

Good Evening Madam President and Councilors,

I will not be in attendance at tomorrow night's meeting of the City Council, however, I have received several questions from Councilors regarding the contract the administration signed for Hannigan Engineering to conduct a survey and produce an Approval-Not-Required lot for the property on Route 140. As such, since I will not be in person tomorrow, I wanted to send this email to clear up any confusion from this document or misinformation that may be spreading on social media or through other avenues about this.

I have attached a copy of the contract for your information.

The City owns several parcels within Gardner's, Winchendon's, and Templeton's borders and has for some time. In fact, the City of Gardner is the largest land owner in Winchendon and the second largest in Templeton. However, we have owned several of these parcels for several decades and in some cases over a century. Leaving our legal descriptions of what we own to hand written documents with rod and link descriptions or references to property boundary monuments that have either decayed or been removed over time. Such is the case with this 123 acre parcel.

The Administration has undertaken a concerted effort to see exactly what we own and make sure our records are as up-to-date and accurate as possible- beginning with those properties for which the City owns within our own borders. Since this parcel was going to be discussed sooner than the others we have old descriptions for, it was at the top of the list for ones we directed a survey be conducted for.

The approval-not-required (ANR) portion of the contract was also related to the discussions related to the proposals before the City Council. I requested the City Engineer to request that Hannigan Engineering provide a document to the Administration to show that if the City were to sell or lease the parcel, but wanted to maintain sole ownership of Wilder Brook, what would that property line look like. Since the City is the landowner on both sides of the brook, I requested an ANR plan be drawn up for our review to see how the lot lines would change between our own two parcels

if the brook was added to the parcel containing the City Forrest rather than this parcel that has been before the Council.

For those who may be unaware, since the City is the land owner on both sides of the area in question, the way to change the lot lines is to simply file the ANR plan with the Registry of Deeds as a new boundary designation for the two parcels. This can be done as an Executive action, since the City already has ownership of control of both the parcels in question and would not involve a real estate transaction for purchase or sale. This is exactly what we did with School Street School when we subdivided the School building itself from the Jackson Park Parcel, since it had previously only been on a single parcel of land. I have attached a copy of the filing for you to see an example of this. It can also be found on Plan Book 966, Page 19 of the Worcester County Registry of Deeds.

Put simply, the Administration was simply just conducting research to plan ahead for potential ways to maintain ownership of Wilder Brook in the event the property was put up for sale, but more so just continuing our efforts to make sure we have an accurate and detailed description of what it is we actually own.

The plan was funded through the City's bond revenue account. When the City goes out for loan orders, we can sell the initial BANs the City purchases for the first few years of the loan. Since we took out a \$46 million loan for the City and were able to purchase the BANs when interest rates were low and then sell them when interests rates were high, we were able to make a large profit on the sale. This profit is deposited into this special revenue account, called a bond revenue account. The funds in this account can be used to 1) pay off debt associated with loans taken out by the City and 2) for projects for which the City could take a loan out for but could avoid by using the funds from this account. The general laws allow for Executive discretionary spending of this account for the aforementioned reasons so long as the cost of those reasons are \$50,000 or less. Anything greater than \$50,000 would require City Council approval, unless the funds were being used for a project directly for which a loan was already taken out for. Since the City has taken out loans for similar type work before, and since the cost of the work was under \$50,000, the Administration made the decision to utilize these funds to pay for this project.

The City Solicitor and City Auditor were both on vacation when the contract was being signed, but since the funding was already confirmed as the City's Bond Revenue account currently has a balance of approximately \$3.5 million, and since the City Charter only requires the mayor's signature to make a contract formally executed, their signatures were omitted from the usual process.

I hope this answers any questions that may be outstanding, but if you have any further questions, please feel free to reach out, as always.

Best,

Mike Nicholson

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