

PRESIDENT
Elizabeth J. Kazinskas

COUNCILLORS AT LARGE
James S. Boone
Craig R. Cormier
Ronald F. Cormier
Judy A. Mack
George C. Tyros

CITY OF GARDNER
MASSACHUSETTS 01440-2630

OFFICE OF THE
CITY COUNCIL



WARD 1 COUNCILLOR
James M. Walsh, Esq.

WARD 2 COUNCILLOR
Dana M. Heath

WARD 3 COUNCILLOR
Paul Tassone

WARD 4 COUNCILLOR
Karen G. Hardern

WARD 5 COUNCILLOR
Alek Dernalowicz, Esq.

February 15, 2023

FINANCE COMMITTEE MEETING NOTICE

Date: Tuesday, February 21, 2023
Time: 5:30 P.M.
Location: City Council Chambers, Room 219, City Hall

AGENDA

CALL TO ORDER

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.

- I. Acceptance/Correction to Minutes of Prior Meeting(s)
 - August 31, 2022

- II. First Time on the Agenda
 - **10894** – An Order Appropriating \$60,000.00 from Free Cash to the Mayor’s Department – Professional Services Account.

 - **10895** – An Order Appropriating \$150,000.00 from Free Cash to the Fire Department – New Equipment for Truck Account.

 - **10896** – An Ordinance to Amend the Code of the City of Gardner, Chapter 22, entitled “Assessing Department.”

- **10897** – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction – 28 Central Street.
- **10898** – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction –13 Elm Street.
- **10899** – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction – 22 Elm Street.
- **10900** – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction – 23 Elms Street.
- **10901** – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction – 9 Green Street.
- **10902** – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction – 15 Green Street.
- **10903** – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction – 12 Pearl Street.
- **10904** – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction – 16 Woodland Avenue.

III. New Business

IV. Adjournment

ADJOURNMENT

NOTICE: The listing of Agenda items are those reasonably anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

CITY COUNCIL OF GARDNER

Elizabeth J. Kazinskas

ELIZABETH J. KAZINSKAS

Chair, Finance Committee

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF AUGUST 31, 2022

The Finance Committee meeting was called to order by Council President Elizabeth Kazinskas at 8:00 a.m. in the City Council Chamber, Room 219, City Hall.

Finance Committee Members Councillor Aleksander Dernalowicz and Ronald Cormier were also present.

Also participating was Mayor Michael Nicholson; Police Chief Eric McAvene; Assistant Director of Veteran Services, Robert Chase; Auditor John Richard; IT Director Bob O'Keefe; Building Commissioner Roland Jean; Engineer Rob Oliva; Fire Chief Greg Lagoy; and City Clerk Titi Siriphan.

2-1 A Measure Authorizing Acceptance of Donations and Gifts for Use by Gardner Police K-9 Department.

Mayor Nicholson informed the Committee that the Town of Westminster has recently changed their police K-9 operations from a patrol dog unit to a comfort dog unit. They were in possession of some new equipment that they were no longer using and decided to donate to the City of Gardner for us to utilize with Rocky.

Police Chief McAvene mentioned that they are grateful for the donations.

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted to recommend to the City Council that the following order ought to pass:

ACCEPTANCE OF DONATIONS AND GIFTS
POLICE K-9 DEPARTMENT

VOTED: That the City of Gardner is authorized to accept certain donations and gifts for use by the Police K-9 Department, said acceptance in accordance with the provisions of Chapter 44, Section 53A ½ of the General Laws.

2-2 A Measure Authorizing Acceptance of Donations and Gifts for Use by Gardner Animal Control Shelter.

Mayor Nicholson informed the Committee that a list of donations received by the Gardner Animal Shelter over the past year, attached. As required by the General Laws, these donations for acceptance by vote of the Council.

Police Chief McAvene would like to thank all those who have donated to the Gardner Animal Shelter. It helps off set some of the operation costs.

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted to recommend to the City Council that the following order ought to pass:

ACCEPTANCE OF DONATIONS AND GIFTS
GARDNER ANIMAL CONTROL SHELTER DONATIONS

VOTED: That the City of Gardner is authorized to accept certain donations and gifts for use by the Gardner Animal Control Shelter, said acceptance in accordance with the provisions of Chapter 44, Section 53A ½ of the General Laws.

2-3 A Measure to Create a Veterans Services Gift Account for Acceptance of Donations and Gift Use.

Mayor Nicholson informed the Committee that recently, a Gardner veteran passed away and requested in their obituary that in lieu of flower donations, donations be made to the Gardner Veterans Services Office. Director Gabriela requested that this funding be used to assist in the outreach program that the Administration is looking to establish through partnership with local businesses.

Assistant Veterans Director mention that in addition to help fund the Veteran ID card program, these donations will help Veterans who have exhausted all their resources, this donation program would help provide them with some short-term relief.

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted to recommend to the City Council that the following Order ought to pass:

ACCEPTANCE OF DONATIONS AND GIFTS
GARDNER VETERAN SERVICES

VOTED: That the City of Gardner is authorized to accept certain donations and gifts for use by the Gardner Veteran Services, said acceptance in accordance with the provisions of Chapter 44, Section 53A ½ of the General Laws.

2-4 An Order Authorizing \$546.10 Payment of Prior Year Operating Expenditure.

Mayor Nicholson informed the Committee that a bill from Xfinity Comcast was received by IT Department for services provided in June after the fiscal year closed. The payment of such bill must be approved by a nine-tenths (9/10ths) vote of the City Council in order for our finance departments to be able to process the invoice.

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF AUGUST 31, 2022

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted to recommend to the City Council that the following order out to pass:

AUTHORIZING PAYMENT OF PRIOR YEAR OPERATING EXPENDITURE

ORDERED: To authorize payment of prior year IT operating expenditure account for prior year, as follows:

FY2022	TELECOMM. EXPENSE	\$546.10
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6-1 A Measure Declaring Surplus for the Purpose of Disposal of Land and Buildings on Conant Street.

Mayor Nicholson informed the Committee that the Prospect School building, located at 75 E Broadway, has been empty for the past three (3) years, since Gardner Academy moved from that location to the Helen Mae Sauter School Building. He is requesting that the City Council approve the declaration of surplus for disposition of Prospect Street School Property.

Building Commissioner Roland Jean mentioned that the building needs a new boiler, heating system, and sprinklers. That is the reason the building couldn't be sold for the full value. He is in support of disposal of land.

Police Chief Eric McAvene said that there have been "break-in" issues. This causes a lot of safety concerns.

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted to recommend to the City Council to declare surplus on the following measure:

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

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

6-2 A Measure Declaring Surplus for Purpose of Disposal of Land and Buildings at 53 School Street – School Street School.

Mayor Nicholson informed the Committee that the School Street School building has been empty for the past two decades, and has been a constant issue for the public safety departments in terms of breaking and entering issues. The building is largely in disrepair. The Mayor is requesting the City Council approve the declaration of surplus for disposition of the School Street Property.

Building Commissioner Roland Jean mentioned that interested parties who request on site walk, it requires police presence. Every time there is a break-in, they have to keep purchasing plywood to seal the building. It is taking up a lot of resources.

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted to recommend to the City Council to declare surplus on the following measure:

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

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

9-1 A Notification from the Mayor Regarding the Fire Department Operations Audit.

Mayor Nicholson informed the Committee that this notification was in regards to the Operations Audit of the Gardner Fire and Ambulance Departments conducted by John Parow Consulting & Associates. The report outlines the current financial surplus generated by the City Ambulance Service, the positive outcomes of our agreement with Woods Ambulance, civil service, staffing level, facilities conditions, and other topics related to the operations of these departments.

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted to recommend to the City Council to place the notification on file.

ADJOURNMENT

On a motion by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted to adjourn at 8:28 a.m.



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

February 8, 2023

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 – Grant Administrator Contract

Dear Madam President and Councilors,

As you are likely aware, there is an unprecedented amount of Federal funding that has become available through new grant programs funded from the CARES Act, American Rescue Plan Act, Inflation Reduction Act, Bipartisan Infrastructure Act, and other pieces of federal legislation.

With all of this one-time funding approved, over 2,700 new grant programs only being offered this year for a wide variety of different topics.

The Healey – Driscoll Administration has recently announced that they will be hiring a new official whose sole job will be to work to obtain as much grant funding for the Commonwealth as they can for this once in a generation opportunity.

The attached appropriation request is being put forward to do something similar for us on the City's end. In speaking with our departments that oversee the majority of our grant writing, we have the capacity to handle grant applications in a normal year, but not to be able to adequately apply for all of these new one time opportunities that are now in existence.

As such, the Administration would like to contract with a consultant whose sole job will be to research the available opportunities that could benefit the City, write the applications, and administer the projects.

Respectfully Submitted,

Michael J. Nicholson
 Mayor, City of Gardner

RECEIVED
 FEB - 8 PM 4:50
 CITY OF GARDNER, MA

AN ORDER APPROPRIATING FROM FREE CASH TO MAYOR'S DEPT -
PROFESSIONAL SERVICES ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Sixty Thousand Dollars and
No Cents (\$60,000.00) from Free Cash to Mayor's Dept. - Professional Services
Account.



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

February 3, 2023

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- Fire Department Rescue Truck Equipment

Dear Madam President and Councilors,

As you are aware, the City purchased a new Heavy Rescue Truck for the Gardner Fire Department utilizing funding we received from the American Rescue Plan Act (“ARPA”).

This truck is currently being constructed and is expected to arrive in the City in approximately twelve to fourteen months.

However, with the new Heavy Rescue Truck comes the need for new equipment to outfit that truck.

This free cash appropriation request is being put forward to fully outfit the truck with new equipment. A list of the equipment that Chief Lagoy has sought out pricing for is attached.

There is a small buffer built into this appropriation request to account for price shifts that the market is seeing right now. If there is anything left over, it can either be repurposed by vote of the Council or would fall to next year’s free cash at the end of the fiscal year.

The lead time from ordering these devices to their arrival is predicted to be eight to twelve months at this time due to supply chain issues.

Respectfully,

Michael J. Nicholson
Mayor, City of Gardner

CC:

Finance Committee
Public Safety Committee

2023 FEB - 3 PM 4:50
CITY OF GARDNER'S OFFICE
GARDNER, MA

AN ORDER APPROPRIATING FROM FREE CASH TO THE FIRE DEPARTMENT –NEW EQUIPMENT FOR TRUCK ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00) from Free Cash to the Fire Department – New Equipment for Truck Account.

Mayor

From: Greg Lagoy
Sent: Thursday, January 26, 2023 11:02 AM
To: Mayor
Subject: New Fire Trucks Equipment List/Funding Request
Attachments: E2 - R1 New Equipment FREE CASH.xlsx

Hi Mr. Mayor,

Attached is the spreadsheet showing the list of new equipment needed for the new Heavy Rescue and Engine that we have on order from Sutphen Corporation. I would point out that the current Heavy Rescue truck is over 25 years old and much of the equipment on it is now considered obsolete. I have reached out to multiple fire equipment suppliers for quotes, and the best quoted price for each item is shown. I am requesting the funding now due to extended delivery times, we want to have it all on hand for the expected delivery of the new trucks in early 2024. I would also like to request a contingency be included in the funding request (10-20%) to cover any unavoidable price increases or other any unanticipated cost increases.

Let me know if you need more information.

Respectfully,
Greg



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

ITEM DESCRIPTION	Quantity	Shipmans	FT&S	Firematic	Knox	Beltronics	NEFEAC	NE Rescue	Boundtree	Totals
Multigas Meter, Altair 5 MSA	1			\$2,600.00						\$2,600.00
Knox KeySecure	1				\$1,005.00					\$1,005.00
MSA Rit pack	2			\$6,089.00						\$12,178.00
Firecraft Tracer AC voltage detector	2			\$290.00						\$580.00
Bottle Jack 12-ton	1			\$65.00						\$65.00
Bottle Jack 20-ton	1			\$130.00						\$130.00
Marsars Ice Rescue Extrication Sled (IRS)	1							\$1,295.00		\$1,295.00
Marsars Cold Water Rescue Sling	2							\$99.00		\$198.00
4" x 4" x 8' #1 Grade Timber (for cribbing)	10			\$62.00						\$620.00
6" x 6" x 8' #1 Grade Timber (for cribbing)	5			\$135.00						\$675.00
Underwater Kinetics Sunlight C8 Dive Light Yellow	1			\$215.00						\$215.00
Oil-Dri Quick Sorb 20 lb. Pail (skid lot of 60)	1			\$1,200.00						\$1,200.00
Pittsburg Mechanics 301 Piece Tool Set	1			\$200.00						\$200.00
Carpentry Hand Tool Set w/heavy duty case	1			\$500.00						\$500.00
General Maintenance Tool Set w/heavy duty case	2			\$500.00						\$1,000.00
Dewalt DCS670B Flexvolt cordless chainsaw 16" bar	2			\$440.00						\$880.00
Dewalt DCK695P2 Flexvolt cordless tool combo kit	1			\$1,175.00						\$1,175.00
Dewalt DCH273B Flexvolt cordless SDS Plus hammer drill	1			\$765.00						\$765.00
Dewalt DCS376B Flexvolt cordless band saw	1			\$495.00						\$495.00
Dewalt DCB104 Quadbank battery charger	2			\$785.00						\$1,570.00
Dewalt DCB609-2 Flexvolt battery 2-pack	8			\$370.00						\$2,960.00
Desert Diamond safety blade 9"	2			\$300.00						\$600.00
Heavy Duty push broom 24"	2			\$300.00						\$600.00
Iron Duck Inc Trauma Bag color RED model #35132-RD	2			\$65.00						\$130.00
Bowman Dispensers LLC Glove box dispenser, Gray stainless	4								\$222.00	\$444.00
Ferno Washington Inc EXL Scoop stretcher	4								\$58.99	\$235.96
Polytech America mounts for all Paratech equipment	2								\$1,275.00	\$2,550.00
BW CO detector 36 month	2			\$5,000.00						\$10,000.00
American Trademark Case Commander ICS Board	2			\$279.00						\$558.00
SCBA front ID band	2			\$2,450.00						\$4,900.00
Radios and installation	20			\$20.00						\$400.00
MSA 1 hour cylinder 4500 PSI	4						\$13,625.00			\$13,625.00
Genesis new hoses and fittings	4						\$1,570.00			\$6,280.00
On-Scene Solutions 1000# slide-out trays	3						\$1,728.00			\$7,728.00
Paratech stabilization equipment & airbags	3			\$2,593.87						\$7,781.61
								\$65,595.00		\$65,595.00
										\$139,028.57



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

February 3, 2023

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 22, entitled "Assessing Department"

Dear Madam President and Councilors,

As part of the review of our City's ordinances, the Board of Assessors has requested that the attached amendment proposal be put forward to bring the existing operations of the Department in line with current departmental operations.

When the original ordinance for this department was adopted in 1957, the position of the full time City Assessor was not a department head level position like it currently exists.

This proposal would make that clearer in the language of the ordinance.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner

2023 FEB - 8 PM 4:50
CITY CLERK'S OFFICE
GARDNER, MA
RECEIVED

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 22, ENTITLED "ASSESSING DEPARTMENT"

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

SECTION 1: That subsection A of Section 2 of Chapter 22 of the Code of the City of Gardner, entitled "Board of Assessors," be stricken in its entirety and replaced by the following:

- A. The Mayor shall appoint a City Assessor who will also serve on the Board of Assessors and two additional members of the Board of Assessors, each for a term of three years, subject to confirmation by the City Council. A vacancy occurring may be filled at any time for the unexpired term by the Mayor, subject to confirmation by the City Council. Nothing contained herein shall be construed to prevent the reappointment of any member upon the expiration of his term of office. Before entering upon the discharge of their duties, the members shall be sworn to the faithful discharge thereof.

SECTION 2: That subsection D of Section 2 of Chapter 22 of the Code of the City of Gardner, entitled "Board of Assessors," be stricken in its entirety and replaced by the following:

- D. The City Assessor shall serve full time as an Assessor, while the other two members shall be part-time Assessors.

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

Chapter 22. Assessing Department

[HISTORY: Adopted by the City of Gardner at the City election (initiative petition) 11-5-1957 by Ord. No. 186; amended in its entirety 11-18-2013 by Ord. No. 1563. Subsequent amendments noted where applicable.]

§ 22-1. Department established.

An Assessing Department in the City of Gardner is hereby established under the charge of a board of three Assessors.

§ 22-2. Board of Assessors.

- A. The Mayor shall immediately appoint one person to serve until the expiration of one year, one to serve until the expiration of two years, and one to serve until the expiration of three years, and thereafter annually shall appoint members to serve for the term of three years following the expiration of the terms as hereinbefore outlined. A vacancy occurring may be filled at any time for the unexpired term by the Mayor, subject to confirmation by the City Council. Nothing contained herein shall be construed to prevent the reappointment of any member upon the expiration of his term of office. Before entering upon the discharge of their duties, the members shall be sworn to the faithful discharge thereof.
- B. Each year at its first meeting the Board shall organize and elect a Chairperson.
- C. The Assessors shall perform, or cause to be performed, all the duties required of assessors under the General Laws of the Commonwealth of Massachusetts and shall be subject to said General Laws, as well as to the Charter and ordinances of the City of Gardner.
- D. One of the members of the Board of Assessors shall serve full time as an Assessor, while the other two members shall be part-time Assessors.
- E. The Board shall meet with any person filing an application for abatement or his attorney upon request for such a meeting.

§ 22-3. Compensation.

The salary of the Assessors and other employees of the Assessing Department shall be established in the ordinances designating salaries and wages for the City employees.^[1]

[1] *Editor's Note: See Ch. 171, Personnel, Arts. XV and XVI.*

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

February 3, 2023

Mayor Nicholson
Gardner City Hall
95 Pleasant Street
Gardner, MA 01440

Re: City Code, Chapter 22 – Assessing Department

Mayor Nicholson:

I have reviewed the changes to the City Code, Chapter 22, pertaining to the Assessing Department and am in full support of them to help the operations of my office.

All the best,

Christine Kumar

Christine Kumar, MAA
City Assessor



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

February 13, 2023

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

RE: Order of Taking – Easements for Uptown Rotary Construction

Dear Madam President and Councilors,

At the February 6, 2023 meeting of the City Council, the Council voted to approve a free cash appropriation request in the amount of \$4,040 for payments related to eight (8) temporary easements and one (1) permanent easement so that construction for the Uptown Rotary project can begin.

This order, and the ones like it, are the conveyance votes to officially approve these easements.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner

THE COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

CITY OF GARDNER, MASSACHUSETTS

ORDER OF TAKING

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

WHEREAS, the City of Gardner is improving multimodal access, safety and operations at the Uptown Rotary intersecting Elm Street, Pearl Street, Green Street, Woodland Avenue, and Central Street; and

WHEREAS, the City of Gardner has voted and appropriated monies to be used to acquire temporary and/or permanent easements for such public purpose; and

WHEREAS, Michael Nicholson has approved the acquisition of temporary and/or permanent easements for said public purpose and recommended to the City Council an order of taking; and

WHEREAS sufficient funds have been appropriated into account 14410-58000 to compensate the property owners for the property rights taken hereby; and

NOW THEREFORE, BE IT ORDERED THAT:

Acting pursuant to the powers set forth in M.G.L. c. 79, as amended, and Chapter 121B, as amended, and of any and every power and authority available to the City of Gardner, granted or implied, the City of Gardner hereby takes for itself by eminent domain, for the purpose of maintaining a public way. The property taken comprises 255 square feet more or less of land being shown as TE-11 on a plan of land dated February 7, 2023 and entitled "Plan of Land in the City of Gardner, Worcester County – Showing Location of Permanent and Temporary Easements Taken by the City of Gardner" prepared by Nitsch Engineering, sheets 1 through 3, being recorded in the Worcester South District Registry of Deeds Plan Book 969, page 54.

The taking is made together with any and all easements and rights appurtenant to the property, including trees, buildings and other structures standing upon or affixed thereto, air rights, subsurface rights and including the interests of the supposed owners, if any, in all private ways and public streets, highways or in the land lying in the bed of any street or highway, public or private within or adjacent to the Property.

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

<u>OWNER</u>	<u>PROPERTY ADDRESS</u>	<u>AWARD</u>
Le Family Revocable Trust - Huong Quynh Le, Trustee	28 Central Street Cambridge, MA 02141	\$127.00

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

In City Council

February _____, 2023

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

Titi Siriphan, City Clerk
City of Gardner



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

February 13, 2023

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

RE: Order of Taking – Easements for Uptown Rotary Construction

Dear Madam President and Councilors,

At the February 6, 2023 meeting of the City Council, the Council voted to approve a free cash appropriation request in the amount of \$4,040 for payments related to eight (8) temporary easements and one (1) permanent easement so that construction for the Uptown Rotary project can begin.

This order, and the ones like it, are the conveyance votes to officially approve these easements.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner

THE COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

CITY OF GARDNER, MASSACHUSETTS

ORDER OF TAKING

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

WHEREAS, the City of Gardner is improving multimodal access, safety and operations at the Uptown Rotary intersecting Elm Street, Pearl Street, Green Street, Woodland Avenue, and Central Street; and

WHEREAS, the City of Gardner has voted and appropriated monies to be used to acquire temporary and/or permanent easements for such public purpose; and

WHEREAS, Michael Nicholson has approved the acquisition of temporary and/or permanent easements for said public purpose and recommended to the City Council an order of taking; and

WHEREAS sufficient funds have been appropriated into account 14410-58000 to compensate the property owners for the property rights taken hereby; and

NOW THEREFORE, BE IT ORDERED THAT:

Acting pursuant to the powers set forth in M.G.L. c. 79, as amended, and Chapter 121B, as amended, and of any and every power and authority available to the City of Gardner, granted or implied, the City of Gardner hereby takes for itself by eminent domain, for the purpose of maintaining a public way. The property taken comprises 1011 square feet more or less of land being shown as TE-07 on a plan of land dated February 7, 2023 and entitled "Plan of Land in the City of Gardner, Worcester County – Showing Location of Permanent and Temporary Easements Taken by the City of Gardner" prepared by Nitsch Engineering, sheets 1 through 3, being recorded in the Worcester South District Registry of Deeds Plan Book 969, page 54.

The taking is made together with any and all easements and rights appurtenant to the property, including trees, buildings and other structures standing upon or affixed thereto, air rights, subsurface rights and including the interests of the supposed owners, if any, in all private ways and public streets, highways or in the land lying in the bed of any street or highway, public or private within or adjacent to the Property.

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

<u>OWNER</u>	<u>PROPERTY ADDRESS</u>	<u>AWARD</u>
Lydia R. Desgroseilliers Revocable Trust - Lydia R. Desgroseilliers, Trustee	13 Elm Street Gardner, MA 01440	\$517.00

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

In City Council

February _____, 2023

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

Titi Siriphan, City Clerk
City of Gardner



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

February 13, 2023

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

RE: Order of Taking – Easements for Uptown Rotary Construction

Dear Madam President and Councilors,

At the February 6, 2023 meeting of the City Council, the Council voted to approve a free cash appropriation request in the amount of \$4,040 for payments related to eight (8) temporary easements and one (1) permanent easement so that construction for the Uptown Rotary project can begin.

This order, and the ones like it, are the conveyance votes to officially approve these easements.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner

THE COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

CITY OF GARDNER, MASSACHUSETTS

ORDER OF TAKING

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

WHEREAS, the City of Gardner is improving multimodal access, safety and operations at the Uptown Rotary intersecting Elm Street, Pearl Street, Green Street, Woodland Avenue, and Central Street; and

WHEREAS, the City of Gardner has voted and appropriated monies to be used to acquire temporary and/or permanent easements for such public purpose; and

WHEREAS, Michael Nicholson has approved the acquisition of temporary and/or permanent easements for said public purpose and recommended to the City Council an order of taking; and

WHEREAS sufficient funds have been appropriated into account 14410-58000 to compensate the property owners for the property rights taken hereby; and

NOW THEREFORE, BE IT ORDERED THAT:

Acting pursuant to the powers set forth in M.G.L. c. 79, as amended, and Chapter 121B, as amended, and of any and every power and authority available to the City of Gardner, granted or implied, the City of Gardner hereby takes for itself by eminent domain, for the purpose of maintaining a public way. The property taken comprises 3013 square feet more or less of land being shown as TE-06 on a plan of land dated February 7, 2023 and entitled "Plan of Land in the City of Gardner, Worcester County – Showing Location of Permanent and Temporary Easements Taken by the City of Gardner" prepared by Nitsch Engineering, sheets 1 through 3, being recorded in the Worcester South District Registry of Deeds Plan Book 969, page 54.

The taking is made together with any and all easements and rights appurtenant to the property, including trees, buildings and other structures standing upon or affixed thereto, air rights, subsurface rights and including the interests of the supposed owners, if any, in all private ways and public streets, highways or in the land lying in the bed of any street or highway, public or private within or adjacent to the Property.

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

<u>OWNER</u>	<u>PROPERTY ADDRESS</u>	<u>AWARD</u>
Gardner Post #129 American Legion, Inc.	22 Elm Street Gardner, MA 01440	\$903.00

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

In City Council

February _____, 2023

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

Titi Siriphan, City Clerk
City of Gardner



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

February 13, 2023

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

RE: Order of Taking – Easements for Uptown Rotary Construction

Dear Madam President and Councilors,

At the February 6, 2023 meeting of the City Council, the Council voted to approve a free cash appropriation request in the amount of \$4,040 for payments related to eight (8) temporary easements and one (1) permanent easement so that construction for the Uptown Rotary project can begin.

This order, and the ones like it, are the conveyance votes to officially approve these easements.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner

THE COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

CITY OF GARDNER, MASSACHUSETTS

ORDER OF TAKING

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

WHEREAS, the City of Gardner is improving multimodal access, safety and operations at the Uptown Rotary intersecting Elm Street, Pearl Street, Green Street, Woodland Avenue, and Central Street; and

WHEREAS, the City of Gardner has voted and appropriated monies to be used to acquire temporary and/or permanent easements for such public purpose; and

WHEREAS, Michael Nicholson has approved the acquisition of temporary and/or permanent easements for said public purpose and recommended to the City Council an order of taking; and

WHEREAS sufficient funds have been appropriated into account 14410-58000 to compensate the property owners for the property rights taken hereby; and

NOW THEREFORE, BE IT ORDERED THAT:

Acting pursuant to the powers set forth in M.G.L. c. 79, as amended, and Chapter 121B, as amended, and of any and every power and authority available to the City of Gardner, granted or implied, the City of Gardner hereby takes for itself by eminent domain, for the purpose of maintaining a public way. The property taken comprises 210 square feet more or less of land being shown as TE-09 on a plan of land dated February 7, 2023 and entitled "Plan of Land in the City of Gardner, Worcester County – Showing Location of Permanent and Temporary Easements Taken by the City of Gardner" prepared by Nitsch Engineering, sheets 1 through 3, being recorded in the Worcester South District Registry of Deeds Plan Book 969, page 54.

The taking is made together with any and all easements and rights appurtenant to the property, including trees, buildings and other structures standing upon or affixed thereto, air rights, subsurface rights and including the interests of the supposed owners, if any, in all private ways and public streets, highways or in the land lying in the bed of any street or highway, public or private within or adjacent to the Property.

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

<u>OWNER</u>	<u>PROPERTY ADDRESS</u>	<u>AWARD</u>
Shanthy Sundaramurthy	23 Elm Street Gardner, MA 01440	\$89.00

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

In City Council

February _____, 2023

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

Titi Siriphan, City Clerk
City of Gardner



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

February 13, 2023

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

RE: Order of Taking – Easements for Uptown Rotary Construction

Dear Madam President and Councilors,

At the February 6, 2023 meeting of the City Council, the Council voted to approve a free cash appropriation request in the amount of \$4,040 for payments related to eight (8) temporary easements and one (1) permanent easement so that construction for the Uptown Rotary project can begin.

This order, and the ones like it, are the conveyance votes to officially approve these easements.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner

THE COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

CITY OF GARDNER, MASSACHUSETTS

ORDER OF TAKING

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

WHEREAS, the City of Gardner is improving multimodal access, safety and operations at the Uptown Rotary intersecting Elm Street, Pearl Street, Green Street, Woodland Avenue, and Central Street; and

WHEREAS, the City of Gardner has voted and appropriated monies to be used to acquire temporary and/or permanent easements for such public purpose; and

WHEREAS, Michael Nicholson has approved the acquisition of temporary and/or permanent easements for said public purpose and recommended to the City Council an order of taking; and

WHEREAS sufficient funds have been appropriated into account 14410-58000 to compensate the property owners for the property rights taken hereby; and

NOW THEREFORE, BE IT ORDERED THAT:

Acting pursuant to the powers set forth in M.G.L. c. 79, as amended, and Chapter 121B, as amended, and of any and every power and authority available to the City of Gardner, granted or implied, the City of Gardner hereby takes for itself by eminent domain, for the purpose of maintaining a public way. The property taken comprises 2472 square feet and 82 square feet more or less of land being shown as TE-04 and E-2, respectively, on a plan of land dated February 7, 2023 and entitled "Plan of Land in the City of Gardner, Worcester County – Showing Location of Permanent and Temporary Easements Taken by the City of Gardner" prepared by Nitsch Engineering, sheets 1 through 3, being recorded in the Worcester South District Registry of Deeds Plan Book 969, page 54.

The taking is made together with any and all easements and rights appurtenant to the property, including trees, buildings and other structures standing upon or affixed thereto, air rights, subsurface rights and including the interests of the supposed owners, if any, in all private ways and public streets, highways or in the land lying in the bed of any street or highway, public or private within or adjacent to the Property.

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

<u>OWNER</u>	<u>PROPERTY ADDRESS</u>	<u>AWARD</u>
Julio Otero	9 Green Street Gardner, MA 01440	\$1395.00
Leidy E. Otero		

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

In City Council

February _____, 2023

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

Titi Siriphan, City Clerk
City of Gardner



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

February 13, 2023

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

RE: Order of Taking – Easements for Uptown Rotary Construction

Dear Madam President and Councilors,

At the February 6, 2023 meeting of the City Council, the Council voted to approve a free cash appropriation request in the amount of \$4,040 for payments related to eight (8) temporary easements and one (1) permanent easement so that construction for the Uptown Rotary project can begin.

This order, and the ones like it, are the conveyance votes to officially approve these easements.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner

THE COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

CITY OF GARDNER, MASSACHUSETTS

ORDER OF TAKING

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

WHEREAS, the City of Gardner is improving multimodal access, safety and operations at the Uptown Rotary intersecting Elm Street, Pearl Street, Green Street, Woodland Avenue, and Central Street; and

WHEREAS, the City of Gardner has voted and appropriated monies to be used to acquire temporary and/or permanent easements for such public purpose; and

WHEREAS, Michael Nicholson has approved the acquisition of temporary and/or permanent easements for said public purpose and recommended to the City Council an order of taking; and

WHEREAS sufficient funds have been appropriated into account 14410-58000 to compensate the property owners for the property rights taken hereby; and

NOW THEREFORE, BE IT ORDERED THAT:

Acting pursuant to the powers set forth in M.G.L. c. 79, as amended, and Chapter 121B, as amended, and of any and every power and authority available to the City of Gardner, granted or implied, the City of Gardner hereby takes for itself by eminent domain, for the purpose of maintaining a public way. The property taken comprises 765 square feet more or less of land being shown as TE-03 on a plan of land dated February 7, 2023 and entitled "Plan of Land in the City of Gardner, Worcester County – Showing Location of Permanent and Temporary Easements Taken by the City of Gardner" prepared by Nitsch Engineering, sheets 1 through 3, being recorded in the Worcester South District Registry of Deeds Plan Book 969, page 54.

The taking is made together with any and all easements and rights appurtenant to the property, including trees, buildings and other structures standing upon or affixed thereto, air rights, subsurface rights and including the interests of the supposed owners, if any, in all private ways and public streets, highways or in the land lying in the bed of any street or highway, public or private within or adjacent to the Property.

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

<u>OWNER</u>	<u>PROPERTY ADDRESS</u>	<u>AWARD</u>
Stanley K. Hill	15 Green Street Gardner, MA 01440	\$369.00
Gilberto Banchs, Jr.		

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

In City Council

February _____, 2023

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

Titi Siriphan, City Clerk
City of Gardner



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

February 13, 2023

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

RE: Order of Taking – Easements for Uptown Rotary Construction

Dear Madam President and Councilors,

At the February 6, 2023 meeting of the City Council, the Council voted to approve a free cash appropriation request in the amount of \$4,040 for payments related to eight (8) temporary easements and one (1) permanent easement so that construction for the Uptown Rotary project can begin.

This order, and the ones like it, are the conveyance votes to officially approve these easements.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner

THE COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

CITY OF GARDNER, MASSACHUSETTS

ORDER OF TAKING

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

WHEREAS, the City of Gardner is improving multimodal access, safety and operations at the Uptown Rotary intersecting Elm Street, Pearl Street, Green Street, Woodland Avenue, and Central Street; and

WHEREAS, the City of Gardner has voted and appropriated monies to be used to acquire temporary and/or permanent easements for such public purpose; and

WHEREAS, Michael Nicholson has approved the acquisition of temporary and/or permanent easements for said public purpose and recommended to the City Council an order of taking; and

WHEREAS sufficient funds have been appropriated into account 14410-58000 to compensate the property owners for the property rights taken hereby; and

NOW THEREFORE, BE IT ORDERED THAT:

Acting pursuant to the powers set forth in M.G.L. c. 79, as amended, and Chapter 121B, as amended, and of any and every power and authority available to the City of Gardner, granted or implied, the City of Gardner hereby takes for itself by eminent domain, for the purpose of maintaining a public way. The property taken comprises 998 square feet more or less of land being shown as TE-05 on a plan of land dated February 7, 2023 and entitled "Plan of Land in the City of Gardner, Worcester County – Showing Location of Permanent and Temporary Easements Taken by the City of Gardner" prepared by Nitsch Engineering, sheets 1 through 3, being recorded in the Worcester South District Registry of Deeds Plan Book 969, page 54.

The taking is made together with any and all easements and rights appurtenant to the property, including trees, buildings and other structures standing upon or affixed thereto, air rights, subsurface rights and including the interests of the supposed owners, if any, in all private ways and public streets, highways or in the land lying in the bed of any street or highway, public or private within or adjacent to the Property.

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

<u>OWNER</u>	<u>PROPERTY ADDRESS</u>	<u>AWARD</u>
Ryan P. McInerney	12 Pearl Street Gardner, MA 01440	\$449.00

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

In City Council

February _____, 2023

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

Titi Siriphan, City Clerk
City of Gardner



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

February 13, 2023

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

RE: Order of Taking – Easements for Uptown Rotary Construction

Dear Madam President and Councilors,

At the February 6, 2023 meeting of the City Council, the Council voted to approve a free cash appropriation request in the amount of \$4,040 for payments related to eight (8) temporary easements and one (1) permanent easement so that construction for the Uptown Rotary project can begin.

This order, and the ones like it, are the conveyance votes to officially approve these easements.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner

THE COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

CITY OF GARDNER, MASSACHUSETTS

ORDER OF TAKING

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

WHEREAS, the City of Gardner is improving multimodal access, safety and operations at the Uptown Rotary intersecting Elm Street, Pearl Street, Green Street, Woodland Avenue, and Central Street; and

WHEREAS, the City of Gardner has voted and appropriated monies to be used to acquire temporary and/or permanent easements for such public purpose; and

WHEREAS, Michael Nicholson has approved the acquisition of temporary and/or permanent easements for said public purpose and recommended to the City Council an order of taking; and

WHEREAS sufficient funds have been appropriated into account 14410-58000 to compensate the property owners for the property rights taken hereby; and

NOW THEREFORE, BE IT ORDERED THAT:

Acting pursuant to the powers set forth in M.G.L. c. 79, as amended, and Chapter 121B, as amended, and of any and every power and authority available to the City of Gardner, granted or implied, the City of Gardner hereby takes for itself by eminent domain, for the purpose of maintaining a public way. The property taken comprises 805 square feet more or less of land being shown as TE-01 on a plan of land dated February 7, 2023 and entitled "Plan of Land in the City of Gardner, Worcester County – Showing Location of Permanent and Temporary Easements Taken by the City of Gardner" prepared by Nitsch Engineering, sheets 1 through 3, being recorded in the Worcester South District Registry of Deeds Plan Book 969, page 54.

The taking is made together with any and all easements and rights appurtenant to the property, including trees, buildings and other structures standing upon or affixed thereto, air rights, subsurface rights and including the interests of the supposed owners, if any, in all private ways and public streets, highways or in the land lying in the bed of any street or highway, public or private within or adjacent to the Property.

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

<u>OWNER</u>	<u>PROPERTY ADDRESS</u>	<u>AWARD</u>
Rex Stark	16 Woodland Avenue Gardner, MA 01440	\$191.00

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

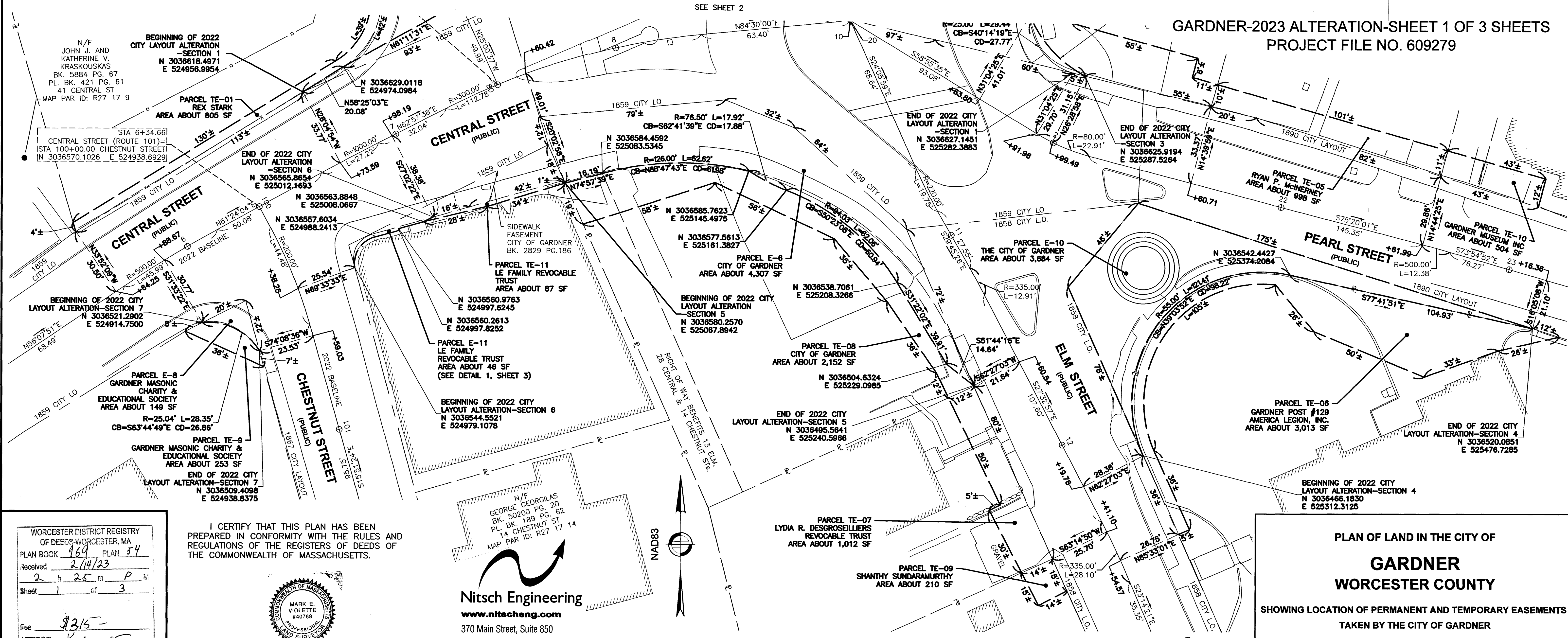
In City Council

February _____, 2023

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

Titi Siriphan, City Clerk
City of Gardner

GARDNER-2023 ALTERATION-SHEET 1 OF 3 SHEETS PROJECT FILE NO. 609279



SEE SHEET 2

N/F
JOHN J. AND
KATHERINE V.
KRASKOUSKAS
BK. 5884 PG. 67
PL. BK. 421 PG. 61
41 CENTRAL ST
MAP PAR ID: R27 17 9

BEGINNING OF 2022
CITY LAYOUT ALTERATION
-SECTION 1
N 3036618.4971
E 524956.9954

PARCEL TE-01
REX STARK
AREA ABOUT 805 SF

STA 6+34.66
CENTRAL STREET (ROUTE 101)=
STA 100+00.00 CHESTNUT STREET
N 3036570.1026 E 524938.6929

END OF 2022 CITY
LAYOUT ALTERATION
-SECTION 6
N 3036585.8654
E 525012.1693

N 3036563.8848
E 525008.0667

N 3036557.6034
E 524988.2413

CENTRAL STREET
(PUBLIC)

CENTRAL STREET
(PUBLIC)

SIDWALK
EASEMENT
CITY OF GARDNER
BK. 2829 PG. 186

PARCEL TE-11
LE FAMILY REVOCABLE
TRUST
AREA ABOUT 87 SF

N 3036560.9763
E 524997.6245

N 3036560.2613
E 524997.8252

BEGINNING OF 2022 CITY
LAYOUT ALTERATION-SECTION 6
N 3036544.5521
E 524979.1078

N/F
GEORGE GEORGILAS
BK. 50200 PG. 20
PL. BK. 189 PG. 62
14 CHESTNUT ST
MAP PAR ID: R27 17 14

NAD83

PARCEL TE-07
LYDIA R. DESGROSEILLERS
REVOCABLE TRUST
AREA ABOUT 1,012 SF

PARCEL TE-09
SHANTHY SUNDARAMURTHY
AREA ABOUT 210 SF

ELM STREET
(PUBLIC)

PEARL STREET
(PUBLIC)

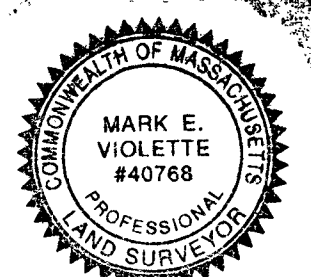
PARCEL TE-06
GARDNER POST #129
AMERICA LEGION, INC.
AREA ABOUT 3,013 SF

END OF 2022 CITY
LAYOUT ALTERATION-SECTION 4
N 3036520.0851
E 525476.7285

BEGINNING OF 2022 CITY
LAYOUT ALTERATION-SECTION 4
N 3036466.1830
E 525312.3125

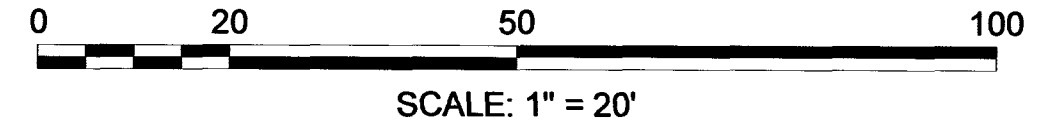
WORCESTER DISTRICT REGISTRY OF DEEDS-WORCESTER, MA	
PLAN BOOK <u>969</u>	PLAN <u>54</u>
Received <u>2/14/23</u>	
2 h 25 m P M	
Sheet <u>1</u> of <u>3</u>	
Fee <u>\$315-</u>	
ATTEST: <u>Kathryn A. Rooney</u>	Registrar

I CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN CONFORMITY WITH THE RULES AND
REGULATIONS OF THE REGISTERS OF DEEDS OF
THE COMMONWEALTH OF MASSACHUSETTS.



2-7-23 Mark Violette
DATE MARK E. VIOLETTE, PLS #40768

Nitsch Engineering
www.nitscheng.com
370 Main Street, Suite 850
Worcester, MA 01608
T: (508) 365-1030
F: (617) 338-6472



PLAN OF LAND IN THE CITY OF
GARDNER
WORCESTER COUNTY
SHOWING LOCATION OF PERMANENT AND TEMPORARY EASEMENTS
TAKEN BY THE CITY OF GARDNER
DATE: FEBRUARY 7, 2023
SCALE: 20 FEET TO THE INCH (EXCEPT AS NOTED)

Salvatore E. Os 2/14/23
CITY ENGINEER

GARDNER-2023 ALTERATION-SHEET 2 OF 3 SHEETS

PROJECT FILE NO. 609279

LOCATION LINE OF DEC 22, 1955
COUNTY LO DECREE NO. 1137

STA 7+47.81 CENTRAL STREET (ROUTE 101) =
STA 80+00.00 WOODLAND AVE
N 3036621.7231 E 525039.3348

STA 9+00.00 CENTRAL STREET (ROUTE 101) =
STA 20+00.00 PEARL STREET (ROUTE 101)
STA 60+00.00 GREEN STREET
STA 10+00.00 ELM STREET
N 3036649.1718 E 525188.2935

Nitsch Engineering

www.nitscheng.com

370 Main Street, Suite 850

Worcester, MA 01608

T: (508) 365-1030

F: (617) 338-6472

I CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN CONFORMITY WITH THE RULES AND
REGULATIONS OF THE REGISTERS OF DEEDS OF
THE COMMONWEALTH OF MASSACHUSETTS.



2-7-23 *Mark Violette*
DATE MARK E. VIOLETTE, PLS #40768

PLAN BOOK 164 PLAN 54
SHEET 2 of 3

CENTRAL STREET
(PUBLIC)

GREEN STREET
(PUBLIC)

WOODLAND AVENUE
(PUBLIC)

PARCEL E-1
CITY OF GARDNER
AREA ABOUT 10,153 SF

END OF 2022 CITY
LAYOUT ALTERATION-SECTION 2
N 3036756.9736
E 525196.3412

R=64.77' L=31.81'
CB=N28°03'43"E CD=31.49'

PARCEL E-9
FIRST CONGREGATIONAL
CHURCH OF GARDNER
AREA ABOUT 76 SF
BEGINNING OF 2022 CITY
LAYOUT ALTERATION-SECTION 2
N 3036729.1845
E 525181.5268

PARCEL TE-02
FIRST CONGREGATIONAL
CHURCH OF GARDNER
AREA ABOUT 2,964 SF

N 3036680.1188
E 525067.0313

PARCEL TE-01
REX STARK
AREA ABOUT 805 SF

PARCEL TE-03
STANLEY K. HILL AND
GILBERTO BANCHS, JR.
AREA ABOUT 765 SF

PARCEL TE-04
JULIO OTERO AND
LEIDY E. OTERO
AREA ABOUT 2,470 SF

BEGINNING OF 2022 CITY
LAYOUT ALTERATION-SECTION 3
N 3036651.3639
E 525264.1075

N 3036648.3405
E 525264.4523

PARCEL E-2
JULIO OTERO AND
LEIDY E. OTERO
AREA ABOUT 82 SF

R=50.00' L=35.31'
CB=N42°37'34"W CD=34.58'

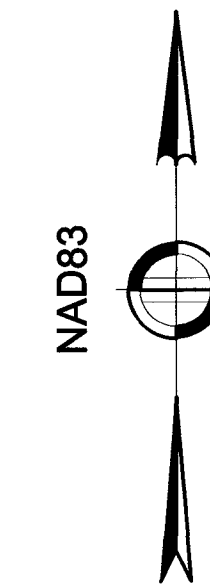
END OF 2022 CITY
LAYOUT ALTERATION
-SECTION 1
N 3036627.1451
E 525282.3883

END OF 2022 CITY
LAYOUT ALTERATION
-SECTION 3
N 3036625.9194
E 525287.5264

0 20 50 100
SCALE: 1" = 20'

SEE SHEET 2

Delia E. ... 2/14/23
CITY ENGINEER



PLAN OF LAND IN THE CITY OF GARDNER WORCESTER COUNTY

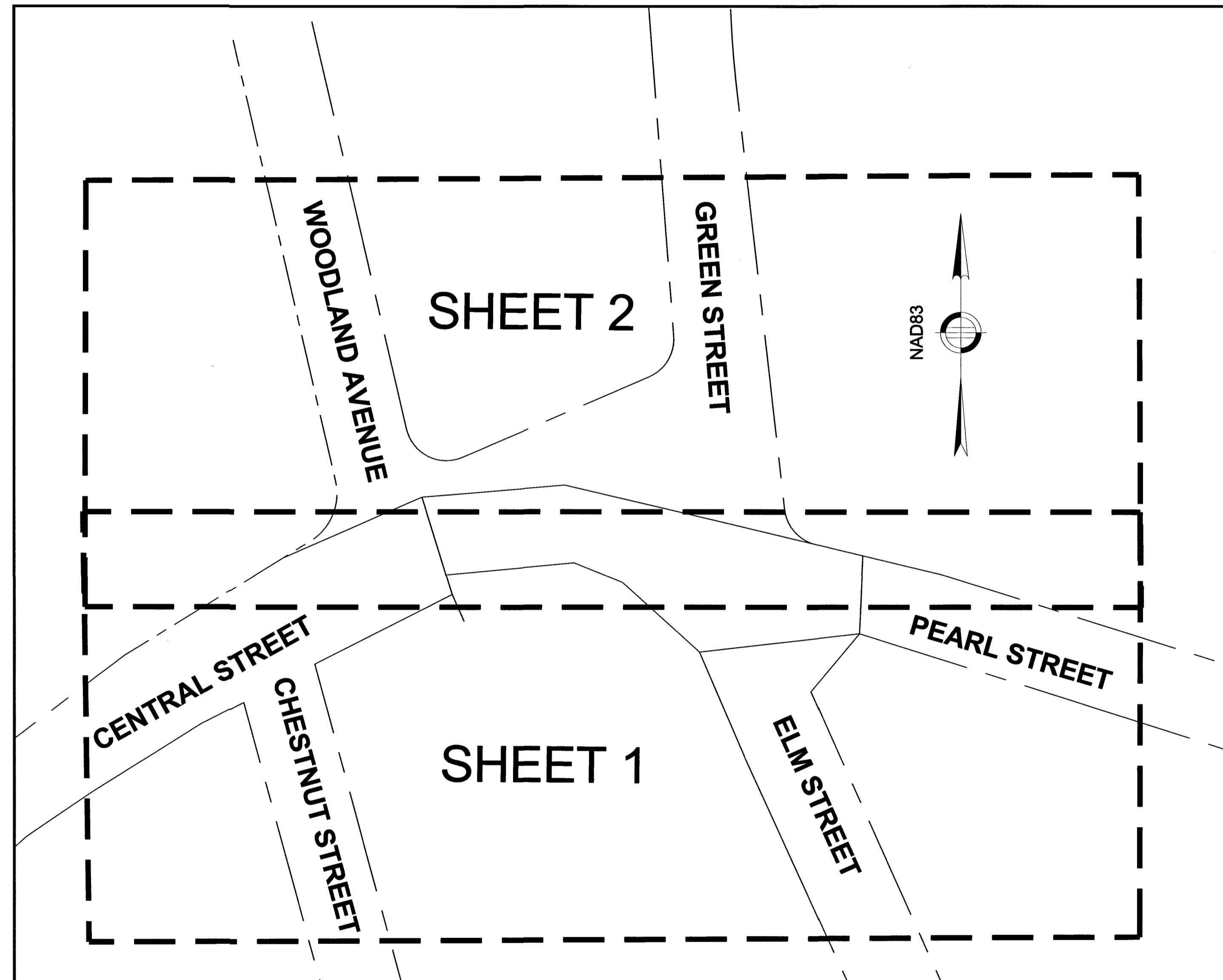
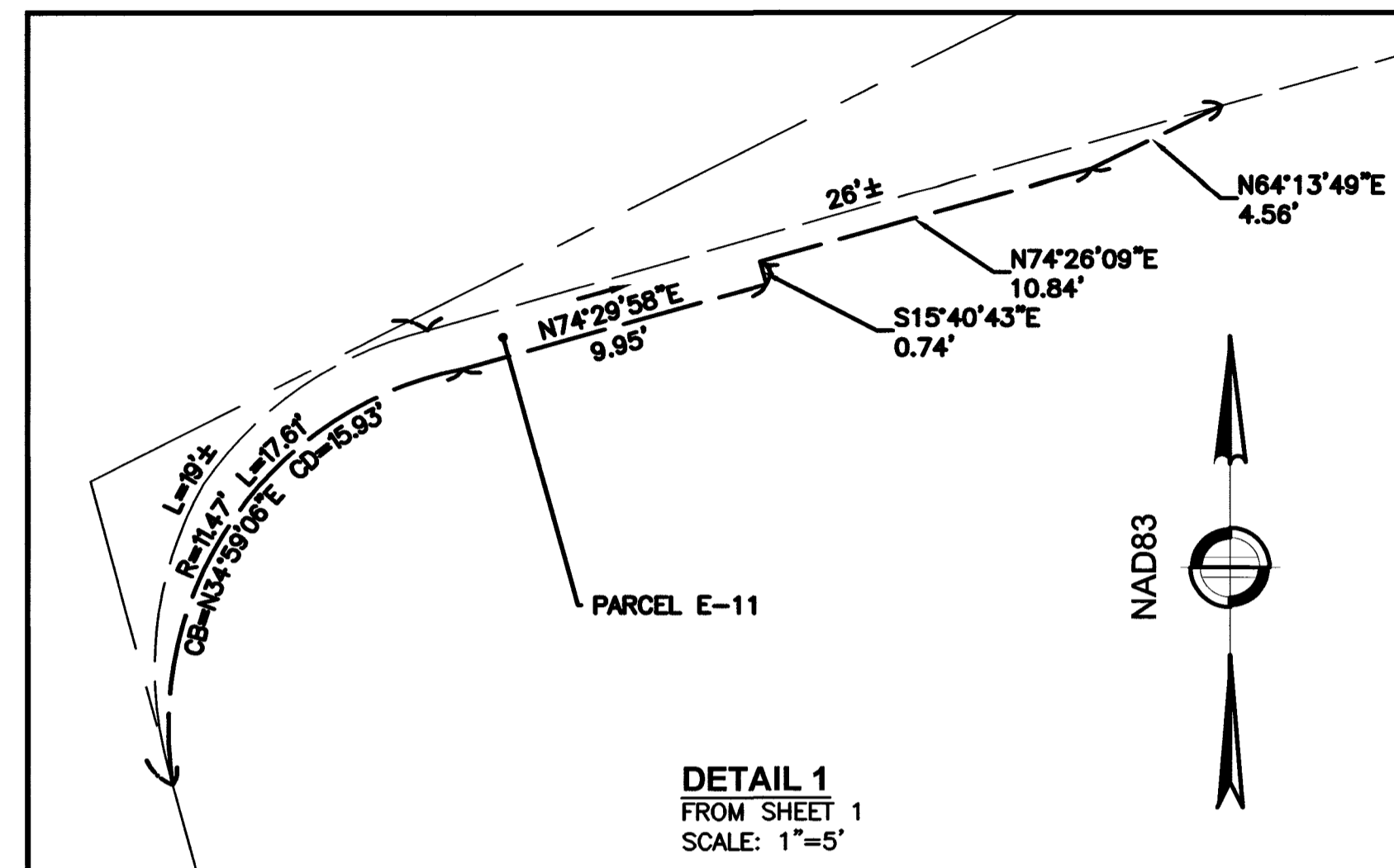
SHOWING LOCATION OF PERMANENT AND TEMPORARY EASEMENTS
TAKEN BY THE CITY OF GARDNER

DATE: FEBRUARY 7, 2023

SCALE: 20 FEET TO THE INCH

RIGHT OF WAY
Bk. 1023 Pg. 211
BENEFITS 12 PEARL ST

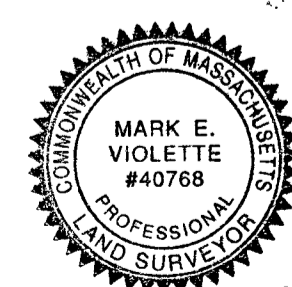
GARDNER-2023 ALTERATION-SHEET 3 OF 3 SHEETS
PROJECT FILE NO. 609279
(DETAIL AND KEY SHEET)



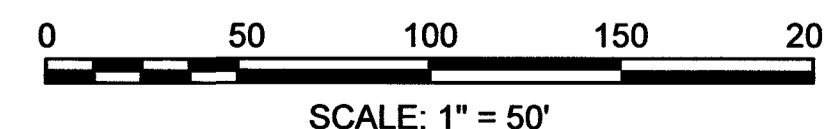
NOTES

1. THE EXISTING MONUMENTATION SHOWN ON THIS PLAN AND THE LOCATION OF THE EXISTING LAYOUT LINES ARE FROM A FIELD SURVEY PERFORMED BY NITSCH ENGINEERING.
2. ABUTTERS PROPERTY LINES DEPICTED HEREON ARE APPROXIMATE ONLY AND ARE BASED UPON RECORD DEEDS, PLANS, ASSESSORS AND LIMITED ON THE GROUND INSTRUMENT SURVEY. RECORD DEEDS AND PLANS MAY CONTAIN MATHEMATICAL DISCREPANCIES AND INCONSISTENCIES, WHICH WERE NOT RESOLVED WITH THIS SURVEY.
3. THE HORIZONTAL DATUM SHOWN HEREON REFERENCES THE MASSACHUSETTS STATE PLANE COORDINATE SYSTEM, MAINLAND ZONE, NAD83(2011) EPOCH 2010.0, US SURVEY FOOT.
4. THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY NOT DISCLOSE ANY MATTERS THAT MAY BE REVEALED BY ONE.
5. THIS PLAN DOES NOT SHOW UNWRITTEN OR UNRECORDED EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT AND VISIBLE USES OF THE LAND. THIS PLAN DOES NOT GUARANTEE THAT NO SUCH EASEMENTS EXIST.
6. LEGAL STATUS OF EASEMENTS, WAYS AND RESTRICTIONS NOT DETERMINED BY THIS SURVEY.
7. TITLE TO LAND IN THE ABUTTING WAYS IS NOT SHOWN AND HAS NOT BEEN DETERMINED AS A RESULT OF THIS SURVEY.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.



2-7-23 DATE
Mark E. Violette
MARK E. VIOLETTE, PLS #40768



PLAN BOOK 469 PLAN 54
SHEET 3 of 3

Ralph E. ... 2/14/23
CITY ENGINEER



CITY of GARDNER
Office of the City Auditor

John Richard, City Auditor
95 Pleasant Street, Room 126
Gardner, MA 01440

Phone: 978-632-1900 ext. 8020 • Fax: 978-630-3778
Email: jrichard@gardner-ma.gov

To: City Council

Re: Money Orders for consideration on February 15, 2023

Listed below are balances in various ledger accounts that pertain to Money Order transfers for your consideration.

These balances are as of February 9, 2023:

			<u>Money Order</u>	<u>Balance</u>
Free Cash	10000-35400			\$1,346,674.00
Fire Dept for New Equipment Expenditures	12220-55123	\$	150,000.00	\$1,196,674.00
Mayor Dept for Professional Services Expenditures	11121-52190	\$	60,000.00	\$1,136,674.00
				\$1,136,674.00

The Snow & Ice account currently has available (\$349,589.08)
14421-52210

Sincerely

copies: Mayor
City Clerk

John Richard
City Auditor