



City of Gardner, Massachusetts
Office of the City Council

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CALENDAR FOR THE MEETING

of

MONDAY, DECEMBER 5, 2022

CITY COUNCIL CHAMBER

7:30 P.M.

**ORDER OF BUSINESS**

**I. CALL TO ORDER**

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

**III. OPENING PRAYER**

**IV. PLEDGE OF ALLEGIANCE**

**V. ANNOUNCEMENT OF OPEN MEETING RECORDINGS**

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

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

**VII. PUBLIC HEARINGS**

**10850** – A Petition by National Grid – Coleman Street – To install 1 single owned pole beginning at a point approximately 250 feet east of the centerline of the intersection of Coleman Street and Robillard Street. Install 1 stub pole on Coleman Street to support P25 on Parker Street. (*In the City Council and Referred to Public Service Committee 11/21/2022; Public Hearing 12/5/2022*)

**VIII. COMMUNICATIONS FROM THE MAYOR**

**ORDERS**

**10851** – An Order Appropriating \$57,485.00 from Free Cash to Traffic Lights Repairs and Maintenance. (*Finance Committee*)

**10852** – An Order Appropriating \$156,180.00 from Free Cash to Pool Pavilion Project – City Portion. (*Finance Committee*)

**10853** – An Order Appropriating \$6,000.00 from Free Cash to City Assessor Department – Valuation Maintenance Expense Account. (*Finance Committee*)

### **ORDERS, continued**

- 10855** – An Order Appropriating \$10,000.00 Free Cash to City Clerk’s Temporary Staffing Account. (*Finance Committee*)
- 10860** – An Order Authorizing \$107.96 Payment of Prior Year for Airport Department Operating Expenditure. (*Finance Committee*)
- 10863** – An Order Transferring \$36,500.00 from Veterans Department, Veterans Benefit Operating Expenditures to Clerk/Assistant Salaries and Wages Expenditures. (*Finance Committee*)

### **ORDINANCES**

- 10856** – An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Section 68, Entitled “Personnel Compensation Schedule,” – Related to FY2023 Supplemental Budget. (*Finance Committee*)
- 10857** – An Ordinance to Amend the Code of the City of Gardner, Chapter 428, Entitled “Hawkers and Peddlers.” (*Safety Committee*)
- 10861** – An Ordinance to Amend the Code of the City of Gardner, Chapter 600, Entitled “Vehicles and Traffic,” Section 42, Entitled “One Way Street.” (*Safety Committee*)
- 10864** – An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Entitled “Personnel Compensation Schedule,” – Assistant Director of Veterans Services. (*Finance Committee*)

### **APPOINTMENTS**

- 10858** – A Measure Confirming the Mayor’s Appointment of Anthony Whitman, to the Position of Local Inspector, for term expiring November 25, 2025. (*Appointments Committee*)
- 10859** – A Notification of the Fire Chief’s Appointment of Joshua Chaples, to the position of Permanent Firefighter. (*City Council Confirmation Not Required*)

### **COMMUNICATION**

- 10862** – A Measure to Request a Meeting to be Scheduled for the Purpose of the State of the City Address.

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

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

### **FINANCE COMMITTEE**

**10815** – An Order Authorizing \$2,015.00 Payment of Prior Year for Human Resources Operating Expenditure. *(In the City Council and Referred to Finance Committee 11/7/2022; More Time 11/21/2022)*

### **PUBLIC SERVICE COMMITTEE**

**10850** – A Petition by National Grid – Coleman Street – To install 1 single owned pole beginning at a point approximately 250 feet east of the centerline of the intersection of Coleman Street and Robillard Street. Install 1 stub pole on Coleman Street to support P25 on Parker Street. *(In the City Council and Referred to Public Service Committee 11/21/2022; Public Hearing 12/5/2022)*

### **COMMITTEE OF THE WHOLE**

**10781** – An Act Relative to Establish a Special Act Charter Drafting Committee. *(In the City Council and Referred to Committee of the Whole 9/7/2022; More Time 9/19/2022; Removed from Calendar 10/03/2022 and Return to Calendar on 11/21/22; More Time 11/21/2022)*

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

**10798** – A Petition Submitted by PrivateOversight, LLC, for an Ordinance to Amend the Code of the City of Gardner, Chapter 675, Entitled “Zoning,” per Zoning Act M.G.L. 40A. *(In the City Council and Referred to Planning Board 9/19/2022; More Time 10/03/2022, 10/17/2022, 11/7/2022; Joint Public Hearing 11/7/2022; Ordered to First Printing 11/21/2022; First Printing 11/25/2022)*

**10834** – An Ordinance to Amend the Code of the City of Gardner, Chapter 423, Entitled “Hackney and Other Carriages.” *(In the City Council and Referred to Safety Committee 11/7/2022; Ordered to First Printing 11/21/2022; First Printing 11/25/2022)*

**10849** – A Measure to Adopt a Factor for Real Estate and Personal Property Taxation for Fiscal Year 2023. *(In the City Council and Public Hearing Scheduled 11/21/2022; Public Hearing 12/5/2022)*

## **XII. NEW BUSINESS**

## **XIII. CLOSING PRAYER**

## **XIV. ADJOURNMENT**

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



**CITY OF GARDNER**  
**MASSACHUSETTS 01440-2630**

OFFICE OF THE  
**CITY CLERK**

Room 121, City Hall  
Tel (978) 630-4058  
Fax (978) 630-2589

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**NOTICE TO ABUTTERS**

November 28, 2022

**TO ABUTTERS AND OTHER INTERESTED PARTIES:**

Pursuant to the provisions of M.G.L., c. 166, §22, you are hereby notified that a Public Hearing will be conducted on **MONDAY, DECEMBER 5, 2022 at 7:30 o'clock P.M.** in the City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 95 Pleasant Street, Gardner, Massachusetts, upon the petition of Massachusetts Electric Company, d/b/a NATIONAL GRID for permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, under along and across the following public way:

COLEMAN STREET – To install 1 single owned pole beginning at a point approximately 250 feet east of the centerline of the intersection of Coleman Street and Robillard Street. Install 1 stub pole on Coleman Street to support P25 on Parker Street.

A sketch of the proposed pole location is attached for your edification.

CITY COUNCIL OF GARDNER

By: TITI SIRIPHAN  
City Clerk



November 8, 2022

City of Gardner

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID, covering NATIONAL GRID pole location(s)

If you have any questions regarding this permit please contact:

Please notify National Grid's Vincent LoGuidice of the hearing date / time.

If this petition meets with your approval, please return an executed copy to:

National Grid Contact Vincent LoGuidice; 1101 Turnpike Street; North Andover, MA 01845

Phone number 978-725-1392.

Very truly yours,

Pat Shea  
Supervisor, Distribution Design

Enclosures

Questions contact – William Fontaine 508-414-7308

**PETITION FOR POLE AND WIRE LOCATIONS**

North Andover, Massachusetts

To the City Council  
Of Gardner, Massachusetts

Massachusetts Electric Company d/b/a National Grid requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Coleman St - National Grid to install 1 SO Pole on Coleman St beginning at a point approximately 250' feet east of the centerline of the intersection of Coleman St and Robillard St. Install 1 stub pole on Coleman St to support P25 on Parker St.

Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Coleman St - Gardner – Massachusetts.

No.# 30650105 November 8, 2022

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

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a

NATIONAL GRID *Pat Shea*

BY \_\_\_\_\_

Engineering Department

**ORDER FOR POLE AND WIRE LOCATIONS**

In the City of Gardner, Massachusetts

Notice having been given and public hearing held, as provided by law,  
IT IS HEREBY ORDERED:

that Massachusetts Electric Company d/b/a National Grid and be and it is hereby granted a location for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the 8th day of November, 2022.

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

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Coleman St - Gardner – Massachusetts.

No.# 30650105 Dated: November 8, 2022. Filed with this order

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

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

Coleman St - National Grid to install 1 SO Pole on Coleman St beginning at a point approximately 250' feet east of the centerline of the intersection of Coleman St and Robillard St. Install 1 stub pole on Coleman St to support P25 on Parker St.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City/Town of \_\_\_\_\_, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_  
Massachusetts City/Town Clerk.  
20 \_\_\_\_.

Received and entered in the records of location orders of the City/Town of \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_

Attest:  
City/Town Clerk

I hereby certify that on \_\_\_\_\_ 20 \_\_\_\_, at \_\_\_\_\_ o'clock, M  
at \_\_\_\_\_ a public hearing was held on the petition of

Massachusetts Electric Company d/b/a National Grid

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....  
.....  
.....  
.....

Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of hearing with notice adopted by the \_\_\_\_\_ of the City of \_\_\_\_\_ Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, and recorded with the records of location orders of the said City, Book \_\_\_\_\_, Page \_\_\_\_\_. This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof

Attest:  
City/Town Clerk





EXHIBIT 'A' NOT TO SCALE  
THE EXACT LOCATION OF  
SAID FACILITIES TO BE  
ESTABLISHED BY AND UPON  
THE INSTALLATION AND  
ERECTION OF THE FACILITIES  
THEREOF.

117

Coleman St

P25-84



395

411

403



P 25

Parker St

LEGEND

- J/O POLE
- Proposed SO Pole
- Proposed Guy Wire
- ⚓ Anchor/Guy

SO Petition

Date: 9/22/2022

Designer: Will Fontaine

WR: 30650105

403 Parker St Gardner, MA

SKETCH TO ACCOMPANY EASEMENT:  
New stub pole to replace tree guy

**nationalgrid**



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

RECEIVED  
2022 NOV 22 AM 11:53  
CITY CLERK'S OFFICE  
GARDNER, MA

November 21, 2022

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

RE: Free Cash Appropriation Request – Traffic Signal Sensor Installation

Dear Madam President and Councilors,

The Administration has worked recently to install traffic sensors at intersections with traffic lights to ensure the proper and steady movement of traffic in the City.

Without these sensors, the traffic lights are on static timers which could lead to situations where traffic in one direction has to wait and build up, while a greenlight is given to a road with no one traveling on it.

The attached free cash appropriation request is being submitted to purchase and install these sensors at the intersections of Timpany Boulevard (Rt 68) and West Broadway (Rt2A) and the intersection of Timpany Boulevard (Rt 68) and Dyer Street. This funding also includes repairing the system already in place at the intersection of Main Street and Willow Street, which has failed resulting in those lights defaulting to a regular static timer setting.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

AN ORDER APPROPRIATING FROM FREE CASH TO TRAFFIC LIGHTS  
REPAIRS & MAINTENANCE.

ORDERED:

That there be and is hereby appropriated the sum of Fifty-Seven Thousand Four Hundred Eighty Five Dollars and No Cents (\$57,485.00) from Free Cash to the Traffic Lights Repairs & Maintenance.



# Quote

**FROM**  
 Coastal Traffic Inc.  
 26 Brickyard Ct. Unit 1  
 York, ME 03909  
 (207)-351-8673  
 www.Coastaltrafficinc.com

**PRESENTED TO**  
 City of Gardner  
 95 Pleasant St Rm 226  
 Gardner, MA 01440

| Project:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |         | Video Detection System |              |                    |                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|------------------------|--------------|--------------------|--------------------|
| Date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Quote # | Rep                    | FOB          | Terms              |                    |
| 11/2/2022                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 21692   | KM                     | Destination  | Net due in 30 days |                    |
| Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |                        | Qty          | Rate               | Total              |
| MIOVISION Single Point Video Detection System:<br><br>Locations:<br>1. Timpany St. & Dyer St.<br>2. Timpany Blvd & W. Broadway<br>3. Willow St & South Main St.<br><br>Included:<br>- Miovision Core DCM Processor<br>- Miovision SmartView 360 Bell Camera w/Mount<br>- Miovision Detection Module<br>- 1Yr (1GB) LTE Connectivity<br>- 1Yr Telemetry, Intersection Monitoring<br>- 500' Cat5E Camera Cable<br><br>**OPTION**<br>Miovision Detection Plus Upgrade - Add turning movement counts & signal metrics to existing Detection license (\$3,500.00ea) or <b>\$10,500.00</b> Total For 3 Intersections |         |                        | 3            | 16,995.00          | 50,985.00          |
| Installation<br><br>Note: Police Detail NOT Included<br><br><u>MassDOT COMMBUYS # HLS506 Vendor Code 0001265414</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |         |                        | 1            | 6,500.00           | 6,500.00           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |         |                        | <b>Total</b> |                    | <b>\$57,485.00</b> |

Thank you for the opportunity!



Charles D. Baker, Governor  
Karyn E. Polito, Lieutenant Governor  
Jamey Tesler, Acting Secretary & CEO  
Jonathan L. Gulliver, Highway Administrator



MASTER SERVICE AGREEMENT  
NOTICE TO PROCEED

June 2, 2021

Coastal Traffic Inc.  
1376 US Route 1  
Cape Neddick, MA 03902

Contract Number: 98947  
Action Item Date: May 26, 2021  
Action Item Number: 13

Dear Timothy Kinnon,

Enclosed is a signed copy of your Master Service Agreement with the Massachusetts Department of Transportation, Highway Division.

This contract is relative to furnish and deliver signal parts and components, Statewide.

The duration of this contract shall be from May 24, 2021 until December 13, 2025.

Sincerely,

*Anna Dolata*

Anna Dolata  
Deputy Director of Contracts & Records

AD/mjg

cc: Fiscal  
Contracts & Records

E-Mail: Ken Urato  
Sharon Rong



MASSDOT STANDARD CONTRACT FORM

This form is issued and published by the Massachusetts Department of Transportation (MassDOT or Department). Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract.

|                                                                                                          |                                                                                                                          |
|----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| CONTRACTOR LEGAL NAME: Coastal Traffic Inc.<br>(and d/b/a):                                              | DEPARTMENT NAME: Massachusetts Department of Transportation<br>MMARS Department Code: DOT                                |
| Legal Address: (W-9, W-4, T&C): 1376 US Rt 1, Cape Neddick, Maine 03902                                  | Business Mailing Address: 668 South Avenue, Weston, MA 02493                                                             |
| Contract Manager: Timothy Kinnon                                                                         | Billing Address (if different):                                                                                          |
| E-Mail: Tim@coastaltrafficinc.com                                                                        | Contract Manager: Ken Urato                                                                                              |
| Phone: 603-581-9841 Fax:                                                                                 | E-Mail: ken.urato@dot.state.ma.us                                                                                        |
| Contractor Vendor Code: VC0001265414                                                                     | Phone: 781-431-5751 Fax: 781-431-5091                                                                                    |
| Vendor Code Address ID (e.g. "AD001"): AD_001<br>(Note: The Address ID Must be set up for EFT payments.) | MMARS Doc ID(s): 98947 INTF 0000 N22 C 0098947<br>RFR/Procurement or Other ID Number: BD-20-103D-04110-49538 / MDOITCS18 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> <b>NEW CONTRACT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> <b>CONTRACT AMENDMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| PROCUREMENT OR EXCEPTION TYPE: (Check one option only)<br><input type="checkbox"/> Statewide Contract (OSD or an OSD designated Department)<br><input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget)<br><input checked="" type="checkbox"/> Department Procurement (includes State or Federal grants 815 CMR 2.00)<br>(Attach RFR and Response or other procurement supporting documentation)<br><input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget)<br><input type="checkbox"/> Contract Employee (Attach Employment Status Form, scope, budget)<br><input type="checkbox"/> Other Procurement Exception: (Attach authorizing language/justification, scope and budget) | Enter Current Contract End Date Prior to Amendment: , 20<br>Enter Amendment Amount \$ (or "no change")<br>AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.)<br><input type="checkbox"/> Amendment to Date, Scope or Budget (Attach updated scope and budget)<br><input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget)<br><input type="checkbox"/> Contract Employee (Attach any updates to scope or budget)<br><input type="checkbox"/> Other Procurement Exception: (Attach authorizing language/justification and updated scope and budget) |

The Standard Contract Form Instructions, Contractor Certifications and the MassDOT Terms and Conditions documents are incorporated by reference into this Contract and are legally binding  MassDOT TERMS AND CONDITIONS  MassDOT IT TERMS AND CONDITIONS

COMPENSATION: (Check ONE option) The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for MassDOT/Commonwealth owed debts under 815 CMR 9.00.  
 Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.)  
 Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). \$ \_\_\_\_\_

PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days 5 % PPD; Payment issued within 15 days 4 % PPD; Payment issued within 20 days 3 % PPD; Payment issued within 30 days 2 % PPD. If PPD percentages are left blank, identify reason:  agree to standard 45 day cycle  statutory/legal or Ready Payments (G.L. c. 28, § 23A);  only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy)

BRIEF DESCRIPTION OF CONTRACT PERFORMANCE OR REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) Statewide - furnishing and delivery traffic signal parts and components as required by MassDOT.

ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations:  
 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date.  
 2. may be incurred as of \_\_\_\_\_, 20\_\_\_\_, a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date.  
 3. were incurred as of \_\_\_\_\_, 20\_\_\_\_, a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth and MassDOT from further claims related to these obligations.

CONTRACT END DATE: Contract performance shall terminate as of 12/31, 2025, with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.

CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the MassDOT Terms and Conditions <http://transnet/docs/ComApp/MassDOTTermsandConditions.doc> or IT Terms and Conditions, this Standard Contract Form, the Standard Contract Form Instructions, Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.

AUTHORIZING SIGNATURE FOR THE CONTRACTOR:  
  
 Terri M. Miller, Date: 5/19/2021  
 (Signature and Date Must Be Handwritten At Time of Signature or conform to the MassDOT Electronic Signature Policy, as in effect from time to time)  
 Print Name: Terri M. Miller  
 Print Title: President

AUTHORIZING SIGNATURE FOR MassDOT:  
  
 Joseph C. Foti (May 24, 2021 12:29 EDT), Date: 05/24/2021  
 (Signature and Date Must Be Handwritten At Time of Signature, or conform to the MassDOT Electronic Signature Policy, as in effect from time to time)  
 Print Name: Joseph Foti  
 Print Title: Deputy Administrator/Chief of Operations

The Commonwealth of Massachusetts  
 Department Of Transportation  
 MASTER AGREEMENT



| DOCUMENT I.D. |      |      | Document Name           |        |
|---------------|------|------|-------------------------|--------|
| CODE          | DEPT | UNIT | DOCUMENT IDENTIFIER     | ACTION |
| MA            | DOT  | 0701 | INTF 0000 N22 C 0098947 | Entry  |

|                 |                         |                        |                      |                 |                      |
|-----------------|-------------------------|------------------------|----------------------|-----------------|----------------------|
| Budget FY:      | 2021                    | Document Description:  | Traffic Signal Parts | Vendor Ln:      |                      |
| Fiscal Year:    | 2021                    | Board Award Number:    | MDOTFCS118           | VC Number:      | VC0001265414         |
| Period:         | 11                      | Authorized Department: | DOT                  | Addrss Code:    | AD001                |
| Requester ID:   | dotavw                  | MA Effective Date:     | 05/24/2021           | Vendor Name:    | Coastal Traffic Inc. |
| Requester Name: | Christine Hurley Barnes | MA Expiration Date:    | 12/13/2025           | Street Address: | 1376 US Rt 1         |
|                 |                         | City:                  | Cape Neddick         | State:          | ME                   |
|                 |                         |                        |                      | Zip Cd:         | 03902                |

COMMODITY INFORMATION

Commodity Ln:

|                      |              |                |                         |                       |                      |
|----------------------|--------------|----------------|-------------------------|-----------------------|----------------------|
| Commodity Code:      | 390000000090 | Catalog:       | None Provided (if none) | Commodity Specs:      | Traffic Signal Parts |
| Line Type:           | discount     |                |                         | Extended Discription: | Traffic Signal Parts |
| Unit of Measurement: | ea           | Discount From: | 05/24/2021              | Service From:         | 5/24/2021            |
| Unit Price:          | \$0.00       | Discount To:   | 12/13/2025              | Service To:           | 12/13/2025           |

Commodity Ln:

|                      |  |                |                         |                       |  |
|----------------------|--|----------------|-------------------------|-----------------------|--|
| Commodity Code:      |  | Catalog:       | None Provided (if none) | Commodity Specs:      |  |
| Line Type:           |  |                |                         | Extended Discription: |  |
| Unit of Measurement: |  | Discount From: |                         | Service From:         |  |
| Unit Price:          |  | Discount To:   |                         | Service To:           |  |

TO THE COMPTROLLER OF THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify under the penalties of perjury that all laws of the Commonwealth governing disbursements of public funds and the regulations therof have been complied with and observed.

SIGNED: Sharon Rong  
 Prepared by

TITLE: BMS

DATE: 5/24/2021

SIGNED: Christine Hurley Barnes  
 Authorized Signatory

TITLE: Deputy Chief of Operations

DATE: 05/24/2021

|                     |             |
|---------------------|-------------|
| FOR FISCAL USE ONLY |             |
| Entered By: _____   | Date: _____ |
| (Initial)           |             |
| Verified By: _____  | Date: _____ |
| (Initial)           |             |



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

RECEIVED  
2022 NOV 22 AM 11:54  
CITY CLERK'S OFFICE  
GARDNER, MA

November 21, 2022

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

RE: Free Cash Appropriation Request – Greenwood Pavilion Construction

Dear Madam President and Councilors,

At the November 21, 2022 meeting of the City Council, the Council voted to approve the City's FY2022 Community Development Block Grant (CDBG) funding plan which included the demolition of the Greenwood Indoor Pool Building and the construction of a pavilion in its place.

The attached free cash appropriation request is for the City's portion of the construction of the pavilion.

Please note that the demolition of the existing structure is covered completely by the grant and that this appropriation request has no bearing on the demolition of the building as this is a separate project.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



AN ORDER APPROPRIATING FROM FREE CASH TO POOL PAVILION  
PROJECT - CITY PORTION.

ORDERED:

That there be and is hereby appropriated the sum of One Hundred Fifty-Six  
Thousand One Hundred Eighty Dollars and No Cents (\$156,180.00) from Free Cash to  
the Pool Pavilion Project - City Portion.

## City of Gardner

### FY 2022/ 2023 Community Development Block Grant Mini-Entitlement Program Projects Plan

**6 B Streets and Sidewalks – Downtown Phase 4 West/ Oak, Parker, Nichols Street Intersection-  
Construction of crosswalk, sidewalk and lighting repair and upgrade.**

**National Objective Description:**

The project meets the National Objective of Elimination of Slums or Blight on an area basis.

The project is eligible under Title I of the Housing and Community Development Act of 1974, as amended. The applicable section (105 (a) (2)) reads as follows:

*“2. The acquisition, construction, reconstruction, or installation (including design features and improvements with respect to such construction, reconstruction, or installation that promote energy efficiency) of public works, facilities (except for buildings for the general conduct of government), and site or other improvements; “*

The proposed construction of Downtown Phase 4 will be completed with CDBG funding. The Opinion of Probable Cost for the project is \$230,000.

**2 Clearance/ Demolition- Demolition of Slum & Blight- Demolition of Greenwood Memorial Pool and  
205-213 Main Street.**

**National Objective Description:**

The project meets the National Objective of Elimination of Slums or Blight on an area basis.

The project is eligible under Title I of the Housing and Community Development Act of 1974, as amended. The applicable section (105 (a) (2)) reads as follows:

*“2. The acquisition, construction, reconstruction, or installation (including design features and improvements with respect to such construction, reconstruction, or installation that promote energy efficiency) of public works, facilities (except for buildings for the general conduct of government), and site or other improvements; “*

The proposed demolition for Greenwood pool is estimated at \$360,000. The estimate for demolition of 205-213 Main Street is \$561,700.00. CDBG funds will be used for both these projects.

**6C Parks and Recreation- Greenwood Pavilion- Design and Construction 60 x 40 Wood pavilion with Shingle Roofing.**

**National Objective Description:**

The project meets the National Objective of Elimination of Slums or Blight on an area basis.

The project is eligible under Title I of the Housing and Community Development Act of 1974, as amended. The applicable section (105 (a) (2)) reads as follows:

*"2. The acquisition, construction, reconstruction, or installation (including design features and improvements with respect to such construction, reconstruction, or installation that promote energy efficiency) of public works, facilities (except for buildings for the general conduct of government), and site or other improvements; "*

*The proposed project will be completed with CDBG and City funds. The project is estimated at \$373,000, \$216,820.00 of CDBG funds will be used, \$156,180.00 of City funds will be used.*

**8B – Gardner Public Schools Athletics.** Provide financial assistance to LMI student athletes at Gardner High School and Gardner Middle School.

The proposed public social service project will provide financial assistance to students who are LMI by providing funding for user fees so they can participate in Athletic Programs in the Gardner Middle School and High School. This public social service has been shown to have substantial impact because it provides an opportunity for students who may not otherwise be able to afford to participate in athletics, due to the cost of the user fee.

Project meets the National Objective for (2) Limited clientele activities.

*(v) An activity designed to provide job training and placement and/or other employment support services, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services, in which the percentage of low- and moderate-income persons assisted is less than 51 percent may qualify under this paragraph in the following limited circumstances:*

*(A) In such cases where such training or provision of supportive services is an integrally-related component of a larger project, the only use of CDBG assistance for the project is to provide the job training and/or supportive services; and*

*(B) The proportion of the total cost of the project borne by CDBG funds is no greater than the proportion of the total number of persons assisted who are low or moderate income.*

*Project is eligible relative to Number 8 from the list of Eligible Activities) Title I of the Housing and Community Development Act of 1974, as amended).*

*The Social Service's proposed budget of \$15,000.*

**8B- Boys & Girls Club- Project Learn STEAM.** Provide after school and summer program to 100 LMI Gardner Students.

The proposed public social service project will provide after school and summer programs to students who are LMI. Project Learn STEAM focuses on preparing youth to be successful in the challenging marketplace and workforce of tomorrow. The programs will run for a 10 week period. The program will apply skills in Oral Presentation, Teamwork, Data Analysis, Advancing Literacy, Technology and Leadership.

Project meets the National Objective for (2) Limited clientele activities.

*(v) An activity designed to provide job training and placement and/or other employment support services, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services, in which the percentage of low- and moderate-income persons assisted is less than 51 percent may qualify under this paragraph in the following limited circumstances:*

*(A) In such cases where such training or provision of supportive services is an integrally-related component of a larger project, the only use of CDBG assistance for the project is to provide the job training and/or supportive services; and*

*(B) The proportion of the total cost of the project borne by CDBG funds is no greater than the proportion of the total number of persons assisted who are low or moderate income.*

*Project is eligible relative to Number 8 from the list of Eligible Activities) Title I of the Housing and Community Development Act of 1974, as amended).*

*The Social Service's proposed budget of \$13,9980.00 CDBG, \$170,500.00 Non-CDBG.*

**8B- Gardner Emergency Housing Mission (GEHM)-** Provide short term emergency shelter for low to moderate income families with children living within the community.

The proposed public social service project will provide emergency housing assistance to low to moderate income families with children. The program will provide temporary housing units to families. GEHM also assists with paying rent, utilities and furnishing apartments.

Project meets the National Objective for (2) Limited clientele activities.

*(v) An activity designed to provide job training and placement and/or other employment support services, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services, in which the percentage of low- and moderate-income persons assisted is less than 51 percent may qualify under this paragraph in the following limited circumstances:*

*(A) In such cases where such training or provision of supportive services is an integrally-related component of a larger project, the only use of CDBG assistance for the project is to provide the job training and/or supportive services; and*

*(B) The proportion of the total cost of the project borne by CDBG funds is no greater than the proportion of the total number of persons assisted who are low or moderate income.*

*Project is eligible relative to Number 8 from the list of Eligible Activities) Title I of the Housing and Community Development Act of 1974, as amended).*

*The Social Service's proposed budget of \$11,145.17, \$5,000 CDBG, \$6,145.17 Non-CDBG.*

|    | <b>Group</b>                     | <b>Project</b>                                                                                                                 | <b>CDBG \$'s</b>      | <b>Non-CDBG \$'s</b> | <b>Total</b>          |
|----|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------|-----------------------|
| 6B | Community Development & Planning | Downtown Phase 4. West/Oak/Parker/Nichols Sreet Intersection - Design of crosswalk, sidewalk, and lighting repair and upgrade. | \$230,000.00          | \$0.00               | \$230,000.00          |
| 2  | Community Development & Planning | Demolition of Slum & Blight                                                                                                    | \$921,700.00          |                      | \$921,700.00          |
| 6C | Community Development & Planning | Greenwood Pavilion design and construction                                                                                     | \$216,820.00          | \$156,180.00         | \$373,000.00          |
| 8B | Community Development & Planning | GEHM                                                                                                                           | \$5,000.00            |                      | \$5,000.00            |
| 8B | Community Development & Planning | Project STEAM                                                                                                                  | \$13,980.00           |                      | \$13,980.00           |
| 8B | Community Development & Planning | GAP                                                                                                                            | \$15,000.00           |                      | \$15,000.00           |
|    |                                  | Administrative & Delivery costs.                                                                                               | \$247,500.00          | \$0.00               | \$247,500.00          |
|    |                                  | <b>Sub-total</b>                                                                                                               | <b>\$1,650,000.00</b> | <b>\$156,180.00</b>  | <b>\$1,806,180.00</b> |



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

RECEIVED  
2022 NOV 22 AM 11:54  
CITY CLERK'S OFFICE  
GARDNER, MA

November 21, 2022

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

RE: Free Cash Appropriation Request – Assessors Personal Property Consultant Contract

Dear Madam President and Councilors,

During our statutorily required re-evaluation process, the Assessor's Department Contracted with Real-Estate Research Consultants ("RRC") to assist in ensuring that the City's records of personal property in the City were accurate and up to date.

The City Assessor is requesting additional funds in order to maintain this contract to ensure that the department is regularly updating its files rather than having to check the whole City all at once.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

AN ORDER APPROPRIATING FROM FREE CASH TO CITY ASSESSOR –  
VALUATION MAINTENANCE EXPENSE ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Six Thousand Dollars and No Cents (\$6,000.00) from Free Cash to the City Assessor – Valuation Maintenance Expense Account.



**CITY OF GARDNER***Office of the Board of Assessors*

95 Pleasant Street  
Room 223  
Gardner, MA 01440



Tel: 978-630-4004  
Fax: 978-630-4080  
Email: ckumar@gardner-ma.gov

November 10, 2022

Mayor Nicholson  
95 Pleasant Street  
Gardner, MA 01440

Re: Request for Free Cash

Mayor Nicholson:

Vision temporarily converted our database to the "Cloud" for easier access during the 5-year revaluation—at no charge to us. The complimentary conversion ends on December 23<sup>rd</sup> and will automatically renew at \$6,000 per year. I highly recommend we continue with the service, as opposed to converting back to the old server. I have noticed that the system is quicker in the cloud, and it has allowed Vision to perform their maintenance without taking over my computer.

As this amount was not included in the FY23 budget, I would like to formally request \$6,000 from Free Cash. This amount will be included in my annual budget going forward.

Sincerely,

*Christine Kumar*

Christine Kumar, MAA  
City Assessor

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

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

November 28, 2022

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

RE: Free Cash Appropriation Request- City Clerk Temporary Staffing

Dear Madam President and Councilors,

As was stated during the original FY 2023 Budget discussions with the City Council, the Office of the City Clerk is expected to have a significant staff change in at the end of this fiscal year with both assistant city clerks retiring when the fiscal year is over.

An additional part-time staff member was included in the existing FY 2023 budget so that the City Clerk could train this person to be able to move up into the Assistant Clerk Position when the vacancies arise. This has worked well with the individual who has been hired for this position and has been shadowing Clerk Siriphan since just before the State Primary Elections took place.

Clerk Siriphan has requested that an additional temporary employee be funded so that when both vacancies occur at the same time, there would already be two (2) fully trained staff members to assist in making sure the department's operations do not suffer as a result of needed to train individuals on the job while still being cognizant of the stringent demands that the office currently faces.

This request of an additional \$10,000 would be to hire a temporary staff member who would shadow and assist in the operations of the City Clerk's Office from January through the end of the fiscal year.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

AN ORDER APPROPRIATING FROM FREE CASH TO THE CITY CLERK'S  
TEMPORARY STAFFING ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Ten Thousand Dollars and No  
Cents (\$10,000.00) from Free Cash to the City Clerk's Temporary Staffing Account.



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

RECEIVED  
2022 DEC -1 AM 10:37  
CITY CLERK'S OFFICE  
GARDNER, MA

December 1, 2022

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

RE: Authorization of payment of previous fiscal year bill – Airport

Dear Madam President and Councilors,

With the recent changes in staffing on the Airport Commission and the clerical staff that assists the commission, there were a series of Verizon bills for the airport facility that went unpaid since February 2022.

These were recently flagged by the new staff member assisting the airport.

The attached request is an authorization to pay these past due bills. The General Laws of the Commonwealth require a nine-tenths (9/10) vote to approve this payment.

There is sufficient funding in the current budget to cover these costs.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

## AUTHORIZING PAYMENT OF PRIOR YEAR OPERATING EXPENDITURE

*ORDERED:* To authorize payment of prior year AIRPORT Dept operating expenditure account for prior year, as follows:

|        |                            |          |
|--------|----------------------------|----------|
| FY2022 | TELECOMMUNICATIONS EXPENSE | \$107.96 |
|--------|----------------------------|----------|

**CITY OF GARDNER**  
Account Number: 156-408-989-0001-01  
Bill Date: **March 2, 2022**

**Get answers fast**  
• Visit [enterprisecenter.verizon.com](http://enterprisecenter.verizon.com)  
• Call 1.800.903.1526

**Your payment is due:**

**\$26.99**

Total Due by March 27

**↑ This month's charges**

|                              |                |
|------------------------------|----------------|
| Services & Equipment         | \$26.99        |
| <b>Total Due by March 27</b> | <b>\$26.99</b> |



Return only this stub with your payment. We will not review or honor other written notifications. Visit [verizon.com](http://verizon.com).

Account Number: 156-408-989-0001-01

**Total Due by Mar 27, 2022: \$26.99 030222**  
Make check payable to Verizon

\$ \_\_\_\_\_

CITY OF GARDNER  
95 PLEASANT ST R-226  
GARDNER MA 01440-2630

VERIZON  
PO BOX 15124  
ALBANY NY 12212-5124



V5 156408989000101 00000000000 000000026997

**CITY OF GARDNER**

Account Number: 156-408-989-0001-01

**Bill Date: March 2, 2022**

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 **Frequently Asked Questions**

**How can I review my bill in more detail?**

Review your bill at [verizon.com/smbbillview](https://verizon.com/smbbillview). Select 'View Details'.

**If a credit or adjustment is applied, where do I find this on my bill?**

Credits and Adjustments are located on page 3 of your bill. It may take up to two billing cycles for credits to be applied to your account and appear on your bill. You can also visit [verizon.com/smbbillview](https://verizon.com/smbbillview). Select 'History' and then 'Payment History'. You will see options for active investigations and any credits granted.

**CITY OF GARDNER**  
 Account Number: 156-408-989-0001-01  
 Bill Date: **March 2, 2022**

 **Get answers fast**  
 • Visit [enterprisecenter.verizon.com](http://enterprisecenter.verizon.com)  
 • Call 1.800.903.1526

**Details of Previous Period**

**Previous Balance** **\$80.97**

|                 |               |      |
|-----------------|---------------|------|
| <b>Payments</b> |               |      |
| Payment         | -26.99        | 7/27 |
| Payment         | -26.99        | 2/8  |
| Payment         | -26.99        | 3/1  |
| <b>Subtotal</b> | <b>-80.97</b> |      |

Payment activity since last bill date.

**Balance Forward** **\$0.00**

**Details of Charges**

|                                 |       |           |
|---------------------------------|-------|-----------|
| <b>Services &amp; Equipment</b> |       |           |
| <b>Services</b>                 |       |           |
| Basic Internet (978-632-0260)   | 26.99 | 3/3 - 4/2 |

Equipment and additional services to personalize your Verizon service.

**Total Due** **\$26.99**



**CITY OF GARDNER**

Account Number: 156-408-989-0001-01

**Bill Date: March 2, 2022****i Important****Manage Your Account Online**

1. Go to [www.verizonenterprise.com](http://www.verizonenterprise.com) and select register.
2. Enter your invitation code N1TX0J2VH1 and complete the simple registration process.
3. Upon signing into Verizon Enterprise Center you will have immediate access to your billing account.

The Invitation Code provided expires on 4/30/2022 and provides access to your billing information, including Customer Proprietary Network Information as defined by the FCC and the CPNI statute at 47 U.S.C. sec. 222(h) (1). Any person who enters the Invitation Code online will be understood by Verizon to be your authorized and authenticated representative. Protect this Invitation Code as you would any password.

**Customer Notices****Your Choices to Limit Use and Sharing of Information for Marketing**

You have choices about Verizon's use and sharing of certain information for the purpose of marketing new services to you. Verizon offers a full range of services, such as television, telematics, high-speed internet, video, and local and long distance services.

Unless you notify us as explained below, we may use or share your information beginning 30 days after the first time we notify you of this policy. Your choice will remain valid until you notify us that you wish to change it, which you have the right to do at any time. Verizon protects your information and your choices won't affect the provision of any services you currently have with us.

- Customer Proprietary Network Information

Customer Proprietary Network Information (CPNI) is information available to us solely by virtue of our relationship with you that relates to the type, quantity, destination, technical configuration, location, and amount of use of the telecommunications and interconnected VoIP services you purchase from us, as well as related billing information.

We may use and share your CPNI among our affiliates and agents to offer you services that are different from the services you currently purchase from us. If you don't want us to use or share your CPNI with our affiliates and agents for this purpose, let us know by calling us any time at 1.866.483.9700.

- Information about Your Credit

Information about your credit includes your credit score, the information found in your consumer reports and your account history with us. We may share this information among the Verizon family of companies for the purpose of marketing new services to you. If you don't want us to share this information among the Verizon family of companies for the purpose of marketing new services to you, let us know by calling us any time at 1.844.366.2879.

**MA Late Payment Charge**

To avoid a late payment charge of 0.818% of your total due, full payment must be received before Apr 4, 2022

**Service Providers**

Verizon MA provides regional, local calling and related features, other voice services, and Fios TV service, unless otherwise indicated. Verizon Long Distance provides long distance calling and other services identified by "VLD" in the applicable billed line item. Verizon Online provides Internet service and Fios TV equipment. Fios is a registered mark of Verizon Trademark Services LLC.

**Late Payment Charge**

Effective February 1, the late payment charge for business customers will change to the rate paid on two-year United States Treasury notes for the preceding 12 months ending December 31, plus 10 percent.


**Paying by Wire Transfer or Check**

Please send an E-mail to [ACH-WIRE.Requests@one.verizon.com](mailto:ACH-WIRE.Requests@one.verizon.com) for bank account information and instructions. Your check may be processed as an Electronic Funds Transfer. When you provide a check as payment, you authorize Verizon either to use information from your check to make a one-time electronic funds transfer from your account or process the payment as a check transaction.

**Services****Bankruptcy Information**

If you are or were in bankruptcy, this bill may include amounts for pre-bankruptcy service. You should not pay pre-bankruptcy amounts; they are for your information only. Mail bankruptcy-related correspondence to 500 Technology Drive, Suite 550, Weldon Spring, MO 63304.

CITY OF GARDNER  
Account Number: 156-408-989-0001-01  
Bill Date: April 2, 2022

 **Get answers fast**  
• Visit [enterprisecenter.verizon.com](http://enterprisecenter.verizon.com)  
• Call 1.800.903.1526

**Past due:** **\$26.99** + **This month's charges:** **\$26.99** = **Total due:** **\$53.98**

Please pay immediately to keep enjoying your service.

Due by April 27.

 **Take action**  
• You have an overdue balance so your bill is higher than normal. If you haven't already, please pay the overdue balance, via one of our easy ways to pay.

 **This month's charges**

|                                 |                |
|---------------------------------|----------------|
| Services & Equipment            | \$26.99        |
| <b>Charges Due by April 27</b>  | <b>\$26.99</b> |
| <b>Past Due Pay Immediately</b> | <b>\$26.99</b> |
| <b>Total Due</b>                | <b>\$53.98</b> |



Return only this stub with your payment. We will not review or honor other written notifications. Visit [verizon.com](http://verizon.com).

Account Number: 156-408-989-0001-01

|                              |                       |
|------------------------------|-----------------------|
| Charges Due by Apr 27, 2022: | \$26.99               |
| Past Due Pay Immediately:    | \$26.99               |
| <b>Total Due:</b>            | <b>\$53.98 040222</b> |

Make check payable to Verizon

\$ \_\_\_\_\_

CITY OF GARDNER  
95 PLEASANT ST R-226  
GARDNER MA 01440-2630

VERIZON  
PO BOX 15124  
ALBANY NY 12212-5124



V5 156408989000101 00000002699 000000053983

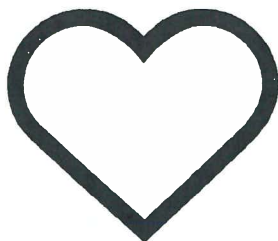
**CITY OF GARDNER**

Account Number: 156-408-989-0001-01

Bill Date: April 2, 2022

# Thanks for being you.

We know you have a choice...  
and we're happy to be yours.



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## Frequently Asked Questions

### Why does my bill fluctuate?

Your bill amount fluctuates when you:

- Request a change to your service
- Purchase or rent movies
- Use directory assistance
- Make calls outside of your calling plan
- Receive a promotional credit
- Lose a promotional credit
- Receive a price change

**CITY OF GARDNER**  
 Account Number: 156-408-989-0001-01  
 Bill Date: April 2, 2022

 **Get answers fast**  
 • Visit [enterprisecenter.verizon.com](http://enterprisecenter.verizon.com)  
 • Call 1.800.903.1526

### Details of Payments

#### Payments

Payment activity since last bill date.

|                                 |                |
|---------------------------------|----------------|
| Previous Balance                | 26.99          |
| No Payment Received             | .00            |
| <b>Past Due Pay Immediately</b> | <b>\$26.99</b> |

### Details of Charges

#### Services & Equipment

Equipment and additional services to personalize your Verizon service.

|                               |       |           |
|-------------------------------|-------|-----------|
| <b>Services</b>               |       |           |
| Basic Internet (978-632-0260) | 26.99 | 4/3 - 5/2 |

**Charges** **\$26.99**

**Total Due** **\$53.98**

**CITY OF GARDNER**

Account Number: 156-408-989-0001-01

**Bill Date: April 2, 2022****i Important****Manage Your Account Online**

1. Go to [www.verizonenterprise.com](http://www.verizonenterprise.com) and select register.
2. Enter your invitation code QPUU37CWJ3 and complete the simple registration process.
3. Upon signing into Verizon Enterprise Center you will have immediate access to your billing account.

The Invitation Code provided expires on 5/31/2022 and provides access to your billing information, including Customer Proprietary Network Information as defined by the FCC and the CPNI statute at 47 U.S.C. sec. 222(h) (1). Any person who enters the Invitation Code online will be understood by Verizon to be your authorized and authenticated representative. Protect this Invitation Code as you would any password.

**Important Information Regarding****Telecommunications Relay Service (TRS)**

TRS provides an operator to telephone users who use text telephones (TTY) or web capable devices (WCD) because they are deaf, hard of hearing, or speech disabled. From payphones, TRS local calls are free; toll calls must be billed to calling cards, prepaid cards (PPC), collect or third-party billing. PPC information is available online at [fcc.gov/consumers/guides/prepaid-phone-cards-what-consumers-should-know](http://fcc.gov/consumers/guides/prepaid-phone-cards-what-consumers-should-know).

TRS is provided 24 hours a day, 365 days per year with no time limits. For further information call your state TRS Provider, visit the FCC's TRS web site at [fcc.gov/consumers/guides/telecommunications-relay-service-trs](http://fcc.gov/consumers/guides/telecommunications-relay-service-trs), or read the explanation available in telephone books. Available TRS methods are explained below.

To call a TTY user, dial TRS at 711. A Communications Assistant (CA) will place your call and type your spoken words for the TTY user. The CA will read to you the messages the TTY user sends you. Calls are private, confidential and uncensored. While there is no charge to TRS users for TTY, regular phone charges do apply.

Speech-to-Speech Service (STS) is another form of TRS available by calling 711. The CA can assume an active or passive role in repeating the conversation and follows the same guidelines as with TTY calls.

IP Relay Service is a form of TRS which relays calls from a WCD. A CA follows the TTY call guidelines. Information on IP Relay is available at [fcc.gov/consumers/guides/ip-relay-service](http://fcc.gov/consumers/guides/ip-relay-service).

Video Relay Service (VRS) relays calls for those using sign language. VRS information is available at [fcc.gov/consumers/guides/video-relay-services](http://fcc.gov/consumers/guides/video-relay-services).

Some TRS providers offer Captioned Telephone Service (CTS) which is accessed with a captioned telephone and available for persons with some residual hearing. Also available is IP Captioned Telephone Service (IP CTS) which combines elements of captioned telephone service and IP Relay. Information on IP CTS is available at [fcc.gov/consumers/guides/internet-protocol-ip-captioned-telephone-service](http://fcc.gov/consumers/guides/internet-protocol-ip-captioned-telephone-service).

**Customer Notices****Your Choices to Limit Use and Sharing of Information for Marketing**

You have choices about Verizon's use and sharing of certain information for the purpose of marketing new services to you. Verizon offers a full range of services, such as television, telematics, high-speed internet, video, and local and long distance services.

Unless you notify us as explained below, we may use or share your information beginning 30 days after the first time we notify you of this policy. Your choice will remain valid until you notify us that you wish to change it, which you have the right to do at any time. Verizon protects your information and your choices won't affect the provision of any services you currently have with us.

- Customer Proprietary Network Information

Customer Proprietary Network Information (CPNI) is information available to us solely by virtue of our relationship with you that relates to the type, quantity, destination, technical configuration, location, and amount of use of the telecommunications and interconnected VoIP services you purchase from us, as well as related billing information.

We may use and share your CPNI among our affiliates and agents to offer you services that are different from the services you currently purchase from us. If you don't want us to use or share your CPNI with our affiliates and agents for this purpose, let us know by calling us any time at 1.866.483.9700.

- Information about Your Credit

Information about your credit includes your credit score, the information found in your consumer reports and your account history with us. We may share this information among the Verizon family of companies for the purpose of marketing new services to you. If you don't want us to share this information among the Verizon family of companies for the purpose of marketing new services to you, let us know by calling us any time at 1.844.366.2879.

**MA Late Payment Charge**

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**Service Providers**

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**Late Payment Charge**

Effective February 1, the late payment charge for business customers will change to the rate paid on two-year United States Treasury notes for the preceding 12 months ending December 31, plus 10 percent.

**CITY OF GARDNER**

Account Number: 156-408-989-0001-01  
Bill Date: April 2, 2022

**Get answers fast**

- Visit [enterprisecenter.verizon.com](https://enterprisecenter.verizon.com)
- Call 1.800.903.1526

**Paying by Wire Transfer or Check**

Please send an E-mail to [ACH-WIRE.Requests@one.verizon.com](mailto:ACH-WIRE.Requests@one.verizon.com) for bank account information and instructions. Your check may be processed as an Electronic Funds Transfer. When you provide a check as payment, you authorize Verizon either to use information from your check to make a one-time electronic funds transfer from your account or process the payment as a check transaction.

**Services****Bankruptcy Information**

If you are or were in bankruptcy, this bill may include amounts for pre-bankruptcy service. You should not pay pre-bankruptcy amounts; they are for your information only. Mail bankruptcy-related correspondence to 500 Technology Drive, Suite 550, Weldon Spring, MO 63304.

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\*\*\*\*\*

**CITY OF GARDNER**  
Account Number: 156-408-989-0001-01  
Bill Date: May 2, 2022

 **Get answers fast**  
• Visit [enterprisecenter.verizon.com](http://enterprisecenter.verizon.com)  
• Call 1.800.903.1526

**Past due:** **\$53.98**    **+**    **This month's charges:** **\$26.99**    **=**    **Total due:** **\$80.97**

Please pay immediately to keep enjoying your service.

Due by May 27.

 **Take action**  
• You have an overdue balance so your bill is higher than normal. If you haven't already, please pay the overdue balance, via one of our easy ways to pay.

 **This month's charges**

|                                 |                |
|---------------------------------|----------------|
| Services & Equipment            | \$26.99        |
| <b>Charges Due by May 27</b>    | <b>\$26.99</b> |
| <b>Past Due Pay Immediately</b> | <b>\$53.98</b> |
| <b>Total Due</b>                | <b>\$80.97</b> |



Return only this stub with your payment. We will not review or honor other written notifications. Visit [verizon.com](http://verizon.com).

Account Number: 156-408-989-0001-01

|                                     |                       |
|-------------------------------------|-----------------------|
| <b>Charges Due by May 27, 2022:</b> | \$26.99               |
| <b>Past Due Pay Immediately:</b>    | \$53.98               |
| <b>Total Due:</b>                   | <b>\$80.97 050222</b> |

Make check payable to Verizon

\$ \_\_\_\_\_

CITY OF GARDNER  
95 PLEASANT ST R-226  
GARDNER MA 01440-2630

VERIZON  
PO BOX 15124  
ALBANY NY 12212-5124



V5 156408989000101 00000005398 000000080978

**CITY OF GARDNER**

Account Number: 156-408-989-0001-01

Bill Date: May 2, 2022

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**What are the Taxes, Surcharges, and Fees on my bill?**

Your bill includes federal, state and local taxes, governmental surcharges and fees as well as Verizon surcharges and fees. These charges vary depending on what products and services you have and in which state you use these products and services. For more information go to [verizon.com/taxesandfees](http://verizon.com/taxesandfees).



**CITY OF GARDNER**  
 Account Number: 156-408-989-0001-01  
 Bill Date: May 2, 2022

 **Get answers fast**  
 • Visit [enterprisecenter.verizon.com](http://enterprisecenter.verizon.com)  
 • Call 1.800.903.1526

### Details of Payments

| Payments                        |                |
|---------------------------------|----------------|
| Previous Balance                | 53.98          |
| No Payment Received             | <u>.00</u>     |
| <b>Past Due Pay Immediately</b> | <b>\$53.98</b> |

Payment activity since last bill date.

### Details of Charges

| Services & Equipment          |                        |
|-------------------------------|------------------------|
| <b>Services</b>               |                        |
| Basic Internet (978-632-0260) | <u>26.99</u> 5/3 - 6/2 |
| <b>Charges</b>                | <b>\$26.99</b>         |
| <b>Total Due</b>              | <b>\$80.97</b>         |

Equipment and additional services to personalize your Verizon service.

**CITY OF GARDNER**

Account Number: 156-408-989-0001-01

**Bill Date: May 2, 2022****i Important****Manage Your Account Online**

1. Go to [www.verizonenterprise.com](http://www.verizonenterprise.com) and select register.
2. Enter your invitation code LG7V8JKJRQ and complete the simple registration process.
3. Upon signing into Verizon Enterprise Center you will have immediate access to your billing account.

The Invitation Code provided expires on 6/30/2022 and provides access to your billing information, including Customer Proprietary Network Information as defined by the FCC and the CPNI statute at 47 U.S.C. sec. 222(h) (1). Any person who enters the Invitation Code online will be understood by Verizon to be your authorized and authenticated representative. Protect this Invitation Code as you would any password.

**Customer Notices****Your Choices to Limit Use and Sharing of Information for Marketing**

You have choices about Verizon's use and sharing of certain information for the purpose of marketing new services to you. Verizon offers a full range of services, such as television, telematics, high-speed internet, video, and local and long distance services.

Unless you notify us as explained below, we may use or share your information beginning 30 days after the first time we notify you of this policy. Your choice will remain valid until you notify us that you wish to change it, which you have the right to do at any time. Verizon protects your information and your choices won't affect the provision of any services you currently have with us.

- Customer Proprietary Network Information

Customer Proprietary Network Information (CPNI) is information available to us solely by virtue of our relationship with you that relates to the type, quantity, destination, technical configuration, location, and amount of use of the telecommunications and interconnected VoIP services you purchase from us, as well as related billing information.

We may use and share your CPNI among our affiliates and agents to offer you services that are different from the services you currently purchase from us. If you don't want us to use or share your CPNI with our affiliates and agents for this purpose, let us know by calling us any time at 1.866.483.9700.

- Information about Your Credit

Information about your credit includes your credit score, the information found in your consumer reports and your account history with us. We may share this information among the Verizon family of companies for the purpose of marketing new services to you. If you don't want us to share this information among the Verizon family of companies for the purpose of marketing new services to you, let us know by calling us any time at 1.844.366.2879.

**MA Late Payment Charge**

To avoid a late payment charge of 0.818% of your total due, full payment must be received before Jun 4, 2022

**Service Providers**

Verizon MA provides regional, local calling and related features, other voice services, and Fios TV service, unless otherwise indicated. Verizon Long Distance provides long distance calling and other services identified by "VLD" in the applicable billed line item. Verizon Online provides internet service and Fios TV equipment. Fios is a registered mark of Verizon Trademark Services LLC.

**Late Payment Charge**

Effective February 1, the late payment charge for business customers will change to the rate paid on two-year United States Treasury notes for the preceding 12 months ending December 31, plus 10 percent.


**Paying by Wire Transfer or Check**

Please send an E-mail to [ACH-WIRE.Requests@one.verizon.com](mailto:ACH-WIRE.Requests@one.verizon.com) for bank account information and instructions. Your check may be processed as an Electronic Funds Transfer. When you provide a check as payment, you authorize Verizon either to use information from your check to make a one-time electronic funds transfer from your account or process the payment as a check transaction.

**Services****Bankruptcy Information**

If you are or were in bankruptcy, this bill may include amounts for pre-bankruptcy service. You should not pay pre-bankruptcy amounts; they are for your information only. Mail bankruptcy-related correspondence to 500 Technology Drive, Suite 550, Weldon Spring, MO 63304.

**CITY OF GARDNER**  
Account Number: 156-408-989-0001-01  
Bill Date: June 2, 2022

 **Get answers fast**  
• Visit [enterprisecenter.verizon.com](http://enterprisecenter.verizon.com)  
• Call 1.800.903.1526

**Past due:** **\$80.97**    **+**    **This month's charges:** **\$26.99**    **=**    **Total due:** **\$107.96**

Please pay immediately to keep enjoying your service.

Due by June 27.

 **Take action**  
• You have an overdue balance so your bill is higher than normal. If you haven't already, please pay the overdue balance, via one of our easy ways to pay.

 **This month's charges**

|                                 |                 |
|---------------------------------|-----------------|
| Services & Equipment            | \$26.99         |
| <b>Charges Due by June 27</b>   | <b>\$26.99</b>  |
| <b>Past Due Pay Immediately</b> | <b>\$80.97</b>  |
| <b>Total Due</b>                | <b>\$107.96</b> |

Return only this stub with your payment. We will not review or honor other written notifications. Visit [verizon.com](http://verizon.com).

Account Number: 156-408-989-0001-01.

|                                     |                        |
|-------------------------------------|------------------------|
| <b>Charges Due by Jun 27, 2022:</b> | \$26.99                |
| <b>Past Due Pay Immediately:</b>    | \$80.97                |
| <b>Total Due:</b>                   | <b>\$107.96 060222</b> |

Make check payable to Verizon

\$ \_\_\_\_\_

CITY OF GARDNER  
95 PLEASANT ST R-226  
GARDNER MA 01440-2630



VERIZON  
PO BOX 15124  
ALBANY NY 12212-5124



V5 156408989000101 00000008097 000000107961

**CITY OF GARDNER**

Account Number: 156-408-989-0001-01

Bill Date: June 2, 2022

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 **Frequently Asked Questions**

**How can I review my bill in more detail?**

Review your bill at [verizon.com/smbbillview](https://verizon.com/smbbillview). Select 'View Details'.

**If a credit or adjustment is applied, where do I find this on my bill?**

Credits and Adjustments are located on page 3 of your bill. It may take up to two billing cycles for credits to be applied to your account and appear on your bill. You can also visit [verizon.com/smbbillview](https://verizon.com/smbbillview). Select 'History' and then 'Payment History'. You will see options for active investigations and any credits granted.

**CITY OF GARDNER**

Account Number: 156-408-989-0001-01

**Bill Date: June 2, 2022**



**Get answers fast**

• Visit [enterprisecenter.verizon.com](http://enterprisecenter.verizon.com)

• Call 1.800.903.1526

**Details of Payments**

**Payments**

Payment activity since last bill date.

|                                 |                |
|---------------------------------|----------------|
| Previous Balance                | 80.97          |
| No Payment Received             | <u>.00</u>     |
| <b>Past Due Pay Immediately</b> | <b>\$80.97</b> |

**Details of Charges**

**Services & Equipment**

Equipment and additional services to personalize your Verizon service.

**Services**

|                               |              |           |
|-------------------------------|--------------|-----------|
| Basic Internet (978-632-0260) | <u>26.99</u> | 6/3 - 7/2 |
|-------------------------------|--------------|-----------|

**Charges** **\$26.99**

**Total Due** **\$107.96**

**CITY OF GARDNER**

Account Number: 156-408-989-0001-01

**Bill Date: June 2, 2022****i Important****Manage Your Account Online**

1. Go to [www.verizonenterprise.com](http://www.verizonenterprise.com) and select register.
2. Enter your invitation code MHENY88HNV and complete the simple registration process.
3. Upon signing into Verizon Enterprise Center you will have immediate access to your billing account.

The Invitation Code provided expires on 7/31/2022 and provides access to your billing information, including Customer Proprietary Network Information as defined by the FCC and the CPNI statute at 47 U.S.C. sec. 222(h) (1). Any person who enters the Invitation Code online will be understood by Verizon to be your authorized and authenticated representative. Protect this Invitation Code as you would any password.

**Customer Notices****Your Choices to Limit Use and Sharing of Information for Marketing**

You have choices about Verizon's use and sharing of certain information for the purpose of marketing new services to you. Verizon offers a full range of services, such as television, telematics, high-speed internet, video, and local and long distance services.

Unless you notify us as explained below, we may use or share your information beginning 30 days after the first time we notify you of this policy. Your choice will remain valid until you notify us that you wish to change it, which you have the right to do at any time. Verizon protects your information and your choices won't affect the provision of any services you currently have with us.

- **Customer Proprietary Network Information**

Customer Proprietary Network Information (CPNI) is information available to us solely by virtue of our relationship with you that relates to the type, quantity, destination, technical configuration, location, and amount of use of the telecommunications and interconnected VoIP services you purchase from us, as well as related billing information.

We may use and share your CPNI among our affiliates and agents to offer you services that are different from the services you currently purchase from us. If you don't want us to use or share your CPNI with our affiliates and agents for this purpose, let us know by calling us any time at 1.866.483.9700.

- **Information about Your Credit**

Information about your credit includes your credit score, the information found in your consumer reports and your account history with us. We may share this information among the Verizon family of companies for the purpose of marketing new services to you. If you don't want us to share this information among the Verizon family of companies for the purpose of marketing new services to you, let us know by calling us any time at 1.844.366.2879.

**MA Late Payment Charge**

To avoid a late payment charge of 0.818% of your total due, full payment must be received before Jul 5, 2022

**Service Providers**

Verizon MA provides regional, local calling and related features, other voice services, and Fios TV service, unless otherwise indicated. Verizon Long Distance provides long distance calling and other services identified by "VLD" in the applicable billed line item. Verizon Online provides Internet service and Fios TV equipment. Fios is a registered mark of Verizon Trademark Services LLC.

**Late Payment Charge**

Effective February 1, the late payment charge for business customers will change to the rate paid on two-year United States Treasury notes for the preceding 12 months ending December 31, plus 10 percent.

**Paying by Wire Transfer or Check**

Please send an E-mail to [ACH-WIRE.Requests@one.verizon.com](mailto:ACH-WIRE.Requests@one.verizon.com) for bank account information and instructions. Your check may be processed as an Electronic Funds Transfer. When you provide a check as payment, you authorize Verizon either to use information from your check to make a one-time electronic funds transfer from your account or process the payment as a check transaction.

**Services****Bankruptcy Information**

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62-1

endor No.

2100

urchase Order #

Verizon

Airport

ate Paid 12/8/2022 Amount \$ 107.96

heck No. Warrant 23-23

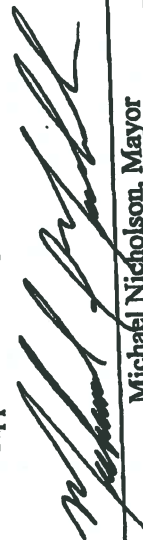
elecommunications

4482-52151

|                      |          |
|----------------------|----------|
| 156408989000101-0722 | \$ 26.99 |
| 156408989000101-0822 | \$ 26.99 |
| 156408989000101-0922 | \$ 26.99 |
| 156408989000101-1022 | \$ 26.99 |
| 156408989000101-1122 | \$ 26.99 |

A TRUE STATEMENT

Approved under penalty of perjury



Michael Nicholson, Mayor



**CITY OF GARDNER**  
Account Number: 156-408-989-0001-01  
Bill Date: July 2, 2022

**Get answers fast**  
• Visit [enterprisecenter.verizon.com](http://enterprisecenter.verizon.com)  
• Call 1.800.903.1526

**Past due:** **\$107.96**    **+**    **This month's charges:** **\$26.99**    **=**    **Total due:** **\$134.95**

Please pay immediately to keep enjoying your service.

Due by July 27.

**Take action**  
• You have an overdue balance so your bill is higher than normal. If you haven't already, please pay the overdue balance, via one of our easy ways to pay.

**This month's charges**

|                                 |                 |
|---------------------------------|-----------------|
| Services & Equipment            | \$26.99         |
| <b>Charges Due by July 27</b>   | <b>\$26.99</b>  |
| <b>Past Due Pay Immediately</b> | <b>\$107.96</b> |
| <b>Total Due</b>                | <b>\$134.95</b> |



Return only this stub with your payment. We will not review or honor other written notifications. Visit [verizon.com](http://verizon.com).

Account Number: 156-408-989-0001-01

|                              |                        |
|------------------------------|------------------------|
| Charges Due by Jul 27, 2022: | \$26.99                |
| Past Due Pay Immediately:    | \$107.96               |
| <b>Total Due:</b>            | <b>\$134.95 070222</b> |

Make check payable to Verizon

\$ \_\_\_\_\_

CITY OF GARDNER  
95 PLEASANT ST R-226  
GARDNER MA 01440-2630



VERIZON  
PO BOX 15124  
ALBANY NY 12212-5124



V5 156408989000101 00000010796 000000134957



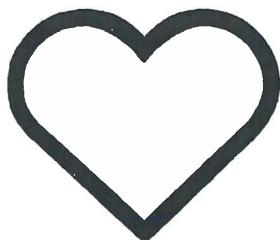
**CITY OF GARDNER**

Account Number: 156-408-989-0001-01

Bill Date: July 2, 2022

# Thanks for being you.

We know you have a choice...  
and we're happy to be yours.



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## Frequently Asked Questions

### Why does my bill fluctuate?

Your bill amount fluctuates when you:

- Request a change to your service
- Purchase or rent movies
- Use directory assistance
- Make calls outside of your calling plan
- Receive a promotional credit
- Lose a promotional credit
- Receive a price change

**CITY OF GARDNER**

Account Number: 156-408-989-0001-01

Bill Date: July 2, 2022



**Get answers fast**

• Visit [enterprisecenter.verizon.com](http://enterprisecenter.verizon.com)

• Call 1.800.903.1526

**Details of Payments**

**Payments**

Payment activity since last bill date.

|                                 |                 |
|---------------------------------|-----------------|
| Previous Balance                | 107.96          |
| No Payment Received             | <u>.00</u>      |
| <b>Past Due Pay Immediately</b> | <b>\$107.96</b> |

**Details of Charges**

**Services & Equipment**

Equipment and additional services to personalize your Verizon service.

|                               |                        |
|-------------------------------|------------------------|
| <b>Services</b>               |                        |
| Basic Internet (978-632-0260) | <u>26.99</u> 7/3 - 8/2 |

**Charges** **\$26.99**

**Total Due** **\$134.95**

**CITY OF GARDNER**

Account Number: 156-408-989-0001-01

Bill Date: July 2, 2022

**i Important****Manage Your Account Online**

1. Go to [www.verizonenterprise.com](http://www.verizonenterprise.com) and select register.
2. Enter your invitation code S677QN22R7 and complete the simple registration process.
3. Upon signing into Verizon Enterprise Center you will have immediate access to your billing account.

The Invitation Code provided expires on 8/30/2022 and provides access to your billing information, including Customer Proprietary Network Information as defined by the FCC and the CPNI statute at 47 U.S.C. sec. 222(h) (1). Any person who enters the Invitation Code online will be understood by Verizon to be your authorized and authenticated representative. Protect this Invitation Code as you would any password.

**Call Dig Safe before You Dig**

Three days before you excavate, pre-mark the area you plan to dig with white lines and then call the Dig Safe Center at 811 or 1.888.344.7233 or use their website [digsafe.com](http://digsafe.com). The Dig Safe Center notifies all member utility companies of your excavation work and those utilities will identify the location of underground telephone, gas, electric or cable facilities for you. This eliminates any potential damage or costly repairs.

**Customer Notices****Your Choices to Limit Use and Sharing of Information for Marketing**

You have choices about Verizon's use and sharing of certain information for the purpose of marketing new services to you. Verizon offers a full range of services, such as television, telematics, high-speed internet, video, and local and long distance services.

Unless you notify us as explained below, we may use or share your information beginning 30 days after the first time we notify you of this policy. Your choice will remain valid until you notify us that you wish to change it, which you have the right to do at any time. Verizon protects your information and your choices won't affect the provision of any services you currently have with us.

- Customer Proprietary Network Information

Customer Proprietary Network Information (CPNI) is information available to us solely by virtue of our relationship with you that relates to the type, quantity, destination, technical configuration, location, and amount of use of the telecommunications and interconnected VoIP services you purchase from us, as well as related billing information.

We may use and share your CPNI among our affiliates and agents to offer you services that are different from the services you currently purchase from us. If you don't want us to use or share your CPNI with our affiliates and agents for this purpose, let us know by calling us any time at 1.866.483.9700.

- Information about Your Credit

Information about your credit includes your credit score, the information found in your consumer reports and your account history with us. We may share this information among the Verizon family of companies for the purpose of marketing new services to you. If you don't want us to share this information among the Verizon family of companies for the purpose of

marketing new services to you, let us know by calling us any time at 1.844.366.2879.

**MA Late Payment Charge**

To avoid a late payment charge of 0.818% of your total due, full payment must be received before Aug 4, 2022

**Service Providers**

Verizon MA provides regional, local calling and related features, other voice services, and Fios TV service, unless otherwise indicated. Verizon Long Distance provides long distance calling and other services identified by "VLD" in the applicable billed line item. Verizon Online provides Internet service and Fios TV equipment. Fios is a registered mark of Verizon Trademark Services LLC.

**Late Payment Charge**

Effective February 1, the late payment charge for business customers will change to the rate paid on two-year United States Treasury notes for the preceding 12 months ending December 31, plus 10 percent.

**Paying by Wire Transfer or Check**

Please send an E-mail to [ACH-WIRE.Requests@one.verizon.com](mailto:ACH-WIRE.Requests@one.verizon.com) for bank account information and instructions. Your check may be processed as an Electronic Funds Transfer. When you provide a check as payment, you authorize Verizon either to use information from your check to make a one-time electronic funds transfer from your account or process the payment as a check transaction.

**Services****Bankruptcy Information**

If you are or were in bankruptcy, this bill may include amounts for pre-bankruptcy service. You should not pay pre-bankruptcy amounts; they are for your information only. Mail bankruptcy-related correspondence to 500 Technology Drive, Suite 550, Weldon Spring, MO 63304.

**CITY OF GARDNER**  
 Account Number: 156-408-989-0001-01  
 Bill Date: August 2, 2022

**Get answers fast**  
 • Visit [enterprisecenter.verizon.com](http://enterprisecenter.verizon.com)  
 • Call 1.800.903.1526

**Past due:                      This month's charges:                      Total due:**  
**\$134.95                      +                      \$26.99                      =                      \$161.94**

Please pay immediately to keep enjoying your service.

Due by August 27.

**Take action**  
 • You have an overdue balance so your bill is higher than normal. If you haven't already, please pay the overdue balance, via one of our easy ways to pay.

**↑ This month's charges**

|                                 |                 |
|---------------------------------|-----------------|
| Services & Equipment            | \$26.99         |
| <b>Charges Due by August 27</b> | <b>\$26.99</b>  |
| <b>Past Due Pay Immediately</b> | <b>\$134.95</b> |
| <b>Total Due</b>                | <b>\$161.94</b> |

Return only this stub with your payment. We will not review or honor other written notifications. Visit [verizon.com](http://verizon.com).

Account Number: 156-408-989-0001-01

|                              |                        |
|------------------------------|------------------------|
| Charges Due by Aug 27, 2022: | \$26.99                |
| Past Due Pay Immediately:    | \$134.95               |
| <b>Total Due:</b>            | <b>\$161.94 080222</b> |

Make check payable to Verizon

\$ \_\_\_\_\_

CITY OF GARDNER  
 95 PLEASANT ST R-226  
 GARDNER MA 01440-2630



VERIZON  
 PO BOX 15124  
 ALBANY NY 12212-5124



V5 156408989000101 00000013495 000000161943

**CITY OF GARDNER**

Account Number: 156-408-989-0001-01

Bill Date: August 2, 2022

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**What are the Taxes, Surcharges, and Fees on my bill?**

Your bill includes federal, state and local taxes, governmental surcharges and fees as well as Verizon surcharges and fees. These charges vary depending on what products and services you have and in which state you use these products and services. For more information go to [verizon.com/taxesandfees](http://verizon.com/taxesandfees).

**CITY OF GARDNER**

Account Number: 156-408-989-0001-01

Bill Date: August 2, 2022



**Get answers fast**

- Visit [enterprisecenter.verizon.com](http://enterprisecenter.verizon.com)
- Call 1.800.903.1526

**Details of Payments**

**Payments**

Payment activity since last bill date.

|                                 |                 |
|---------------------------------|-----------------|
| Previous Balance                | 134.95          |
| No Payment Received             | <u>.00</u>      |
| <b>Past Due Pay Immediately</b> | <b>\$134.95</b> |

**Details of Charges**

**Services & Equipment**

Equipment and additional services to personalize your Verizon service.

|                               |              |           |
|-------------------------------|--------------|-----------|
| <b>Services</b>               |              |           |
| Basic Internet (978-632-0260) | <u>26.99</u> | 8/3 - 9/2 |

**Charges** **\$26.99**

**Total Due** **\$161.94**

**CITY OF GARDNER**

Account Number: 156-408-989-0001-01

**Bill Date: August 2, 2022****i Important****Manage Your Account Online**

1. Go to [www.verizonenterprise.com](http://www.verizonenterprise.com) and select register.
2. Enter your invitation code EBIE5IAJBU and complete the simple registration process.
3. Upon signing into Verizon Enterprise Center you will have immediate access to your billing account.

The Invitation Code provided expires on 9/30/2022 and provides access to your billing information, including Customer Proprietary Network Information as defined by the FCC and the CPNI statute at 47 U.S.C. sec. 222(h) (1). Any person who enters the Invitation Code online will be understood by Verizon to be your authorized and authenticated representative. Protect this Invitation Code as you would any password.

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You have choices about Verizon's use and sharing of certain information for the purpose of marketing new services to you. Verizon offers a full range of services, such as television, telematics, high-speed internet, video, and local and long distance services.

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- Customer Proprietary Network Information

Customer Proprietary Network Information (CPNI) is information available to us solely by virtue of our relationship with you that relates to the type, quantity, destination, technical configuration, location, and amount of use of the telecommunications and interconnected VoIP services you purchase from us, as well as related billing information.

We may use and share your CPNI among our affiliates and agents to offer you services that are different from the services you currently purchase from us. If you don't want us to use or share your CPNI with our affiliates and agents for this purpose, let us know by calling us any time at 1.866.483.9700.

- Information about Your Credit

Information about your credit includes your credit score, the information found in your consumer reports and your account history with us. We may share this information among the Verizon family of companies for the purpose of marketing new services to you. If you don't want us to share this information among the Verizon family of companies for the purpose of marketing new services to you, let us know by calling us any time at 1.844.366.2879.

**MA Late Payment Charge**

To avoid a late payment charge of 0.818% of your total due, full payment must be received before Sep 4, 2022

**Service Providers**

Verizon MA provides regional, local calling and related features, other voice services, and Fios TV service, unless otherwise indicated. Verizon Long Distance provides long distance calling and other services identified by "VLD" in the applicable billed line item. Verizon Online provides Internet service and Fios TV equipment. Fios is a registered mark of Verizon Trademark Services LLC.

**Late Payment Charge**

Effective February 1, the late payment charge for business customers will change to the rate paid on two-year United States Treasury notes for the preceding 12 months ending December 31, plus 10 percent.

**Paying by Wire Transfer or Check**

Please send an E-mail to [ACH-WIRE.Requests@one.verizon.com](mailto:ACH-WIRE.Requests@one.verizon.com) for bank account information and instructions. Your check may be processed as an Electronic Funds Transfer. When you provide a check as payment, you authorize Verizon either to use information from your check to make a one-time electronic funds transfer from your account or process the payment as a check transaction.

**Services****Bankruptcy Information**

If you are or were in bankruptcy, this bill may include amounts for pre-bankruptcy service. You should not pay pre-bankruptcy amounts; they are for your information only. Mail bankruptcy-related correspondence to 500 Technology Drive, Suite 550, Weldon Spring, MO 63304.

**CITY OF GARDNER**  
Account Number: 156-408-989-0001-01  
Bill Date: **September 2, 2022**

**Get answers fast**  
• Visit [enterprisecenter.verizon.com](http://enterprisecenter.verizon.com)  
• Call 1.800.903.1526

**Past due:** **\$161.94**    **+**    **This month's charges:** **\$26.99**    **=**    **Total due:** **\$188.93**

Please pay immediately to keep enjoying your service.

Due by September 27.

**Take action**  
• You have an overdue balance so your bill is higher than normal. If you haven't already, please pay the overdue balance, via one of our easy ways to pay.

**This month's charges**

|                                    |                 |
|------------------------------------|-----------------|
| Services & Equipment               | \$26.99         |
| <b>Charges Due by September 27</b> | <u>\$26.99</u>  |
| <b>Past Due Pay Immediately</b>    | <u>\$161.94</u> |
| <b>Total Due</b>                   | <b>\$188.93</b> |

Return only this stub with your payment. We will not review or honor other written notifications. Visit [verizon.com](http://verizon.com).

Account Number: 156-408-989-0001-01

|                              |                        |
|------------------------------|------------------------|
| Charges Due by Sep 27, 2022: | \$26.99                |
| Past Due Pay Immediately:    | <u>\$161.94</u>        |
| <b>Total Due:</b>            | <b>\$188.93 090222</b> |

Make check payable to Verizon

\$ \_\_\_\_\_

CITY OF GARDNER  
95 PLEASANT ST R-226  
GARDNER MA 01440-2630

VERIZON  
PO BOX 15124  
ALBANY NY 12212-5124



V5 156408989000101 00000016194 000000188938



**CITY OF GARDNER**

Account Number: 156-408-989-0001-01

Bill Date: September 2, 2022



**Frequently Asked Questions**

**How can I review my bill in more detail?**

Review your bill at [verizon.com/smbbillview](https://verizon.com/smbbillview). Select 'View Details'.

**If a credit or adjustment is applied, where do I find this on my bill?**

Credits and Adjustments are located on page 3 of your bill. It may take up to two billing cycles for credits to be applied to your account and appear on your bill. You can also visit [verizon.com/smbbillview](https://verizon.com/smbbillview). Select 'History' and then 'Payment History'. You will see options for active investigations and any credits granted.

**CITY OF GARDNER**  
 Account Number: 156-408-989-0001-01  
 Bill Date: **September 2, 2022**

 **Get answers fast**  
 • Visit [enterprisecenter.verizon.com](http://enterprisecenter.verizon.com)  
 • Call 1.800.903.1526

### Details of Payments

Payment activity since last bill date.

| Payments                        |                 |
|---------------------------------|-----------------|
| Previous Balance                | 161.94          |
| No Payment Received             | <u>.00</u>      |
| <b>Past Due Pay Immediately</b> | <b>\$161.94</b> |

### Details of Charges

Equipment and additional services to personalize your Verizon service.

| Services & Equipment          |                  |
|-------------------------------|------------------|
| <b>Services</b>               |                  |
| Basic Internet (978-632-0260) | 26.99 9/3 - 10/2 |
| <b>Charges</b>                | <b>\$26.99</b>   |
| <b>Total Due</b>              | <b>\$188.93</b>  |

**CITY OF GARDNER**

Account Number: 156-408-989-0001-01

**Bill Date: September 2, 2022****i Important****Manage Your Account Online**

1. Go to [www.verizonenterprise.com](http://www.verizonenterprise.com) and select register.
2. Enter your invitation code WX6KOKFD60 and complete the simple registration process.
3. Upon signing into Verizon Enterprise Center you will have immediate access to your billing account.

The Invitation Code provided expires on 10/31/2022 and provides access to your billing information, including Customer Proprietary Network Information as defined by the FCC and the CPNI statute at 47 U.S.C. sec. 222(h) (1). Any person who enters the Invitation Code online will be understood by Verizon to be your authorized and authenticated representative. Protect this Invitation Code as you would any password.

**Annual Privacy Policy**

Your privacy is important to us. To read our most up-to-date privacy policy go to [verizon.com/about/privacy/fios-privacy-policy](http://verizon.com/about/privacy/fios-privacy-policy).

**Customer Notices****Your Choices to Limit Use and Sharing of Information for Marketing**

You have choices about Verizon's use and sharing of certain information for the purpose of marketing new services to you. Verizon offers a full range of services, such as television, telematics, high-speed internet, video, and local and long distance services.

Unless you notify us as explained below, we may use or share your information beginning 30 days after the first time we notify you of this policy. Your choice will remain valid until you notify us that you wish to change it, which you have the right to do at any time. Verizon protects your information and your choices won't affect the provision of any services you currently have with us.

- Customer Proprietary Network Information

Customer Proprietary Network Information (CPNI) is information available to us solely by virtue of our relationship with you that relates to the type, quantity, destination, technical configuration, location, and amount of use of the telecommunications and interconnected VoIP services you purchase from us, as well as related billing information.

We may use and share your CPNI among our affiliates and agents to offer you services that are different from the services you currently purchase from us. If you don't want us to use or share your CPNI with our affiliates and agents for this purpose, let us know by calling us any time at 1.866.483.9700.

- Information about Your Credit

Information about your credit includes your credit score, the information found in your consumer reports and your account history with us. We may share this information among the Verizon family of companies for the purpose of marketing new services to you. If you don't want us to share this information among the Verizon family of companies for the purpose of marketing new services to you, let us know by calling us any time at 1.844.366.2879.

**MA Late Payment Charge**

To avoid a late payment charge of 0.818% of your total due, full payment must be received before Oct 5, 2022

**Service Providers**

Verizon MA provides regional, local calling and related features, other voice services, and Fios TV service, unless otherwise indicated. Verizon Long Distance provides long distance calling and other services identified by "VLD" in the applicable billed line item. Verizon Online provides Internet service and Fios TV equipment. Fios is a registered mark of Verizon Trademark Services LLC.

**Late Payment Charge**

Effective February 1, the late payment charge for business customers will change to the rate paid on two-year United States Treasury notes for the preceding 12 months ending December 31, plus 10 percent.

**Paying by Wire Transfer or Check**

Please send an E-mail to [ACH-WIRE.Requests@one.verizon.com](mailto:ACH-WIRE.Requests@one.verizon.com) for bank account information and instructions. Your check may be processed as an Electronic Funds Transfer. When you provide a check as payment, you authorize Verizon either to use information from your check to make a one-time electronic funds transfer from your account or process the payment as a check transaction.

**Services****Bankruptcy Information**

If you are or were in bankruptcy, this bill may include amounts for pre-bankruptcy service. You should not pay pre-bankruptcy amounts; they are for your information only. Mail bankruptcy-related correspondence to 500 Technology Drive, Suite 550, Weldon Spring, MO 63304.

CITY OF GARDNER  
Account Number: 156-408-989-0001-01  
Bill Date: October 2, 2022

 **Get answers fast**  
• Visit [enterprisecenter.verizon.com](http://enterprisecenter.verizon.com)  
• Call 1.800.903.1526

**Past due:** **\$188.93** + **This month's charges:** **\$26.99** = **Total due:** **\$215.92**

Please pay immediately to keep enjoying your service.

Due by October 27.

 **Take action**  
• You have an overdue balance so your bill is higher than normal. If you haven't already, please pay the overdue balance, via one of our easy ways to pay.

 **This month's charges**

|                                  |                 |
|----------------------------------|-----------------|
| Services & Equipment             | \$26.99         |
| <b>Charges Due by October 27</b> | <b>\$26.99</b>  |
| <b>Past Due Pay Immediately</b>  | <b>\$188.93</b> |
| <b>Total Due</b>                 | <b>\$215.92</b> |



Return only this stub with your payment. We will not review or honor other written notifications. Visit [verizon.com](http://verizon.com).

Account Number: 156-408-989-0001-01

|                              |                        |
|------------------------------|------------------------|
| Charges Due by Oct 27, 2022: | \$26.99                |
| Past Due Pay Immediately:    | \$188.93               |
| <b>Total Due:</b>            | <b>\$215.92 100222</b> |

Make check payable to Verizon

\$ \_\_\_\_\_

CITY OF GARDNER  
95 PLEASANT ST R-226  
GARDNER MA 01440-2630

VERIZON  
PO BOX 15124  
ALBANY NY 12212-5124



V5 156408989000101 00000018893 000000215921

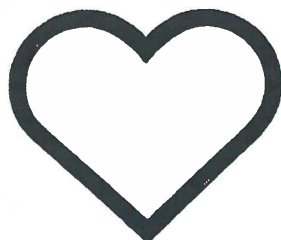
**CITY OF GARDNER**

Account Number: 156-408-989-0001-01

Bill Date: October 2, 2022

# Thanks for being you.

We know you have a choice...  
and we're happy to be yours.



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## Frequently Asked Questions

### Why does my bill fluctuate?

Your bill amount fluctuates when you:

- Request a change to your service
- Purchase or rent movies
- Use directory assistance
- Make calls outside of your calling plan
- Receive a promotional credit
- Lose a promotional credit
- Receive a price change

**CITY OF GARDNER**

Account Number: 156-408-989-0001-01

**Bill Date: October 2, 2022**



**Get answers fast**

• Visit [enterprisecenter.verizon.com](http://enterprisecenter.verizon.com)

• Call 1.800.903.1526

**Details of Payments**

**Payments**

Payment activity since last bill date.

|                                 |                 |
|---------------------------------|-----------------|
| Previous Balance                | 188.93          |
| No Payment Received             | <u>.00</u>      |
| <b>Past Due Pay Immediately</b> | <b>\$188.93</b> |

**Details of Charges**

**Services & Equipment**

Equipment and additional services to personalize your Verizon service.

|                               |              |           |
|-------------------------------|--------------|-----------|
| <b>Services</b>               |              |           |
| Basic Internet (978-632-0260) | <u>26.99</u> | 10/3-11/2 |

**Charges** **\$26.99**

**Total Due** **\$215.92**

**CITY OF GARDNER**

Account Number: 156-408-989-0001-01

**Bill Date: October 2, 2022****i Important****Manage Your Account Online**

1. Go to [www.verizonenterprise.com](http://www.verizonenterprise.com) and select register.
2. Enter your invitation code C3HC3X6Z76 and complete the simple registration process.
3. Upon signing into Verizon Enterprise Center you will have immediate access to your billing account.

The Invitation Code provided expires on 11/30/2022 and provides access to your billing information, including Customer Proprietary Network Information as defined by the FCC and the CPNI statute at 47 U.S.C. sec. 222(h) (1). Any person who enters the Invitation Code online will be understood by Verizon to be your authorized and authenticated representative. Protect this Invitation Code as you would any password.

**Customer Notices****Your Choices to Limit Use and Sharing of Information for Marketing**

You have choices about Verizon's use and sharing of certain information for the purpose of marketing new services to you. Verizon offers a full range of services, such as television, telematics, high-speed internet, video, and local and long distance services.

Unless you notify us as explained below, we may use or share your information beginning 30 days after the first time we notify you of this policy. Your choice will remain valid until you notify us that you wish to change it, which you have the right to do at any time. Verizon protects your information and your choices won't affect the provision of any services you currently have with us.

- Customer Proprietary Network Information

Customer Proprietary Network Information (CPNI) is information available to us solely by virtue of our relationship with you that relates to the type, quantity, destination, technical configuration, location, and amount of use of the telecommunications and interconnected VoIP services you purchase from us, as well as related billing information.

We may use and share your CPNI among our affiliates and agents to offer you services that are different from the services you currently purchase from us. If you don't want us to use or share your CPNI with our affiliates and agents for this purpose, let us know by calling us any time at 1.866.483.9700.

- Information about Your Credit

Information about your credit includes your credit score, the information found in your consumer reports and your account history with us. We may share this information among the Verizon family of companies for the purpose of marketing new services to you. If you don't want us to share this information among the Verizon family of companies for the purpose of marketing new services to you, let us know by calling us any time at 1.844.366.2879.

**MA Late Payment Charge**

To avoid a late payment charge of 0.818% of your total due, full payment must be received before Nov 4, 2022

**Service Providers**

Verizon MA provides regional, local calling and related features, other voice services, and Fios TV service, unless otherwise indicated. Verizon Long Distance provides long distance calling and other services identified by "VLD" in the applicable billed line item. Verizon Online provides Internet service and Fios TV equipment. Fios is a registered mark of Verizon Trademark Services LLC.

**Late Payment Charge**

Effective February 1, the late payment charge for business customers will change to the rate paid on two-year United States Treasury notes for the preceding 12 months ending December 31, plus 10 percent.

**Paying by Wire Transfer or Check**

Please send an E-mail to [ACH-WIRE.Requests@one.verizon.com](mailto:ACH-WIRE.Requests@one.verizon.com) for bank account information and instructions. Your check may be processed as an Electronic Funds Transfer. When you provide a check as payment, you authorize Verizon either to use information from your check to make a one-time electronic funds transfer from your account or process the payment as a check transaction.

**Services****Bankruptcy Information**

If you are or were in bankruptcy, this bill may include amounts for pre-bankruptcy service. You should not pay pre-bankruptcy amounts; they are for your information only. Mail bankruptcy-related correspondence to 500 Technology Drive, Suite 550, Weldon Spring, MO 63304.

157 256408969000101 0000002592 00000024917

VERIZON  
PO BOX 15124  
ATLANTA GA 30321-0124

CITY OF GANDLER  
85 W. EAGLE ST. R-289  
GANDLER WA 98440-2830

\$ \_\_\_\_\_

Change Due by Nov 27, 2022!  
Post Due Pay Amount: \$215.92  
Total Due: \$242.91  
Make check payable to Verizon

Account Number: 156-408-888-0001-01

Return by the above your payment. We will not take over or honor either notification: visitverizon.com.

This month's charges  
Services & Equipment \$28.98  
Charges Due by November 27 \$26.98  
Paid Due Pay Immediately \$215.92  
Total Due: \$242.91

Lost payment in  
2/2/22, 22-35  
\$26.99

**Take action**  
You need an overdue balance so your bill is higher than normal. If you haven't already, please pay the overdue balance, via a real, easy way to pay.

Pay due: **\$215.92**  
+ This month's charges: **\$26.99**  
= Total due: **\$242.91**

Get answers fast!  
Visit [enterprisecenter.verizon.com](http://enterprisecenter.verizon.com)  
Call 1.800.803.1526

acc# 156-408-989-0001-01

Account Number: 156-408-888-0001-01  
Bill Date: November 2, 2022

W# 62



Verizon Wireless  
Account Number: 156-108-889-0001-01  
Bill Date: November 2, 2022

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**What are the Taxes, Surcharges, and Fees on my bill?**

Your bill includes federal, state and local taxes, governmental surcharges and fees as well as Verizon surcharges and fees. Those charges vary depending on what products and services you have and in which state you use those products and services. For more information go to [verizon.com/taxesandfees](#).

**CITY OF GARDNER**  
 Account Number 156-408-889-0001-01  
 Bill Date: November 2, 2022

**Get answers fast**  
 - Visit [enterprisecenter.verizon.com](http://enterprisecenter.verizon.com)  
 - Call 1.800.903.1526

**Details of Payments**

**Payments**

|                                 |                 |
|---------------------------------|-----------------|
| Previous Balance                | 216.92          |
| No Payment Required             | <u>.00</u>      |
| <b>Past Due Pay Immediately</b> | <b>\$216.92</b> |

Payment activity since last bill date.

**Details of Charges**

**Services & Equipment**

|                               |                 |             |
|-------------------------------|-----------------|-------------|
| <b>Services</b>               |                 |             |
| Basic Internet (978-692-0260) | <u>28.99</u>    | 11/3 - 12/2 |
| <b>Charges</b>                | <b>\$28.99</b>  |             |
| <b>Total Due</b>              | <b>\$242.91</b> |             |

Equipment and additional services to personalize your Verizon service.

**CITY OF WARREN**

Account Number: 156-408-888-0001-01  
Bill Date: November 2, 2022

**Important**

AK2GKQ104D

**Manage Your Account Online**

1. Go to [www.verizon.com/enterprise](http://www.verizon.com/enterprise) and select register.
2. Enter your registration code AK2GKQ104D and complete the simple registration process.
3. Upon signing into Verizon Enterprise Center you will have immediate access to your billing account.

The Initial On-Device Period expires on 12/31/2022 and provides access to your Billing Information, including Customer Proprietary Network Information as defined by the FCC and the CPNI statute at 47 U.S.C. sec. 222 (b) (1). Any person who enters the Initial On-Device Period will be understood by Verizon to be your authorized and authenticated representative. Protect this Registration Code as you would any password.

**Customer Notices**

**Your Choices to Limit Use and Sharing of Information for Marketing**

You have choices about Verizon's use and sharing of certain information for the purpose of marketing new services to you. Verizon offers a full range of services, such as television, telephony, high-speed internet, video, and local and long distance services.

Unless you notify us as explained below, we may use or share your information beginning 30 days after the time we notify you of this policy. Your choice will remain valid until you notify us that you wish to change it, which you have the right to do at any time. Verizon protects your information and your choices won't affect the provision of any services you currently have with us.

**Customer Proprietary Network Information**

Customer Proprietary Network Information (CPNI) is information available to us solely by virtue of our relationship with you that relates to the type, quantity, destination, technical configuration, location, and amount of use of the telecommunications and/or connected VoIP services you purchase from us, as well as related billing information.

We may use and share your CPNI among our affiliates and agents to offer you services that are different from the services you currently purchase from us. If you don't want us to use or share your CPNI with our affiliates and agents for this purpose, let us know by calling us any time at 1.888.483.8700.

**Information about Your Credit**

Information about your credit includes your credit score, the information found in your co-sumer reports and your account history with us. We may share this information among the Verizon family of companies for the purpose of marketing new services to you. If you don't want us to share this information among the Verizon family of companies for the purpose of marketing new services to you, let us know by calling us any time at 1.844.336.2878.

**MA Late Payment Charge**

To avoid a late payment charge of 0.51% of your total due, full payment must be received before Dec 6, 2022.

**Service Providers**

Verizon MA provides regional local calling and related features, other voice services, and FiOS TV service, unless otherwise indicated. Verizon Long Distance provides long distance calling and other services identified by "VLD" in the applicable billed line item. Verizon Online provides Internet service and FiOS TV equipment. FiOS is a registered mark of Verizon Trademark Services LLC.

**Late Payment Charge**

Effective February 1, the late payment charge for business customers will change to the rate paid on two-year United States Treasury notes for the preceding 32 months ending December 31, plus 10 percent.

**Paying by Wire Transfer or Check**

Please send an E-mail to [ACHWIRERequests@bny.verizon.com](mailto:ACHWIRERequests@bny.verizon.com) for bank account information and instructions. Your check may be processed as an Electronic Funds Transfer. When you provide a check as payment, you authorize Verizon either to use information from your check to make a one-time electronic funds transfer from your account or process the payment as a check transaction.

**Services**

**Bankruptcy Information**

If you are or were in bankruptcy, this bill may include amounts for pre-bankruptcy services. You should not pay pre-bankruptcy amounts that are for your information only. Mail bankruptcy-related correspondence to 500 Technology Drive, Suite 850, Woburn, Sping, MA 01896.



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

RECEIVED

2022 DEC -1 PM 4:03

CITY CLERK'S OFFICE  
GARDNER, MA

December 1, 2022

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

RE: Appropriation Transfer Request- Veterans Services

Dear Madam President and Councilors,

Due to anticipated expansion of the Veterans Service Department, and the volume of work the office is already experiencing, the Administration is requesting that funding be transferred from the expenses of the Veterans Service Department to the Assistant Director of Veterans Services Salary line item to bring the position up to full time.

Director Gabriela and her staff have been working diligently to help our City's veterans obtain the benefits that they have earned through their service to our country. During this work, Director Gabriela noted that several of our Chapter 115 Veterans could have been receiving benefits at a higher rate from the Veteran's Administration (VA), which also benefits the City by removing these benefits from the City Budget while the Veteran obtains a higher paid benefit directly from the Federal Government.

Along with this, approximately ten (10) of the veterans we assist have passed away during since the fiscal year began.

As such, there is a projected large surplus in the City's Veteran's Benefits line item. Even if this transfer occurs, we predict a remaining \$70,000 surplus in this line item.

Therefore, I am asking that the transfer be from this line item to the salary line item as explained above.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

AN ORDER TRANSFERRING APPROPRIATIONS FROM VETERAN DEPT,  
VETERANS BENEFIT OPERATING EXPENDITURES TO CLERK/ASSIST  
SALARIES AND WAGES EXPENDITURES.

*ORDERED:*

That there be and is hereby transferred the appropriations sum of Thirty-Six  
Thousand Five Hundred Dollars and No Cents (\$36,500.00) from Veterans Department,  
Veterans Benefit Operating Expenditures to Clerk/Assist Salaries and Wages  
Expenditures.

**Mayor**

---

**From:** Lynette Gabriela  
**Sent:** Thursday, December 1, 2022 3:57 PM  
**To:** Mayor  
**Cc:** Titi Siriphan  
**Subject:** Assistant Director - Veterans' Services

Good Afternoon Mike & Titi,

Please request from City Council to allow a transfer from Veterans Benefits (15543-57100) of \$36,500 to VSO Salary & Wages (15543-51012) to cover the cost of making the Assistant Director/VSO position full-time. This would cover 6 months of the \$55,000 annual salary and 6 months of family benefits for the remainder of this fiscal year. With my projection for the rest of the fiscal year, I will still have approximately \$70,000 remaining in my budget.

Thank you,

**Lynette R. Gabriela, MSW**  
**Veterans' Services Director**  
**Wachusett District**

*Servicing Ashburnham, Gardner, Princeton & Westminster*

95 Pleasant Street, Room #14

Gardner, MA 01440-2668

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

978.630.4017 (Office)

978.630.4057 (Fax)

*Confidentiality Notice: This email message, including any attachments, is for the use of the intended recipient(s) only and may contain information that is privileged, confidential, and prohibited from unauthorized disclosure under applicable law. If you are not the intended recipient of this message, any dissemination, distribution, or copying of this message is strictly prohibited. If you received this message in error, please notify the sender by reply email and destroy all copies of the original message and attachments. Please be advised that the Massachusetts Secretary of State considers e-mail to be a public record, and therefore subject to public access under the Massachusetts Public Records Law, M.G.L. c. 66 section 10*



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

RECEIVED

2022 NOV 30 PM 12:37

CITY CLERK'S OFFICE  
GARDNER, MA

November 30, 2022

Hon. Elizabeth J. Kazinskas, Council President  
And City Councilors

Gardner City Hall, Rm 121  
95 Pleasant St  
Gardner, MA 01440

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

Dear Madam President and Councilors,

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

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

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

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

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

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

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

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

**C. Non-Union Staff Positions**

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

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





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

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

November 28, 2022

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

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

Dear Madam President and Councilors,

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

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

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

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

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

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

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

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

**§428-6: City Exemption**

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

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

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

**CITY OF GARDNER POLICE DEPARTMENT**

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



**Eric P. McAvene**  
Chief of Police

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

November 28, 2022

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

Re: Hawkers and Peddlers Code Change

Dear Mayor,

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Nicholas P. Maroni".

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

Cc: Chief of Police Eric P. McAvene



# CITY OF GARDNER POLICE DEPARTMENT

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



Eric P. McAvene  
Chief of Police

Nicholas P. Maroni  
Deputy Chief of Police

December 1, 2022

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

Re: Regan Street One-Way Proposal

RECEIVED  
2022 DEC -1 PM 12:12  
CITY CLERK'S OFFICE  
GARDNER, MA.

Dear Madam President and Councilors,

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

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

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

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

Very truly yours,

Eric P. McAvene  
Chief of Police

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

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

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

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

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



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

RECEIVED

2022 DEC -1 PM 4:15

CITY CLERK'S OFFICE  
GARDNER, MA

December 1, 2022

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

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

Dear Madam President and Councilors,

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

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

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

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

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

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

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

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

November 22, 2022

RECEIVED  
2022 NOV 22 PM 2:13  
CITY CLERK'S OFFICE  
WORCESTER, MA

**Commonwealth of Massachusetts**

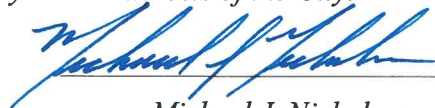
*Worcester County*

*City of Gardner*

**CERTIFICATE OF APPOINTMENT**

I appoint Anthony Whitman to the position of Local Inspector, and I certify

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

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

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

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

Expires: November 22, 2025

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

Then personally appeared the above named Anthony Whitman and made oath that he/she would faithfully and impartially perform the duties of the office of Local Inspector according to law and the best of his/her abilities.

Before me,  
\_\_\_\_\_  
City Clerk

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_





# CITY OF GARDNER

**FIRE DEPARTMENT**  
70 CITY HALL AVENUE  
GARDNER, MA 01440-2671

**OFFICE OF FIRE CHIEF**  
**GREGORY F. LAGOY**

**(978) 632-1616 Ext. 5**  
**FAX (978) 630-4028**

November 22, 2022

Mayor Michael Nicholson  
95 Pleasant Street  
Gardner, MA 01440

**RE: Fire Department Appointment**

Dear Mayor Nicholson,

I am writing to update you on the recent appointment of a new Firefighter to the Gardner Fire Department. Firefighter Joshua Chaples comes to us with significant firefighting experience, including working as a Call Firefighter with the Towns of Sterling and Palmer, and most recently as a Career Firefighter with the Town of Monson. Due to his extensive training and experience, he is exempt from the requirement to attend the Recruit Training Program at the Massachusetts Firefighting Academy. He has completed in-house training and is now assigned to Group 4 as part of the Firefighting Force.

Respectfully,

Gregory F. Lagoy  
Fire Chief

RECEIVED

2022 NOV 30 PM 12:37

CITY CLERK'S OFFICE  
GARDNER, MA

*Effective December 5, 2022*


***Commonwealth of Massachusetts***

*Worcester County*


*City of Gardner*

**CERTIFICATE OF APPOINTMENT**

*I appoint Joshua Chaples, to the position of Firefighter, of the Gardner Fire Department  
and I certify that in my opinion he is a person specially fitted by education, training, or experience  
to perform the duties of said office and that I make the appointment solely in the interests of the City.*

  
\_\_\_\_\_  
*Gregory F. Lagoy* Fire Chief

Confirmed by City Council: Not Required

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

Expires: Permanent.

*Worcester, ss., December 5, 2022*

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

*Before me,*  
\_\_\_\_\_  
*City Clerk*

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

*Received* \_\_\_\_\_



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

RECEIVED

2022 NOV 30 PM 12:37

CITY CLERK'S OFFICE  
GARDNER, MA

November 28, 2022

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

RE: Request for Meeting to be Scheduled for the Purpose of the State of the City Address

Dear Madam President and Councilors,

Has been done in January of odd numbered years in the past by the City's Mayors, I am requesting that a meeting be scheduled so that I may deliver to the City Council a report on the State of the City.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



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

RECEIVED  
2022 OCT 26 PM 2:29  
CITY CLERK'S OFFICE  
GARDNER, MA

October 21, 2022

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

RE: Authorization for Payment of Previous Fiscal Year Bill – Medical Exams

Dear Madam President and Councilors,

Attached, please find a bill for pre-employment placement physical exams and drug tests that deals with exams done in the previous fiscal year that was not received until after the books had closed for FY2022.

The General Laws of the Commonwealth require that the City Council vote to authorize use of current FY2023 funds to pay this bill with a nine-tenths (9/10<sup>th</sup>) vote threshold.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

## AUTHORIZING PAYMENT OF PRIOR YEAR OPERATING EXPENDITURE

*ORDERED:* To authorize payment of prior year HUMAN RESOURCES operating expenditure account for prior year, as follows:

|        |                                  |            |
|--------|----------------------------------|------------|
| FY2022 | HUMAN RESOURCES MEDICAL EXAM EXP | \$2,015.00 |
|--------|----------------------------------|------------|



**City of Gardner  
Department of Human Resources  
95 Pleasant Street, Rm. 226  
Gardner, MA 01440**

**(978) 630-4001 ● Fax (978) 630-4025**

---

**TO:** Michael Nicholson, Mayor

**FROM:** Debra A. Pond  
Director of Human Resources

**DATE:** October 21, 2022

**SUBJECT:** FY22 Medical Invoice

---

Attached is Invoice No. 145164C192 in the amount of \$2,015.00 for pre-placement physicals and drug tests dated June 27, 2022. This invoice came in mid to late July and during the time frame that I was dealing with my father's death. Unfortunately, it was not processed during the grace period for FY22.

Respectfully, I am requesting the ability to pay this invoice out of the FY23 Human Resources Department budget.

Thank you.

10815

60-5741

**INVOICE**

From:

HEYWOOD MEDICAL GROUP  
Tax ID: 043163589

Invoice ID: 145164C192  
Invoice Date: 06/27/2022

**Total Due: \$2,015.00**

To:

CITY OF GARDNER  
95 PLEASANT STREET  
ROOM 14 ATTN: DEBBIE POND  
GARDNER MA 01440

Please return top portion with payment to:

HEYWOOD MEDICAL GROUP  
PO BOX 5625  
BELFAST ME 049155600



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

RECEIVED

2022 SEP -1 PM 2:15

CITY CLERK'S OFFICE  
 GARDNER, MA

August 23, 2022

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

RE: An Act to Establish a Special Act Charter Drafting Committee

Dear Madam President and Councilors,

The current City Charter was originally drafted ninety-nine (99) years ago, and aside from a few small changes, has remained largely the same over the course of the last century.

In both a spirit of collaboration between the branches of the City's government and a spirit of looking forward, I am asking that the City Council vote to establish a Special Act Charter Drafting Committee to review our City Charter and submit proposed amendments in order to keep the business of the City's government up to date in modern times.

As we approach the document's 100<sup>th</sup> anniversary on January 1<sup>st</sup> of this year, I believe it would be prudent to update the Charter to ensure the operations of the City's government are meeting the needs of a modern municipality.

While I fully believe the structure of the City's Mayor-Council form of government works well and fits what this City needs, I do believe that some of the systems and operational aspects of the existing charter could be updated.

Over the past 100 years, our world as a whole has gone through a Great Depression, two World Wars, the Cold War, and a global pandemic. Since the current document was enacted, man has landed on the moon, the airplane was invented, the Berlin Wall was constructed and torn down, the Civil Rights Act was adopted, citizens between the ages of 18 and 21 were given the right to vote, and eighteen (18) individuals have held the office of President of the United States.

In all of the aforementioned events, the world changed and adapted to meet the times - as we as a City must also do. A lot has changed over the past century, and as we move forward to a stronger tomorrow, we must make sure this City has all of the tools and processes it needs to be successful in dealing with the obstacles, issues, and opportunities that were not yet even dreamt of when the current Charter was penned in 1921 and enacted in 1923.

Respectfully,

Michael J. Nicholson  
 Mayor, City of Gardner



**AN ACT TO ESTABLISH A  
SPECIAL ACT CHARTER DRAFTING COMMITTEE**

BE IT VOTED BY THE CITY COUNCIL AS FOLLOWS:

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



City of Gardner – *Executive Department*

Mayor Michael J. Nicholson

September 27, 2022

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

RECEIVED  
 2022 SEP 28 PM 2:07  
 CITY OF GARDNER MA

RE: Follow Up Regarding *Item #19781: An Act Relative to Establishing a Special Act Charter Drafting Committee*

Dear Madam President and Councilors,

At the City Council Meeting of September 7, 2022, the question was raised as to what potential changes the Administration thought could be looked into and updated in the existing charter.

I believe, and what is outlined in the General Laws is that is the purview of the charter review committee themselves. However, I do respect the question concerning whether or not there is merit in creating a committee to review the Charter or not. With that said, I think to facilitate the practical considerations of this process, I should elucidate the Council with respect to the suggestions I intend to make in order for that question to be more thoroughly answered, at least concerning my intentions.

As such, I have outlined the issues and updates that I believe should be reviewed in the City Charter as it exists today.

However, I feel the need to reiterate that the question currently before the City Council is whether or not to create the committee to review the charter, and **NOT** on the items I have listed below. The committee, if created may, in the end, look at any, all, none, or other sections of the Charter in their process, and the items listed below are just the items I believe merit consideration.

Furthermore, the question was asked as to the number of members of the Committee. The initial proposal only had the minimum number required for a committee as a way to begin the conversation. I do believe that adding additional members appointed by the City Council or the Council President would allow for a more thorough, vetted, and collaborative process. However, I would caution that a committee too large in size may also hinder the work and quality of the final product. Furthermore, as you will see in your review of my suggestions, I have consolidated the work that was done years ago, by the review committee, the City Council, and the outside consultant to focus on what I believe were then areas of greatest and clearest consensus. Therefore I believe this can be a more concise and expedient process.

Respectfully Submitted,

Michael J. Nicholson  
 Mayor, City of Gardner

# PROPOSED AMENDMENTS FOR CONSIDERATION BY CHARTER REVIEW COMMITTEE

In the event that the Special Act Charter Drafting Committee is created by vote of the City Council, the Administration plans to submit the following suggestions to the Committee for their review.

Additions are coded in green

Deletions are coded in red in ~~strike print~~

## **Proposed Amendment 1:**

### Current Section:

SECTION 4. There shall be a mayor, elected by and from the qualified voters of the city, who shall be the chief executive officer of the city. He shall hold office for the term of two years from the first Monday in January following his election and until his successor is elected and qualified.

### Proposed Amendment:

SECTION 4. There shall be a mayor, elected by and from the qualified voters of the city, who shall be the chief executive officer of the city. He shall hold office for the term of two years from the first Monday in January following his election and until his successor is elected and qualified. **In the event that first Monday falls on a legal holiday, the term shall begin on the following day, and shall continue until a successor has been qualified.**

### Reasoning:

The current Charter requires that the current terms of office for all City elected officials begin on the first Monday in January regardless of whether the first Monday in January is New Years Day or not. This has lead to times where City Hall has had to been open on New Years Day so that the oath of office could be administered by the City Clerk, and leaves times when some elected officials have had to take their oaths of office at different times due to family commitments on the holiday.

This would fix that by moving the date to the day after the holiday, similar to other portions of the Charter, such as the schedule of meetings for the City Council.

This proposed change was originally included in the proposal submitted by the 2015 Charter Review Committee.

## **Proposed Amendment 2:**

### Current Section:

SECTION 5. The Legislative powers of the city shall be vested in a city council. The city council shall be composed of not less than eleven members, of whom one shall be elected from each ward by and from the qualified voters of that ward, and the remaining members shall be elected at large by and from the qualified voters of the city. One of its members shall be elected annually by the council as its president. (At the first regular city election after acceptance of this act the councilors elected from each ward shall serve for one year and those elected at large for two years, from the first Monday in January following their election and until their successors are elected and qualified. (Deleted by Ch. 332 of the Acts of 1936). At each regular city election thereafter, their respective successors shall be elected to serve for two years. If the number of wards shall be increased, as provided in section two, the number of councilors shall also be increased, so that the number of councilors elected at large shall always exceed by one the number elected by wards.

Proposed Changes:

SECTION 5. **THE CITY COUNCIL**

- A) The Legislative powers of the city shall be vested in a city council.
- B) The city council shall be composed of not less than eleven members, of whom one shall be elected from each ward by and from the qualified voters of that ward, and the remaining members shall be elected at large by and from the qualified voters of the city.
- C) One of its members shall be elected **annually** by the council as its president.
- ~~D) (At the first regular city election after acceptance of this act the councilors elected from each ward shall serve for one year and those elected at large for two years, from the first Monday in January following their election and until their successors are elected and qualified. (Deleted by Ch. 332 of the Acts of 1936).~~
- E) At each regular city election ~~thereafter, their respective successors~~ city councilors shall be elected to serve for two years. If the number of wards shall be increased, as provided in section two, the number of councilors shall also be increased, so that the number of councilors elected at large shall always exceed by one the number elected by wards.

Reasoning:

Formatting change for ease of access and understanding of information.

c) This change would remove the term of office for the Council President from the City Charter, but the Rules of the City Council would still apply to the President's election. Whereas the Charter is silent on electing a president after the year has started, in the event of a resignation as president or loss of confidence by the Council, but the Rules of the City Council due address those concerns, I believe the procedures for electing the president are more suited for the Rules of the Council rather than the Charter.

D and E) Subsection D applies to the 1925 City election and this section was deleted from the City Charter by Chapter 332 of the Acts of 1936 but never removed from the document. The Amendment to subsection E is made to coincide with the removal of subsection D.

**PROPOSED AMENDMENT 3:**

Current Section:

SECTION 6. All heads of departments and members of municipal boards, except the school committee, the city clerk, city treasurer, city auditor and city collector of taxes, officers whose election is provided for by this act and officials appointed by the governor, shall be appointed by the mayor, subject to confirmation by the city council; but the city solicitor shall be appointed by the mayor, without confirmation by the city council.

Proposed Amendment:

SECTION 6. **APPOINTMENTS**

- a) All heads of departments and members of municipal boards, except the school committee, the city clerk, city treasurer, city auditor and city collector of taxes, officers whose election is provided for by this act and officials appointed by the governor, shall be appointed by the mayor, subject to confirmation by the city council;
- b) ~~but the city solicitor~~ All members of the Law Department shall be appointed by the mayor, without confirmation by the city council.

Reasoning:

Formatting change for ease of access and understanding to information.

B) Places the Assistant City Solicitor position in the same appointment process as the City Solicitor, in keeping with the current spirit of the Charter of the Law Department reporting directly to the Mayor.

**PROPOSED AMENDMENT 4:**

Current Section:

SECTION 9. The city clerk, city treasurer, city auditor and city collector of taxes shall be elected by the city council for terms of three years and may be removed at any time by a two- thirds vote of the city council.

Proposed Amendment:

SECTION 9. The city clerk, city treasurer, city auditor and city collector of taxes shall be elected by the city council for terms of three years and may be removed at any time by a two- thirds vote of the city council. The person so removed shall 15 receive a copy of the reasons for removal and may, if desired, to contest the same before 16 the city council and may be represented by counsel at the hearing.

Reasoning:

This amendment was proposed in the amendment to the City Charter proposed by the City Council in 2016.

**PROPOSED AMENDMENT 5:**

Current Section:

SECTION 11. The mayor shall receive for this services such salary as the city council by ordinance shall determine and he shall receive no other compensation from the city. His salary shall not be increased or diminished during the term for which he is elected.

The council may, by a two thirds vote of all its members, taken by a call of the yeas and nays, establish a salary for its members. Such salary may be reduced but no increase therein shall be made to take effect during the year in which the increase is voted. (As amended by Chapter 184 of the Acts of 1939 and Compilation of City Ordinance No. 40.)

Proposed Amendment:

SECTION 11. The mayor shall receive for ~~this~~ their services such salary as the city council by ordinance passed by majority vote shall determine and he shall receive no other compensation from the city. His salary shall not be increased or diminished during the term for which he is elected.

The council may, by majority vote of all its members, taken by a call of the yeas and nays, establish a salary for its members. Such salary may be reduced but no increase therein shall be made to take effect during the year in which the increase is voted. ~~(As amended by Chapter 184 of the Acts of 1939 and Compilation of City Ordinance No. 40.)~~

Reasoning:

The first proposal – “this services” to “their services” – appears to have been a typographical error.

The vote threshold is a suggestion that follows what other cities have adopted.

Lastly, removing the statutory reference that was adopted in 1939

**PROPOSED AMENDMENT 6:**Current Section:

SECTION 12. On the fourth Tuesday preceding every regular and special city election at which any officer mentioned in this act is to be elected, there shall be held a preliminary election for the purpose of nominating candidates for such offices as, under the provisions of this act, are to be filled at such election. Voters qualified to vote at a regular city election shall be qualified to vote at a preliminary election. No special election for mayor or any officer shall be held after the expiration of forty days from the calling of the preliminary election. (See also G.L. Chap. 54 sec. 103A as amended).

Proposed Amendment:

SECTION 12. On the ~~fourth~~ seventh Tuesday preceding every regular and special city election at which any officer mentioned in this act is to be elected, there shall be held a preliminary election for the purpose of nominating candidates for such offices as, under the provisions of this act, are to be filled at such election. Voters qualified to vote at a regular city election shall be qualified to vote at a

preliminary election. No special election for mayor or any officer shall be held after the expiration of forty days from the calling of the preliminary election. (~~See also G.L. Chap. 54 sec. 103A as amended~~).

Reasoning:

This amendment was proposed in the amendment to the City Charter proposed by the City Council in 2016.

I would also agree with this due to all of the statutory changes regarding elections that have been adopted by the legislature in the last three years.

**PROPOSED AMENDMENT 7:**

Current Section:

SECTION 23. On the first Monday in January the mayor-elect and the councilors-elect shall meet and be sworn to the faithful discharge of their duties. The oath may be administered by the city clerk or by any justice of the peace, and a certificate that the oath has been taken shall be entered on the journal of the city council. At any meeting thereafter the oath may be administered, in the presence of the city council, to the mayor, or to any councilor absent from the meeting on the first Monday in January.

Proposed Amendment:

SECTION 23: On the first Monday in January or on the following day whenever said first Monday shall also be New Year's Day, the mayor-elect and the councilors-elect shall meet and be sworn to the faithful discharge of their duties. The oath may be administered by the city clerk or by any justice of the peace, and a certificate that the oath has been taken shall be entered on the journal of the city council. At any meeting no more than sixty (60) days thereafter the oath may be administered, in the presence of the city council, to any councilor absent from the meeting on the first Monday in January. The Council may, upon a two-thirds vote extend the period of time in which a councilor-elect has to take the oath of office up to ninety (90) additional days. If the mayor-elect fails to take the office as set forth herein, the office of Mayor shall be filled pursuant to Section 32. If the mayor-elect continues in his or her failure to take the oath of office for a period of six (6) months after the first Monday in January, the office shall be deemed vacant and thereafter filled in accordance with Section 32.

Reasoning:

This amendment was proposed in the amendment to the City Charter proposed by the City Council in 2016.

**PROPOSED AMENDMENT 8:**

Current Section:

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 mayor at any time may attend and address the city council in person, or through the head of a department or a member of a board, upon any subject. 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.

Proposed Amendment:

SECTION 25. The city council may, **by majority vote**, 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 mayor at any time may attend and address the city council in person, or through the head of a department or a member of a board, upon any subject. 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.

Reasoning:

The proposed amendment seeks to clarify the procedure listed in Section 25 for the City Council issuing a specific information request of the Executive.

**PROPOSED AMENDMENT 9:**

Current Section:

SECTION 26. No ordinance shall be passed finally on the date on which it is introduced, except in cases of special emergency involving the health or safety of the people or their property.

No ordinance shall be regarded as an emergency measure unless the emergency is defined and declared in a preamble thereto separately voted on and receiving the affirmative vote of two thirds of the members of the city council.

No ordinance making a grant, renewal or extension, whatever its kind or nature, of any franchise or special privilege shall be passed as an emergency measure, and except as provided in sections seventy and seventy-one of chapter one hundred and sixty-four of the General Laws and in chapter one hundred and sixty-six thereof, no such grant, renewal or extension shall be made otherwise than by ordinance.



Proposed Amendment:

SECTION 26. No ordinance shall be passed finally on the date on which it is introduced, except in cases of special emergency ~~involving the health or safety of the people or their property.~~

No ordinance shall be regarded as an emergency measure unless the emergency is defined and declared in a preamble thereto separately voted on and receiving the affirmative vote of two thirds of the members of the city council.

No ordinance making a grant, renewal or extension, whatever its kind or nature, of any franchise or special privilege shall be passed as an emergency measure, and except as provided in sections seventy and seventy-one of chapter one hundred and sixty-four of the General Laws and in chapter one hundred and sixty-six thereof, no such grant, renewal or extension shall be made otherwise than by ordinance.

Reasoning:

Allowing greater flexibility in what can be deemed an emergency, since the City Council must vote to approve emergency designation by two-thirds vote anyway.

**PROPOSED AMENDMENT 10:**Current Section:

SECTION 29. Every proposed ordinance, except emergency measures, as hereinbefore defined, shall at least ten days before its final passage, be published in full in at least one newspaper of the city, and in any additional manner that may be provided by ordinance.

After final passage, it shall, in the same manner as before, again be published once, as amended and completed, except in the case of an emergency ordinance which may be passed as hereinbefore provided and which shall take effect on its passage, and shall so be published at the earliest practicable moment. (Section 29 is given as amended by Chapter 65 of the Acts of 1935.)

Proposed Amendment:

SECTION 29. Every proposed ordinance, except emergency measures, as hereinbefore defined, shall at least ten days before its final passage, be published ~~in full~~ in summary in at least one newspaper of the city, and in any additional manner that may be provided by ordinance.

After final passage, it shall, in the same manner as before, again be published once, as amended and completed, in summary, except in the case of an emergency ordinance which may be passed as hereinbefore provided and which shall take effect on its passage, and shall so be published at the earliest practicable moment. ~~(Section 29 is given as amended by Chapter 65 of the Acts of 1935.)~~

Reasoning:

This amendment was originally suggested by the City Clerk's Office during the 2016 City Charter review as a means to save on publication costs for the publications of ordinances, particularly those of longer length- like the annual compensation schedule ordinance.

### **PROPOSED AMENDMENT 11:**

#### Current Section:

SECTION 30. Every order, ordinance, resolution and vote relative to the affairs of the city, adopted or passed by the city council, shall be presented to the mayor for his approval. If he approves it he shall sign it; if he disapproves it he shall return it, with his objections in writing, to the city council, which shall enter his objections at large on its records, and again consider it. If the city council, notwithstanding such disapproval of the mayor, shall again pass such order, ordinance, resolution or vote by a two thirds vote of all the members of the city council, it shall then be in force, but such vote shall not be taken for seven days after its return to the city council. Every such order, ordinance, resolution or vote shall be in force if it is not returned by the mayor within ten days after it was presented to him. This section shall not apply to budgets submitted under section thirty-two of chapter forty-four of the General Laws or to appropriations by the city council under section thirty-three of said chapter.

#### Proposed Amendment:

SECTION 30. Every order, ordinance, resolution and vote relative to the affairs of the city, adopted or passed by the city council, shall be presented to the mayor for his approval. If he approves it he shall sign it; if he disapproves it he shall return it, with his objections in writing, to the city council, which shall enter his objections at large on its records, and again consider it. **The mayor may also submit proposed amendments and revisions to measures presented for signature by the City Council, which the City Council may consider to amend the measure and send it back to the Mayor for signature.** If the city council, notwithstanding such disapproval of the mayor, shall again pass such order, ordinance, resolution or vote **unamended as originally presented** by a two thirds vote of all the members of the city council, it shall then be in force, but such vote shall not be taken for seven days after its return to the city council. Every such order, ordinance, resolution or vote shall be in force if it is not returned by the mayor within ten days after it was presented to him. This section shall not apply to budgets submitted ~~under section thirty-two of chapter forty-four of the General Laws~~ or to appropriations by the city council ~~under section thirty-three of said chapter.~~ Pursuant to the provisions of the General Laws.

#### Reasoning:

This is a change that some communities in the Commonwealth have begun to adopt following the procedures of the Executive and Legislature at the Commonwealth level.

This gives all proposed measures that have been voted on by the City Council one final chance for consideration and collaboration between the branches of government for compromise rather than the current system of just adoption, "veto," or "veto overrides" (disapproval and vote over disapproval).

By doing so, it allows for greater deliberation in order to truly get the best final result for the City's residents.

The final amendment removes the references to specific sections of the General Laws of the Commonwealth, as those could change with any amendments adopted by the General Court.

### **PROPOSED AMENDMENT 12:**

#### **Current Section:**

SECTION 31. The civil service laws shall not apply to the appointment of the mayor's secretaries nor of stenographers, clerks, telephone operators and messengers connected with his office, and the mayor may remove such appointees without a hearing and without making a statement of the cause for their removal.

#### **Proposed Amendment:**

SECTION 31. The civil service laws shall not apply to the appointment of any position within the mayor's office, and the mayor may remove such appointees without a hearing and without making a statement of the cause for their removal.

#### **Reasoning:**

This amendment was proposed in the amendment to the City Charter proposed by the City Council in 2016.

### **PROPOSED AMENDMENT 13:**

#### **Current Section:**

SECTION 32. If a vacancy occurs in the office of mayor before the last six months of the term of office, the city council shall order an election to fill the same for the unexpired term; and if such vacancy occurs in the office of the mayor in the last six months of said term, the president of the city council shall succeed thereto for the unexpired term.

If a vacancy occurs in the position of councilor at large, the city council shall appoint the person who received the seventh highest vote total for the position of councilor at large during the most recent municipal election to fill the vacancy for the unexpired term, if the person is willing to serve, then to the eighth and so on until a person is appointed.

If a vacancy occurs in the position of ward councilor, the city council shall appoint the person from the same ward who received the next highest vote total in the most recent municipal election to fill the vacancy for the unexpired term, except that if there was not another candidate for the ward councilor position, then the city council, by a majority vote, may elect a resident of the same ward to fill the vacancy for the unexpired term.

If the Mayor is absent or unable from any cause temporarily to perform his duties, or if his office is vacant during the first eighteen months of his term, his duties shall be performed by the president of the city council. The person upon whom such duties shall devolve shall be called “acting mayor”, and he shall possess the powers of mayor only in matters not admitting of delay, but shall have no power to make permanent appointments.

Should an appointive officer of the city be temporarily unable for any cause to perform his duties, the mayor or the city council, whichever has the power of original appointment, may make a temporary appointment of some person to act until the official shall resume his duties. (Section 32 is given as amended by Chap.590 Acts of 1975.)

Proposed Amendment:

SECTION 32. If a vacancy occurs in the office of mayor before the last ~~six~~ twelve months of the term of office, the city council shall order an election to fill the same for the unexpired term; and if such vacancy occurs in the office of the mayor in the last ~~six~~ twelve months of said term, the president of the city council shall succeed thereto for the unexpired term.

If a vacancy occurs in the position of councilor at large, the city council by a majority vote, shall elect a resident of the City at large to fill the vacancy for the unexpired term. ~~appoint the person who received the seventh highest vote total for the position of councilor at large during the most recent municipal election to fill the vacancy for the unexpired term, if the person is willing to serve, then to the eighth and so on until a person is appointed.~~

If a vacancy occurs in the position of ward councilor, the city council ~~shall appoint the person from the same ward who received the next highest vote total in the most recent municipal election to fill the vacancy for the unexpired term, except that if there was not another candidate for the ward councilor position, then the city council,~~ by a majority vote, ~~may~~ shall elect a resident of the same ward to fill the vacancy for the unexpired term.

If the Mayor is absent or unable from any cause temporarily to perform his duties, or if his office is vacant during the first ~~eighteen~~ twelve months of his term, his duties shall be performed by the president of the city council. The person upon whom such duties shall devolve shall be called “acting mayor”, and he shall possess the powers of mayor ~~only in matters not admitting of delay~~, but shall have no power to make permanent appointments or removal from city service unless the disability or absence of the mayor shall extend beyond sixty (60) days nor shall an acting mayor approve or disapprove of any measure adopted by the city council unless the time within which the mayor must act would expire before the return of the mayor. In the event that the office of Mayor shall be vacated due to resignation or death prior to the end of the term, the acting mayor shall be entitled to the compensation as city council president in addition to ninety-percent (90%) the current rate of compensation of the mayor.

Should an appointive officer of the city be temporarily unable for any cause to perform his duties, the mayor or the city council, whichever has the power of original appointment, may make a temporary appointment of some person to act until the official shall resume his duties. ~~(Section 32 is given as amended by Chap.590 Acts of 1975.)~~

Reasoning:

*Mayoral Special Election and Acting Mayor Timeline:*

Elections are quite costly for the City and the requirements that have recently been put on elections by recent changes to the General Laws have only expanded the requirements for elections.

If someone holding the position of Mayor were to resign on January 1<sup>st</sup> in an odd numbered year, the earliest a preliminary election could be called would likely be in Mid-March, around the same time that nomination papers would be issued by the City Clerk's Office for the regular city election that same year- and that's with a January 1<sup>st</sup> resignation. The timeline only pushes closer as the year progresses.

Under the current system, between preliminary elections and final elections, there could be four (4) elections within the same calendar year for the same position, each with a cost of approximately \$15,000.

This proposed amendment allows the Acting Mayor to serve for the last year of the term to let the final decision be made by the voters during the regularly scheduled biennial City election. This would help keep elections consistent for the voters, as historical data in the City of Gardner shows that more voters turn out in regularly scheduled elections than in special elections, and help keep costs and excess procedures down for the City during these periods.

*Powers of the Acting Mayor:*

A lot has changed in how the City operates and functions since this section of the City Charter was drafted a century ago.

The phrase "in matters not admitting of delay," really constricts City operations that require mayoral consent and approval when there is a period with an Acting Mayor. Whether the current timeline changes or stays the same, only being able to conduct "matters not admitting of delay," can cause confusion as to what can and cannot be done and can hinder the City's progress.

The proposed amendment gives the Acting Mayor the powers of Mayor except in specific cases with procedures on how to proceed when those exceptions arise.

While most periods with an acting mayor are anomalies, the purpose of the City Charter is to protect the City when anomalies arise and to ensure that the City has the resources and tools necessary to care and serve the City's residents.

*Compensation of the Acting Mayor:*

This mirrors, in spirit, the legislation that the City proposed to the Legislature as a home rule petition when the City had an acting mayor in the spring of 2020.

Under the current system, the Council President is only entitled to the compensation they receive as Council President, even if they are serving in an Acting Mayor capacity. As such, it really limits whether someone is able to truly serve the City with the attention that the position of mayor deserves in providing executive functions and oversight, unless a person is either unemployed or retired.

*Procedure for filling a vacancy in the City Council:*

The current charter is silent on how to fill a vacancy in the position of City Councilor At-Large if there is no 7<sup>th</sup> candidate.

The proposed amendments unifies the methods of filling vacancies that exist in the City Council and School Committee.

*Removal of Statutory Reference*

Removing statutory reference and amendment note

**PROPOSED AMENDMENT 14:**

Current Section:

SECTION 33. It shall be unlawful for the mayor or for a member of the city council or school committee or for any officer or employee of the city, directly or indirectly, to make a contract with the city, or to receive any commission, discount, bonus, gift, contribution, or reward from or any share in the profits of any person or corporation, making or performing such a contract, unless the mayor, such member, officer or employee, immediately upon learning of the existence of such contract, or that such a contract is proposed, shall notify in writing the mayor, city council or school committee of the nature of his interest in such contract, and shall abstain from doing any official act on behalf of the city in reference thereto. In case of such interest on the part of an officer whose duty it is to sign the contract on behalf of the city, the contract may be signed by any other officer of the city duly authorized thereto by the mayor, or if the mayor has such interest, by the city clerk, provided,

however, that when a contractor with the city is a corporation or a voluntary stock association, the ownership of less than five per cent of the stock or shares actually issued shall not be considered, as involving an interest in the contract within the meaning of this section, and such ownership shall not affect the validity of the contract unless the owner of such stock or shares is also an officer or agent of the corporation or association, or solicits or takes part in the making of the contract.

A violation of this section shall render the contract in respect to which such violation occurs voidable at the option of the city. Any person violating the provisions of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Proposed Amendment:

Deletion of Section in its entirety

Reasoning:

This amendment was proposed in the amendment to the City Charter proposed by the City Council in 2016.

This section currently conflicts with the General Laws procurement requirements.

**PROPOSED AMENDMENT 15:**

Current Section:

SECTION 34. No contract for construction work or for the purchase of apparatus, supplies or material, whether the same shall be for repairs or original construction, the estimated cost of which amounts to or exceeds four thousand dollars (see compilation of ordinances no. 52, see also G.L. Chap. 40, sec. 4G as amended), except in cases of special emergency involving the health or safety of the people or their property, shall be awarded unless proposals for the same shall have been invited by advertisements in at least one newspaper published in the city once a week for at least two consecutive weeks, the last publication to be at least one week before the time specified for the opening of said proposals. Such advertisements shall state the time and place where plans and specifications of the proposed work or supplies may be had and the time and place for opening the proposals in answer to said advertisements, and shall reserve to the city the right to reject any or all of such proposals. All such proposals shall be opened in public. No bill or contract shall be split or divided for the purpose of evading any provision of this act. (Section 34 is given as amended by Chapter 16 of the Acts of 1934), and again amended by Chapter 191 of the Acts of 1960, sec.1).

Proposed Amendment:

Deletion of Section in its entirety

Reasoning:

This amendment was proposed in the amendment to the City Charter proposed by the City Council in 2016.

This section currently conflicts with the General Laws procurement requirements.

**PROPOSED AMENDMENT 16:**

Current Section:

SECTION 35. All contracts made by any department, board or commission in which the amount involved is one thousand dollars or more shall be in writing, and no such contract shall be deemed to have been made or executed until the approval of the mayor and of the department or board making the contract is affixed thereto. Any contract made as aforesaid may be required to be accompanied by a bond with sureties satisfactory to the board of officials having the matter in

charge, or by a deposit of money, certified check or other security conditioned on the faithful performance thereof, and such bonds or other securities shall be deposited with the city treasurer until the contract has in all respects been carried out; and no such contract shall be altered except by a written agreement of the contractor, the sureties on his bond, and the officer, department or board making the contract, with the approval of the mayor affixed thereto. (Section 35 is given as amended by Chapter 191 of the Acts of 1960, section 2.)

Proposed Amendment:

Deletion of Section in its entirety

Reasoning:

This section currently conflicts with the General Laws procurement requirements.

It also severely complicates procedures for City Departments as it requires a written contract signed by the Mayor and a vendor for all contracts for an amount exceeding \$1,000.

By means of example, under the current system, if the School Department wants to purchase pencils for every student currently enrolled in our schools from WB Mason, and the bill comes to \$1,284 (based on current pricing on WB Mason's website). A written contract would need to be executed between WB Mason and the Mayor.

\$1,000 was a lot different in 1923 in terms of purchasing power than it is today. When adjusted for inflation, \$1,000 in 1923 was worth the equivalent of \$17,319.94 in today's purchasing power.

Chapter 30B of the General Laws currently governs all aspects covered by this section of the City Charter and requires mayoral signature on a contact for all purchases over \$10,000.

**PROPOSED AMENDMENT 17:**

Current Section:

SECTION 37. The school committee shall consist of the mayor, who shall be chairman, and six persons who shall be elected at large from the registered voters of the city. At the biennial municipal election to be held in the year nineteen hundred and ninety-one there shall be elected three persons to serve for two years and three persons to serve for four years. At each biennial election thereafter there shall be elected three persons to serve for the term of four years. (*Section 37 is given as amended by Chapter 290 of the Acts of 1989, section 1*). NOTE: For provisions with respect to election of members to and powers and duties of the Montachusett Regional Vocational Technical School District Committee, see Chapter 560 of the Acts of 1964 and Chapter 543 of the Acts of 1965).

Proposed Amendment:



SECTION 37. The school committee shall consist of the mayor, or their designee, who shall be chairman, and six persons who shall be elected at large from the registered voters of the city. ~~At the biennial municipal election to be held in the year nineteen hundred and ninety one there shall be elected three persons to serve for two years and three persons to serve for four years.~~ At each biennial election ~~thereafter~~ there shall be elected three persons to serve for the term of four years. ~~(Section 37 is given as amended by Chapter 290 of the Acts of 1989, section 1). NOTE: For provisions with respect to election of members to and powers and duties of the Montachusett Regional Vocational Technical School District Committee, see Chapter 560 of the Acts of 1964 and Chapter 543 of the Acts of 1965).~~

Reasoning:

This allows and gives the Mayor the option to designate someone to serve as the Chair of the School Committee.

Furthermore it removes all references to an election that has already passed and statutory references which could change overtime by vote of the General Court.

**PROPSOED AMENDMENT 18:**

Current Section:

SECTION 42. All meetings of the school committee shall be open to the public, except that when requested by not less than four members of the committee, any particular meeting shall be private. The vote on any particular measure shall be by the call of yeas and nays, when it is so requested by not less than two members of the committee.

Proposed Amendment:

Deletion of Section in its entirety.

Reasoning:

This section blatantly conflicts the Commonwealth's open meeting law.

**PROPOSED AMENDMENT 19:**

Current Section:

SECTION 43. If a vacancy occurs in the school committee by failure to elect, or otherwise, the city council and the remaining members of the school committee shall meet in joint convention and elect a suitable person to fill the vacancy until the next regular city election. The mayor, if present, shall preside at the convention.

Proposed amendment:

SECTION 43: On the first Monday in January the school committee members -elect shall appear before the city council and be sworn to the faithful discharge of their duties. The oath may be

administered by the city clerk or by any justice of the peace. At any meeting no more than sixty (60) days thereafter the oath may be administered in the presence of the school committee, to any school committee member-elect absent from the meeting on the first Monday in January. The school committee may, upon a two thirds vote extend the period of time in which a school committee member-elect has to take the oath of office up to ninety (90) additional days. If a vacancy occurs in the school committee by failure to elect, or otherwise, the city council and the remaining members of the school committee shall meet in joint convention and elect a suitable person to fill the vacancy until the next regular city election. The mayor, if present, shall preside at the convention.

Reasoning:

This amendment was proposed in the amendment to the City Charter proposed by the City Council in 2016.

**PROPOSED AMENDMENT 20:**

Current Section:

SECTION 51. The ballots used in voting upon such proposed measure shall state the nature of the measure in terms sufficient to show the substance thereof. No measure shall go into effect unless it receives the affirmative votes of at least a third of the whole number of registered voters.

Proposed Amendment:

Deletion of section in its entirety

Reasoning:

This amendment was proposed in the amendment to the City Charter proposed by the City Council in 2016.

This section is currently in conflict with the General Laws of the Commonwealth.

## **SUGGESTED AREAS OF FURTHER REVIEW**

I believe the following sections should be reviewed to see whether they should remain in the Charter, be deleted, or amended to meet current operations, though their current placement in the charter does not provide any substantial detriment to current operations even if the language is outdated.

**SUGGESTED AREA OF REVIEW 1:**

Sections 1 through three of the City Charter deal with how the Selectmen of the Town of Gardner in 2022 shall call for elections and oversee the transition from a Town form of government to a City form.

**SUGGESTED AREA OF REVIEW 2:**

Section 7 of the City Charter gives the specific language that must be used by the Mayor when making appointments of individuals to City offices. While the language certainly works, I believe that defining specific language that must be used on appointment certificates can somewhat restrict the Office of Mayor in some cases or cause the mayor to appoint someone who may not truly fit the required wording based on how you interpret the language.

I can firmly stand behind every appointment I have made during my tenures as Mayor in Gardner for the past two years, and believe each one of them to have been the best for the jobs that they were appointed to. However, the Charter should look to the position, not the person, and the “what ifs” that may arise in the operations of the City’s government in order to ensure that the City’s governing document can insulate the City from any issues that may arise when anomalies occur.

**SUGGESTED AREA OF REVIEW 3:**

Section 13 of the City Charter gives an example of what a nomination form should look like “in substantial form.” I personally believe that examples such as this do not belong in a document like a Charter, since they one provide date references to the nineteen hundreds and as the language of the charter states, could differ in some ways from what is printed.

The same can be said with the language provided by the City Charter regarding the “PETITION ACCOMPANYING STATEMENT OF CANDIDATE”- which title in and of itself can be thought to be grammatically incorrect as currently printed in the Charter.

**SUGGESTED AREA OF REVIEW 4:**

Section 14 of the City Charter provides language for the official primary ballot, which for the same reasons listed in Suggested Area of Review 3, I believe should be discussed as to whether or not that should remain in the charter. These types of documents are largely governed by regulations issued by the Secretary of the Commonwealth’s office and would be covered without Charterial reference.

**SUGGESTED AREA OF REVIEW 5:**

Section 22 of the City Charter relates to the municipal election of 1937 and states that all elections after that under the current system, except for the current way school committee members are elected.

I believe this should be looked at to clean up the language and provide for the current system by which the school committee is elected.

This section is also in conflict with Chapter 290 of the Acts of 1989 which staggered the terms of those on the School Committee.

**SUGGESTED AREA OF REVIEW 6:**

Section 24 of the City Charter can be interpreted, in some ways, to be in conflict with the Conflict of Interest and Ethics laws of the Commonwealth.

Furthermore, it states that all “motions, resolutions, and ordinances,” need a majority vote of all members of the City Council. I believe it may be worth discussing whether the majority vote should be considered of all members of the City Council versus those present and voting, as is allowed under certain circumstances of the General Laws.

**SUGGESTED AREA OF REVIEW 7:**

In the event the Committee issues formal recommendations for amending the City Charter, Section 53 would have to be amended to provide for new language for the citizens on the ballot for when the proposed amendments are voted on.

**SUGGESTED AREA OF REVIEW 8:**

As stated in some of the previous items, I believe that any statutory references should be removed from the document as those references could change at any time by vote of the General Court and thus could cause confusing or conflicting language in the current charter.

**SUGGESTED AREA OF REVIEW 9:**

All references to personnel in the charter are male, as was the way with legislative drafting in 1923, only 4 years after women received the right to vote through the 19<sup>th</sup> Amendment.

I would suggest that the Committee review changing these references throughout the document to make the document more inclusive as several women have held elective and appointed office in the City’s history since the Charter was first adopted.

**SUGGESTED AREA OF REVIEW 10:**

The following Session Laws were originally proposed by the 2015 Charter Review Committee to be included in new Charter legislation to be repealed in order to bring the Charter and its amendments in line with current practice and current state law.

- Chapter 16 of the Acts of 1934
  - o Required that all City Contracts valued over \$500 be advertised in a newspaper of general circulation in the City
    - This is now in conflict and covered by MGL c.30B
- Chapter 65 of the Acts of 1935
  - o Required that all ordinances be advertised in a newspaper of general circulation in the City
    - Currently governed by the General Laws following the Municipal Modernization Act of 2016

- Also stated that ballot initiatives be placed on the ballot if twelve percent (12%) of the voters in an election.
  - This is governed by State Law and is in conflict with the language in the Charter itself which requires 8% for a general election or 20% for a special election. I believe the committee should determine how this adopted statute relates to the language and how to proceed with that matter.
- Chapter 111 of the Acts of 1947
  - This set the Mayor's salary at \$4,000 per year and the City Council Salary at \$500
    - While this is no longer in practice, it was never repealed.
- Chapter 184 of the Acts of 1939
  - This set the Mayor's salary at \$2,500 per year and the City Council Salary at \$300
    - While this is no longer in practice, it was never repealed.
- Chapter 191 of the Acts of 1960
  - Confirmed that all purchases over \$1,000 must be made through a contract in writing
    - Currently covered by MGL c.30B
- Chapter 34 of the Acts of 1975
  - Set the School Committee temporarily to 2 year terms and required that the membership of the school committee be one representative from each ward of the City.
    - Not current practice but never repealed
    - In conflict with Chapter 290 of the Acts of 1989 which set the term for school committee members to 4 year terms and all members as at large candidates.
- Chapter 206 of the Acts of 1975 and Chapter 590 of the Acts of 1975
  - Set the procedures to fill vacancies in elected office
    - Later adopted as regular language into the City Charter but never repealed
- Chapter 150 of the Acts of 2011
  - A ward councilor who no longer resides in their respective ward following constitutionally required redistricting after the federal census is allowed to finish their term representing their former ward until the winners of the next election take office.
    - I believe the committee should review adding this language into the Charter itself rather than just through a session law that the General Court adopted.

# CITY OF GARDNER

## DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING

Manca Annex, 115 Pleasant Street, Room 201 Gardner, Massachusetts 01440

Phone: (978) 630-4014 ♦ Fax: (978) 632-1905 ♦ CDBG (978) 632-3800

10798



November 15, 2022

President Elizabeth J. Kazinskas  
c/o Titi Siriphan City Clerk  
City Hall  
95 Pleasant Street  
Gardner, MA 01440

Subject: Zoning Map Amendment – Chapter 675-320 Zoning Map  
*PrivateOversight, LLC – 0 West Broadway*

Dear President Kazinskas:

At the Planning Board meeting held on Wednesday, November 09, 2022, the Planning Board voted unanimously (5-0) to recommend approving the Zoning Code map amendment submitted by PrivateOversight, LLC as referenced above and shown on the attached map and table as Exhibits 1 and 2 respectively. In addition, the Planning Board voted to recommend amending the original petition to include changing the zoning for a small portion of land (4 acres +/-) owned by the Polish American Citizen's Club (H17-13-05) from Commercial 2 to Rural Residential 2 to make it consistent with the remaining 24 acres +/- of their parcel (see Exhibit 3). Both proposed changes would create zoning consistent with the uses in that area. As a result of the initial petition request, 16 of the 20 parcels included would become conforming uses with the remaining four parcels being undeveloped land (see Exhibit 4).

The Planning Board respectfully requests that the City Council move forward with approving the originally submitted zoning change petition along with the recommended amendment. Please do not hesitate to contact Trevor Beauregard, Director of Community Development and Planning, if you have any questions or need additional information.

Sincerely,

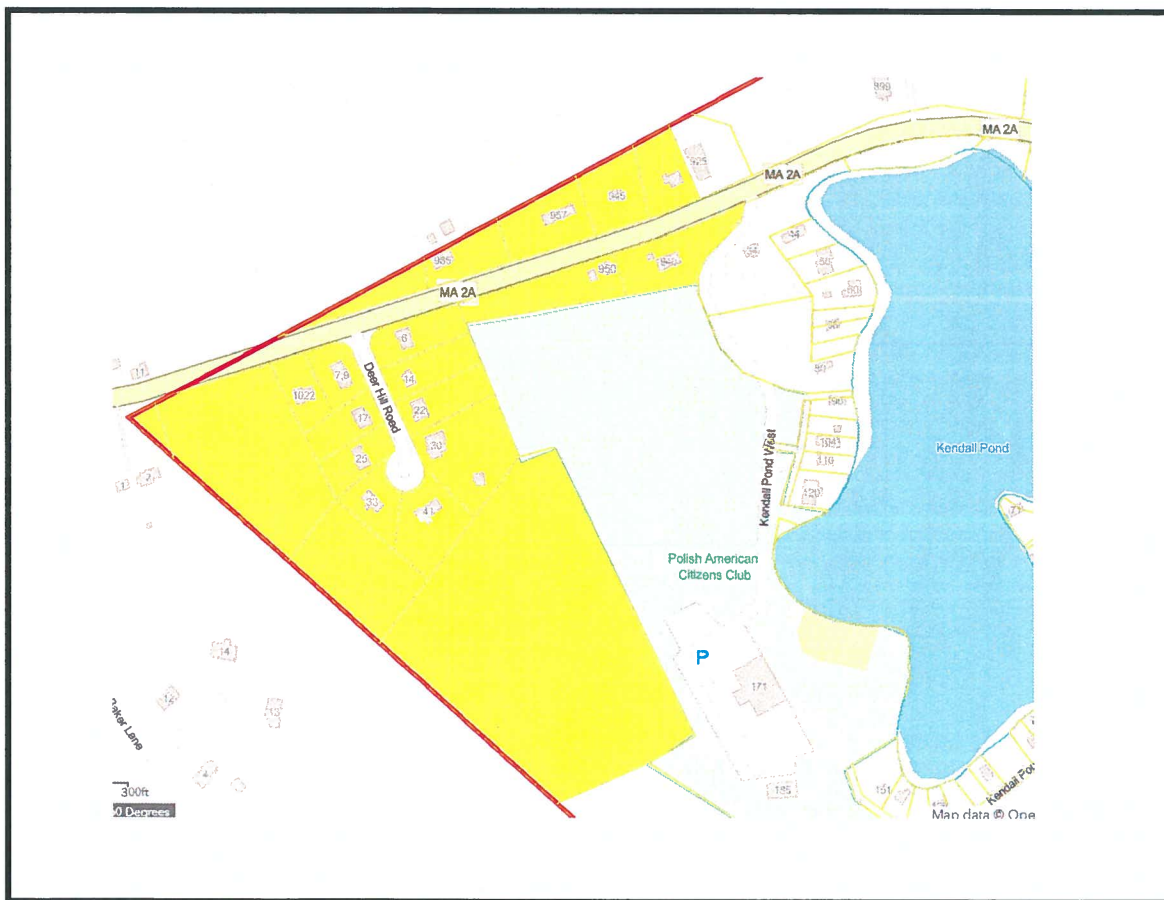
Mark M. Schafron  
Chairman

Cc: Michael J. Nicholson, Mayor  
City Council  
Planning Board  
Roland Jean, Building Commissioner  
Trevor Beauregard, Director

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EXHIBIT ONE

**Proposed Zoning Map Amendment**  
**Parcels to be designated as General Residential 3 Zoning District**







## EXHIBIT TWO

| Assessor's<br>Map/Lot/Block | Property Address   | Current<br>Zoning District | Proposed Zoning<br>District |
|-----------------------------|--------------------|----------------------------|-----------------------------|
|                             |                    |                            |                             |
| H17-72-1                    | West Broadway      | COM2                       | GR3                         |
| H17-7-1                     | West Broadway      | COM2 & RR2                 | GR3                         |
| H17-12-2                    | West Broadway      | COM2 & RR2                 | GR3                         |
| H17-13-9                    | Airport Road       | RR2                        | GR3                         |
| H17-7-8                     | 1022 West Broadway | COM2                       | GR3                         |
| H17-7-7                     | 9 Deer Hill Road   | COM2                       | GR3                         |
| H17-7-6                     | 17 Deer Hill Road  | COM2                       | GR3                         |
| H17-7-5                     | 25 Deer Hill Road  | COM2                       | GR3                         |
| H17-12-9                    | 33 Deer Hill Road  | COM2 & RR2                 | GR3                         |
| H17-12-4                    | 41 Deer Hill Road  | COM2 & RR2                 | GR3                         |
| H17-7-4                     | 30 Deer Hill Road  | COM2 & RR2                 | GR3                         |
| H17-7-3                     | 22 Deer Hill Road  | COM2                       | GR3                         |
| H17-7-2                     | 14 Deer Hill Road  | COM2                       | GR3                         |
| H17-7-10                    | 6 Deer Hill Road   | COM2                       | GR3                         |
| H17-3-9                     | 985 West Broadway  | COM2                       | GR3                         |
| H17-8-13A                   | 950 West Broadway  | COM2                       | GR3                         |
| H17-8-16                    | 957 West Broadway  | COM2                       | GR3                         |
| H17-8-13                    | 940 West Broadway  | RR2                        | GR3                         |
| H17-8-15                    | 945 West Broadway  | COM2                       | GR3                         |
| H17-3-1                     | 935 West Broadway  | COM2                       | GR3                         |

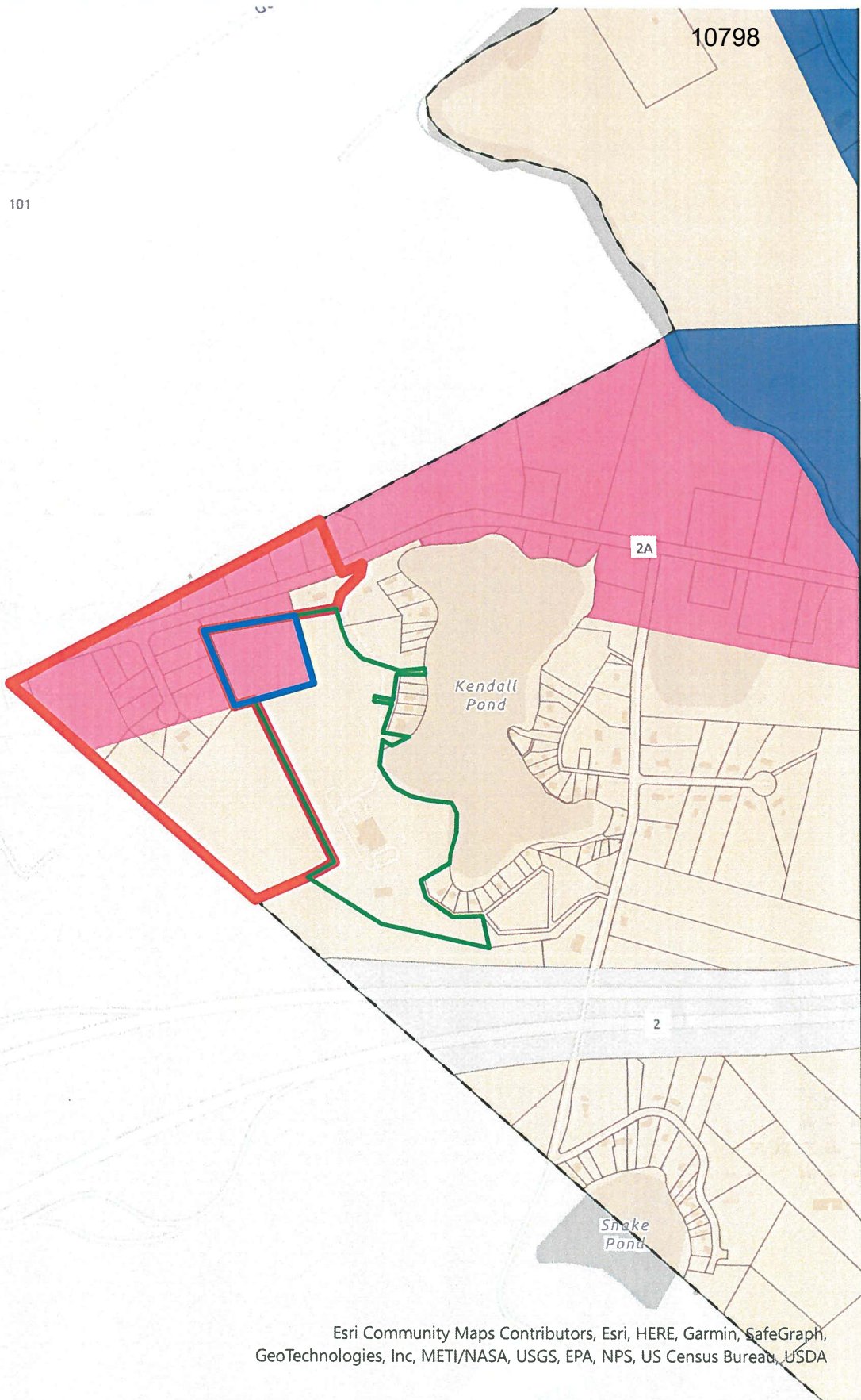


# Legend

-  Commercial 2 Portion of PACC Property
-  PACC Property
-  Proposed to be Rezoned - Initial Petition
-  Town Boundary

## Zoning

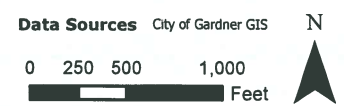
-  Commercial (C1)
-  Commercial (C2)
-  Industrial (I1)
-  Industrial (I2)
- Single Family Residential (R1)
-  Rural Residential (R2)
-  General Residential (G3)
- ROW



Esri Community Maps Contributors, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

### EXHIBIT 3 CITY OF GARDNER 2022 PROPOSED ZONING AMENDMENT

CITY OF GARDNER  
50 Manca Drive  
Gardner, MA 01440



# Parcels to be Rezoned

## Petition 10798- Zoning Map Amendment COM2/RR2 TO GR3

Conformity of affected parcels if the proposed zoning map amendment is passed.

| No. | Parcel ID | Use                         | Property Address   | Conformity Pre-Change        | Conformity Post Change |
|-----|-----------|-----------------------------|--------------------|------------------------------|------------------------|
| 1   | H-17-72-1 | Not Listed                  | West Broadway      | UNKNOWN                      | UNKNOWN                |
| 2   | H17-7-1   | Vacant-Proposed Multifamily | 0 West Broadway    | NP                           | SP                     |
| 3   | H17-12-2  | Vacant-Proposed Multifamily | 0 West Broadway    | NP                           | SP                     |
| 4   | H17-13-9  | Vacant-Proposed Multifamily | 0 Airport Road     | NP                           | SP                     |
| 5   | H17-7-8   | Single Family               | 1022 West Broadway | Pre-existing, non-conforming | Conforming             |
| 6   | H17-7-7   | Single Family               | 9 Deer Hill Road   | Variance                     | Conforming             |
| 7   | H17-7-6   | Single Family               | 17 Deer Hill Road  | Variance                     | Conforming             |
| 8   | H17-7-5   | Single Family               | 25 Deer Hill Road  | Variance                     | Conforming             |
| 9   | H17-12-9  | Single Family               | 33 Deer Hill Road  | Variance                     | Conforming             |
| 10  | H17-12-4  | Single Family               | 41 Deer Hill Road  | Variance                     | Conforming             |
| 11  | H17-7-4   | Single Family               | 30 Deer Hill Road  | Variance                     | Conforming             |
| 12  | H17-7-3   | Single Family               | 22 Deer Hill Road  | Variance                     | Conforming             |
| 13  | H17-7-2   | Single Family               | 14 Deer Hill Road  | Variance                     | Conforming             |
| 14  | H17-7-10  | Single Family               | 6 Deer Hill Road   | Variance                     | Conforming             |
| 15  | H17-3-9   | Single Family               | 985 West Broadway  | Pre-existing, non-conforming | Conforming             |
| 16  | H17-8-13A | Single Family               | 950 West Broadway  | Pre-existing, non-conforming | Conforming             |
| 17  | H17-8-16  | Single Family               | 957 West Broadway  | Pre-existing, non-conforming | Conforming             |
| 18  | H17-8-13  | Single Family               | 940 West Broadway  | Pre-existing, non-conforming | Conforming             |
| 19  | H17-8-15  | Single Family               | 945 West Broadway  | Pre-existing, non-conforming | Conforming             |
| 20  | H17-3-1   | Single Family               | 935 West Broadway  | Pre-existing, non-conforming | Conforming             |



**CITY of GARDNER**  
**Office of the City Clerk**  
95 Pleasant Street, Room 121  
Gardner, MA 01440  
\*Tel. 978-630-4058 \*Fax: 978-630-2589

RECEIVED  
2022 OCT 18 PM 3:57  
CITY CLERK'S OFFICE  
GARDNER, MA

CITY OF GARDNER  
NOTICE OF JOINT PUBLIC HEARING

Pursuant to G.L. 40A, § 5, notice is hereby given that the City Council and Planning Board will conduct a **Joint Public Hearing** on **Monday, November 7, 2022 at 6:30 P.M.** in the City Council Chamber, Room 219, City Hall, 95 Pleasant Street, Gardner, to consider amending Chapter 675, the Zoning Code of the City of Gardner. The proposed Amendment involves changing the zoning of 20 parcels of land along West Broadway from Kendall Pond Road west to the Templeton line from Commercial 2 to General Residential 3 on the Zoning Map. Information regarding this amendment is available for viewing in the City Clerk's Office, the Department of Community Development and Planning (DCDP), or on the City's webpage – [www.gardner-ma.gov](http://www.gardner-ma.gov).

All persons interested in this matter and desire to offer testimony are invited to attend the hearing:

Titi Siriphan  
City Clerk

# CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING



October 13, 2022

Elizabeth Kazinskas, Council President  
C/o Titi Sirphan, City Clerk  
95 Pleasant Street, Room 121  
Gardner, MA 01440

RE: Petition #10798 – Zoning Map Amendment – West Broadway, Kendal Pond Road to Templeton Line

Dear President Kazinskas:

On October 11, 2022, the Planning Board voted unanimously (3-0) to recommend the City Council consider approving the proposed zoning map amendment referenced above. The amendment includes changing the zoning of 20 parcels from Commercial 2 to General Residential 3. The Planning Board also voted to request a joint Public Hearing between the Board and City Council on the matter. Currently, all uses on the impacted parcels are residential and either preexisting nonconforming or developed through a use variance. The change would create all conforming uses for the existing developed parcels and allow residential uses on the undeveloped parcels, including those owned by the petitioner of the amendment.

The Planning Board looks forward to joining the City Council at a public hearing scheduled at your earliest convenience. Please contact Trevor Beauregard if you have any questions or need additional information.

Sincerely,

Mark M. Schafron, Planning Board Chairman

C: Mayor Michael J. Nicolson  
Trevor M. Beauregard, Director  
Roland Jean, Building Commissioner



# Christine Tree Legal

Christine M. Tree  
[ctree@christinetreelegal.com](mailto:ctree@christinetreelegal.com)  
 Anthony Zarrella, Of Counsel  
[azarrella@christinetreelegal.com](mailto:azarrella@christinetreelegal.com)

September 14, 2022

Elizabeth J. Kazinskas, Gardner City Council President  
 c/o Titi Siriphan, City Clerk  
 City Hall  
 Gardner, MA 01440

Re: Petition to Amend Gardner Zoning Map, Ward 3, West Broadway

Dear President Kazinskas:

Please be advised that I represent PrivateOversight, LLC, managed by Joanne Tavano, which owns property off West Broadway and more particularly three parcels on West Broadway with the property ID's H17-7-1, H17-12-2, and H17-13-9. As permitted by M.G.L. c. 40A §5, and after consultation with the Building Department, the Planning Department, and informal presentation to the Planning Board, I am submitting the enclosed Petition on behalf of the property owner for amendment of the Gardner Zoning Map on the westerly side of West Broadway in Ward 3. PrivateOversight's lots lie in two different zoning districts for Gardner, C2 and R2, and a corner lies in Templeton. My client is requesting a change in the zoning designation for these lots and the surrounding area to GR3, which would be substantially more suitable for the company's planned residential development as well as for the existing residential uses on the surrounding parcels.

Under the Zoning Ordinance the C2 Zoning District does not permit residential development, not even single family homes, without a variance. Currently, only 7 of the 28 occupied parcels in this section of the C2 district are conforming (most parcels are not being used in conformity with zoning), and a map showing the parcels proposed to be changed to a GR3 designation is enclosed with a list. My client has also conducted a traffic study concerning her proposed residential development, which is enclosed herewith for informational purposes.

A change in the zoning would be beneficial not only for my client, but for the other parcels in this district. Most of the properties on West Broadway west of Kendall Pond are residential uses, but are located in C2, a commercial zone. These are either preexisting nonconforming residences, or allowed by a use variance such as the cul-de-sac neighborhood on Deer Hill Road. All residential uses,

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 OFFICE OF THE CITY CLERK  
 GARDNER, MA  
 RECEIVED

including single-family homes, are prohibited in C2, and are therefore treated as a nonconforming use for zoning purposes. This means the use is subject to more limitations. As an example, if any single family home is vacant for two or more years, it can be deemed abandoned and will lose its right to be used as a single family home. Additions, extensions or modifications may require zoning relief. In short, the C2 zoning does not match the actual use of the land in this area.

By contrast, the property uses allowed in C2 are likely to cause detriment to the surrounding residents. A retail store, bank, car salesroom, or restaurant could operate by right. A marijuana retailer could open by special permit. Disruptive commercial uses could lead to problems with the surrounding residents due to the hours of operation, delivery trucks, noise and general incompatibility of the use.

For these reasons, we believe that the proposed zoning map amendment would be beneficial to the City and the surrounding neighborhood. My client and I would welcome a chance to meet with you or with any member of the City Council and go through the proposal to answer any questions or concerns. I am also happy to go through the history of this project with the City.

I expect this petition will be referred and pass through a review process with the Planning Board and with the Council. We are happy to respond to any requests for additional information.

Thank you for your time and consideration of the Petition.

**Sincerely,**

**Christine M. Tree**

Enclosures  
CMT/jjr

## TO THE HONOURABLE CITY COUNCIL OF THE CITY OF GARDNER

Ladies and Gentlemen:

The undersigned PrivateOversight LLC Petition your Honorable Body to:

Amend the Gardner Zoning Map by changing the zoning district designation for the following listed parcels, lying at the westerly end of West Broadway to the Templeton municipal boundary, from the Commercial 2 Zoning District and the Rural Residential 2 Zoning District to the General Residential 3 Zoning District, as follows:

| <b>Assessor's Map/Lot/Block</b> | <b>Property Address</b> | <b>Current Zoning District</b> | <b>Proposed Zoning District</b> |
|---------------------------------|-------------------------|--------------------------------|---------------------------------|
| H17-72-1                        | West Broadway           | COM2                           | GR3                             |
| H17-7-1                         | West Broadway           | COM2 & RR2                     | GR3                             |
| H17-12-2                        | West Broadway           | COM2 & RR2                     | GR3                             |
| H17-13-9                        | Airport Road            | RR2                            | GR3                             |
| H17-7-8                         | 1022 West Broadway      | COM2                           | GR3                             |
| H17-7-7                         | 9 Deer Hill Road        | COM2                           | GR3                             |
| H17-7-6                         | 17 Deer Hill Road       | COM2                           | GR3                             |
| H17-7-5                         | 25 Deer Hill Road       | COM2                           | GR3                             |
| H17-12-9                        | 33 Deer Hill Road       | COM2 & RR2                     | GR3                             |
| H17-12-4                        | 41 Deer Hill Road       | COM2 & RR2                     | GR3                             |
| H17-7-4                         | 30 Deer Hill Road       | COM2 & RR2                     | GR3                             |
| H17-7-3                         | 22 Deer Hill Road       | COM2                           | GR3                             |
| H17-7-2                         | 14 Deer Hill Road       | COM2                           | GR3                             |
| H17-7-10                        | 6 Deer Hill Road        | COM2                           | GR3                             |
| H17-3-9                         | 985 West Broadway       | COM2                           | GR3                             |
| H17-8-13A                       | 950 West Broadway       | COM2                           | GR3                             |
| H17-8-16                        | 957 West Broadway       | COM2                           | GR3                             |
| H17-8-13                        | 940 West Broadway       | RR2                            | GR3                             |
| H17-8-15                        | 945 West Broadway       | COM2                           | GR3                             |
| H17-3-1                         | 935 West Broadway       | COM2                           | GR3                             |

The proposed amendment to the zoning map will bring the zoning district for these parcels into better conformity with their current actual use for residential purposes, while still allowing for the possibility of home occupations accessory to the primary residential use. This will also eliminate parcels falling across two zones, and nonconformities in the neighborhood, and is in furtherance of declared purpose of the Zoning Ordinance “to encourage the most appropriate use of land throughout the City.”

No new lot boundaries are created by this proposed amendment, merely the reclassification of existing parcels.

The Petitioner PrivateOversight, LLC, by Joanne M. Tavano, Member/Manager, is the owner of Parcels H17-7-1, H17-12-2 and H17-13-9, which are parcels to be affected by the zoning map amendment pursuant to M.G.L. c. 40A §5, and is therefore eligible to Petition for this zoning map amendment.

AN ORDINANCE AMENDING AN ORDINANCE ESTABLISHING THE BOUNDARIES OF THE DISTRICTS OF THE CITY WITH REGULATIONS AND RESTRICTIONS TO BE ENFORCED AND TO BE KNOWN AS THE ZONING ORDINANCE.

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

That “An Ordinance Establishing the Boundaries of the Districts of the City with Regulations and Restrictions to be enforced and to be known as the Zoning Ordinance” (Compilation of Ordinances No. 62) adopted by the City Council December 9, 1970 and amended several times thereafter be further amended as follows:

Designate parcels H-17-72-1 (a non-listed use), H17-7-1, H17-12-2, H17-13-9 (currently vacant lots) H17-7-8, H12-7-7, H17-7-6, H17-7-5, H17-12-9, H17-12-4, H17-7-4, H17-7-3, H17-7-2, H17-7-10, H17-3-9, H17-8-13A, H17-8-16, H17-8-13, H17-8-15, and H17-3-1 (currently single family homes) as General Residential 3 (GR3) pursuant to Article III, §675-310 Types of districts and Article XI, §675-1160 Amendments. Said General Residential 3 (GR3) shall be shown on the Zoning Map of Gardner, Massachusetts.



# Parcels to be Rezoned

## Petition 10798- Zoning Map Amendment COM2/RR2 TO GR3

Conformity of affected parcels if the proposed zoning map amendment is passed.

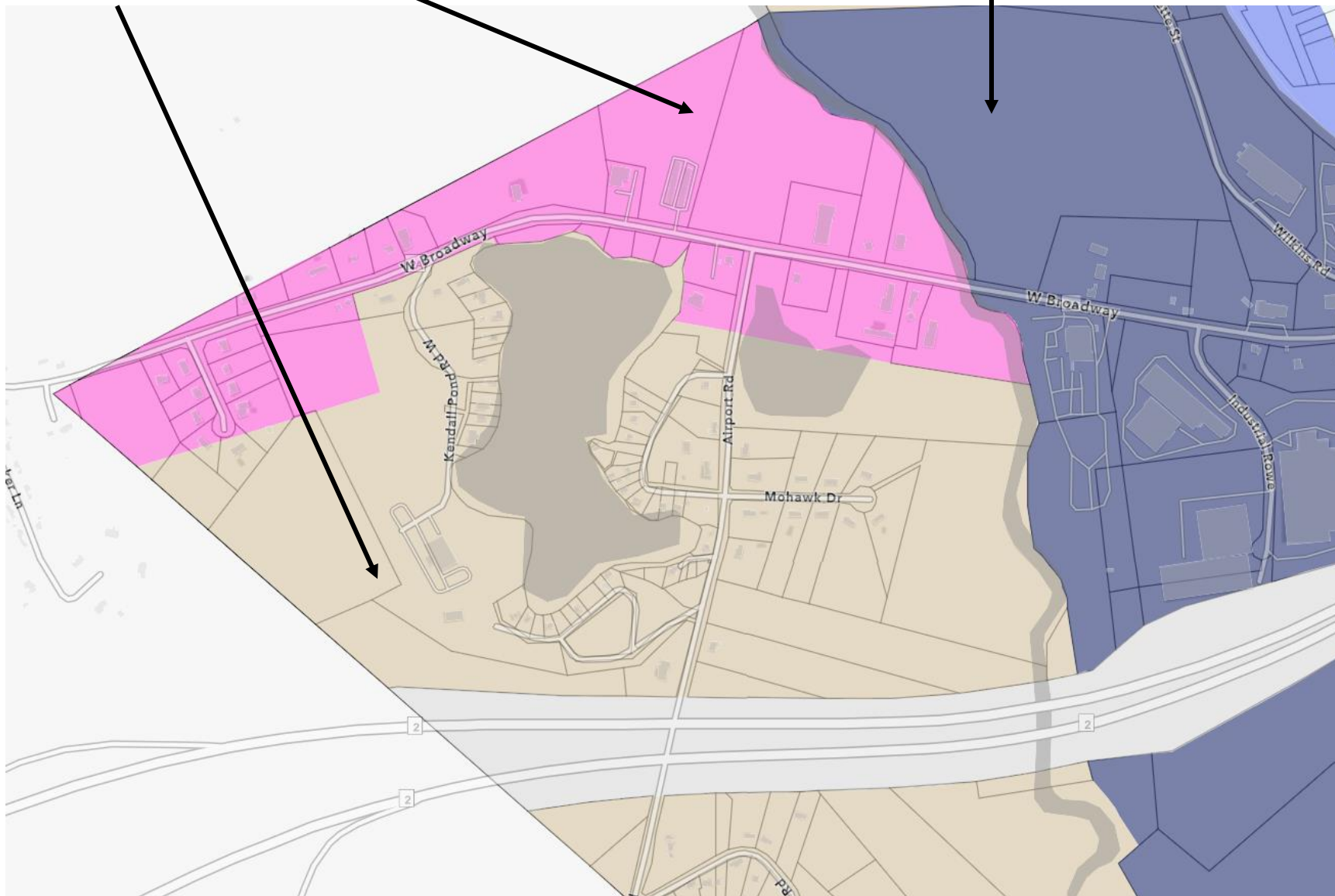
| No. | Parcel ID | Use                         | Property Address   | Conformity Pre-Change        | Conformity Post Change |
|-----|-----------|-----------------------------|--------------------|------------------------------|------------------------|
| 1   | H-17-72-1 | Not Listed                  | West Broadway      | UNKNOWN                      | UNKNOWN                |
| 2   | H17-7-1   | Vacant-Proposed Multifamily | 0 West Broadway    | NP                           | SP                     |
| 3   | H17-12-2  | Vacant-Proposed Multifamily | 0 West Broadway    | NP                           | SP                     |
| 4   | H17-13-9  | Vacant-Proposed Multifamily | 0 Airport Road     | NP                           | SP                     |
| 5   | H17-7-8   | Single Family               | 1022 West Broadway | Pre-existing, non-conforming | Conforming             |
| 6   | H17-7-7   | Single Family               | 9 Deer Hill Road   | Variance                     | Conforming             |
| 7   | H17-7-6   | Single Family               | 17 Deer Hill Road  | Variance                     | Conforming             |
| 8   | H17-7-5   | Single Family               | 25 Deer Hill Road  | Variance                     | Conforming             |
| 9   | H17-12-9  | Single Family               | 33 Deer Hill Road  | Variance                     | Conforming             |
| 10  | H17-12-4  | Single Family               | 41 Deer Hill Road  | Variance                     | Conforming             |
| 11  | H17-7-4   | Single Family               | 30 Deer Hill Road  | Variance                     | Conforming             |
| 12  | H17-7-3   | Single Family               | 22 Deer Hill Road  | Variance                     | Conforming             |
| 13  | H17-7-2   | Single Family               | 14 Deer Hill Road  | Variance                     | Conforming             |
| 14  | H17-7-10  | Single Family               | 6 Deer Hill Road   | Variance                     | Conforming             |
| 15  | H17-3-9   | Single Family               | 985 West Broadway  | Pre-existing, non-conforming | Conforming             |
| 16  | H17-8-13A | Single Family               | 950 West Broadway  | Pre-existing, non-conforming | Conforming             |
| 17  | H17-8-16  | Single Family               | 957 West Broadway  | Pre-existing, non-conforming | Conforming             |
| 18  | H17-8-13  | Single Family               | 940 West Broadway  | Pre-existing, non-conforming | Conforming             |
| 19  | H17-8-15  | Single Family               | 945 West Broadway  | Pre-existing, non-conforming | Conforming             |
| 20  | H17-3-1   | Single Family               | 935 West Broadway  | Pre-existing, non-conforming | Conforming             |

CURRENT ZONING MAP

COMMERCIAL 2 DISTRICT

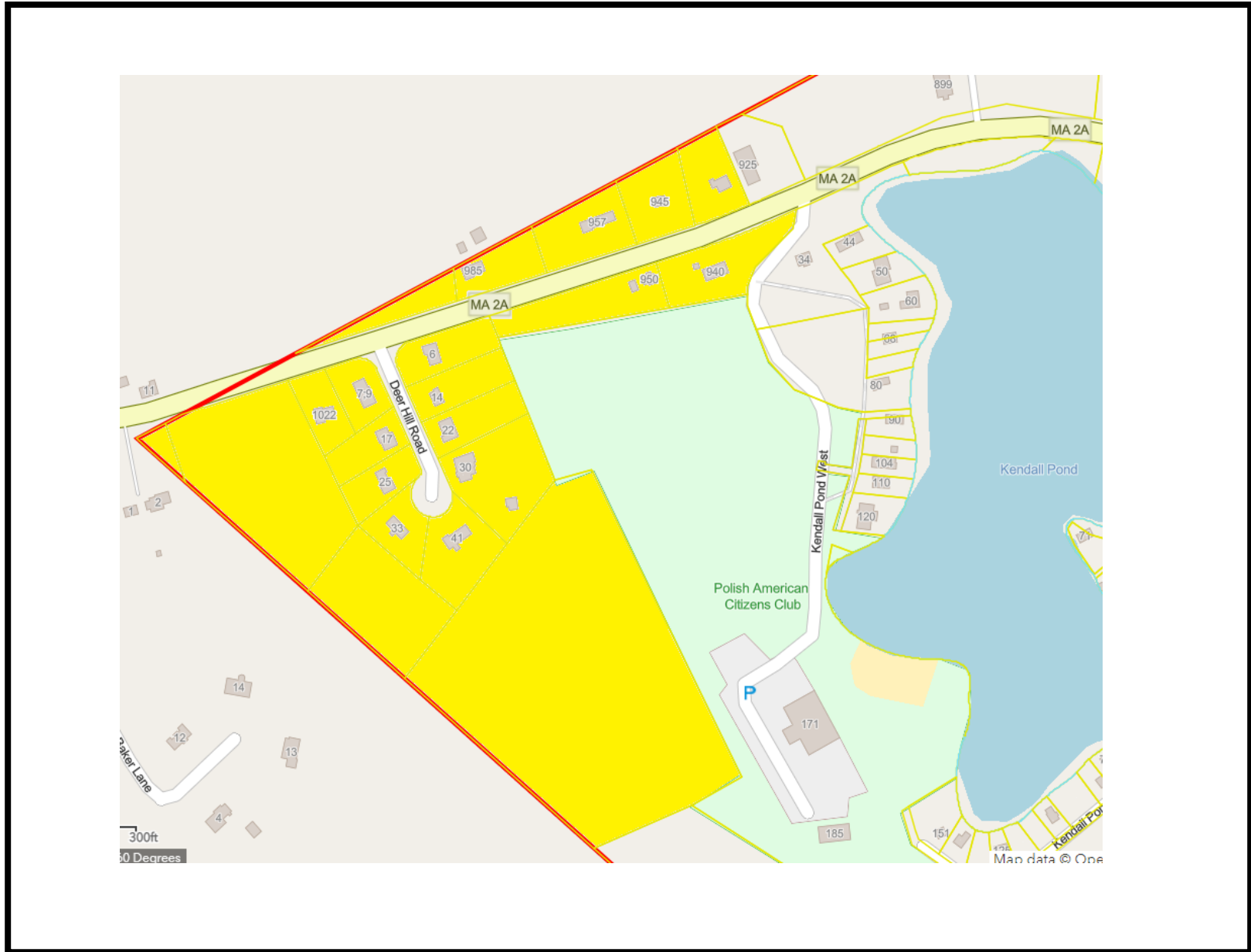
INDUSTRIAL 2 DISTRICT

RURAL RESIDENTIAL 2 DISTRICT

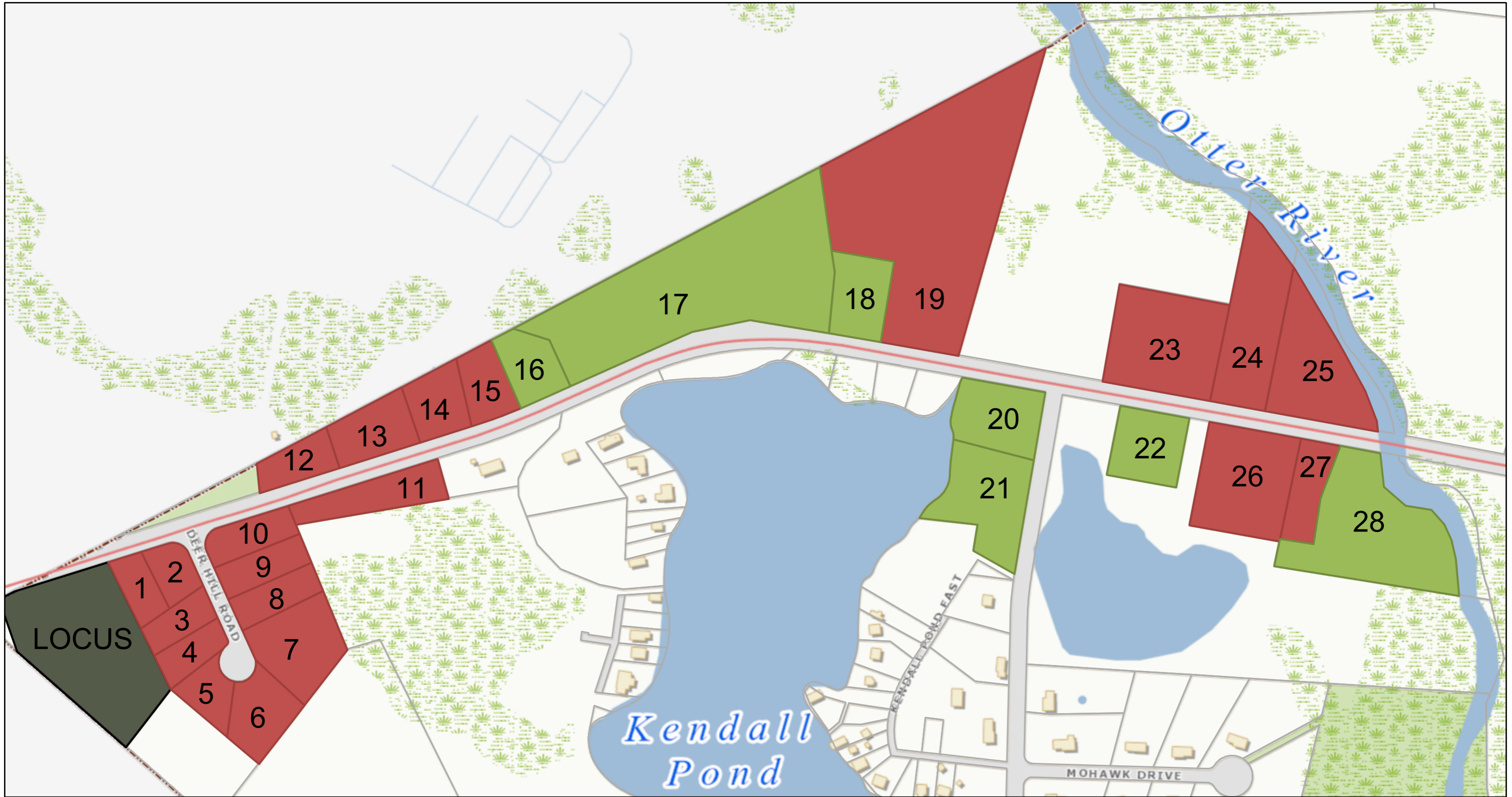


# Proposed Zoning Map Amendment

## Parcels to be designated as General Residential 3 Zoning District



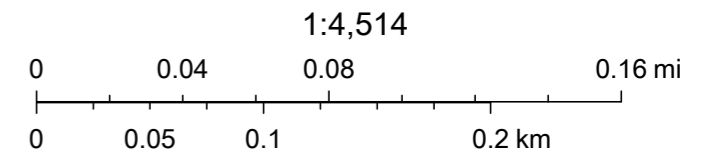
# Gardner- Conformity Parcels



7/16/2021, 1:11:01 PM

### Areas

- Override 1
- Override 2
- Override 3
- Parcels (2020)



City of Gardner GIS

| <b>TABLE OF NONCONFORMING USES</b> |                   |                                                |                    |                    |
|------------------------------------|-------------------|------------------------------------------------|--------------------|--------------------|
| <b>Parcel No.</b>                  | <b>Address</b>    | <b>Owner</b>                                   | <b>Use</b>         | <b>Conforming?</b> |
| 1                                  | 1022 W. Broadway  | Charles Lemos                                  | Single Family      | NO                 |
| 2                                  | 9 Deer Hill Road  | Bryan & Nicole Keith                           | Single Family      | NO                 |
| 3                                  | 17 Deer Hill Road | Thomas & Dianne Lupaczyk                       | Single Family      | NO                 |
| 4                                  | 25 Deer Hill Road | Linda Daniels                                  | Single Family      | NO                 |
| 5                                  | 33 Deer Hill Road | Becky Cooper-Glenz                             | Single Family      | NO                 |
| 6                                  | 41 Deer Hill Road | Cornerstone Church of the<br>Assemblies of God | Rectory            | NO                 |
| 7                                  | 30 Deer Hill Road | Jeanne Kia                                     | Single Family      | NO                 |
| 8                                  | 22 Deer Hill Road | Louise, Daniel,<br>& Christopher Caissie       | Single Family      | NO                 |
| 9                                  | 14 Deer Hill Road | Monique Aviles                                 | Single Family      | NO                 |
| 10                                 | 6 Deer Hill Road  | Thurston Silva                                 | Single Family      | NO                 |
| 11                                 | 950 W. Broadway   | Deborah G. Leabman<br>Revocable Trust          | Single Family      | NO                 |
| 12                                 | 985 W. Broadway   | Joseph Kiarie                                  | Single Family      | NO                 |
| 13                                 | 957 W. Broadway   | Barbara & Lee Forgues                          | Single Family      | NO                 |
| 14                                 | 945 W. Broadway   | Mark & Susan Harty                             | Single Family      | NO                 |
| 15                                 | 935 W. Broadway   | N/A                                            | Single Family?     | NO                 |
| 16                                 | 925 W. Broadway   | Global Investments 1, Inc.                     | Office             | YES                |
| 17                                 | 899 W. Broadway   | City of Gardner                                | Animal Control     | YES                |
| 18                                 | 871 W. Broadway   | Christine Caron, Trustee                       | Gym                | YES                |
| 19                                 | 855 W. Broadway   | D & A Holdings, Inc.                           | Self Storage       | NO                 |
| 20                                 | 838 W. Broadway   | Grove Street Realty Trust                      | Daycare            | YES                |
| 21                                 | 23 Airport Road   | Lithuanian Outing Assoc., Inc.                 | Fraternal Org.     | YES                |
| 22                                 | 800 W. Broadway   | Eric Hill                                      | Auto Repair        | YES                |
| 23                                 | 795 W. Broadway   | Anthony Manca, Trustee                         | Truck Terminal     | NO                 |
| 24                                 | 771 W. Broadway   | Anthony Manca, Trustee                         | Warehouse          | NO                 |
| 25                                 | 765 W. Broadway   | Garrick Contract Carriers, Inc.                | Truck Terminal     | NO                 |
| 26                                 | 766 W. Broadway   | Charles Manca                                  | Warehouse          | NO                 |
| 27                                 | 758 W. Broadway   | Charles Bachelder                              | Three Family       | NO                 |
| 28                                 | 750 W. Broadway   | City Electric Supply Company                   | Retail < 10,000 SF | YES                |

**ON MAP: GREEN= CONFORMING; RED=NONCONFORMING**



August 12, 2022

Joanne Tavano  
Privateoversight, LLC  
21 B West Hill Dr  
Westminster, MA 01473

Re: Traffic Review  
West Broadway Condos, Gardner, MA  
Fuss & O'Neill Reference No. 20220691.A10

Dear Ms. Tavano,

Fuss & O'Neill, Inc. (F&O) has completed a traffic review for the proposed condominium development on West Broadway in the Town of Gardner, MA. The following sections are a summary of the traffic related findings.

### **Existing Traffic Conditions**

A site visit was conducted on Tuesday, July 27, 2022, to observe the existing traffic conditions in the vicinity of the site. The observation was performed during the anticipated AM peak hours, between 8:15 AM and 9:15 AM. Over the course of this hour 265 vehicles were recorded, with 110 going westbound and 155 going eastbound. Photos 1 and 2 show the existing conditions at the site and depict the existing visibility in both roadway directions from the proposed driveway.



Photo 1: West Broadway at Proposed Driveway (looking east)

1550 Main Street  
Suite 400  
Springfield, MA  
01103  
t 413.452.0445  
800.286.2469  
f 413.846.0497

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

California  
Connecticut  
Maine  
Massachusetts  
New Hampshire  
Rhode Island  
Vermont



FUSS & O'NEILL

Joanne Tavano  
 August 12, 2022  
 Page 2



Photo 2: West Broadway at Proposed Driveway (looking west)

Speed data adjacent to the proposed site was gathered using radar. The 85<sup>th</sup> percentile of speeds during this one-hour interval are 43 mph westbound and 49 mph eastbound with a combined 85<sup>th</sup> percentile speed of 46 mph. The roadway posted speed limit is 40 mph at the Templeton town line.

Intersection sight distance (ISD) and stopping sight distance (SSD) were measured and evaluated at the proposed site driveway location in accordance with criteria set forth by the American Association of State Highway and Transportation Officials (AASHTO). Intersection sight distance accounts for the perception time and reaction time needed to identify an appropriate gap in oncoming traffic that allows the vehicle to safely turn onto a roadway and accelerate without undue speed differential conflicts with vehicles already on the roadway, measured using a line of sight across the corners of the intersection. The target used for sighting the proposed driveway was placed in the grassed area approximately 16 feet from the shoulder of the road to represent the location of the driver's eye.

Stopping sight distance ensures that vehicles will have sufficient visibility to safely stop for another stopped vehicle on the roadway particularly at an intersection where the situation is likely to occur, measured using a line of sight along the major roadway centerline. Stopping sight distance is generally considered the absolute minimum visibility criteria, while intersection sight distance is recommended where feasible and readily achievable.

The SSD on the westbound approach of West Broadway was measured as being greater than 900 feet. The road follows a near straight trajectory for over 900 feet heading towards the intersection



Joanne Tavano  
 August 12, 2022  
 Page 3

with no visual obstructions. The recommended SSD was calculated to be 350 feet based on the prevailing operating speed of 46 mph on a 5% grade. The existing SSD meets the requirement.

The SSD on the eastbound approach of West Broadway was measured as 400 feet. The vertical and horizontal curvature of the roadway impede vision of the intersection. The recommended SSD was calculated to be 295 feet based on the prevailing operating speed of 46 mph on 2% grade. The existing SSD meets the requirement.

The ISD was measured for the westbound approach of West Broadway (looking east from proposed site). An available ISD of 525 feet was measured. The recommended ISD was calculated to be 510 feet based off *Case B1, Left Turn from stop on minor street*, which uses a time gap of 7.5 seconds for passenger cars. The obstruction was trees and vegetation along the south side of West Broadway. The recommended ISD was calculated using the prevailing operating speed of 46 mph. The available distance meets the recommended distance. Table 1 summarizes the sight distance analysis.

The ISD was measured for the eastbound approach of West Broadway (looking west from proposed site driveway). An available ISD of 444 feet was measured. The recommended ISD was calculated to be 440 feet based off *Case B2: Right Turn from stop on Minor Street* which uses a time gap of 6.5 seconds for passenger cars. The obstruction was the vertical curvature of West Broadway heading towards the intersection and the tree line that spans the southern portion of the West Broadway. The recommended ISD was calculated using the prevailing operating speed of 46 mph. The available distance meets the recommended distance. Table 1 summarizes the sight distance analysis.

| TABLE 1<br>SIGHT DISTANCE MEASUREMENTS<br>West Broadway Condominiums - West Broadway, Gardner, MA |                     |                |                         |          |                             |          |
|---------------------------------------------------------------------------------------------------|---------------------|----------------|-------------------------|----------|-----------------------------|----------|
| Location                                                                                          | Direction of Travel | Observed Speed | Stopping Sight Distance |          | Intersection Sight Distance |          |
|                                                                                                   |                     |                | Recommended             | Existing | Recommended                 | Existing |
| <b>West Broadway at Proposed Driveway</b>                                                         |                     |                |                         |          |                             |          |
|                                                                                                   | Westbound           | 46 mph         | 350 ft                  | > 900 ft | 510 ft                      | 525 ft   |
|                                                                                                   | Eastbound           | 46 mph         | 385 ft                  | 400 ft   | 440 ft                      | 444 ft   |

Notes:

Source: American Association of State Highway and Transportation Officials (AASHTO). 2011. *A Policy on Geometric Design of Highways and Streets*





Joanne Tavano  
August 12, 2022  
Page 4

### Safety Analysis

State published vehicle crash history between 2018 and 2021, the most recent verified available years, was analyzed on West Broadway adjacent to the proposed site. Only one crash was reported over the 3-year period, indicating no predominant safety deficiency or concern.

### Site Generated Traffic

The expected site generated traffic volume was calculated using existing empirical data from the Institute of Transportation Engineers (ITE) Trip Generation Web-based App. This publication is an industry-accepted resource for determining trip generation.

Trip generation for the proposed development was estimated based on a fully occupied facility. The land use chosen for this analysis is LUC 215: Single-Family Attached Housing as this category most closely matches the proposed use of the site. A total of 43 occupied dwelling units was used based on information from the applicant. Based on ITE Fitted Curve Equations, the proposed development is estimated to produce 25 trips during the weekday morning peak hour and 29 trips will be generated during the weekday afternoon peak hour. All of these trips will be new trips added to adjacent roadways. Table 2 presents the daily and peak hour trip generation estimates.

| <b>LUC: 215 - Single-Family Attached Housing<br/>(43 housing units)</b> | <b>Enter<br/>(vpd)</b> | <b>Exit<br/>(vpd)</b> | <b>Total<br/>(vpd)</b> |
|-------------------------------------------------------------------------|------------------------|-----------------------|------------------------|
| AM Peak Hour of Generator                                               | 6                      | 19                    | 25                     |
| PM Peak Hour of Generator                                               | 18                     | 11                    | 29                     |
| Weekday 24-Hour                                                         | 155                    | 155                   | 310                    |

### Recommendations

Fuss & O'Neill recommends installing standard 30"x30" W2-2 intersection advanced warning signs 175' in advance of the site driveway on the eastbound approach to inform drivers of the driveway location.





Joanne Tavano  
August 12, 2022  
Page 5

Based on the field observations, site trip estimates and results relating to traffic safety, and with implementation of the recommended improvements, it is the professional opinion of Fuss & O'Neill, Inc. that the proposed West Broadway Condos will not have a significant impact to vehicular movements at the proposed driveway nor exacerbate any pre-existing safety concerns.

Sincerely,

Stephen J. Savaria, PE, PTOE  
Senior Project Manager



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

RECEIVED

2022 OCT 29 PM 1:00

CITY CLERK'S OFFICE  
 GARDNER, MA

October 20, 2022

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

RE: An Ordinance to Amend Chapter 423 of the Code of the City of Gardner

Dear Madam President and Councilors,

Attached, please find a proposed ordinance amendment regarding Chapter 423 of the Code of the City of Gardner, entitled Hackney and other Carriages.

This chapter of the City Code governs the processes by which taxi cabs and livery vehicles must register with the Police Department and how they must operate within the City.

However, recently, there has been some confusion regarding drivers who wish to operate ride share options – such as Uber or Lyft – and whether or not those programs fall under the provisions of this ordinance.

Since 2019, ride share services have been governed in the Commonwealth under Chapter 159A ½ of the General Laws. (See attached).

I am requesting that the City Council vote to adopt the attached proposed language to make it clear that this section of the City Code does not relate to the operations of ride share services in order to make it easier for people to engage in this market.

As a reminder, the City does receive a financial benefit from ride share services initiated in the City through the aforementioned chapter of the General Laws. I have attached the disbursement records for how much the City has received from ride share services in 2020 and 2021 from the Department of Public Utilities.

Respectfully Submitted,

Michael J. Nicholson  
 Mayor, City of Gardner

---

*Ordinance Legislative Document*

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**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER  
CHAPTER 423, ENTITLED “HACKNEY AND OTHER CARRIAGES”**

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

**Section 1:** Section 1 of Chapter 423, entitled “Purpose and Scope,” be amended by adding the following to the end of the section:

Ride Share vehicles, as defined herein, are excluded from this ordinance.

**Section 2:** Section 2 of Chapter 423, entitled “Definitions,” be amended by adding the following:

RIDE SHARE VEHICLE

A vehicle employed by a company that, via websites and mobile apps, matches passengers with drivers of vehicles which unlike taxicabs, cannot legally be hailed from the street and which, unlike livery vehicles, are generally privately owned. Payment for transportation service is made before the ride begins.

**Section 3:** Section 3 of Chapter 423, entitled “Rules and regulations for taxi or livery owners/operators,” be amended by deleting subsection (A) in its entirety and replacing it with the following:

A. Vehicles; exclusion. Every taxi or livery vehicle as defined herein which is dispatched from a place of business is subject to this chapter, excluding funeral vehicles and ride share vehicles.

**Section 4:** Chapter 423 of the Code of the City of Gardner be amended by adding a new section 12, to be entitled, “Ride Share Services Exempt,” as follows:

§ 423-12: Ride Share Services Exempt

The contracting and operation of rideshare vehicles, as defined herein, within the City of Gardner, is excluded from the rules and regulations applied to taxi and livery vehicles in this ordinance.

**Section 5:** This ordinance shall take effect upon passage and publication as required by law.

---

*Letter from Chief Eric McAvene*

---

**CITY OF GARDNER POLICE DEPARTMENT**

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



Eric P. McAvene  
Chief of Police

October 24, 2022

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

Re: Ride Share Ordinance/Code Change

Dear Mayor,

I have reviewed the changes to the City Ride Share Ordinance/Code changes. There are no issues or concerns with the updates as they mirror state law.

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Eric P. McAvene'.

Eric P. McAvene  
Chief of Police

---

*Chapter 423 Amendments outlined in  
green*

---



### § 423-1 **Purpose and scope.**

In order to promote public safety and provide for the safe passage of vehicles on public ways within the City of Gardner, the following chapter is established regulating taxi and livery businesses located in the City of Gardner and their respective vehicles, and operators and drivers. This chapter applies to all businesses with physical locations within the City of Gardner, including but not limited to garages, waiting rooms, taxi stands, offices, or terminals from which a taxi or livery business is operated as defined herein. Ride Share vehicles, as defined herein, are excluded from this ordinance.

### § 423-2 **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

#### **CITY**

The City of Gardner, Massachusetts.

#### **DRIVER**

The person, licensed hereunder, employed by or otherwise contracted with the taxi/livery business to drive a licensed taxi/livery vehicle to pick up and transport the passenger(s) from one place to another. As specified in the definition below for "operator," as used the word "driver" does not mean "operator."

#### **LICENSE AUTHORITY**

City of Gardner Chief of Police, or his or her designee.

#### **RIDE SHARE VEHICLE**

A vehicle employed by a company that, via websites and mobile apps, matches passengers with drivers of vehicles which unlike taxicabs, cannot legally be hailed from the street and which, unlike livery vehicles, are generally privately owned. Payment for transportation service is made before the ride begins.

#### **LIVERY VEHICLE**

A vehicle, as licensed hereunder, marked as such which engages in the transportation of passengers only at a predetermined rate pursuant to a prearranged contract for hire, does not operate on a fixed route or roving basis, is hired by means of a telephone request or contract arranged in advance of the time designated for pickup, does not and is not available for picking up passengers upon being hailed or solicited by means other than direct contact by the customer and has livery plates issued by the Commonwealth of Massachusetts. Such vehicles shall generally be

engaged as private transport vehicles for private functions or assignments not traditionally associated with a hackney or taxi vehicle or regularly available for transportation services within the City of Gardner. Vehicles used to provide services to funeral homes shall not be considered livery vehicles under this chapter.

### **OPERATOR**

Any person, partnership, unincorporated association, company, or entity licensed hereunder who manages or otherwise operates a taxi business and/or a livery business on behalf of, or as an agent of, the owner of such business. As used in this chapter "operator" does not mean "driver," which is defined above, but an individual operator may also be a driver if he or she is also licensed as such under this chapter.

### **OWNER**

The legal owner, whether an individual, partnership, unincorporated association, company, or entity, of any business which offers taxi or livery services in the City of Gardner as defined herein. As set forth below, the owner must be licensed as set forth hereunder in order to conduct or operate said taxi/livery business in the City of Gardner. It is expected, but not required, that the owner also be the operator (definition above) of said taxi or livery service business, but the owner need not necessarily be the operator if said business is being professionally managed and/or operated by some other person or legal entity, as licensed hereunder.

### **PLACE OF BUSINESS**

The physical location within the City of Gardner from which the business of a taxi or livery service is conducted.

### **PUBLIC PLACE**

Public property or private property to which the public has lawful access.

### **TAXI VEHICLE**

A passenger car, station wagon or van used for the transportation of persons for compensation. Taxi vehicles, licensed hereunder, shall be marked with the taxi company name and telephone number. Such vehicle does not operate on a fixed route and is hired by means of a telephone request to the taxi company or by hailing or soliciting the taxi by a person(s) in the open at the time transportation is needed. Payment for transportation service is made at the time of taxi service.

## **§ 423-3 Rules and regulations for taxi or livery owners/operators.**

### **A.**

Vehicles; exclusion. Every taxi or livery vehicle as defined herein which is dispatched from a place of business is subject to this chapter, excluding funeral vehicles and ride share vehicles.

**B.**

Taxi/livery driver's license required. No person or persons shall establish, use or drive any taxi or livery vehicle for the conveyance of persons for hire, from a place of business, unless such person(s) shall have obtained a license to do so as hereinafter provided.

**C.**

Owner's license and operator's license. Each owner of a taxi or livery service business and each operator of a taxi or livery service business shall not conduct or operate any such taxi or livery business without a license as provided hereunder. Prior to conducting or operating any such taxi or livery business, each such owner of a taxi or livery service business shall apply for a City of Gardner owner's license, and each such operator of a taxi or livery service business shall apply for an operator's license, on a form provided by the City of Gardner Police Department. The owner and/or operator shall complete the application fully, accurately and truthfully. The Chief of Police, or his or her designee, may grant the license as herein provided under this chapter. The fee for each license granted shall be \$25, payable to the City Clerk. Each license shall be effective for a period of one year, beginning April 1. Any license granted between April 1 of one year and April 1 of the next year shall be effective for only that portion of the year remaining until the next April 1, and the fee for such mid-term license shall also be \$25.

**D.**

Taxi stands. Taxi stands may be assigned by the Chief of Police under the direction of the City Council.

**E.**

Fares and rates; display. Each owner, operator and driver of any taxi vehicle shall be responsible for displaying the fares and/or rates conspicuously within each such vehicle, and the same shall be posted at the place of business of each taxi service. All changes to taxi fares and/or rates shall be presented to the Chief of Police, or his or her designee, three business days prior to the resulting change, subject to his or her approval.

**F.**

Maximum fares; prior approval. No owner or person having charge of any taxi vehicle shall demand or receive a higher rate than that presented to and approved by the Chief of Police as provided hereunder.

**G.**

Open display of taxi/livery driver's license. Each owner, operator and driver, or any other person having charge of or control over any taxi or livery vehicle, shall display at all times when operating or standing awaiting a fare the license issued by the City of Gardner to drive such taxi/livery vehicle, and such license shall be clearly visible to the occupant(s) in the back seat.

**H.**

Violations. Whoever violates any of the provisions above shall be punished by a fine not exceeding \$100 for each offense. For violations consisting of operating a taxi or livery service without a license as required herein, each day such business is operated without a license shall constitute a separate offence. Fines are more fully set forth under § **423-10** of this chapter, below.

**§ 423-4 Taxi and/or livery owner and operator responsibilities.**

**A.**

Taxi/livery vehicle licenses; cost of license. The owner of a taxi or livery business shall apply for a taxi/livery vehicle license with the Chief of Police, or his or her designee, for each vehicle used in said business. Every application for a license authorizing the use of a taxi or livery vehicle shall state the rated number of passengers which such vehicle is designed to carry, the vehicle identification number of the vehicle, the Massachusetts automobile registration number, and such other matters of information as the Chief of Police, or his or her designee, may from time to time require. Taxi and livery vehicles shall be licensed from the garage or location at which they are kept, and the license shall also contain the address of the place of business of the taxi or livery business for which the vehicle is in use, and in no case from stands, public or private. The cost of each taxi/livery vehicle license shall be \$100. A taxi/livery vehicle license is nontransferable and may not be assumed or assigned.

**B.**

Time of applications; forms. New applications for taxi/livery vehicle licenses may be filed at any time, but applications for renewal of licenses already in force shall be filed annually on or before April 1. Applications shall be on official forms provided by the Chief of Police obtainable at the Police Department and they shall contain all the information therein required, and the application fee shall be paid at the time the application is made.

**C.**

Driver information. Every owner, and operator, if any, of a taxi or livery business shall furnish the Chief of Police, in writing, the name, address and valid driver's license number of each driver employed by the owner. An owner, and an operator, if any, of a taxi or livery business shall not employ a driver, nor allow a driver to operate a taxi or livery vehicle, unless the driver has obtained a City of Gardner taxi/livery driver's license as provided herein. A copy of each taxi driver license and each livery driver license of each driver employed by the taxi or livery business is to be kept by the owner, and by the operator, if any, of said taxi or livery business during the period that the driver is employed. The owner, and the operator, if any, of a taxi business or a livery business shall return immediately to the Chief of Police the City of Gardner taxi or livery driver's license of any driver that ceases to be in the owner's employ.

**D.**

Daily check of identities of drivers. Before employing a taxi vehicle driver or a livery vehicle driver, the owner, and the operator, if any, of the taxi business or livery business shall compare the driver's Massachusetts driver's license with his or her photograph and his or her taxi/livery driver's license to verify that he or she is legally licensed to operate a motor vehicle in Massachusetts. This procedure shall be repeated daily, and no vehicle shall be assigned to a driver who does not possess all of his or her credentials, or who does not fully comply with all the requirements, as set forth herein.

**E.**

Surrender of vehicle licenses upon divesting ownership. Any licensee who shall cease to be the owner of a taxi or livery vehicle shall at once surrender to the Chief of Police the taxi/livery vehicle license in connection with the vehicle no longer owned.

**F.**

Change of location of business. When a licensed owner, and/or a licensed operator, if any, changes the place of business of the taxi/livery business, or the place within the City of Gardner at which a taxi or livery vehicle owned by such owner/operator is garaged, the owner/operator shall, within 24 hours of such change, notify the Chief of Police in writing and shall at the same time provide the new address accordingly. As set forth above, the place of business must be within the City of Gardner.

**G.**

Required signage on taxi vehicles. There shall be affixed on the center of each front door and on the rear of every licensed taxi vehicle the taxi business name and license number and the business telephone number in figures not less than five inches by five inches in size in legible and clearly visible lettering. Livery vehicles are exempt from this subsection.

**H.**

Cleanliness; upkeep. The interior and exterior of every vehicle licensed as taxi or livery vehicle is to be kept clean. All taxi or livery vehicles shall be thoroughly cleaned, inspected and repaired, if necessary, by the owner at least once a week. Owners shall also be responsible for general upkeep of each vehicle.

**I.**

No advertising on vehicles. No advertising matter shall be permitted in or upon taxi or livery vehicles without written permission of the Chief of Police.

**J.**

Immediate removal of unsafe vehicles from service. The Chief of Police or his or her designee shall be authorized to order the owner, operator, if any, and driver of any taxi or livery vehicle to immediately remove from public use and from all public ways any unsafe vehicle or any vehicle in a dangerous condition.

**K.**

Intercepting communications/fares of other taxi businesses prohibited. No owner, operator, if any, or driver of a taxi vehicle or a livery vehicle shall have in the vehicle, place of business, or on his or her person at any time, or use, any scanning device, telephone, radio, or any other apparatus or instrument to intercept communications and/or fares intended for other taxi companies.

**§ 423-5Taxi and/or livery driver responsibilities.**

**A.**

Taxi/livery driver licenses; fee. Every person employed by any taxi/livery business in the City of Gardner as a driver shall apply for a City of Gardner taxi/livery driver's license. Every applicant for a taxi/livery driver's license shall present for examination a valid Massachusetts driver's license issued to him by the Massachusetts Registry of Motor Vehicles and shall agree to submit to a CORI check and a Massachusetts driver's history check, to which each such prospective taxi/livery vehicle driver shall agree on his or her application for such license. An applicant possessing an out-of-state driver's license may be granted a license at the discretion of the Chief of Police or his/her designee. The date and number thereof shall be entered on the application and on the taxi/livery driver's license granted by the Chief of Police. The application fee for

each taxi/livery driver's license shall be \$25. Each such license shall be effective for one year from date of issue, at which time the driver shall renew the license if he or she will continue to be employed as a taxi/livery driver by a taxi/livery business doing business in the City of Gardner.

**B.**

Maximum passengers. A person licensed to drive a taxi or livery vehicle shall not permit a greater number of passengers to be carried in the vehicle than designed or rated for such vehicle. No person shall be permitted to ride outside the body of such licensed vehicle.

**C.**

Payments in advance of service; receipts. The driver of a taxi or livery vehicle may demand the legal rate of fare in advance and has the right to refuse transport unless so paid. When requested to do so, a driver of a taxi/livery vehicle shall provide the person paying the fare a receipt for the fare paid.

**D.**

Trip logs; lost property. Every licensed driver of any taxi or livery vehicle shall keep a record of all trips made on a form approved by the Chief of Police. At the termination of each trip, the driver shall search his vehicle for any property which may have been lost or left therein. Articles thus found, unless sooner claimed by the owner, must be reported to and provided to Police Headquarters immediately.

**E.**

Decorum of drivers; compliance with laws. All drivers shall be courteous to the public, clean and neat in appearance, shall not smoke or use tobacco in any form while transporting passengers, shall not drink intoxicating liquors during their hours of employment or within two hours of the start of a shift or the pickup of a passenger, shall operate their vehicles at a reasonable rate of speed, and shall obey and be in compliance with all applicable state and local rules, regulations, ordinances and laws.

**F.**

Surrender of license upon cessation of employment. Any licensed driver who ceases to be employed as a driver of a taxi or livery vehicle licensed hereunder shall immediately surrender his City of Gardner taxi/livery driver's license to the Chief of Police.

**G.**

Violation of liquor or drug laws; revocation and suspension. The City of Gardner taxi/livery driver's license of any driver who violates any local, state or federal liquor law and/or any local, state or federal narcotic drug law shall be subject to immediate revocation and/or suspension by the Chief of Police, or his or her designee, at his or her sole discretion.

**H.**

Change of vehicle registration. Upon any change in the certificate of registration issued by the Massachusetts Registry of Motor Vehicles of a motor vehicle licensed as a taxi vehicle or as a livery vehicle hereunder, the licensed owner, and operator, if any, of such vehicle shall immediately present to the Chief of Police such certificate of registration, together with the corresponding City of Gardner taxi or livery vehicle license.

**I.**

Cooperation; inquiries. The licensee of a taxi/livery driver's license hereunder shall answer fully and civilly any questions or other inquiries asked of him or her by a police officer.

**§ 423-6 Inspections.**

Inspections of taxi and livery vehicles used in accordance with the requirement of this chapter in the City of Gardner are to be made under the direction of the Chief of Police under the following procedures:

**A.**

Every taxi or livery vehicle shall be submitted for an annual inspection in the month of May, unless otherwise directed at the discretion of the Chief of Police. These inspections shall be under the supervision of specially designated police officers assigned by the Chief of Police. Taxi or livery establishments will be made aware of the exact date and times for these inspections to allow sufficient time to prepare for said inspections.

**B.**

Upon successful completion of inspection, each taxi or livery vehicle shall have affixed to the right rear window of the vehicle an inspection label with an expiration date, along with the taxi or livery vehicle number.

**C.**

A permanent taxi vehicle license number shall be assigned to each licensed taxi vehicle, and a permanent livery vehicle license number shall be assigned to each licensed livery vehicle.

**D.**



It shall be a requirement for any taxi/livery vehicle license that the owner, and operator, if any, submit each such vehicle for inspection before placing the vehicle into taxi or livery service. Upon successful completion, said vehicle shall have the aforementioned inspection label affixed to it.

**E.**

At the sole discretion of the Chief of Police or his or her designee, all taxi and livery vehicles are subject to immediate inspection when he or she believes any taxi or livery vehicle may be unsafe or otherwise unsuitable for taxi or livery operation.

**F.**

The Chief of Police or his or her designee shall have the power to remove any unsafe taxi/livery vehicle, as well as any taxi/livery vehicle otherwise in a dangerous condition, from the road immediately, and at that time the vehicle shall not be used in any taxi or livery business in the City of Gardner until further notice and approval from the Chief of Police.

**G.**

No owner, operator, if any, or driver of a taxi vehicle or a livery vehicle shall have in the vehicle, place of business, or on his or her person at any time, or use, any scanning device, telephone, radio, or any other apparatus or instrument to intercept communications and/or fares intended for other taxi companies.

**§ 423-7 Suspension or revocation of licenses.**

A City of Gardner license to operate or conduct a taxi or livery service business, and any City of Gardner taxi/livery driver's license, may be suspended or revoked by the Chief of Police, or his or her designee, after notice to the holder of such license. The Chief of Police or his or her designee is authorized to suspend or revoke an owner's, and operator's, if any, license if the Police Chief or his or her designee determines that the license holder:

**A.**

Has knowingly made a false or inaccurate statement on any record or application required by any of the provisions of this chapter;

**B.**

Is or has been, in any jurisdiction, convicted or subject to a finding of sufficient facts for a finding of guilty in regard to any felony offense;

**C.**

Is or has been, in any jurisdiction, convicted or subject to a finding of guilty in regard to any misdemeanor offense involving assault, assault and battery, threatening, larceny, fraud, prostitution, solicitation of prostitution, gaming, illegal sale or distribution of an alcoholic beverage, or any statute, rule, ordinance, bylaw or other regulation relative to taxi and/or livery services;

D.

Has knowingly permitted the operation/driving of a taxi or livery vehicle by a person who is not the holder of a valid City of Gardner taxi or livery license to operate a taxi or livery vehicle;

E.

Has permitted or otherwise allowed a vehicle to be utilized for the transportation of passengers of a taxi or livery service, or otherwise to be used for hire as a taxi/livery service, without a taxi or livery vehicle license;

F.

Has knowingly permitted any taxi or livery vehicle to be used in the commission or furtherance of any criminal conduct;

G.

Has refused to permit any inspection authorized or required by the provisions of this chapter or otherwise as ordered by the Chief of Police or his or her designee;

H.

Has failed to prepare, maintain or file any report, record or notice required by the provisions of this chapter or otherwise as ordered by the Chief of Police or his or her designee; or

I.

Has failed to comply with any provision of this chapter.

**§ 423-8 Denial or revocation of taxi/livery driver's license.**

The Chief of Police or his or her designee reserves the right to revoke any taxi/livery driver's license and/or to deny any taxi/livery driver's license application if the licensee/applicant:

A.

Has not fully and accurately completed the application;

B.

Has not attained the age of 18 years;

C.

Is not the holder of a valid Massachusetts motor vehicle operator's license authorizing the operation of passenger-type motor vehicles;

**D.**

Has, in any jurisdiction, been convicted of a felony or, in regard to any felony offense, has a finding of sufficient facts for a finding of guilty;

**E.**

Has, in any jurisdiction, been convicted of distribution of any controlled substance;

**F.**

Has, in any jurisdiction, been convicted of or subject to a finding of sufficient facts for a finding of guilty relative to a criminal offense that involved causing death or serious bodily injury in a motor vehicle accident;

**G.**

Has, in any jurisdiction, during the past five years been convicted of a misdemeanor offense or, in regard to a misdemeanor offense, had a finding of sufficient facts for a finding of guilty, if said misdemeanor offense involved assault, assault and battery, threatening, larceny, fraud, prostitution, solicitation of prostitution, gaming, illegal sale or distribution of an alcoholic beverage, use or possession of a controlled substance, operating a motor vehicle while under the influence of liquor or drugs, operating a motor vehicle in a race or in a negligent or reckless manner, leaving the scene of a motor vehicle accident, or refusing to stop or submit to a police officer;

**H.**

Has, in any jurisdiction, during the past five years been involved in two or more at-fault motor vehicle accidents;

**I.**

Has, in any jurisdiction, during the past five years been found responsible for or guilty of two or more civil or criminal violations of motor vehicle law relating to the unsafe or dangerous operation of a motor vehicle;

**J.**

Has, in any jurisdiction, a driving record indicating the unsafe or dangerous operation of a motor vehicle or a disregard for motor vehicle law; or

**K.**

Has, within the previous five years, had a permit to operate a taxi or livery vehicle revoked for any reason.

**§ 423-9 Notice of suspension or revocation.**

Upon the suspension or revocation of a license to operate or conduct a taxi or livery service business, or to drive a taxi/livery vehicle, the Chief of Police shall give written notice of such suspension or revocation, and the reason therefor, to the taxi or livery service business owner and driver, if applicable.

**§ 423-10 Violations and penalties.****A.**

In addition to all other remedies and sanctions imposed under this chapter and by law, there is hereby imposed a civil penalty in the amount of \$100 for failure to observe the standards established, and requirements and restrictions imposed, under this chapter. For each subsequent offense within any given twelve-month time frame, the civil penalty shall be increased by \$50, not to exceed any amounts as provided in MGL c. 40, § 21, and any amendments thereto. All penalties and fines may be recovered by noncriminal disposition in accordance with MGL c. 40, § 21D, and any person taking cognizance of a violation of this chapter which he or she is empowered to enforce, as an alternative to initiating criminal proceedings, may give to the offender a written notice to appear before the clerk of the district court having jurisdiction thereof at any time during office hours, not later than 21 days after the date of such notice.

**B.**

Civil penalties shall be paid within 15 days at the Gardner City Hall Collector's office. If not so paid, the City may initiate a civil action in the name of the City in the nature of debt to collect the unpaid penalties, as provided under the City of Gardner's ordinances and/or state law. In the event that the civil penalty is not paid within that time, and unless an appeal has been properly filed and is pending, each owner's, operator's and/or driver's license shall be revoked or suspended, at the discretion of the Chief of Police or his or her designee, until the entire debt is paid.

**C.**

Any license properly to be otherwise issued or renewed under the terms of this chapter shall not be issued or renewed in the event civil penalties for violations are overdue and remain unpaid by the applicant or license holder.

**D.**

In addition to the levying of civil penalties for violations of this chapter, violations shall also be punishable as a misdemeanor offense under Chapter **1**, General

Provisions, Article I, Enforcement, of this Code and/or state law, and each day's continuing violation shall constitute a separate offense.

**§ 423-11 Grievance procedure.**

**A.**

The levying of civil penalties shall be initiated by any police officer, whereupon the license holder shall be given written notice of the infraction committed, along with a statement that a civil penalty is being imposed. The notice shall inform the license holder that he or she may appeal the civil penalty within 10 days to the Chief of Police or his or her designee. If an appeal is made, a hearing will be held before the Chief of Police or his or her designee, who shall within 15 days of the hearing affirm, reverse or take any other action as to the imposition of the penalty based upon his or her sole discretion.

**B.**

It shall be the applicant's responsibility and burden to produce substantial evidence at the time of the hearing that the officer's decision was unfounded or was otherwise inconsistent with the provisions of this chapter.

**C.**

Any license subsequently issued in this manner may be limited or conditioned as the Chief of Police or his or her designee sees fit at his or her sole discretion in the best interest of public safety.

**§ 423-12: Ride Share Services Exempt**

The contracting and operation of rideshare vehicles, as defined herein, within the City of Gardner, is excluded from the rules and regulations applied to taxi and livery vehicles in this ordinance.

---

*Massachusetts General Laws  
Governing Ride Share Services*

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**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title XXII** CORPORATIONS

**Chapter** TRANSPORTATION NETWORK COMPANIES  
**159A1/2**

**Section 1** DEFINITIONS

Section 1. As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:

"Background check clearance certificate", verification issued by the division to a transportation network company and driver applicant, electronically or otherwise, that a driver applicant successfully completed the background check required under section 3 and is suitable to provide transportation network services.

"Cruising", the driving of a vehicle on the streets, alleys or public places of motorized travel in search of or soliciting hails from a person in the street.

"Department", the department of public utilities.

"Digital network", any online-enabled application, software, website or system offered or utilized by a transportation network company that enables pre-arranged rides with transportation network drivers.

"Division", the division established in section 23 of chapter 25.

"Pre-arranged ride", a period of time that begins when a transportation network driver accepts a requested ride through a digital network, continues while the driver transports the transportation network company rider and ends when the rider safely departs from the vehicle.

"Transportation network company", a corporation, partnership, sole proprietorship or other entity that uses a digital network to connect riders to drivers to pre-arrange and provide transportation.

"Transportation network company permit" or "permit", a document that may be issued by the division to a qualifying transportation network company pursuant to this chapter.

"Transportation network driver" or "driver", a driver certified by a transportation network company.

"Transportation network driver certificate" or "driver certificate", an authorization to provide transportation network services issued by the transportation network company to a transportation network driver.

"Transportation network rider" or "rider", a passenger in a pre-arranged ride provided by a transportation network driver, provided that the passenger personally arranged the ride or an arrangement was made on the rider's behalf.

"Transportation network services" or "services", the offering or providing of pre-arranged rides for compensation or on a promotional basis to riders or prospective riders through the transportation network company's digital network, covering the period beginning when a transportation network driver is logged onto the transportation network company's digital network and is available to receive a pre-arranged ride or while in the course of providing a pre-arranged ride.



"Transportation network vehicle" or "vehicle", a vehicle that is used by a transportation network driver to provide transportation network services.

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title XXII** CORPORATIONS

**Chapter** TRANSPORTATION NETWORK COMPANIES  
**159A1/2**

**Section 2** JURISDICTION OF DIVISION; DECALS; INSURANCE POLICY REQUIREMENTS; FARE POLICIES; SAFETY INSPECTIONS; ACCOMMODATIONS FOR SPECIAL NEEDS RIDERS; PROVISION OF DRIVER IDENTIFICATION TO RIDERS; ELECTRONIC TOLL TRANSPONDERS; SUSPENSION OR REVOCATION OF BACKGROUND CHECK CLEARANCE CERTIFICATE; JUDICIAL REVIEW

Section 2. (a) The division shall have jurisdiction over transportation network companies to ensure the safety and convenience of the public, as expressly set forth in this chapter.

(b) In consultation with the registry of motor vehicles, the division shall provide for the establishment of removable decals to be issued by transportation network companies, in a form and manner prescribed by the division, to transportation network drivers to designate a vehicle as a transportation network vehicle for law enforcement and public safety purposes. The decal shall be applied to both the front and back panels of a vehicle at all times while the vehicle is providing transportation network services. A transportation network driver who provides

transportation network services using the digital network of more than 1 transportation network company shall display the respective decals for each transportation network company while the vehicle is providing transportation network services. A transportation network driver who ceases to be certified to provide transportation network services for any reason shall return the decal within 14 days of that cessation to the respective transportation network company in the manner and form prescribed by the division.

(c) In consultation with the commissioner of insurance, the division shall implement the insurance policy requirements established in section 228 of chapter 175.

(d) A transportation network company shall provide clear and conspicuous transportation fare estimates to riders at all times, including during surge pricing, high volume and high demand times. Fare estimates shall include a clear rate estimate or the amount of the price increase resulting from surge pricing or increased demand.

(e) A transportation network company and driver shall not raise base fares during a federal or a governor-declared state of emergency.

(f) In consultation with state police, local law enforcement and the registry of motor vehicles, the division shall ensure the safety and annual inspection of transportation network vehicles, including a transportation network vehicle inspection pursuant to section 7A of chapter 90. A transportation network driver shall obtain a transportation network vehicle inspection at the driver's next annual emissions testing or within 12 months of obtaining a transportation network driver certificate, whichever comes first.

- (g) The division shall ensure the accommodation of riders with special needs. A transportation network company shall not impose additional charges or increase fares when providing services to persons with disabilities and all transportation network drivers shall comply with applicable laws, rules and regulations relating to the accommodation of service animals.
- (h) A transportation network company shall not be subject to the department's rate or common carrier requirements pursuant to chapters 159, 159A or 159B.
- (i) A transportation network company shall provide a driver's name, picture and the license plate number of the vehicle in use to a rider on any digital network used to facilitate a pre-arranged ride.
- (j) In consultation with the division, the Massachusetts Department of Transportation's highway division shall provide for the issuance of electronic toll transponders set at the commercial vehicle rate to be issued by transportation network companies to transportation network drivers. The electronic toll transponders shall be used each time a transportation network driver provides transportation network services on a toll road, bridge or tunnel; provided, however, that the issuance of an electronic toll transponder pursuant to this subsection shall not prohibit a transportation network driver from establishing or maintaining an electronic toll transponder account for personal use.
- (k) In consultation with the division, a transportation network company shall provide its ride data to the Massachusetts Department of Transportation and the department shall cross-reference that data with its toll data to ensure that tolls incurred by a driver providing transportation

network services through a digital network are paid at the commercial rate through the pay by plate system and through the electronic transponder system.

(l) A transportation network company shall notify the division upon receipt of information that a driver utilizing its network has violated a law or rule or regulation related to the provision of transportation network services or that the driver is not suitable to provide transportation network services.

(m) If, after the division issued a background check clearance certificate, the division is notified by a transportation network company, law enforcement or government entity that a driver is unsuitable and the division verifies the unsuitability, the division shall immediately revoke or suspend the background check clearance certificate and shall notify the driver and each transportation network company who issued the driver a driver certificate that the background check clearance certificate has been revoked or suspended. The division shall issue rules and regulations to establish a process for a driver to appeal a revocation or suspension. The rules or regulations shall include an opportunity for a hearing.

A driver aggrieved by a final order or decision of the division pursuant to this subsection or subsection (d) of section 3 may institute proceedings for judicial review in the superior court within 30 days after receipt of such order or decision. Any proceedings in the superior court shall, insofar as applicable, be governed by section 14 of chapter 30A, and may be instituted in the superior court for the county: (i) where the parties or any of them reside or have their principal place of business within the commonwealth; (ii) where the division has its principal place of business;

or (iii) of Suffolk. The commencement of such proceedings shall not, unless specifically ordered by the court, operate as a stay of the division's order or decision.

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| <b>Part I</b>              | ADMINISTRATION OF THE GOVERNMENT                                                                                                                                                                 |
| <b>Title XXII</b>          | CORPORATIONS                                                                                                                                                                                     |
| <b>Chapter<br/>159A1/2</b> | TRANSPORTATION NETWORK COMPANIES                                                                                                                                                                 |
| <b>Section 3</b>           | LIMITATION OF SERVICE TO PRE-ARRANGED RIDES USING A<br>DIGITAL NETWORK; APPLICATION FOR PERMIT BY<br>TRANSPORTATION NETWORK COMPANY; BACKGROUND<br>CHECK CLEARANCE CERTIFICATE FOR DRIVERS; FEES |

Section 3. (a) All transportation network companies and transportation network drivers shall provide services in the form of a pre-arranged ride using a digital network. A driver providing transportation network services shall not solicit, accept, arrange or provide transportation in another manner, including cruising unless otherwise authorized by law.

(b) A transportation network company shall apply for a permit to be issued and annually renewed by the division. No transportation network company shall operate without a permit issued to it by the division.

(c) No application for a permit may be granted or renewed unless the division determines that the rendering of transportation network services by the applicant is consistent with the public interest. At a minimum, each applicant for a permit shall verify the following:

- (i) that the applicant has an oversight process in place to ensure that the applicant and every transportation network driver using the transportation network company's digital network possesses adequate insurance coverage, as required by this chapter and section 228 of chapter 175, and otherwise complies with all laws, rules and regulations concerning transportation network vehicles and drivers;
- (ii) that the applicant has an oversight process in place to ensure that each driver using the applicant's digital network has, pursuant to section 4, successfully completed a background check, maintains a valid background check clearance certificate, is a suitable driver and has a transportation network driver certificate;
- (iii) that the digital network used by the applicant to pre-arrange rides employs a clear and conspicuous explanation of the total cost and pricing structure applicable to each pre-arranged ride before the ride begins;
- (iv) that transportation network companies and drivers do not use excessive minimum or base rates;
- (v) that the applicant has an oversight process in place to ensure that tolls incurred by a driver providing transportation network services through its digital network are paid at the commercial rate including the utilization of the electronic toll transponder issued pursuant to subsection (j) of section 2 and the data cross-reference pursuant to subsection (k) of said section 2;
- (vi) that the applicant has an oversight process in place to ensure that the applicant and drivers using the applicant's digital network accommodate riders with special needs, including riders requiring wheelchair accessible vehicles, in all areas served by transportation network companies, comply with all applicable laws regarding nondiscrimination against riders or



potential riders and ensure the accommodation of riders with special needs including, but not limited to, all applicable laws, rules and regulations relating to the accommodation of service animals;

(vii) that the applicant has a process in place to ensure that it shall: (1) maintain and update, pursuant to regulations promulgated by the division, a roster of each transportation network driver certified by the applicant to provide pre-arranged rides using the transportation network company's digital network; (2) upon request and with appropriate legal process, provide those rosters to the division, the registry of motor vehicles and to state and local law enforcement; (3) maintain and update those rosters as required by the division; (4) comply with all requests for information from the division regarding the roster, including verification of completion of a background check as required pursuant to clause (ii);

(viii) that the applicant has established a toll-free customer service hotline that shall be capable of responding to consumer, driver and rider questions and complaints and that the hotline number shall be conspicuously posted along with the hours of operation on the applicant's website and within the applicant's digital network application;

(ix) that the applicant has established procedures governing the safe pickup, transfer, and delivery of individuals with visual impairments and individuals who use mobility devices, including but not limited to wheelchairs, crutches, canes, walkers, and scooters; and

(x) that the applicant has an oversight process in place to ensure that transportation network drivers with vehicles registered outside of the commonwealth meet the requirements of this chapter.

(d) After obtaining the information required under clause (ii) of subsection (c) of section 4, the division shall determine whether the driver applicant has committed an offense that would disqualify the driver applicant from providing transportation network services, according to the division's rules, orders and regulations. The division shall determine if the driver applicant is suitable and, if determined to be suitable, shall provide the transportation network company and the driver applicant with a background check clearance certificate. The division shall conduct a background check pursuant to clause (ii) of subsection (c) of section 4 not less than annually. If the division finds that a driver is not suitable under the annual background check, the division shall notify the driver and each relevant transportation network company that the background check clearance certificate is revoked or suspended.

(e) The division shall calculate and the secretary of administration and finance shall determine, pursuant to section 3B of chapter 7, the cost associated with the division's review of an application for a transportation network company permit, for renewal of the permit and to issue background check clearance certificates. The division may charge the transportation network company a reasonable fee to cover the costs.

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| <b>Part I</b>              | ADMINISTRATION OF THE GOVERNMENT                                                                                                                                                                                                                                                       |
| <b>Title XXII</b>          | CORPORATIONS                                                                                                                                                                                                                                                                           |
| <b>Chapter<br/>159A1/2</b> | TRANSPORTATION NETWORK COMPANIES                                                                                                                                                                                                                                                       |
| <b>Section 4</b>           | TRANSPORTATION NETWORK DRIVER CERTIFICATES;<br>POSTING IN VEHICLE LOCATION VISIBLE TO RIDERS;<br>DRIVER QUALIFICATIONS; BACKGROUND CHECKS;<br>SUSPENSION OF CERTIFICATE; QUARTERLY AUDIT OF<br>TRANSPORTATION NETWORK COMPANY'S DRIVER<br>CERTIFICATION AND BACKGROUND CHECK PROCESSES |

Section 4. (a) A driver who seeks to utilize the digital network of a transportation network company to provide pre-arranged rides shall apply to a transportation network company for a transportation network driver certificate. A person shall not provide transportation network services in the commonwealth without a valid background check clearance certificate and a transportation network driver certificate. The transportation network driver certificate shall be in a form prescribed by the division which shall include the name, picture of the driver and the license plate number of the vehicle in use and shall post a certificate for each transportation network company that has certified the driver in a location in the vehicle that is visible to the rider while transportation network services are being provided. A transportation network company

shall not issue a transportation network driver certificate to a driver applicant unless the transportation network company has verified that the driver has received a background check clearance certificate from the division.

(b) At a minimum, and subject to such other requirements as the division may establish by regulation, a transportation network company shall only issue a transportation network driver certificate to a driver who:

(i) is at least 21 years of age;

(ii) has access to a vehicle that has been registered in the commonwealth and inspected pursuant to section 7A of chapter 90 and regulations promulgated under said section 7A of said section 90 at a facility licensed by the registry of motor vehicles; or has access to a vehicle that has been registered in another state, and the vehicle complies with the inspection requirement of the state where the vehicle is registered;

(iii) complies with insurance requirements established in this chapter or in section 228 of chapter 175;

(iv) provides notice to all insurers of the vehicle that the applicant intends to use the vehicle to provide transportation network services;

(v) is determined to be suitable to perform transportation network services pursuant to subsections (c) and (d);

(vi) does not appear on the National Sex Offender Registry;

(vii) has not had a conviction in the past 7 years for: (1) a sex offense or violent crime as defined in section 133E of chapter 127; (2) a crime under section 24 of chapter 90 or been assigned to an alcohol or controlled

substance education, treatment or rehabilitation program by a court; (3) leaving the scene of property damage or personal injury caused by a motor vehicle; (4) felony robbery; or (5) felony fraud; and

(viii) has a driving record that does not include more than 4 traffic violations or any major traffic violation, as defined by the division of insurance, in the preceding 3 year period.

(c) Prior to providing transportation network services, a driver applicant shall be subject to a 2-part background check process to determine if the driver applicant is suitable. The transportation network company shall: (i) conduct a background check and disqualify applicants on the basis of a suitability standard to be determined in regulations promulgated by the division; and (ii) submit identifying information regarding an applicant to the division, which shall refer that information to the department of criminal justice information services, which shall obtain all available criminal offender record information, as defined in section 167 of chapter 6, and pursuant to section 172 of said chapter 6 and sex offender registry information.

(d) Not less than 2 times per year, the transportation network company shall conduct a background check pursuant to clause (i) of subsection (c) and shall immediately remove a driver from its digital network if the driver is found not suitable pursuant to the suitability standards to be determined in regulations promulgated by the division.

(e) The transportation network company shall immediately suspend a transportation network driver's certificate, and notify the division of the suspension, upon learning of and verifying a driver's arrest for a crime or a driver's citation for a driving infraction that would render the driver unsuitable to provide transportation network services. A transportation

network company shall report such suspension, in a form and manner prescribed by the division, to the division, which shall ensure all transportation network companies that certified that driver take appropriate action. Any such suspension may be limited to the period of time necessary to determine whether continued provision of transportation network services by the driver is consistent with the public interest.

(f) In accordance with this section, the division shall quarterly audit the driver certification and criminal background check processes of a transportation network company. Non-compliance with this section shall constitute cause for the division to suspend or revoke a transportation network company permit pursuant to section 6.

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title XXII** CORPORATIONS

**Chapter** TRANSPORTATION NETWORK COMPANIES  
**159A1/2**

**Section 5** INSURANCE REQUIREMENTS; PROOF OF ADEQUATE  
INSURANCE; SCOPE OF COVERAGE; CLAIMS COVERAGE  
INVESTIGATION

Section 5. (a) Each transportation network company shall carry adequate insurance, as required by this chapter and section 228 of chapter 175, for each vehicle being used to provide transportation network services through a transportation network company's digital network.

(b) A transportation network driver shall carry adequate insurance for each vehicle being used to provide transportation network services in association with a transportation network driver's certificate and shall carry proof of adequate insurance, as required by section 228 of chapter 175, at all times while providing transportation network services. In the event of an incident giving rise to personal injury or property damage, a transportation network driver shall provide insurance coverage information to directly interested parties, automobile insurers and law enforcement. Upon request, a transportation network driver shall disclose

to directly interested parties, automobile drivers, automobile insurers and law enforcement whether the driver was providing transportation network services at the time of the incident.

(c) Automobile liability insurance providers offering coverage to a transportation network company or transportation network driver to comply with subsection (a) or (b) shall recognize that a driver is a transportation network driver who uses a vehicle to transport riders for compensation and cover the driver while the driver is logged on to the transportation network company's digital network or while the driver is engaged in a pre-arranged ride.

(d) A transportation network company shall disclose, in writing, to a prospective transportation network driver, before certifying the driver to provide transportation network services through the transportation network company's digital network: (i) the insurance coverage, including the types of coverage and the limits for each coverage, that the transportation network company provides while the transportation network driver provides transportation network services; and (ii) a statement that the transportation network driver's own automobile insurance policy may not provide coverage while the driver is providing transportation network services, depending on the terms of the policy.

(e) In a claims coverage investigation, a transportation network company, a transportation network driver and an insurer responding to a claim involving transportation network services shall disclose to each other a clear description of the coverage, exclusions and limits provided under an automobile insurance policy maintained under this section and shall cooperate to facilitate the exchange of relevant information with directly involved parties including, but not limited to, the precise times that a



transportation network driver logged on and off of the transportation network company's digital network in the 12-hour period immediately preceding and in the 12-hour period immediately following the accident.

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title XXII** CORPORATIONS

**Chapter** TRANSPORTATION NETWORK COMPANIES  
**159A1/2**

**Section 6** VIOLATIONS OF CHAPTER BY TRANSPORTATION NETWORK COMPANY; PENALTIES; JUDICIAL REVIEW

Section 6. (a) If the division determines, after notice and a hearing, that a transportation network company is in violation of this chapter or any rule or regulation promulgated under this chapter, the division shall issue a monetary penalty, suspend or revoke a transportation network company permit or take other action that the division deems necessary. In determining the amount of the monetary penalty, the division shall consider, without limitation, the size of the transportation network company based on a transportation network company's intrastate operating revenues for the previous calendar year, the gravity of the violation including noncompliance with the payment of commercial rate tolls as required in clause (v) of subsection (c) of section 3, the degree to which the transportation network company exercised good faith in attempting to achieve compliance or to remedy non-compliance and previous violations by the transportation network company cited by the division.

The division shall issue rules and regulations to establish a process for administrative appeal of any penalty, suspension or revocation imposed in accordance with this section.

(b) Any party aggrieved by a final order or decision of the division pursuant to this section may institute proceedings for judicial review in the superior court within 30 days after receipt of such order or decision. Any proceedings in the superior court shall, insofar as applicable, be governed by the provisions of section 14 of chapter 30A, and may be instituted in the superior court for the county (i) where the parties or any of them reside or have their principal place of business within the commonwealth; (ii) where the division has its principal place of business; or (iii) of Suffolk. The commencement of such proceedings shall not, unless specifically ordered by the court, operate as a stay of the division's order or decision.

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title XXII** CORPORATIONS

**Chapter** TRANSPORTATION NETWORK COMPANIES  
**159A1/2**

**Section 7** VIOLATIONS OF CHAPTER BY DRIVER PROVIDING  
TRANSPORTATION NETWORK SERVICES; PENALTIES

Section 7. (a) A driver providing transportation network services who is not in compliance with subsection (b) of section 2 or sections 4 or 5 shall be deemed to have committed a civil motor vehicle infraction, as defined in section 1 of chapter 90C. State or local law enforcement officials may issue a citation for any such violation in the manner provided for in said chapter 90C. If the driver is cited under this subsection, every transportation network company that allows the driver to provide transportation network services shall be subject to a fine of \$500.

(b) A driver providing transportation network services who knowingly or willfully allows another individual to use that driver's certificate or identity to provide transportation network services or a driver who is using a transportation network driver certificate belonging to another individual or is misrepresenting a driver's identity to riders or potential riders by means of a digital network shall be punished by a fine of not more than \$500 for a first offense, by a fine of not more than \$750 for a

second offense and by a fine of not more than \$1,000 or by imprisonment in the house of correction for not more than 6 months for a third or subsequent offense.

(c) A driver who violates section 3 or any other person who, by soliciting, accepting, arranging or providing transportation network services in any other manner, including through street hails, cruising or street solicitations, shall be deemed to have committed a civil motor vehicle infraction, as defined in section 1 of chapter 90C. State or local law enforcement officials may issue a citation for any such violation in the manner provided for in said chapter 90C to the transportation network driver and may assess a fine of \$500.

(d) A driver who fails to produce proof of a transportation network driver certificate and a background check clearance certificate upon request by law enforcement shall be punished by a fine of not more than \$100 for a first offense, by a fine of not more than \$500 for a second offense and not more than \$1,000 for a third or subsequent offense.

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| <b>Part I</b>              | ADMINISTRATION OF THE GOVERNMENT                                                                                                                                  |
| <b>Title XXII</b>          | CORPORATIONS                                                                                                                                                      |
| <b>Chapter<br/>159A1/2</b> | TRANSPORTATION NETWORK COMPANIES                                                                                                                                  |
| <b>Section 8</b>           | MAINTENANCE OF RECORDS; ACCOUNTING OF<br>COMPLAINTS; CRIMINAL COMPLAINT PROCESS;<br>CONFIDENTIALITY OF DRIVER AND RIDER IDENTIFICATION<br>INFORMATION; EXCEPTIONS |

Section 8. (a) The division shall require a transportation network company to maintain certain records, in addition to the records required by clause (vii) of subsection (c) of section 3 including, but not limited to, records pertaining to incidents reported to the transportation network company relative to a driver or rider, records pertaining to accessibility and records pertaining to pricing; provided, however, that the division shall issue guidelines on the content and maintenance of incident reports. A transportation network company shall retain the incident reports for not less than 7 years. Each transportation network company or applicant for a transportation network company permit shall furnish all information and documents related to the condition, management and operation of the company upon the division's request; provided, however, that any such request shall be reasonably related to the requirements set forth in this chapter and the rules and regulations promulgated under this chapter. The

failure to maintain or furnish information to the division within a timeline to be determined by the division may, at the discretion of the division, constitute cause to not issue, suspend or revoke a transportation network company permit pursuant to section 6.

(b) A transportation network company shall provide to the division a detailed monthly accounting of driver and passenger complaints received under clause (viii) of subsection (c) of section 3 and the actions the company has taken, if any, to resolve said complaints.

(c) In response to a specific complaint alleging criminal conduct against any transportation network company driver or passenger, a transportation network company shall, upon request and after being served with appropriate legal process, provide information to a requesting law enforcement agency necessary to investigate the complaint, as determined by the law enforcement agency.

Transportation network companies shall, after being served with appropriate legal process, provide information related to an alleged criminal incident including, but not limited to, trip specific details regarding origin and destination, length of trip, GPS coordinates of route, driver identification and, if applicable, information reported to the transportation network company regarding the alleged criminal activity by a driver or passenger, to the appropriate law enforcement agency upon receipt of a specific complaint alleging criminal conduct against any transportation network company driver or passenger.

(d) Any record furnished to the division shall exclude information identifying drivers or riders, unless the division explains, in writing, to the transportation network company why the information is necessary for the enforcement processes established in this chapter.

(e) Any record furnished to the division or other state agency by a transportation network company pursuant to this chapter including, but not limited to, the roster of permitted transportation network drivers, shall not be considered a public record as defined in clause Twenty-sixth of section 7 of chapter 4 or chapter 66. An application for a transportation network company permit submitted pursuant to this chapter shall be a public record as defined in said clause Twenty-sixth of said section 7 of said chapter 4 or said chapter 66; provided, however, that such an application may be withheld from disclosure, in whole or in part, for reasons set forth in said clause Twenty-sixth of said section 7 of said chapter 4 or said chapter 66.



**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title XXII** CORPORATIONS

**Chapter** TRANSPORTATION NETWORK COMPANIES  
**159A1/2**

**Section 9** RIGHT OF TRANSPORTATION NETWORK COMPANY TO  
SUSPEND, REVOKE OR TERMINATE A DRIVER FROM  
DIGITAL NETWORK

Section 9. Nothing in this chapter shall require a transportation network company to issue a driver certificate to a driver applicant who meets the requirements of this chapter or prevent the transportation network company from suspending, revoking or otherwise terminating a driver from its digital network.

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title XXII** CORPORATIONS

**Chapter** TRANSPORTATION NETWORK COMPANIES  
**159A1/2**

**Section 10** TAXATION OR ADDITIONAL REQUIREMENTS ON  
TRANSPORTATION NETWORK COMPANIES BY ENTITIES  
OTHER THAN MASSACHUSETTS PORT AUTHORITY  
PROHIBITED

Section 10. Except where expressly set forth in this chapter, no municipality or other local or state entity, except the Massachusetts Port Authority, may: (i) impose a tax on or require any additional license for a transportation network company, a transportation network driver or a vehicle used by a transportation network driver where the tax or licenses relate to facilitating or providing pre-arranged rides; (ii) require any additional license for a transportation network company or transportation network driver; or (iii) subject a transportation network company to the municipality's or other local or state entity's rates or other requirements, including but not limited to entry or operational requirements; provided, however, that a municipality or other local or state entity may regulate traffic flow and traffic patterns to ensure public safety and convenience.

**Part I** ADMINISTRATION OF THE GOVERNMENT

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**159A1/2**

**Section 11** RULES AND REGULATIONS

Section 11. The division shall promulgate regulations necessary for the implementation, administration and enforcement of this chapter.

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*DPU Municipal Disbursements from  
Ride Share Services for 2021*

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**Municipal Disbursements - 2021 TNC Rides**

|             |            |                |
|-------------|------------|----------------|
| Abington    | 44,956     | \$4,495.60     |
| Acton       | 19,100     | \$1,910.00     |
| Acushnet    | 3,220      | \$322.00       |
| Adams       | 33         | \$3.30         |
| Agawam      | 11,775     | \$1,177.50     |
| Alford      | 0          | \$0.00         |
| Amesbury    | 13,590     | \$1,359.00     |
| Amherst     | 57,857     | \$5,785.70     |
| Andover     | 77,382     | \$7,738.20     |
| Aquinnah    | 163        | \$16.30        |
| Arlington   | 153,441    | \$15,344.10    |
| Ashburnham  | 261        | \$26.10        |
| Ashby       | 74         | \$7.40         |
| Ashfield    | 0          | \$0.00         |
| Ashland     | 22,641     | \$2,264.10     |
| Athol       | 73         | \$7.30         |
| Attleboro   | 78,772     | \$7,877.20     |
| Auburn      | 27,943     | \$2,794.30     |
| Avon        | 33,793     | \$3,379.30     |
| Ayer        | 4,178      | \$417.80       |
| Barnstable  | 195,121    | \$19,512.10    |
| Barre       | 14         | \$1.40         |
| Becket      | 7          | \$0.70         |
| Bedford     | 30,753     | \$3,075.30     |
| Belchertown | 628        | \$62.80        |
| Bellingham  | 9,519      | \$951.90       |
| Belmont     | 103,946    | \$10,394.60    |
| Berkley     | 2,246      | \$224.60       |
| Berlin      | 3,261      | \$326.10       |
| Bernardston | 9          | \$0.90         |
| Beverly     | 114,243    | \$11,424.30    |
| Billerica   | 74,569     | \$7,456.90     |
| Blackstone  | 1,777      | \$177.70       |
| Blandford   | 8          | \$0.80         |
| Bolton      | 1,193      | \$119.30       |
| Boston      | 18,352,862 | \$1,835,286.20 |
| Bourne      | 13,559     | \$1,355.90     |
| Boxborough  | 3,558      | \$355.80       |
| Boxford     | 3,340      | \$334.00       |
| Boylston    | 3,905      | \$390.50       |
| Braintree   | 269,431    | \$26,943.10    |
| Brewster    | 8,712      | \$871.20       |
| Bridgewater | 34,235     | \$3,423.50     |
| Brimfield   | 24         | \$2.40         |
| Brockton    | 844,803    | \$84,480.30    |
| Brookfield  | 76         | \$7.60         |
| Brookline   | 840,606    | \$84,060.60    |

If you have questions about this report, please contact us at [DPUTNCREports@mass.gov](mailto:DPUTNCREports@mass.gov)

## Municipal Disbursements - 2021 TNC Rides

|                  |           |              |
|------------------|-----------|--------------|
| Buckland         | 2         | \$0.20       |
| Burlington       | 148,304   | \$14,830.40  |
| Cambridge        | 2,360,396 | \$236,039.60 |
| Canton           | 76,666    | \$7,666.60   |
| Carlisle         | 2,075     | \$207.50     |
| Carver           | 4,260     | \$426.00     |
| Charlemont       | 1         | \$0.10       |
| Charlton         | 2,213     | \$221.30     |
| Chatham          | 17,429    | \$1,742.90   |
| Chelmsford       | 72,291    | \$7,229.10   |
| Chelsea          | 492,479   | \$49,247.90  |
| Cheshire         | 26        | \$2.60       |
| Chester          | 1         | \$0.10       |
| Chesterfield     | 1         | \$0.10       |
| Chicopee         | 61,737    | \$6,173.70   |
| Chilmark         | 1,055     | \$105.50     |
| Clarksburg       | 1         | \$0.10       |
| Clinton          | 6,436     | \$643.60     |
| Cohasset         | 5,111     | \$511.10     |
| Colrain          | 0         | \$0.00       |
| Concord          | 26,749    | \$2,674.90   |
| Conway           | 2         | \$0.20       |
| Cummington       | 0         | \$0.00       |
| Dalton           | 104       | \$10.40      |
| Danvers          | 112,437   | \$11,243.70  |
| Dartmouth        | 52,015    | \$5,201.50   |
| Dedham           | 145,572   | \$14,557.20  |
| Deerfield        | 393       | \$39.30      |
| Dennis           | 36,671    | \$3,667.10   |
| Dighton          | 1,954     | \$195.40     |
| Douglas          | 564       | \$56.40      |
| Dover            | 4,693     | \$469.30     |
| Dracut           | 51,936    | \$5,193.60   |
| Dudley           | 1,062     | \$106.20     |
| Dunstable        | 449       | \$44.90      |
| Duxbury          | 4,852     | \$485.20     |
| East_Bridgewater | 11,736    | \$1,173.60   |
| East_Brookfield  | 120       | \$12.00      |
| East_Longmeadow  | 6,597     | \$659.70     |
| Eastham          | 3,545     | \$354.50     |
| Easthampton      | 3,284     | \$328.40     |
| Easton           | 34,437    | \$3,443.70   |
| Edgartown        | 35,927    | \$3,592.70   |
| Egremont         | 1         | \$0.10       |
| Erving           | 1         | \$0.10       |
| Essex            | 1,235     | \$123.50     |
| Everett          | 708,594   | \$70,859.40  |

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## Municipal Disbursements - 2021 TNC Rides

|                  |         |             |
|------------------|---------|-------------|
| Fairhaven        | 16,364  | \$1,636.40  |
| Fall River       | 220,821 | \$22,082.10 |
| Falmouth         | 68,479  | \$6,847.90  |
| Fitchburg        | 40,407  | \$4,040.70  |
| Florida          | 2       | \$0.20      |
| Foxborough       | 40,622  | \$4,062.20  |
| Framingham       | 276,077 | \$27,607.70 |
| Franklin         | 22,634  | \$2,263.40  |
| Freetown         | 3,286   | \$328.60    |
| Gardner          | 3,378   | \$337.80    |
| Georgetown       | 3,530   | \$353.00    |
| Gill             | 11      | \$1.10      |
| Gloucester       | 10,510  | \$1,051.00  |
| Goshen           | 2       | \$0.20      |
| Gosnold          | 0       | \$0.00      |
| Grafton          | 11,170  | \$1,117.00  |
| Granby           | 693     | \$69.30     |
| Granville        | 3       | \$0.30      |
| Great_Barrington | 62      | \$6.20      |
| Greenfield       | 343     | \$34.30     |
| Groton           | 2,237   | \$223.70    |
| Groveland        | 2,702   | \$270.20    |
| Hadley           | 11,485  | \$1,148.50  |
| Halifax          | 3,191   | \$319.10    |
| Hamilton         | 3,790   | \$379.00    |
| Hampden          | 319     | \$31.90     |
| Hancock          | 23      | \$2.30      |
| Hanover          | 18,509  | \$1,850.90  |
| Hanson           | 6,496   | \$649.60    |
| Hardwick         | 4       | \$0.40      |
| Harvard          | 3,596   | \$359.60    |
| Harwich          | 23,113  | \$2,311.30  |
| Hatfield         | 424     | \$42.40     |
| Haverhill        | 214,714 | \$21,471.40 |
| Hawley           | 0       | \$0.00      |
| Heath            | 0       | \$0.00      |
| Hingham          | 45,466  | \$4,546.60  |
| Hinsdale         | 11      | \$1.10      |
| Holbrook         | 36,822  | \$3,682.20  |
| Holden           | 5,967   | \$596.70    |
| Holland          | 8       | \$0.80      |
| Holliston        | 6,491   | \$649.10    |
| Holyoke          | 52,153  | \$5,215.30  |
| Hopedale         | 1,345   | \$134.50    |
| Hopkinton        | 8,541   | \$854.10    |
| Hubbardston      | 67      | \$6.70      |
| Hudson           | 17,539  | \$1,753.90  |

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## Municipal Disbursements - 2021 TNC Rides

|               |         |             |
|---------------|---------|-------------|
| Hull          | 9,090   | \$909.00    |
| Huntington    | 2       | \$0.20      |
| Ipswich       | 5,577   | \$557.70    |
| Kingston      | 14,275  | \$1,427.50  |
| Lakeville     | 5,052   | \$505.20    |
| Lancaster     | 2,158   | \$215.80    |
| Lanesborough  | 53      | \$5.30      |
| Lawrence      | 418,634 | \$41,863.40 |
| Lee           | 116     | \$11.60     |
| Leicester     | 7,599   | \$759.90    |
| Lenox         | 378     | \$37.80     |
| Leominster    | 47,226  | \$4,722.60  |
| Leverett      | 51      | \$5.10      |
| Lexington     | 76,849  | \$7,684.90  |
| Leyden        | 1       | \$0.10      |
| Lincoln       | 12,266  | \$1,226.60  |
| Littleton     | 7,747   | \$774.70    |
| Longmeadow    | 5,113   | \$511.30    |
| Lowell        | 572,755 | \$57,275.50 |
| Ludlow        | 4,499   | \$449.90    |
| Lunenburg     | 4,015   | \$401.50    |
| Lynn          | 606,745 | \$60,674.50 |
| Lynnfield     | 27,160  | \$2,716.00  |
| Malden        | 641,059 | \$64,105.90 |
| Manchester    | 2,730   | \$273.00    |
| Mansfield     | 31,884  | \$3,188.40  |
| Marblehead    | 28,945  | \$2,894.50  |
| Marion        | 1,099   | \$109.90    |
| Marlborough   | 85,983  | \$8,598.30  |
| Marshfield    | 13,126  | \$1,312.60  |
| Mashpee       | 18,500  | \$1,850.00  |
| Mattapoisett  | 1,389   | \$138.90    |
| Maynard       | 7,278   | \$727.80    |
| Medfield      | 6,508   | \$650.80    |
| Medford       | 569,347 | \$56,934.70 |
| Medway        | 3,989   | \$398.90    |
| Melrose       | 102,745 | \$10,274.50 |
| Mendon        | 905     | \$90.50     |
| Merrimac      | 2,959   | \$295.90    |
| Methuen       | 169,201 | \$16,920.10 |
| Middleborough | 13,890  | \$1,389.00  |
| Middlefield   | 0       | \$0.00      |
| Middleton     | 13,377  | \$1,337.70  |
| Milford       | 22,884  | \$2,288.40  |
| Millbury      | 23,020  | \$2,302.00  |
| Millis        | 3,823   | \$382.30    |
| Millville     | 386     | \$38.60     |

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## Municipal Disbursements - 2021 TNC Rides

|                    |         |             |
|--------------------|---------|-------------|
| Milton             | 103,419 | \$10,341.90 |
| Monroe             | 0       | \$0.00      |
| Monson             | 89      | \$8.90      |
| Montague           | 68      | \$6.80      |
| Monterey           | 0       | \$0.00      |
| Montgomery         | 0       | \$0.00      |
| Mount_Washington   | 0       | \$0.00      |
| Nahant             | 7,245   | \$724.50    |
| Nantucket          | 175,155 | \$17,515.50 |
| Natick             | 113,908 | \$11,390.80 |
| Needham            | 95,074  | \$9,507.40  |
| New_Ashford        | 1       | \$0.10      |
| New_Bedford        | 234,531 | \$23,453.10 |
| New_Braintree      | 3       | \$0.30      |
| New_Marlborough    | 1       | \$0.10      |
| New_Salem          | 2       | \$0.20      |
| Newbury            | 3,088   | \$308.80    |
| Newburyport        | 16,582  | \$1,658.20  |
| Newton             | 554,969 | \$55,496.90 |
| Norfolk            | 4,350   | \$435.00    |
| North_Adams        | 150     | \$15.00     |
| North_Andover      | 60,019  | \$6,001.90  |
| North_Attleborough | 46,275  | \$4,627.50  |
| North_Brookfield   | 113     | \$11.30     |
| North_Reading      | 19,501  | \$1,950.10  |
| Northampton        | 11,185  | \$1,118.50  |
| Northborough       | 22,781  | \$2,278.10  |
| Northbridge        | 4,907   | \$490.70    |
| Northfield         | 3       | \$0.30      |
| Norton             | 18,132  | \$1,813.20  |
| Norwell            | 13,648  | \$1,364.80  |
| Norwood            | 123,074 | \$12,307.40 |
| Oak Bluffs         | 51,077  | \$5,107.70  |
| Oakham             | 18      | \$1.80      |
| Orange             | 19      | \$1.90      |
| Orleans            | 6,270   | \$627.00    |
| Otis               | 0       | \$0.00      |
| Oxford             | 6,411   | \$641.10    |
| Palmer             | 656     | \$65.60     |
| Paxton             | 1,261   | \$126.10    |
| Peabody            | 202,903 | \$20,290.30 |
| Pelham             | 66      | \$6.60      |
| Pembroke           | 11,502  | \$1,150.20  |
| Pepperell          | 896     | \$89.60     |
| Peru               | 0       | \$0.00      |
| Petersham          | 5       | \$0.50      |
| Phillipston        | 25      | \$2.50      |

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## Municipal Disbursements - 2021 TNC Rides

|              |           |              |
|--------------|-----------|--------------|
| Pittsfield   | 2,869     | \$286.90     |
| Plainfield   | 0         | \$0.00       |
| Plainville   | 13,061    | \$1,306.10   |
| Plymouth     | 64,974    | \$6,497.40   |
| Plympton     | 1,122     | \$112.20     |
| Princeton    | 349       | \$34.90      |
| Provincetown | 14,596    | \$1,459.60   |
| Quincy       | 705,761   | \$70,576.10  |
| Randolph     | 213,361   | \$21,336.10  |
| Raynham      | 29,829    | \$2,982.90   |
| Reading      | 42,452    | \$4,245.20   |
| Rehoboth     | 3,539     | \$353.90     |
| Revere       | 615,417   | \$61,541.70  |
| Richmond     | 23        | \$2.30       |
| Rochester    | 554       | \$55.40      |
| Rockland     | 42,132    | \$4,213.20   |
| Rockport     | 1,033     | \$103.30     |
| Rowe         | 0         | \$0.00       |
| Rowley       | 2,962     | \$296.20     |
| Royalston    | 1         | \$0.10       |
| Russell      | 6         | \$0.60       |
| Rutland      | 754       | \$75.40      |
| Salem        | 279,290   | \$27,929.00  |
| Salisbury    | 9,324     | \$932.40     |
| Sandisfield  | 0         | \$0.00       |
| Sandwich     | 9,554     | \$955.40     |
| Saugus       | 184,680   | \$18,468.00  |
| Savoy        | 0         | \$0.00       |
| Scituate     | 5,522     | \$552.20     |
| Seekonk      | 25,309    | \$2,530.90   |
| Sharon       | 18,963    | \$1,896.30   |
| Sheffield    | 3         | \$0.30       |
| Shelburne    | 15        | \$1.50       |
| Sherborn     | 3,228     | \$322.80     |
| Shirley      | 1,397     | \$139.70     |
| Shrewsbury   | 63,940    | \$6,394.00   |
| Shutesbury   | 20        | \$2.00       |
| Somerset     | 13,715    | \$1,371.50   |
| Somerville   | 1,172,672 | \$117,267.20 |
| South_Hadley | 5,192     | \$519.20     |
| Southampton  | 460       | \$46.00      |
| Southborough | 9,735     | \$973.50     |
| Southbridge  | 2,722     | \$272.20     |
| Southwick    | 163       | \$16.30      |
| Spencer      | 2,629     | \$262.90     |
| Springfield  | 323,178   | \$32,317.80  |
| Sterling     | 1,831     | \$183.10     |

## Municipal Disbursements - 2021 TNC Rides

|                  |         |             |
|------------------|---------|-------------|
| Stockbridge      | 38      | \$3.80      |
| Stoneham         | 77,848  | \$7,784.80  |
| Stoughton        | 117,580 | \$11,758.00 |
| Stow             | 1,832   | \$183.20    |
| Sturbridge       | 1,979   | \$197.90    |
| Sudbury          | 14,043  | \$1,404.30  |
| Sunderland       | 1,863   | \$186.30    |
| Sutton           | 3,905   | \$390.50    |
| Swampscott       | 45,090  | \$4,509.00  |
| Swansea          | 10,700  | \$1,070.00  |
| Taunton          | 102,263 | \$10,226.30 |
| Templeton        | 160     | \$16.00     |
| Tewksbury        | 83,383  | \$8,338.30  |
| Tisbury          | 27,843  | \$2,784.30  |
| Tolland          | 0       | \$0.00      |
| Topsfield        | 3,454   | \$345.40    |
| Townsend         | 587     | \$58.70     |
| Truro            | 1,933   | \$193.30    |
| Tyngsborough     | 11,915  | \$1,191.50  |
| Tyringham        | 3       | \$0.30      |
| Upton            | 1,417   | \$141.70    |
| Uxbridge         | 2,682   | \$268.20    |
| Wakefield        | 65,749  | \$6,574.90  |
| Wales            | 4       | \$0.40      |
| Walpole          | 42,324  | \$4,232.40  |
| Waltham          | 445,177 | \$44,517.70 |
| Ware             | 92      | \$9.20      |
| Wareham          | 17,482  | \$1,748.20  |
| Warren           | 82      | \$8.20      |
| Warwick          | 0       | \$0.00      |
| Washington       | 3       | \$0.30      |
| Watertown        | 289,571 | \$28,957.10 |
| Wayland          | 13,909  | \$1,390.90  |
| Webster          | 5,359   | \$535.90    |
| Wellesley        | 114,011 | \$11,401.10 |
| Wellfleet        | 2,288   | \$228.80    |
| Wendell          | 1       | \$0.10      |
| Wenham           | 3,458   | \$345.80    |
| West_Boylston    | 8,562   | \$856.20    |
| West_Bridgewater | 16,822  | \$1,682.20  |
| West_Brookfield  | 28      | \$2.80      |
| West_Newbury     | 1,039   | \$103.90    |
| West_Springfield | 43,442  | \$4,344.20  |
| West_Stockbridge | 7       | \$0.70      |
| West_Tisbury     | 9,650   | \$965.00    |
| Westborough      | 47,406  | \$4,740.60  |
| Westfield        | 7,268   | \$726.80    |

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## Municipal Disbursements - 2021 TNC Rides

|                     |                   |                       |
|---------------------|-------------------|-----------------------|
| <b>Westford</b>     | 18,557            | \$1,855.70            |
| <b>Westhampton</b>  | 7                 | \$0.70                |
| <b>Westminster</b>  | 1,612             | \$161.20              |
| <b>Weston</b>       | 25,611            | \$2,561.10            |
| <b>Westport</b>     | 7,344             | \$734.40              |
| <b>Westwood</b>     | 48,502            | \$4,850.20            |
| <b>Weymouth</b>     | 199,294           | \$19,929.40           |
| <b>Whately</b>      | 142               | \$14.20               |
| <b>Whitman</b>      | 25,776            | \$2,577.60            |
| <b>Wilbraham</b>    | 2,591             | \$259.10              |
| <b>Williamsburg</b> | 50                | \$5.00                |
| <b>Williamstown</b> | 106               | \$10.60               |
| <b>Wilmington</b>   | 46,492            | \$4,649.20            |
| <b>Winchendon</b>   | 115               | \$11.50               |
| <b>Winchester</b>   | 51,238            | \$5,123.80            |
| <b>Windsor</b>      | 0                 | \$0.00                |
| <b>Winthrop</b>     | 78,160            | \$7,816.00            |
| <b>Woburn</b>       | 215,878           | \$21,587.80           |
| <b>Worcester</b>    | 786,978           | \$78,697.80           |
| <b>Worthington</b>  | 0                 | \$0.00                |
| <b>Wrentham</b>     | 15,574            | \$1,557.40            |
| <b>Yarmouth</b>     | 49,655            | \$4,965.50            |
| <b>Totals</b>       | <b>39,748,519</b> | <b>\$3,974,851.90</b> |

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*DPU Municipal Disbursements from  
Ride Share Services for 2020*

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## Municipal Disbursements - 2020 TNC Rides

| Municipality | 2020 Rides | Disbursement   |
|--------------|------------|----------------|
| Abington     | 39,877     | \$3,987.70     |
| Acton        | 17,037     | \$1,703.70     |
| Acushnet     | 2,295      | \$229.50       |
| Adams        | 43         | \$4.30         |
| Agawam       | 13,578     | \$1,357.80     |
| Amesbury     | 13,006     | \$1,300.60     |
| Amherst      | 89,835     | \$8,983.50     |
| Andover      | 60,566     | \$6,056.60     |
| Aquinnah     | 194        | \$19.40        |
| Arlington    | 138,072    | \$13,807.20    |
| Ashburnham   | 373        | \$37.30        |
| Ashby        | 49         | \$4.90         |
| Ashland      | 21,899     | \$2,189.90     |
| Athol        | 57         | \$5.70         |
| Attleboro    | 65,838     | \$6,583.80     |
| Auburn       | 27,055     | \$2,705.50     |
| Avon         | 23,813     | \$2,381.30     |
| Ayer         | 4,735      | \$473.50       |
| Barnstable   | 118,954    | \$11,895.40    |
| Barre        | 38         | \$3.80         |
| Becket       | 3          | \$0.30         |
| Bedford      | 24,713     | \$2,471.30     |
| Belchertown  | 1,117      | \$111.70       |
| Bellingham   | 8,859      | \$885.90       |
| Belmont      | 94,835     | \$9,483.50     |
| Berkley      | 1,825      | \$182.50       |
| Berlin       | 3,462      | \$346.20       |
| Bernardston  | 11         | \$1.10         |
| Beverly      | 101,061    | \$10,106.10    |
| Billerica    | 58,366     | \$5,836.60     |
| Blackstone   | 2,127      | \$212.70       |
| Blandford    | 15         | \$1.50         |
| Bolton       | 1,173      | \$117.30       |
| Boston       | 15,923,280 | \$1,592,328.00 |
| Bourne       | 9,818      | \$981.80       |
| Boxborough   | 3,451      | \$345.10       |
| Boxford      | 2,293      | \$229.30       |
| Boylston     | 3,274      | \$327.40       |
| Braintree    | 223,745    | \$22,374.50    |
| Brewster     | 4,880      | \$488.00       |
| Bridgewater  | 26,246     | \$2,624.60     |
| Brimfield    | 44         | \$4.40         |
| Brockton     | 678,342    | \$67,834.20    |
| Brookfield   | 78         | \$7.80         |
| Brookline    | 817,536    | \$81,753.60    |
| Buckland     | 3          | \$0.30         |

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## Municipal Disbursements - 2020 TNC Rides

|                         |           |              |
|-------------------------|-----------|--------------|
| <b>Burlington</b>       | 120,011   | \$12,001.10  |
| <b>Cambridge</b>        | 2,298,990 | \$229,899.00 |
| <b>Canton</b>           | 57,703    | \$5,770.30   |
| <b>Carlisle</b>         | 1,665     | \$166.50     |
| <b>Carver</b>           | 3,705     | \$370.50     |
| <b>Charlemont</b>       | 1         | \$0.10       |
| <b>Charlton</b>         | 2,666     | \$266.60     |
| <b>Chatham</b>          | 6,598     | \$659.80     |
| <b>Chelmsford</b>       | 57,580    | \$5,758.00   |
| <b>Chelsea</b>          | 450,260   | \$45,026.00  |
| <b>Cheshire</b>         | 44        | \$4.40       |
| <b>Chester</b>          | 1         | \$0.10       |
| <b>Chesterfield</b>     | 3         | \$0.30       |
| <b>Chicopee</b>         | 79,270    | \$7,927.00   |
| <b>Chilmark</b>         | 599       | \$59.90      |
| <b>Clarksburg</b>       | 2         | \$0.20       |
| <b>Clinton</b>          | 6,730     | \$673.00     |
| <b>Cohasset</b>         | 4,829     | \$482.90     |
| <b>Colrain</b>          | 1         | \$0.10       |
| <b>Concord</b>          | 20,917    | \$2,091.70   |
| <b>Conway</b>           | 6         | \$0.60       |
| <b>Dalton</b>           | 492       | \$49.20      |
| <b>Danvers</b>          | 86,728    | \$8,672.80   |
| <b>Dartmouth</b>        | 39,156    | \$3,915.60   |
| <b>Dedham</b>           | 120,081   | \$12,008.10  |
| <b>Deerfield</b>        | 638       | \$63.80      |
| <b>Dennis</b>           | 21,963    | \$2,196.30   |
| <b>Dighton</b>          | 1,502     | \$150.20     |
| <b>Douglas</b>          | 836       | \$83.60      |
| <b>Dover</b>            | 4,059     | \$405.90     |
| <b>Dracut</b>           | 39,320    | \$3,932.00   |
| <b>Dudley</b>           | 1,398     | \$139.80     |
| <b>Dunstable</b>        | 688       | \$68.80      |
| <b>Duxbury</b>          | 4,846     | \$484.60     |
| <b>East Bridgewater</b> | 10,851    | \$1,085.10   |
| <b>East Brookfield</b>  | 205       | \$20.50      |
| <b>East Longmeadow</b>  | 10,790    | \$1,079.00   |
| <b>Eastham</b>          | 1,907     | \$190.70     |
| <b>Easthampton</b>      | 5,499     | \$549.90     |
| <b>Easton</b>           | 26,469    | \$2,646.90   |
| <b>Edgartown</b>        | 22,066    | \$2,206.60   |
| <b>Egremont</b>         | 2         | \$0.20       |
| <b>Erving</b>           | 2         | \$0.20       |
| <b>Essex</b>            | 1,091     | \$109.10     |
| <b>Everett</b>          | 644,701   | \$64,470.10  |
| <b>Fairhaven</b>        | 12,149    | \$1,214.90   |
| <b>Fall River</b>       | 182,263   | \$18,226.30  |

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## Municipal Disbursements - 2020 TNC Rides

|                  |         |             |
|------------------|---------|-------------|
| Falmouth         | 41,311  | \$4,131.10  |
| Fitchburg        | 48,686  | \$4,868.60  |
| Foxborough       | 28,732  | \$2,873.20  |
| Framingham       | 255,902 | \$25,590.20 |
| Franklin         | 20,208  | \$2,020.80  |
| Freetown         | 2,499   | \$249.90    |
| Gardner          | 3,757   | \$375.70    |
| Georgetown       | 2,630   | \$263.00    |
| Gill             | 17      | \$1.70      |
| Gloucester       | 10,283  | \$1,028.30  |
| Goshen           | 6       | \$0.60      |
| Grafton          | 10,350  | \$1,035.00  |
| Granby           | 1,422   | \$142.20    |
| Granville        | 8       | \$0.80      |
| Great Barrington | 62      | \$6.20      |
| Greenfield       | 584     | \$58.40     |
| Groton           | 2,042   | \$204.20    |
| Groveland        | 2,039   | \$203.90    |
| Hadley           | 15,015  | \$1,501.50  |
| Halifax          | 2,711   | \$271.10    |
| Hamilton         | 3,292   | \$329.20    |
| Hampden          | 642     | \$64.20     |
| Hancock          | 35      | \$3.50      |
| Hanover          | 14,349  | \$1,434.90  |
| Hanson           | 5,289   | \$528.90    |
| Hardwick         | 5       | \$0.50      |
| Harvard          | 3,322   | \$332.20    |
| Harwich          | 12,472  | \$1,247.20  |
| Hatfield         | 602     | \$60.20     |
| Haverhill        | 163,499 | \$16,349.90 |
| Hingham          | 37,685  | \$3,768.50  |
| Hinsdale         | 12      | \$1.20      |
| Holbrook         | 30,577  | \$3,057.70  |
| Holden           | 5,966   | \$596.60    |
| Holland          | 12      | \$1.20      |
| Holliston        | 6,026   | \$602.60    |
| Holyoke          | 71,326  | \$7,132.60  |
| Hopedale         | 1,622   | \$162.20    |
| Hopkinton        | 8,265   | \$826.50    |
| Hubbardston      | 71      | \$7.10      |
| Hudson           | 19,322  | \$1,932.20  |
| Hull             | 8,275   | \$827.50    |
| Huntington       | 3       | \$0.30      |
| Ipswich          | 5,529   | \$552.90    |
| Kingston         | 11,896  | \$1,189.60  |
| Lakeville        | 3,904   | \$390.40    |
| Lancaster        | 2,632   | \$263.20    |

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## Municipal Disbursements - 2020 TNC Rides

|               |         |             |
|---------------|---------|-------------|
| Lanesborough  | 162     | \$16.20     |
| Lawrence      | 340,238 | \$34,023.80 |
| Lee           | 262     | \$26.20     |
| Leicester     | 8,042   | \$804.20    |
| Lenox         | 654     | \$65.40     |
| Leominster    | 54,460  | \$5,446.00  |
| Leverett      | 70      | \$7.00      |
| Lexington     | 68,235  | \$6,823.50  |
| Lincoln       | 9,755   | \$975.50    |
| Littleton     | 6,777   | \$677.70    |
| Longmeadow    | 6,505   | \$650.50    |
| Lowell        | 482,809 | \$48,280.90 |
| Ludlow        | 6,345   | \$634.50    |
| Lunenburg     | 4,842   | \$484.20    |
| Lynn          | 546,818 | \$54,681.80 |
| Lynnfield     | 21,043  | \$2,104.30  |
| Malden        | 591,527 | \$59,152.70 |
| Manchester    | 2,357   | \$235.70    |
| Mansfield     | 26,289  | \$2,628.90  |
| Marblehead    | 23,642  | \$2,364.20  |
| Marion        | 1,125   | \$112.50    |
| Marlborough   | 83,125  | \$8,312.50  |
| Marshfield    | 11,072  | \$1,107.20  |
| Mashpee       | 11,707  | \$1,170.70  |
| Mattapoisett  | 1,087   | \$108.70    |
| Maynard       | 6,240   | \$624.00    |
| Medfield      | 5,357   | \$535.70    |
| Medford       | 526,024 | \$52,602.40 |
| Medway        | 4,140   | \$414.00    |
| Melrose       | 90,492  | \$9,049.20  |
| Mendon        | 1,068   | \$106.80    |
| Merrimac      | 2,180   | \$218.00    |
| Methuen       | 126,415 | \$12,641.50 |
| Middleborough | 10,719  | \$1,071.90  |
| Middleton     | 8,671   | \$867.10    |
| Milford       | 26,525  | \$2,652.50  |
| Millbury      | 18,828  | \$1,882.80  |
| Millis        | 3,261   | \$326.10    |
| Millville     | 294     | \$29.40     |
| Milton        | 88,883  | \$8,888.30  |
| Monson        | 220     | \$22.00     |
| Montague      | 132     | \$13.20     |
| Monterey      | 2       | \$0.20      |
| Montgomery    | 4       | \$0.40      |
| Nahant        | 5,902   | \$590.20    |
| Nantucket     | 102,572 | \$10,257.20 |
| Natick        | 99,711  | \$9,971.10  |

## Municipal Disbursements - 2020 TNC Rides

|                    |         |             |
|--------------------|---------|-------------|
| Needham            | 76,039  | \$7,603.90  |
| New Ashford        | 5       | \$0.50      |
| New Bedford        | 190,009 | \$19,000.90 |
| New Braintree      | 3       | \$0.30      |
| New Marlborough    | 1       | \$0.10      |
| Newbury            | 3,043   | \$304.30    |
| Newburyport        | 19,569  | \$1,956.90  |
| Newton             | 493,207 | \$49,320.70 |
| Norfolk            | 3,987   | \$398.70    |
| North Adams        | 155     | \$15.50     |
| North Andover      | 46,582  | \$4,658.20  |
| North Attleborough | 35,861  | \$3,586.10  |
| North Brookfield   | 154     | \$15.40     |
| North Reading      | 16,660  | \$1,666.00  |
| Northampton        | 23,835  | \$2,383.50  |
| Northborough       | 17,640  | \$1,764.00  |
| Northbridge        | 5,624   | \$562.40    |
| Northfield         | 3       | \$0.30      |
| Norton             | 14,852  | \$1,485.20  |
| Norwell            | 11,139  | \$1,113.90  |
| Norwood            | 99,935  | \$9,993.50  |
| Oak Bluffs         | 29,810  | \$2,981.00  |
| Oakham             | 24      | \$2.40      |
| Orange             | 24      | \$2.40      |
| Orleans            | 4,037   | \$403.70    |
| Oxford             | 6,681   | \$668.10    |
| Palmer             | 1,432   | \$143.20    |
| Paxton             | 1,609   | \$160.90    |
| Peabody            | 164,686 | \$16,468.60 |
| Pelham             | 177     | \$17.70     |
| Pembroke           | 9,260   | \$926.00    |
| Pepperell          | 1,284   | \$128.40    |
| Petersham          | 8       | \$0.80      |
| Phillipston        | 29      | \$2.90      |
| Pittsfield         | 11,514  | \$1,151.40  |
| Plainville         | 10,064  | \$1,006.40  |
| Plymouth           | 56,163  | \$5,616.30  |
| Plympton           | 772     | \$77.20     |
| Princeton          | 221     | \$22.10     |
| Provincetown       | 6,819   | \$681.90    |
| Quincy             | 645,152 | \$64,515.20 |
| Randolph           | 173,276 | \$17,327.60 |
| Raynham            | 21,739  | \$2,173.90  |
| Reading            | 34,988  | \$3,498.80  |
| Rehoboth           | 3,510   | \$351.00    |
| Revere             | 540,738 | \$54,073.80 |
| Richmond           | 41      | \$4.10      |

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## Municipal Disbursements - 2020 TNC Rides

|                     |           |              |
|---------------------|-----------|--------------|
| <b>Rochester</b>    | 575       | \$57.50      |
| <b>Rockland</b>     | 34,638    | \$3,463.80   |
| <b>Rockport</b>     | 968       | \$96.80      |
| <b>Rowley</b>       | 2,729     | \$272.90     |
| <b>Royalston</b>    | 4         | \$0.40       |
| <b>Russell</b>      | 20        | \$2.00       |
| <b>Rutland</b>      | 1,149     | \$114.90     |
| <b>Salem</b>        | 210,721   | \$21,072.10  |
| <b>Salisbury</b>    | 8,750     | \$875.00     |
| <b>Sandwich</b>     | 7,637     | \$763.70     |
| <b>Saugus</b>       | 145,120   | \$14,512.00  |
| <b>Savoy</b>        | 1         | \$0.10       |
| <b>Scituate</b>     | 5,841     | \$584.10     |
| <b>Seekonk</b>      | 21,188    | \$2,118.80   |
| <b>Sharon</b>       | 13,746    | \$1,374.60   |
| <b>Sheffield</b>    | 2         | \$0.20       |
| <b>Shelburne</b>    | 1         | \$0.10       |
| <b>Sherborn</b>     | 2,439     | \$243.90     |
| <b>Shirley</b>      | 1,207     | \$120.70     |
| <b>Shrewsbury</b>   | 59,300    | \$5,930.00   |
| <b>Shutesbury</b>   | 38        | \$3.80       |
| <b>Somerset</b>     | 9,166     | \$916.60     |
| <b>Somerville</b>   | 1,159,701 | \$115,970.10 |
| <b>South Hadley</b> | 7,808     | \$780.80     |
| <b>Southampton</b>  | 712       | \$71.20      |
| <b>Southborough</b> | 11,389    | \$1,138.90   |
| <b>Southbridge</b>  | 3,038     | \$303.80     |
| <b>Southwick</b>    | 542       | \$54.20      |
| <b>Spencer</b>      | 3,219     | \$321.90     |
| <b>Springfield</b>  | 414,354   | \$41,435.40  |
| <b>Sterling</b>     | 2,058     | \$205.80     |
| <b>Stockbridge</b>  | 112       | \$11.20      |
| <b>Stoneham</b>     | 63,200    | \$6,320.00   |
| <b>Stoughton</b>    | 93,083    | \$9,308.30   |
| <b>Stow</b>         | 2,201     | \$220.10     |
| <b>Sturbridge</b>   | 2,184     | \$218.40     |
| <b>Sudbury</b>      | 12,641    | \$1,264.10   |
| <b>Sunderland</b>   | 2,088     | \$208.80     |
| <b>Sutton</b>       | 4,226     | \$422.60     |
| <b>Swampscott</b>   | 39,462    | \$3,946.20   |
| <b>Swansea</b>      | 7,971     | \$797.10     |
| <b>Taunton</b>      | 82,111    | \$8,211.10   |
| <b>Templeton</b>    | 313       | \$31.30      |
| <b>Tewksbury</b>    | 63,475    | \$6,347.50   |
| <b>Tisbury</b>      | 18,577    | \$1,857.70   |
| <b>Topsfield</b>    | 3,007     | \$300.70     |
| <b>Townsend</b>     | 556       | \$55.60      |

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## Municipal Disbursements - 2020 TNC Rides

|                  |         |             |
|------------------|---------|-------------|
| Truro            | 908     | \$90.80     |
| Tyngsborough     | 9,406   | \$940.60    |
| Tyringham        | 1       | \$0.10      |
| Upton            | 1,663   | \$166.30    |
| Uxbridge         | 2,600   | \$260.00    |
| Wakefield        | 54,541  | \$5,454.10  |
| Wales            | 2       | \$0.20      |
| Walpole          | 34,570  | \$3,457.00  |
| Waltham          | 409,040 | \$40,904.00 |
| Ware             | 167     | \$16.70     |
| Wareham          | 16,459  | \$1,645.90  |
| Warren           | 72      | \$7.20      |
| Washington       | 5       | \$0.50      |
| Watertown        | 247,368 | \$24,736.80 |
| Wayland          | 12,329  | \$1,232.90  |
| Webster          | 6,373   | \$637.30    |
| Wellesley        | 95,461  | \$9,546.10  |
| Wellfleet        | 1,996   | \$199.60    |
| Wendell          | 2       | \$0.20      |
| Wenham           | 3,169   | \$316.90    |
| West Boylston    | 7,924   | \$792.40    |
| West Bridgewater | 13,884  | \$1,388.40  |
| West Brookfield  | 39      | \$3.90      |
| West Newbury     | 658     | \$65.80     |
| West Springfield | 46,719  | \$4,671.90  |
| West Stockbridge | 17      | \$1.70      |
| West Tisbury     | 4,700   | \$470.00    |
| Westborough      | 38,431  | \$3,843.10  |
| Westfield        | 15,126  | \$1,512.60  |
| Westford         | 13,644  | \$1,364.40  |
| Westhampton      | 37      | \$3.70      |
| Westminster      | 1,885   | \$188.50    |
| Weston           | 21,750  | \$2,175.00  |
| Westport         | 5,561   | \$556.10    |
| Westwood         | 40,376  | \$4,037.60  |
| Weymouth         | 172,457 | \$17,245.70 |
| Whately          | 199     | \$19.90     |
| Whitman          | 21,149  | \$2,114.90  |
| Wilbraham        | 4,873   | \$487.30    |
| Williamsburg     | 115     | \$11.50     |
| Williamstown     | 124     | \$12.40     |
| Wilmington       | 38,868  | \$3,886.80  |
| Winchendon       | 98      | \$9.80      |
| Winchester       | 41,411  | \$4,141.10  |
| Windsor          | 2       | \$0.20      |
| Winthrop         | 71,614  | \$7,161.40  |
| Woburn           | 169,235 | \$16,923.50 |

**Municipal Disbursements - 2020 TNC Rides**

|                    |         |             |
|--------------------|---------|-------------|
| <b>Worcester</b>   | 808,773 | \$80,877.30 |
| <b>Worthington</b> | 1       | \$0.10      |
| <b>Wrentham</b>    | 10,422  | \$1,042.20  |
| <b>Yarmouth</b>    | 30,433  | \$3,043.30  |

**PRESIDENT**  
 Elizabeth J. Kazinskas

**COUNCILLORS AT LARGE**  
 James S. Boone  
 Craig R. Cormier  
 Ronald F. Cormier  
 Elizabeth J. Kazinskas  
 Judy A. Mack  
 George C. Tyros

**WARD 1 COUNCILLOR**  
 James M. Walsh, Esq.

**WARD 2 COUNCILLOR**  
 Dana M. Heath

**WARD 3 COUNCILLOR**  
 Nathan R. Boudreau

**WARD 4 COUNCILLOR**  
 Karen G. Hardern

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

**CITY OF GARDNER**  
**MASSACHUSETTS 01440-2630**

OFFICE OF THE  
 CITY COUNCIL



CITY OF GARDNER  
 NOTICE OF PUBLIC HEARING  
 PROPERTY TAX CLASSIFICATION

Pursuant to the provisions of M.G.L. c. 40, § 56, the Gardner City Council will conduct a Public Hearing on **Monday, December 5, 2022 at 7:00 p.m.** in the City Council Chamber, Room 219, City Hall, concerning the percentages of the local tax levy to be borne by each class of Real Estate and Personal Property within the City for the Fiscal Year 2023. Persons interested in this matter who desire to offer testimony are invited to attend or may submit their testimony in writing.

*Titi Siriphan*  
 TITI SIRIPHAN  
 CITY CLERK



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

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November 16, 2022

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

RE: Request for a Tax Classification Hearing

Dear Madam President and Councilors,

As you are aware, the General Laws of the Commonwealth require that the City Council annually vote to set the tax classification for the City prior to December 31<sup>st</sup> of each calendar year.

The Board of Assessors voted to recommend that the City Council vote to adopt a residential factor of one (1) for the 2023 Fiscal Year.

The City has made large strides in our economic development goals in recent years and we are starting to see a very strong return on our investments in these endeavors. The Administration supports the recommendation of the Board of Assessors by continuing with a single tax rate rather than a split tax rate with more of the burden shifted to commercial and industrial properties in the City.

Furthermore, as you are also aware, in July of this year, the Administration sent out a notification to the taxpayers of the City regarding the anomaly we saw this year in tax billing procedures due to the requirements of the General Laws and shifts in market trends causing a substantial increase in valuations. (copy attached)

Following the required procedures for certifications of new growth, tax recapulation, value certifications, and certifications of sales, the tax rate for the current fiscal year is set to be certified at a rate of \$16.16 per thousand dollar valuation. This represents a \$2.43 reduction per thousand dollars, and is the lowest the tax rate has been since 2011.

I respectfully request that the City Council schedule the statutorily required hearing regarding the City's Tax Classification for a single or split tax rate for the 2023 Fiscal year.

Respectfully Submitted,

  
Michael J. Nicholson  
Mayor, City of Gardner

**CITY OF GARDNER***Office of the Board of Assessors*

95 Pleasant Street  
Room 223  
Gardner, MA 01440



Tel: 978-630-4004  
Fax: 978-630-4080  
Email: ckumar@gardner-ma.gov

November 10, 2022

Mayor Nicholson  
95 Pleasant Street  
Gardner, MA 01440

Re: Residential Factor Recommendation

Mayor Nicholson:

The Board of Assessors met on November 1, 2022 to discuss and vote on a recommendation to the City Council for the Residential Factor.

We feel that with the revitalization and work going into attract businesses to the downtown area (and beyond), it would not be beneficial to shift the tax burden to Commercial and Industrial. Therefore, the Board of Assessors voted unanimously (3-0) to recommend a Residential Factor of "1" to City Council. This would result in a single tax rate.

Respectfully,

*Christine Kumar*

Christine Kumar, MAA  
City Assessor



### Gardner Average Single Family Home Tax Bill History

| Fiscal Year | Single Family Assessed Value | Single Family Parcels | Single Family Average Value | Residential Tax Rate | Average Single Family Tax Bill |
|-------------|------------------------------|-----------------------|-----------------------------|----------------------|--------------------------------|
| <b>2013</b> | 670,651,600                  | 3909                  | 171,566                     | 17.46                | \$2,995.54                     |
| <b>2014</b> | 633,628,900                  | 3913                  | 161,929                     | 18.87                | \$3,055.60                     |
| <b>2015</b> | 627,774,800                  | 3945                  | 159,132                     | 19.98                | \$3,179.45                     |
| <b>2016</b> | 650,308,100                  | 3962                  | 164,136                     | 20.47                | \$3,359.87                     |
| <b>2017</b> | 689,881,300                  | 3977                  | 173,468                     | 20.48                | \$3,552.62                     |
| <b>2018</b> | 713,318,700                  | 3985                  | 179,001                     | 20.27                | \$3,628.35                     |
| <b>2019</b> | 773,887,200                  | 4001                  | 193,423                     | 20.14                | \$3,895.55                     |
| <b>2020</b> | 824,554,400                  | 4005                  | 205,881                     | 19.74                | \$4,064.10                     |
| <b>2021</b> | 853,053,400                  | 4020                  | 212,202                     | 20.04                | \$4,252.53                     |
| <b>2022</b> | 959,390,400                  | 4032                  | 237,944                     | 18.59                | \$4,423.38                     |
| <b>2023</b> | 1,156,307,700                | 4034                  | 286,640                     | <b>16.16</b>         | \$4,632.11                     |

*FY23 Tax Rate is an ESTIMATE*

## FY22 Average Single Family Home Values (N. Worcester County)

| Municipality   | Single Family Value | Tax Rate     | Single Family Tax Bill | Rank *     |
|----------------|---------------------|--------------|------------------------|------------|
| Lunenburg      | 374,392             | 17.19        | \$6,436                | 134        |
| Ashburnham     | 292,769             | 18.88        | \$5,527                | 185        |
| Leominster     | 332,342             | 16.56        | \$5,504                | 187        |
| Westminster    | 341,704             | 15.80        | \$5,399                | 193        |
| Fitchburg      | 252,369             | 17.61        | \$4,444                | 260        |
| <b>Gardner</b> | <b>237,944</b>      | <b>18.59</b> | <b>\$4,423</b>         | <b>263</b> |
| Hubbardston    | 315,258             | 14.00        | \$4,414                | 266        |
| Phillipston    | 264,656             | 15.58        | \$4,123                | 289        |
| Templeton      | 265,809             | 15.24        | \$4,051                | 297        |
| Winchendon     | 242,405             | 15.11        | \$3,663                | 321        |
| Athol          | 206,771             | 16.05        | \$3,319                | 333        |

*\* Rank of average tax bill in 351 municipalities*

**FY2023 - TOP 10 TAXPAYERS**

| <b>Rank</b> | <b>Name</b>                           | <b>Assessed Value</b> | <b>Type</b> |
|-------------|---------------------------------------|-----------------------|-------------|
| 1           | Mass Electric                         | 21,191,877            | Utility     |
| 2           | Fitchburg Gas (Unitil)                | 19,745,356            | Utility     |
| 3           | Olde English Village Preservation     | 11,220,900            | Apartments  |
| 4           | Mountain Climber LLC                  | 10,902,800            | Apartments  |
| 5           | Wakefield Place Assoc Ltd Ptn         | 10,775,100            | Apartments  |
| 6           | Cedar Timpany LLC                     | 10,693,900            | Shopping    |
| 7           | Terra Therm Inc                       | 10,221,280            | Industrial  |
| 8           | New England Power                     | 9,573,369             | Utility     |
| 9           | Binnall House RHF Partners            | 8,613,700             | Apartments  |
| 10          | Exchangeright Net-Leased Portfolio 54 | 7,036,600             | Supermarket |

## Gardner Historic Assessments &amp; Percentages of Value

| FY   | TOTAL         | Residential   | Commercial  | Industrial | Personal Prop | Res % of Total | CIP % of Total | Tax Rate       |
|------|---------------|---------------|-------------|------------|---------------|----------------|----------------|----------------|
| 2013 | 1,181,385,479 | 969,707,075   | 111,731,325 | 61,621,600 | 38,325,479    | 82.08          | 17.92          | 17.46          |
| 2014 | 1,136,149,615 | 920,245,074   | 110,967,326 | 62,394,500 | 42,542,715    | 81.00          | 19.00          | 18.87          |
| 2015 | 1,131,686,711 | 896,784,169   | 111,029,231 | 62,898,800 | 60,974,511    | 79.24          | 20.76          | 19.98          |
| 2016 | 1,139,021,076 | 904,538,011   | 116,765,889 | 58,565,500 | 59,151,676    | 79.41          | 20.59          | 20.47          |
| 2017 | 1,197,247,612 | 949,314,346   | 120,068,054 | 60,033,000 | 67,832,212    | 79.29          | 20.71          | 20.48          |
| 2018 | 1,245,880,527 | 984,275,930   | 126,760,670 | 63,989,080 | 70,854,847    | 79.00          | 21.00          | 20.27          |
| 2019 | 1,337,397,809 | 1,069,105,409 | 124,307,491 | 63,340,650 | 80,644,259    | 79.94          | 20.06          | 20.14          |
| 2020 | 1,412,573,860 | 1,137,043,228 | 126,423,872 | 66,730,100 | 82,376,660    | 80.49          | 19.51          | 19.74          |
| 2021 | 1,456,237,096 | 1,175,288,183 | 130,856,217 | 63,236,000 | 86,856,696    | 80.71          | 19.29          | 20.04          |
| 2022 | 1,616,370,964 | 1,318,229,099 | 130,973,801 | 63,946,660 | 103,221,404   | 81.55          | 18.45          | 18.59          |
| 2023 | 1,954,354,540 | 1,621,892,966 | 150,541,334 | 75,159,200 | 106,761,040   | 82.99          | 17.01          | <b>16.16 *</b> |

\* FY23 ESTIMATED Tax Rate

| FY2023                  | Parcel Count | Percent of Total | FY23 Parcel Count - Including Exempt |                          |
|-------------------------|--------------|------------------|--------------------------------------|--------------------------|
| <b>Residential</b>      |              |                  |                                      |                          |
| Single Family           | 4034         |                  | 6101                                 | Residential              |
| Condos                  | 545          |                  | 23                                   | Chapterland              |
| 2 & 3 Family            | 806          |                  | 60                                   | Mixed Use                |
| 4+ Family               | 179          |                  | 293                                  | Commercial               |
| Manufactured Home Parks | 81           |                  | 140                                  | Industrial               |
| Mixed Residential       | 23           |                  | 6617                                 | Total Taxable RE Parcels |
| Residential Vacant Land | 456          |                  |                                      |                          |
| <b>TOTAL:</b>           | <b>6124</b>  | <b>92.55%</b>    | <b>507</b>                           | Exempt Parcels           |
| <b>Commercial</b>       |              |                  |                                      |                          |
| Chapterland             | 23           |                  | 7124                                 | TOTAL Parcels            |
| Mixed Commercial        | 36           |                  |                                      |                          |
| Commercial              | 293          |                  |                                      |                          |
| <b>TOTAL:</b>           | <b>352</b>   | <b>5.32%</b>     |                                      |                          |
| <b>Industrial</b>       |              |                  |                                      |                          |
| Mixed Industrial        | 1            |                  |                                      |                          |
| Industrial              | 140          |                  |                                      |                          |
| <b>TOTAL:</b>           | <b>141</b>   | <b>2.13%</b>     |                                      |                          |
| <b>TOTAL PARCELS:</b>   | <b>6617</b>  |                  |                                      |                          |

**FY2023**

| CIP SHIFT RATIO | RESIDENTIAL FACTOR | RES%     | CIP%     | RES TAX* RATE | CIP TAX RATE |      |
|-----------------|--------------------|----------|----------|---------------|--------------|------|
| 1               | 100%               | 82.9887% | 17.0113% | <b>16.16</b>  | <b>16.16</b> | 100% |
| 1.25            | 94.88%             | 78.7359% | 21.2641% | 14.81         | 19.51        | 100% |
| 1.5             | 89.75%             | 74.4830% | 25.5170% | 14.01         | 23.42        | 100% |

\* ESTIMATED FY23 Tax Rate

| CLASS (A)         | TOTAL VALUE (B) | % Share ( C) |
|-------------------|-----------------|--------------|
| Residential       | 1,621,892,966   | 82.9887%     |
| Commercial        | 150,541,334     | 7.7029%      |
| Industrial        | 75,159,200      | 3.8457%      |
| Personal Property | 106,761,040     | 5.4627%      |
|                   | 1,954,354,540   | 100.0000%    |

CIP % 17.0113%

**Maximum Share of Levy for Classes Three, Four and Personal Property:**

150% \* 17.0113% (Lines 3C + 4C + 5C) = 25.5170% (Max % Share)

**Minimum Share of Levy for Class One:**

100% - 25.5170% (Max % Share) = 74.483% (Min % Share)

**Minimum Residential Factor (MRF):**

74.486% (Min % Share) / 82.9887% (Lines 1C) = 89.7544% (MRF)

MINIMUM RESIDENTIAL FACTOR LA7: **89.7544%**

Chapter 58, Section 1A mandates a minimum residential factor of not less than 65 percent.



# Notice Regarding Preliminary Tax Bills

## Summary:

Fiscal Year 2023 Preliminary Tax Bills (July and October) are likely to seem higher than usual due to property values in Gardner increasing approximately 19% but the City's new tax rate adjusting for these increased valuations cannot be set until December 2022. The Fiscal Year 2023 Actual Tax Bills (January and April) are predicted to be lower than the first two quarters to account for the difference. **This is an issue that all cities and towns in Massachusetts that do quarterly billing are facing, as state law requires valuations to be done on a fiscal year basis and requires tax rates to be changed on a calendar year basis.**

## Introduction:

The City's new fiscal year began on July 1, 2022 and runs through June 30, 2023. The City of Gardner bills real estate taxes on a quarterly basis, with bills being issued in July, October, January, and April. However, while there are quarterly bills, the bills are mailed twice a year with the July and October bills mailed out at the same time in July and January and April bills both being mailed in January. The bills for July and October are known as preliminary tax bills. The bills for January and April are known as actual tax bills.

According to Massachusetts General Law and the restrictions of Proposition 2 ½, the City cannot raise taxes more than 2 ½% each year. For the current fiscal year, the total amount of property taxes that Gardner can collect is \$31,271,792.

## What is the difference between a Preliminary Tax Bill and an Actual Tax Bill?

Massachusetts Law does not allow the City to set its tax rate until the November/December of each year. This is because the City Assessor's Office and the Massachusetts Department of Revenue have to certify that the previous fiscal year ended correctly and any "New Growth" (new construction that did not exist when the existing tax rate was set last December) can be accounted for in the City's property records.

As such, the first two bills of the fiscal year are known as "Preliminary Tax Bills," since they are due before the new tax rate is set and are based off of the tax rate of the previous fiscal year. The January and April tax bills are known as "Actual Tax Bills," since they are based off of the new tax rate set by the City Council.

## What is the tax rate based off of?

As stated above, the City legally cannot collect more than \$31,271,792 from real estate taxes in the 2023 fiscal year. This number is then divided among the property owners depending how much their property's assessed value is. Per state law, values are based on how the real estate market was performing two years prior.

Since the City is limited in how much it can collect in taxes, as valuations increase, the tax rate decreases, since again, the City cannot go over its legal limit.

In December of 2021, the City Council voted to set the current tax rate at \$18.59 per every thousand dollars that a property is valued at. This was based on property values associated with real estate market trends in 2020. In

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December 2022, it is expected that the City Council will vote on this year's new tax rate based on how the real estate market was performing in 2021.

### **What was the difference in real estate values in Gardner in FY2022 versus FY2023?**

Real Estate Valuations and Municipal Taxation procedures are heavily regulated by state law and regulations and restrictions issued by the Massachusetts Department of Revenue. Property values issued by the City Assessor's Office must be certified by the Massachusetts Department of Revenue every year through a process known as the LA-4 Process.

Every five (5) years, the City is also required to contract with inspectors known as "Data Collectors" who are required by state law to inspect properties in Gardner to ensure that the City's property record cards are accurate and up to date. This is currently ongoing in the City as required by state law.

Based on this process, in 2021, the average single-family home in the City of Gardner was valued at \$237,944. This was based on trends in the real estate market from 2020.

Based on this process for 2022, the average single-family home in the City of Gardner is now valued at \$283,445. This is based on trends in the real estate market in 2021. These values are still in the process of being certified and are subject to change.

This represents approximately a 19% increase in valuation.

### **How does this impact my tax bill?**

Since 1) property taxes are based on valuations and 2) the tax rate that gets set by the City Council and approved by the State Department of Revenue, you may see a larger than usual increase in your preliminary tax bills sent in July and October of 2022.

This is because the City is required to issue tax bills on the new higher valuations for these two bill cycles, while at the same time, the City is required to use the tax rate set in December 2022 for these bills as well. As such, we have a situation where we are seeing higher values using a tax rate that was approved when values were substantially lower. Therefore, your preliminary tax bill will likely seem to have a larger increase than usual.

However, again, the City can only collect up to its limit in taxes, so mathematically as valuations increase, the tax rate has to decrease. It is predicted that the new tax rate set by the City and the State in December 2022 – the rate that will be used for the FY2023 actual tax bills in January and April will be much lower.

### **For Example:**

If a property in the City pays \$12,000 a year in taxes, one could assume that because tax bills are issued on a quarterly basis, that the house would pay \$3,000 a quarter in taxes as that is the total they pay for the year divided by four. However, when you look at the way this year's tax rate systems are working, it could likely mean that the property would pay \$4,000 for quarter 1 (July Bill) and \$4,000 for quarter two (October Bill), with only \$2,000 for quarter three (January Bill) and \$2,000 for quarter four (April Bill). The first two quarters are higher due to last year's tax rate, the second two quarters are lower because the tax rate was adjusted in December to meet the valuation trends. However, the amount collected is still capped at the same amount.