outsider like me might perceive the way WM handled the situation last early summer as kind of putting the City over a barrel. Of course, I was on the outside of that entire process, and did not have any of the background facts regarding that appearance - like you had then, and have now. Though you have refused to give me *any* information, I have new information that my prior perception was not the reality of the situation.

That being said, let's all remember that this whole thing was caused because the Law Department erroneously told Acting Mayor Kazinskas that the CC was not able to give her authority to execute a 5-year contract. So she signed a one-year contract - which put us in a costly and sordid bind, to say the least. A.M. Kazinskas had every discretion in the circumstances to do the 3 or 5-year contract. But, as we know, the Law Department said otherwise - quite incorrectly. So, if you want to teach someone a lesson, maybe your dunce cap is placed on the wrong head.

But, does it even matter now?

Take your hurt feelings, and the adrenaline of power, out of it for now. Let's admit, for the sake of argument, that WM used strong-arm tactics. If the City gets a financially beneficial contract right now from WM, for the next 3 or 5 years or 20 years, who cares? What are we doing here? Teaching lessons?

Are we going to reward a stranger (Harvey) just to punish our long-time partner? "Better the devil you know than the one you don't" . . . "Don't cut off your nose to spite your face." Do we need to resort to Aesop's Fables here?

Look what happened when Mayor Hawke appointed himself the "legislative body" of the City (under the advice of John Flick) - and canned Wood's Ambulance Service.

But, let's get beyond the emotion and look at the actual substance of your email to Ed Pacek (I myself did not get a response to my emails to you on this subject - so he should consider himself somehow special in this regard).

The Mayor seems to be issuing another legal opinion based on some statute other than G.L. c. 30B.

Chapter 30B unequivocally and unambiguously states this: "This chapter shall **not** apply to: ... solid waste removal services."

I highlighted "chapter" because you place some emphasis on the applicability of some "section(s)" of the said Law. The entire "chapter" is not applicable - which means that zero "sections" of chapter 30B apply to contracts for solid waste removal services.

Also, I can't find where the Attorney General has "interpreted" the statute? Did you mean the *Inspector* General. Either way, do you have a cite where I can read this "interpretation"?

Even though it is irrelevant (because the statute does not apply to this situation), you say that the statute defines the phrase, "Public Bidding Process." I wonder what you are reading, because I don't see that.

I am interested to see how an AG (Executive Branch) "interpretation" swallows express statutory exemptions adopted by the Commonwealth's General Court (Legislative Branch)

- and how the AG (Executive Branch) can render statutory language (Legislative Branch) entirely superfluous.

You go on to write this to Mr. Pacek: "While exempt from 30B, we followed a process for this task that for the most part mimicked this procedure but still asked for competitive bids provided for consideration for the awardance of a contract- this this exemption of the records law applies."

I truly have no idea what that means.

Do you believe (as does the Commonwealth's General Court (Legislative Branch)) that the exemption applies, or, do you believe (as does, according to you, the Attorney General (Executive Branch)), that it doesn't?

This is all very important because I have a duty to explain to the People what is going on here - and, right now, I don't know.

You malign (wrongfully, I think) Director Saunders for sharing "proposals" - and you interjected yourself to interfere with my request for information from her. But, was that wrong of her to share proposals between competing businesses in a situation where c. 30B does not apply? I have copied Councillor Josh Cormier (Purchasing Agent) on this - he would know.

Maybe you, as the Executive, would see a benefit to the Citizenry in not going back and forth between companies to get the lowest price for the Ratepayers. That is, maybe loyalty to a decades-long partner in this City gets us an unbeatable bargain now or down the road. But, in a situation like this one, *where c. 30B is not applicable*, and if everything is open and above board, I do not see what would be wrong in going back and forth between companies - as long as all interested suitors/vendors knew that this was what you were doing. That way there, if one company did not like that - it would be free to remove itself from the competition. Maybe I am missing something, which would hardly be the first time.

You might see fit to cut the City Council out of the process by going with a 3-year contract. That is your prerogative as the Executive. But, as I have said, it can be a 20-year contract and the Mayor does not need CC approval in this regard (again, c. 30B does not apply).

But, not sharing information with elected City Councillors, in my opinion, is not only a bad idea - it is anti-democratic. If I am dead-wrong about anything here, it's probably because you cut me off from all the information that I have requested.

Thank you.

Scott J. Graves, Esq., City of Gardner City Councillor at Large

On Sat, Apr 3, 2021 at 11:58 PM Mayor <Mayor@gardner-ma.gov> wrote:

Dear Mr Pacek,

Your email contains several factual errors that I would like to correct.

Contracting Authority:

Firstly, I apologize if you misunderstood our conversation in my office on March 16th. In the City of Gardner, the authority to award, negotiate, and sign contracts for services lies solely with the Mayor (with some few exceptions as required by law). The City Council has the authority to authorize the City through my office to extend the life of the contract from three (3) years to five (5) years, and to approve the appropriation to pay the contract in the annual budget. The item before the Council for vote on Monday evening is to authorize my office to enter into a contract for up to five (5) years, instead of the three (3) years that does not require approval for execution. The item is not who should be awarded the contract nor evaluating proposals submitted- those are Executive roles are functions. Since, as we saw last year, the length and duration of the contract can have a large impact on the pricing included in a contract, this must be done prior to any agreement being signed as currently, I only have the authority to award for three (3) years, where adding an additional two (2) could reduce prices that are negotiated.

Even with all of that said, I would like to go further into how we got to where we are today for the benefit of the other recipients of your email understanding the background of the situation and clearing up any confusion.

Notice of Options to Extend:

Last year, while Council President Kazinskas was serving as Acting Mayor, the City entered into a one (1) year contract with the option to extend for four (4) years for solid waste removal services. Written into that contract was language that stated that by April 1st, the City must have notified Waste Management whether or not it was going to continue with the four (4) year option. This one (1) year contract had quite a large increase that caused several concerning discussions during the City's budget process this past year. This was particularly concerning to many as the City had largely increased its program fees that it charges to the public following votes of the City Council in February of 2020, when the Director requested an increase to make sure revenue met the rising costs of the services being provided.

These discussions began again when the Administration had to place an additional appropriation request of \$200,000 before the City Council on December 7th, 2020 because the costs of the services were coming in much larger than the Director had initially anticipated.

While you are correct that the service provided to the City is of high quality, the prices, particularly in this last contract, just keep going up. Furthermore, I, as Mayor, did not appreciate the substantial increase that was included in this last contract. Even with the credit that was included, the costs are much larger than before.

As such, per the language of the contract that stated that by April 1, 2021, the City had to notify Waste Management as to whether it was going to continue beyond the one (1) year lifespan of the initial contract, I sent a notice on behalf of the City of Gardner to Waste Management contractually notifying you of our decision to forego the extension options listed in the document. As such I do not understand why you claim

that Waste Management was given no prior warning, as we were contractually obligated to let you know one way or the other by April 1st.

Proposals received:

The City was notified from three (3) vendors that they were interested in performing Solid Waste Removal services for the City.

The initial response from Waste Management mimicked the items listed in the original options to extend that was in the original contract.

We then received a proposal from Harvey, and Shaws decided they were not going to submit a proposal.

You then requested a copy of the proposal from Harvey. I learned after the fact that this was sent to you. This should not have been as it was not a public record at that time. I have spoken to that employee about that situation. However what happened happened.

(Please note that while solid waste removal services is exempt from Chapter 30B of the General Laws, the public records law simply states "Public Bidding Process" and does not site a specific section of the law so this has been interpreted by the Attorney General's office to mean any time a bidding process for a competitive process is followed, whether required by 30B or not. While exempt from 30B, we followed a process for this task that for the most part mimicked this procedure but still asked for competitive bids provided for consideration for the awardance of a contract- this this exemption of the records law applies).

After seeing the other company's proposal, Waste Management then submitted a newly revised proposal that had different numbers in it. (Ironically, that is the type of action for which the public records law exempts proposals for a competitive contract to prevent bidding wars among entities). It was then that I learned that the proposal from Harvey was sent to you by a staff member who was unaware of that exemption of the public records law. As such, in order to correct the inappropriate disclosure and maintain fairness in the process, Harvey was given the opportunity, just like Waste Management did, to submit a second proposal. However, I can assure you Harvey was never sent a copy of Waste Management's newly revised proposal.

After reviewing the proposals submitted, Waste Management simply was not the proposal in the best financial interest of the City and its *rate* payers (italics added to show this contract is paid out of the fees for service and not money raised through taxation). Please note that the proposal you attached to this email is not the most recent proposal the City received from Harvey and is the original one that was sent to you which should not have been.

It should also be mentioned that all of this took place before our meeting of March 16th, prior to you bringing your financial analysis to my attention. Furthermore, the numbers in the proposals were reviewed by multiple staff members in the City whom I trust greatly in their review of the documents and acknowledgement of the fiduciary responsibility we have to our tax payers and rate payers.

Other:

Your materials falsely imply Harvey will not provide dumpster services through their proposal.

The other day I received a phone call from Director Saunders inquiring whether or not the proposals are considered public record in order to ensure there were no inadvertent disclosures as there had been before. Responding to her, as there was no context as to whether or not anyone had requested the information of her, I had said no as I believed the proposals to be privileged until a contract is executed. After reviewing an email I received from Councilor Graves, he correctly pointed out that I was incorrect and that the proposals became public when we notified Harvey that we were going to move forward with their proposals. I do not have access to these files at home and do not plan on being in the office during the weekend but am happy to share them with the council and the public when access to them is available.

Harvey is a company local to the region who, while they do not have experience in the City of Gardner, have extensive experience in other municipalities for solid waste removal services. Furthermore the Health Department was a constant member in the discussions and decision making processes of this past contract proposal review.

Inability to accept a further proposal:

The proposal that you have attached here is different from the aforementioned two (2) proposals that Waste Management submitted to the City. Whereas we allowed, while breaking from usual procedure, Waste Management to present a second proposal already, I do not believe it right, fair, or in the spirit of the public bidding process to accept an additional proposal at this time.

Final thoughts:

You state in your email that for the past twenty five (25) years, Waste Management has been a great partner for the City. This is true. Waste Management has provided quality services to the City during the duration of a contract that was initially signed when I was but two (2) years old. Anyone who sees/heard that would believe and state that such a relationship is quite a partnership.

As such, I'm sure you can understand the surprise, disappointment, and dismay that I, as mayor, and many others had when a long standing partner, like Waste Management, strong armed the City into a contract with substantial increases with credit incentives in place to try to strong arm the City and its rate payers once again into a contract that simply was not a good contract - all at the onset of a global pandemic like the world has never seen before and the City was going through a situation like the City has never gone before with the mayoral vacancy.

That to me is not a good partnership, and I can tell you that that played a large role in my part of the decision making process for this contract. Waste Management was a good partner to work with for twenty five (25) years, but when it came to the City asking if Waste Management would work with us when the City was going through several unprecedented situations, Waste Management offered dollar signs instead of conversations and understanding. As you stated in your email below- was that really worth laddening the Health Department with burdensome cost increases and contract terms in the midst of a pandemic?

Then to see Waste Management only thought to lower their pricing proposals, to a partner of twenty five (25) years, to reasonable amounts AFTER seeing a proposal from a competitor (which again should not have been sent to Waste Management in the first place) shows that the contract presented last year was not what Waste Management could truly offer to work with the City in its situation at that time and still now.

On top of all of that, the largest factor was still that Harvey's proposal simply offered cheaper prices than Waste Management's proposal and the City needs to be financially responsible when it comes to spending the money of those who live here and utilize the services we offer.

Conclusion:

With all of that said, I would like to thank Waste Management for the work that you have provided to the City and it's residents over the course of the past 25 years.

Have a blessed and Happy Easter,

Michael J Nicholson, MCPPO
Mayor, City of Gardner, MA

On Apr 3, 2021, at 6:14 PM, Pacek, Ed <EPacek@wm.com> wrote:

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 Mayor Nicholson, President Kazinskas and Chairperson Cormier,

For the past 25 years, Waste Management has been the City of Gardner's partner in solid waste and recycling collection. We are appreciative of this long-lived and successful relationship and believe that our track record of service, environmental stewardship and industry-leading safety have added value to the City and its residents over these many years. We are especially proud of our recent performance where we have offered uninterrupted sanitation services throughout the pandemic – a time when collection volumes have spiked as a result of so many residents staying home. Despite these challenging circumstances, we have also received positive feedback from City Staff and in the spirit of partnership we have made contributions promoting Gardner as a great place to live and work.

Therefore, when we received notice – with no prior warning – that the City had terminated it is relationship with us effective 6/30/2021 (see attached) we were completely dismayed. We also learned that the City had received a proposal from a competitor allowing it to save ~\$200,000. I requested a copy of this proposal (see attached) to ensure that it encapsulated the full scope of services currently performed and that it was fairly evaluated against our existing contract extension. Upon review, I conclusively discovered that our competitor would, in fact, cost Gardner \$541,289 more than if the City did nothing and allowed our existing contract to extend. Realizing that the City had just terminated a decades-long relationship in favor of an offer that would increase costs to residents by over \$0.5 Million, I was truly shocked.

After sharing my findings with the Mayor and Director of Public Health, I was informed via email that "Waste Management's proposal had a larger cost than others submitted". It is significant to point out that the City never asked Waste Management – it's partner of 25-years – for a proposal and consequently we had never submitted one. The only pricing the City could have used in its evaluation was the pricing that already existed in our current contract extension. Furthermore, because I had definitively proved that the competition's pricing was over \$0.5 Million more than our extension pricing, I am forced to conclude that our competitor either modified their proposal after I presented my analysis or the City's analysis remains incorrect.

While we are disappointed that, up to this point, the City has not engaged Waste Management in any negotiations for the next contract term, we still believe that our firm offers the City and its residents a greater value than anyone else. To prove this, I have attached a proposal offering the City both 5-year and 3-year options (plus extensions). While, this proposal saves the City even more – \$922,534 to be precise – finances are only one measure of value. Waste Management provides over 11,000 services to the residents of Gardner – each and every week. What is it worth to have this important service continue seamlessly into the future? What is it worth to avoid the risk of entrusting this essential service to a company who has never worked for the City and has no experience offering curbside service in Gardner? What is it worth to avoid lading the Health Department with burdensome transition responsibilities in the midst of the pandemic?

It is truly my hope that the City finds the best value in the offer presented today. When Mayor Nicholson and I met, he indicated that the City Council was driving the decision to consider other solid waste collection offers and that the City Council would ultimately vote on the next contract. For this reason, I have included the entire Council and furthermore I welcome and encourage each of you to contact me either by phone (508-873-3204) or email should you have any questions about what I have presented. Additionally, I would be more than happy to make a presentation before the Public Safety Committee or the full Council.

I deeply appreciate all of your time and consideration of this important matter impacting all City residents both in their pockets and at the curb and, in the meantime, I wish all of you Happy Easter.

Sincerely,

Ed Pacek

Public Sector Solutions

Waste Management

Cell: 508-873-3204

epacek@wm.com

<Waste Management Proposal 4-3-2021.pdf>

<EL Harvey - Gardner Proposal 2021.docx>

<Waste Management & EL Harvey Comparative Analysis.xlsx>

<Termination Letter to Waste Mgmt.pdf>

Mayor

From: jboone@gardner-ma.gov
Sent: Thursday, March 4, 2021 1:46 PM
To: sgraveslawoffice37@gmail.com
Cc: James M. Walsh; Judy Mack; Nathan R. Boudreau; Titi Siriphan
Subject: Re: Asking the City Clerk to be a City Councillor

Councillor Graves: Does the City Clerk not help us with matters pertaining to CC business?

From: Scott Joseph Graves <sgraveslawoffice37@gmail.com>
Sent: Thursday, March 4, 2021 1:33 PM
To: James Boone
Cc: James M. Walsh; Judy Mack; Nathan R. Boudreau; Titi Siriphan
Subject: Asking the City Clerk to be a City Councillor

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.

Councillor Boone: you sent an email to the City Clerk at noon today to "find out how many years went by with a hole in the roof of the Maki Building . . . (and the) theatre building."

Am I missing something? How would the City Clerk have this information?

If there are no documents to retrieve in the City Council's records on "holes in roofs of buildings," and I have no knowledge that there are any such documents, how is it the City Clerk's job to do this kind of leg work for the City Council? I'm lost (as usual).

SG, at Large

Mayor

From: jboone@gardner-ma.gov
Sent: Thursday, October 24, 2019 2:20 PM
To: Councillor S Graves; Alan Agnelli; John M. Flick
Subject: Fw: Public Records Request

Please advise.

From: PAUL DEMEO <ryanrealty@comcast.net>
Sent: Thursday, October 24, 2019 1:37 PM
To: James Boone; jimmy.boone@verizon.net
Cc: william.galvin@sec.state.ma.us; cathy.molta@sec.state.ma.us; openmeeting@state.ma.us; ryanrealty
Subject: Public Records Request

Greetings Councilor Boone,

This is an official "Public Records" request.

I am requesting copies of any and all correspondence you received from Gardner City Councilor Christine Johnson on August 1, 2019 and September 4th, 2019.

The Massachusetts Secretary of States Office has been copied on this specific request.

Thank you for your timely response.

Best Regards,
Paul DeMeo