



City of Gardner, Massachusetts
Office of the City Council

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CALENDAR FOR THE MEETING  
of  
MONDAY, SEPTEMBER 18, 2023  
CITY COUNCIL CHAMBER  
7:30 P.M.

**ORDER OF BUSINESS**  
**\*AMENDED**

- 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

**11052** – A Petition by National Grid, Park Street – to install 1 Single Owned Pole and Relocate 1 Single Owned Pole on Park Street beginning at a point approximately 100’ feet west of the centerline of the intersection of Park Street and Vernon Street and continuing approximately 150 feet in a west direction. Install 1 Single Owned Stub Pole (12-84) to replace old stub pole in back yard of apartment (will remove old stub pole 12-84). Relocating P9 and associated guy wires back ~10 in accordance with the City’s Park Street Project. *(In the City Council and Referred to Public Service Committee 9/5/2023)*

**11053** – A Petition by National Grid and Verizon New England, Inc., Park Street - to relocate 5 Jointly Owned Poles on Park Street beginning at a point approximately 150 feet west of the centerline of the intersection of Park Street and Lake Street and continuing approximately 720 feet in a west direction. Moving Poles 3, 4, 5, 6, 7 and associated Anchors back ~5’ for City’s Park Street Project. *(In the City Council and Referred to Public Service Committee 9/5/2023)*

## VIII. EXECUTIVE SESSION

Entered under Exemption 3 of the Open Meeting Law: “To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares,” (MGL c.30A, §21(3)) and Exemption 6 of the Open Meeting Law: “To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.” MGL c.30A, §21(6).

## IX. COMMUNICATIONS FROM THE MAYOR

### APPOINTMENTS

**11064** – A Measure Confirming the Mayor’s Appointments of Election Officers for 2023-2024. (*Appointments Committee*)

**11065** – A Measure Confirming the Police Officer Assignments to Polling Locations. (*Appointments Committee*)

## X. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

**11058** – An Open Meeting Law Complaint Filed by Paul DeMeo Regarding the Executive Session of the City Council on August 7, 2023.

**11059** – A Communication from Councillor James Boone Regarding an Amendment to the City Charter. (*In the City Council and voted to be placed on the 9/18/2023 City Council Calendar 9/5/2023*)

**11060** – A Communication from Councillor George Tyros Regarding Review of the City’s Disaster Response Plans.

**11061** – An Ordinance to Amend the Code of the City of Gardner by Adding a New Chapter to be Entitled, Chapter 504: Wage Theft Protection, Which Shall Provide for Protections for Workers and Employees of Contractors Working on City Projects. (*Submitted by Councillor Aleksander Dernalowicz*)

**11062** – A Measure Relative to the October 10, 2023, City Preliminary Election. (*Finance Committee*)

**11063** – A Measure Relative to the October 10, 2023, Special State Primary Order. (*Finance Committee*)

## **XI. REPORTS OF STANDING COMMITTEES**

### **FINANCE COMMITTEE**

**11039** – An Order Authorizing the City to Borrow \$550,000.00 for Waterford Street School Renovations. *(In the City Council and Tabled 8/7/2023; More Time 9/5/2023)*

### **APPOINTMENTS COMMITTEE**

**11051** – A Measure Confirming the Mayor’s Appointment of Elijah Williams to the Position of Police Officer, Permanent. *(In the City Council and Referred to Appointments Committee 9/5/2023)*

### **SERVICE COMMITTEE**

**11052** – A Petition by National Grid, Park Street – to install 1 Single Owned Pole and Relocate 1 Single Owned Pole on Park Street beginning at a point approximately 100’ feet west of the centerline of the intersection of Park Street and Vernon Street and continuing approximately 150 feet in a west direction. Install 1 Single Owned Stub Pole (12-84) to replace old stub pole in back yard of apartment (will remove old stub pole 12-84). Relocating P9 and associated guy wires back ~10 in accordance with the City’s Park Street Project. *(In the City Council and Referred to Public Service Committee 9/5/2023)*

**11053** – A Petition by National Grid and Verizon New England, Inc., Park Street - to relocate 5 Jointly Owned Poles on Park Street beginning at a point approximately 150 feet west of the centerline of the intersection of Park Street and Lake Street and continuing approximately 720 feet in a west direction. Moving Poles 3, 4, 5, 6, 7 and associated Anchors back ~5’ for City’s Park Street Project. *(In the City Council and Referred to Public Service Committee 9/5/2023)*

### **SAFETY COMMITTEE**

**11044** – An Ordinance to Amend the Code of the City of Gardner, Chapter 306 thereof, entitled “Alcoholic Beverages,” to Add a New Section 5 thereof, entitled “Marijuana Retail Establishments” to Increase the Quota Allowed and Change the Method for Amending the Quota Allowed by the Code of the City of Gardner. *(Submitted by Councillor Dana Heath; In the City Council and Referred to Public Safety Committee 8/7/2023; More Time 9/5/2023)*

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

**11045** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled “Zoning,” to Amend Section 1070 thereof, entitled, “Marijuana Establishments” to Change the Method to Increase the Quota Allowed by the Code of the City of Gardner. *(Submitted by Councillor Dana Heath; In the City Council and Referred to Planning Board 8/7/2023; More Time 9/5/2023)*

**11046** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled “Zoning,” to Add “Sports Betting” to the Zoning Table of Uses. *(Submitted by Councillor Dana Heath; In the City Council and Referred to Planning Board 8/7/2023; More Time 9/5/2023)*

## **XIII. NEW BUSINESS**

## **XIV. COUNCIL COMMENTS AND REMARKS**

## **XV. CLOSING PRAYER**

## **XVI. ADJOURNMENT**

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

**\*Item #11039 has been amended – The amount has been amended from \$600,000.00 to \$550,000.00**



**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**

September 7, 2023

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, SEPTEMBER 18, 2023 at 7:30 o'clock P.M.** on the petition of Massachusetts Electric Company, d/b/a NATIONAL GRID for permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies:

PARK STREET – A Petition by National Grid, Park Street – to install 1 Single Owned Pole and Relocate 1 Single Owned Pole on Park Street beginning at a point approximately 100' feet west of the centerline of the intersection of Park Street and Vernon Street and continuing approximately 150 feet in a west direction. Install 1 Single Owned Stub Pole (12-84) to replace old stub pole in back yard of apartment (will remove old stub pole 12-84). Relocating P9 and associated guy wires back ~10 in accordance with the City's Park Street Project.

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

CITY COUNCIL OF GARDNER

By: TITI SIRIPHAN  
City Clerk



## ENGINEERING DEPARTMENT

### CITY OF GARDNER

50 Manca Drive, Gardner MA 01440

Robert E. Oliva, City Engineer  
 Telephone (978) 630-8195  
 roliva@gardner-ma.gov

### PROJECT REVIEW MEMORANDUM

**To:** Public Service Committee

**Cc:** Dane Arnold, DPW Director  
 Christine Harty, DPW Administrative Asst.  
 Titi Siriphan, City Clerk

**From:** Robert Oliva – City Engineer

**Date:** September 13, 2023

**Project:** National Grid Pole Petitions - City Council Item #11052, #11053

National Grid has submitted pole petitions associated with the City's project at the new Park Street Park and Monument Park. I have inspected the proposed locations, reviewed the petition applications, and have no comments at this time.

| <u>Council Item #</u> | <u>Comment</u>                                                                                        |
|-----------------------|-------------------------------------------------------------------------------------------------------|
| 11052                 | To remove and relocate stub pole (12-84) and relocate pole #9 on Park Street.<br><i>No comment</i>    |
| 11053                 | To relocate existing poles 3, 4, 5, 6, and 7 and associated anchors on Park Street. <i>No comment</i> |

Questions contact – Will 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:

Park St - National Grid to install 1 SO Pole and Relocate 1 SO Pole on Park St beginning at a point approximately 100' feet west of the centerline of the intersection of Park St and Vernon St and continuing approximately 150 feet in a west direction. Install 1 SO Stub Pole (12-84) to replace old stub pole in back yard of apartment (will remove old stub pole 12-84). Relocating P9 and associated guy wires back ~10 in accordance with the City's Park St Project.

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 – Park St - Gardner – Massachusetts.

No.# 30791973 July 11, 2023

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 11th day of July, 2023.

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 – Park St - Gardner – Massachusetts.

No.# 30791973 Dated: July 11, 2023. 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:

Park St - National Grid to install 1 SO Pole and Relocate 1 SO Pole on Park St beginning at a point approximately 100' feet west of the centerline of the intersection of Park St and Vernon St and continuing approximately 150 feet in a west direction. Install 1 SO Stub Pole (12-84) to replace old stub pole in back yard of apartment (will remove old stub pole 12-84). Relocating P9 and associated guy wires back ~10 in accordance with the City's Park St Project.

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.

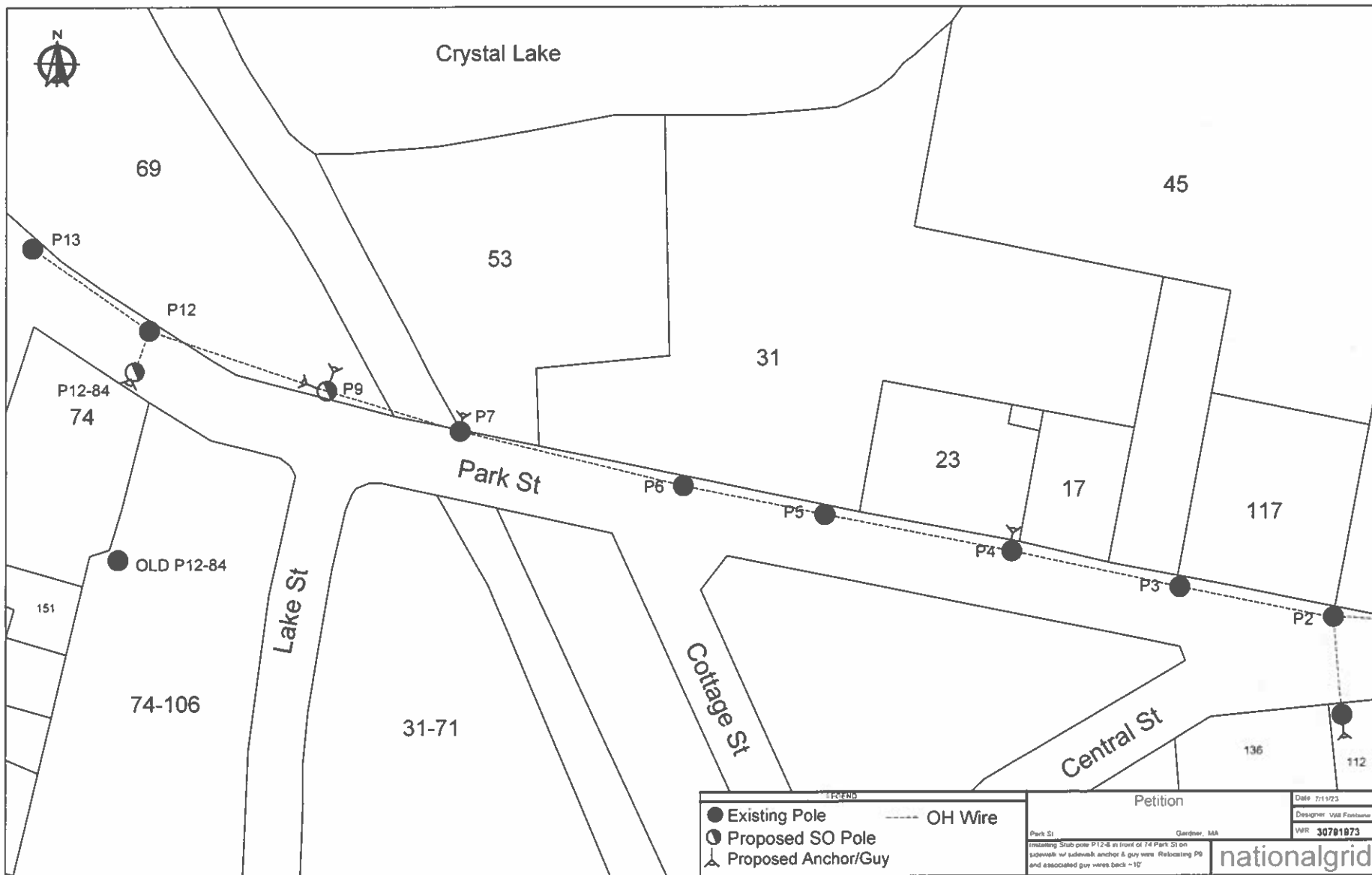
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Board or Council of Town or City, Massachusetts

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





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

OFFICE OF THE  
**CITY CLERK**

Room 121, City Hall  
Tel (978) 630-4058  
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**NOTICE TO ABUTTERS**

September 7, 2023

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, SEPTEMBER 18, 2023 at 7:30 o'clock P.M.** on the petition of Massachusetts Electric Company, d/b/a NATIONAL GRID for permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies:

PARK STREET – A Petition by National Grid and Verizon New England, Inc., Park Street - to relocate 5 Jointly Owned Poles on Park Street beginning at a point approximately 150 feet west of the centerline of the intersection of Park Street and Lake Street and continuing approximately 720 feet in a west direction. Moving Poles 3, 4, 5, 6, 7 and associated Anchors back ~5' for City's Park Street Project.

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

CITY COUNCIL OF GARDNER

By: TITI SIRIPHAN  
City Clerk



## ENGINEERING DEPARTMENT

### CITY OF GARDNER

50 Manca Drive, Gardner MA 01440

Robert E. Oliva, City Engineer  
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### PROJECT REVIEW MEMORANDUM

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**Cc:** Dane Arnold, DPW Director  
 Christine Harty, DPW Administrative Asst.  
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**From:** Robert Oliva – City Engineer

**Date:** September 13, 2023

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Questions contact – Will Fontaine 508-414-7308

**PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS**

North Andover, Massachusetts

To the City Council  
Of Gardner, Massachusetts

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

Park St - National Grid to relocate 5 JO Poles on Park St beginning at a point approximately 150 feet west of the centerline of the intersection of Park St and Lake St and continuing approximately 720 feet in a west direction. Moving Poles 3, 4, 5, 6, 7 and associated Anchors back ~5' for City's Park St Project.

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 – Park St - Gardner - Massachusetts.

**No. 30791973** July 11, 2023

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

VERIZON NEW ENGLAND, INC.

BY \_\_\_\_\_  
Manager / Right of Way

**ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

To the City Council - Gardner, Massachusetts

Notice having been given and public hearing held, as provided by law,  
**IT IS HEREBY ORDERED:** that Massachusetts Electric Company d/b/a National Grid and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 11th day of July, 2023.

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 – Park St - Gardner - Massachusetts..

**No. 30791973** Dated July 11, 2023. Filed with this order

There may be attached to said poles by Massachusetts Electric Company d/b/a National Grid and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

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

Park St - National Grid to relocate 5 JO Poles on Park St beginning at a point approximately 150 feet west of the centerline of the intersection of Park St and Lake St and continuing approximately 720 feet in a west direction. Moving Poles 3, 4, 5, 6, 7 and associated Anchors back ~5' for City's Park St Project.

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

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

Massachusetts

City/Town Clerk.

20\_\_

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

Attest:

City/Town Clerk

I hereby certify that on \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ o'clock, M  
at \_\_\_\_\_ a public hearing was held on the petition of  
Massachusetts Electric Company d/b/a National Grid and VERIZON NEW ENGLAND, INC.

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

City/Town Clerk.

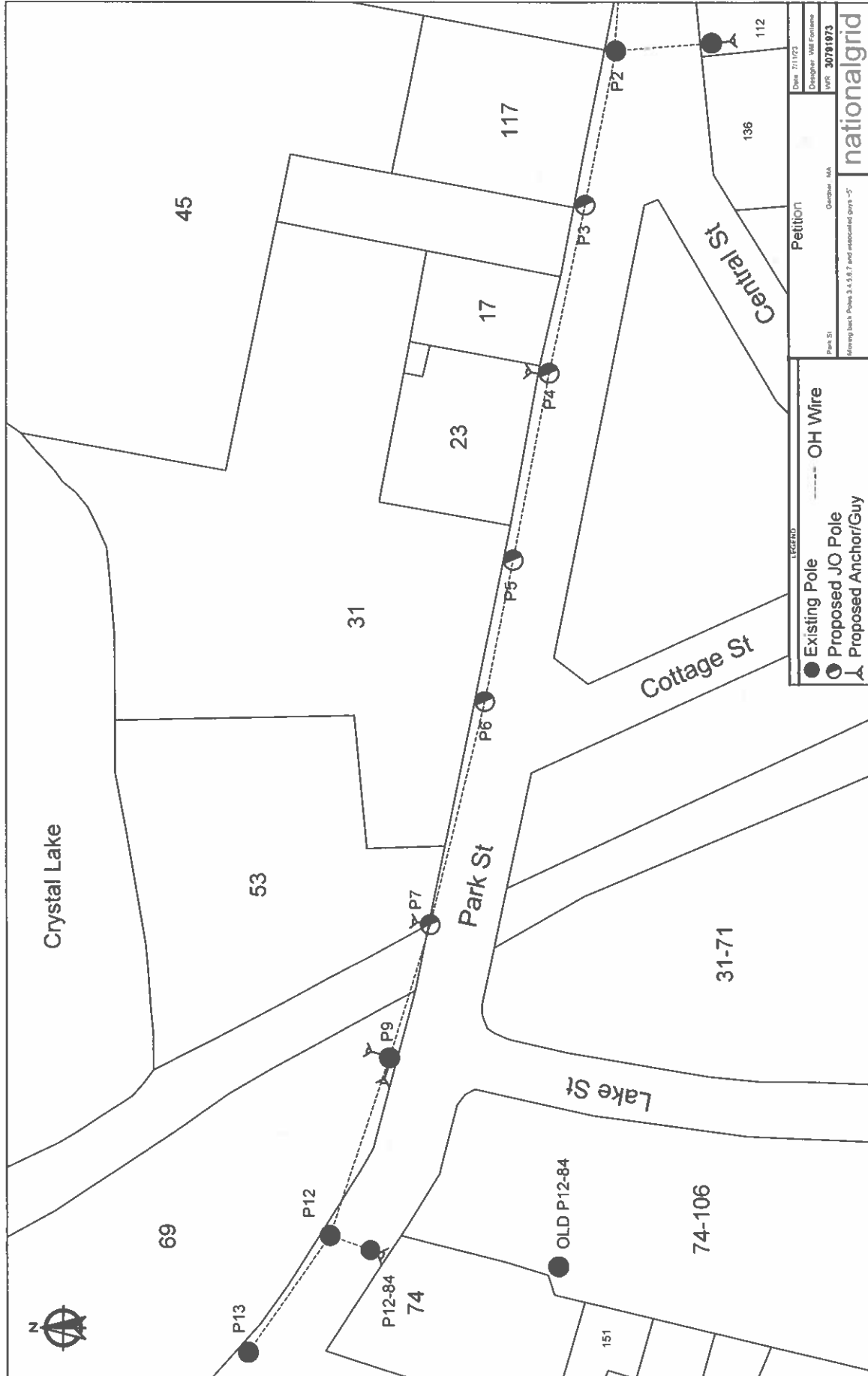
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Board or Council of Town or City, Massachusetts

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





# City of Gardner, *Executive Department*



Michael J. Nicholson, Mayor

COMMONWEALTH OF MASSACHUSETTS

WORCESTER COUNTY  
GARDNER

CITY OF

I appoint the following to the position of Election Officers, as designated, and I hereby certify that in my opinion they are persons specially fitted by education, training and experience to perform the duties of said office and that I make the appointments solely in the interest of the City.

  
Michael J. Nicholson, Mayor

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

for terms expiring August 31, 2024

  
Titi Siriphan, City Clerk

WARD 1A

|           |            |    |               |                        |         |
|-----------|------------|----|---------------|------------------------|---------|
| Warden    | Norman     | H. | Beauregard    | 147 Oak Street         | Gardner |
| Clerk     | Roland     | D. | Mailloux, Jr. | 20 Teaberry Lane       | Gardner |
| Inspector | Doris      |    | Buefort       | 238R West Street       | Gardner |
| Inspector | Jacqueline | M. | Kraskouskas   | 222 Bickford Hill Road | Gardner |
| Inspector | Erana      | E. | Landry        | 298 Park Street        | Gardner |
| Inspector | Diane      | M. | Meany         | 58 Jean Street         | Gardner |
| Inspector | Ann        | K. | Twohig        | 315 Union Street       | Gardner |
| Inspector | George     | N. | Hiniker       | 130 Whitney Street     | Gardner |

WARD 1B

|           |         |    |           |                       |         |
|-----------|---------|----|-----------|-----------------------|---------|
| Warden    | Lynn    | M. | Roux      | 203 Betty Spring Road | Gardner |
| Clerk     | Paul    | T. | Crowley   | 43 Glazier Street     | Gardner |
| Inspector | Gloria  |    | Bourgeois | 47 Racette Avenue     | Gardner |
| Inspector | Bridget | A. | Koetsch   | 32 Talcott Avenue     | Gardner |
| Inspector | Walter  |    | Scott     | 103 Bayberry Drive    | Gardner |
| Inspector | Valerie | D. | Spar      | 20 Plymouth Street    | Gardner |

# City of Gardner, *Executive Department*



Michael J. Nicholson, Mayor

|           |          |    |            |                      |         |
|-----------|----------|----|------------|----------------------|---------|
| Inspector | Marjorie | J. | Whittemore | 47 Lake Street, A606 | Gardner |
| Inspector | Juliet   | E. | Crowley    | 43 Glazier Street    | Gardner |

## WARD 2A

|           |         |    |          |                       |         |
|-----------|---------|----|----------|-----------------------|---------|
| Warden    | Clifton | J. | Melatti  | 37 Rosewood Drive     | Gardner |
| Warden    | Loyall  | C. | Allen    | 169 Sunrise Lane      | Gardner |
| Clerk     | David   | L. | Hendren  | 55 Bickford Hill Road | Gardner |
| Inspector | Carol   | A. | Cormier  | 47 Lake Street, A207  | Gardner |
| Inspector | Robert  | J. | Cormier  | 47 Lake Street, A207  | Gardner |
| Inspector | Cathy   | T. | Leger    | 134 Greenwood Place   | Gardner |
| Inspector | Jeanne  |    | Cuskey   | 65 Kileys Way         | Gardner |
| Inspector | Linda   | M. | Bredberg | 6 Rosewood Drive      | Gardner |
| Inspector | Alice   | P. | Anderson | 34 Chapman Park       | Gardner |
| Inspector | Dianne  | A. | Hunt     | 28 Osgood Street, #1  | Gardner |

## WARD 2B

|           |           |    |          |                           |           |
|-----------|-----------|----|----------|---------------------------|-----------|
| Warden    | Kevin     | M. | Ares     | 60 Ridgewood Lane, Apt.18 | Gardner   |
| Clerk     | Nancy     | M. | Girouard | 110 Marquette Street      | Gardner   |
| Inspector | Val       | J. | Cormier  | 166 Acadia Road           | Gardner   |
| Inspector | Annette   | M. | Melanson | 178 Waterford Street      | Gardner   |
| Inspector | Elaine    | M. | Leger    | 47 Lake Street, A201      | Gardner   |
| Inspector | G. Ronald |    | Leger    | 47 Lake Street, A201      | Gardner   |
| Inspector | Marcia    | J. | White    | 92 Ryan Street            | Gardner   |
| Inspector | Patricia  | A. | Lewis    | 32 Water Wheel Circle     | Templeton |

## WARD 3A

|           |        |    |            |                   |           |
|-----------|--------|----|------------|-------------------|-----------|
| Warden    | Robert | J. | Swartz     | 53 Racette Avenue | Gardner   |
| Clerk     | Howard | A. | Leadbetter | 100 Ross Street   | Fitchburg |
| Inspector | Rachel | I. | Blais      | 25 Way Street     | Gardner   |
| Inspector | Anita  | M. | Boudreau   | 8 Jackson Park    | Gardner   |

# City of Gardner, *Executive Department*



Michael J. Nicholson, Mayor

|           |         |    |             |                    |           |
|-----------|---------|----|-------------|--------------------|-----------|
| Inspector | Darlene | I. | Brehio      | 245 Hubbardston Rd | Templeton |
| Inspector | Marcel  |    | Martin      | 17 Bayberry Drive  | Gardner   |
| Inspector | Robert  | L. | Owens       | 217 Riverside Road | Gardner   |
| Inspector | Beth    | A. | Leadbetter  | 100 Ross Street    | Fitchburg |
| Inspector | Mark    |    | St. Laurent | 153 Colony Road    | Fitchburg |

## WARD 3B

|           |          |    |           |                       |         |
|-----------|----------|----|-----------|-----------------------|---------|
| Warden    | Thomas   | H. | Patterson | 132 Pinewood Drive    | Gardner |
| Clerk     | Paulette | A. | Burns     | 185 Benwood Drive     | Athol   |
| Inspector | Helen    | M. | Linstrom  | 61 Lake Street, B-315 | Gardner |
| Inspector | Gayle    | M. | Jaillet   | 35 Wickman Drive      | Gardner |
| Inspector | Odette   | R. | Racette   | 44 Jean Street        | Gardner |
| Inspector | Monica   | J. | Williams  | 19 City Hall Ave, #50 | Gardner |
| Inspector | Alice    | L. | Ambrose   | 114 Opal Lane         | Gardner |
| Inspector | Dorothy  | M. | Ronn      | 145 Prospect Street   | Gardner |

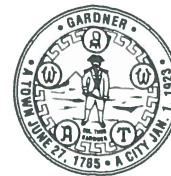
## WARD 4A

|           |          |    |           |                     |             |
|-----------|----------|----|-----------|---------------------|-------------|
| Warden    | Ronald   | J. | Roy       | 51 Pinewood Drive   | Gardner     |
| Inspector | Judith   | A. | King      | 32 Jay Street       | Gardner     |
| Inspector | Judy     |    | Roy       | 51 Pinewood Drive   | Gardner     |
| Inspector | Ann      | E. | Johnson   | 176 Main Street     | Westminster |
| Inspector | Joanne   | M. | Augustino | 15 Chatham Street   | Gardner     |
| Inspector | Gloria   | M. | Landry    | 458 Pearl Street    | Gardner     |
| Inspector | Victoria | C. | Fontaine  | 14 Waterford Street | Gardner     |
| Inspector | Danielle | L. | Rice      | 409 Pleasant Street | Gardner     |

## WARD 4B

|           |        |    |           |                           |         |
|-----------|--------|----|-----------|---------------------------|---------|
| Warden    | Dianne | M. | LeBlanc   | 209 Elm Street            | Gardner |
| Clerk     | Jaime  |    | Lubelczyk | 63 South Main Street, #2F | Gardner |
| Inspector | Doris  | L. | Forte     | 47 Lake Street, A602      | Gardner |

# City of Gardner, *Executive Department*



Michael J. Nicholson, Mayor

|           |        |    |           |                          |         |
|-----------|--------|----|-----------|--------------------------|---------|
| Inspector | Susan  |    | Greninger | 194 Central Street, #315 | Gardner |
| Inspector | Jill   | M. | Cormier   | 35 Water Street          | Gardner |
| Inspector | Ann    |    | Chandler  | 133 Pleasant Street, #2  | Gardner |
| Inspector | Donald | A. | LeBlanc   | 209 Elm Street           | Gardner |
| Inspector | Nancy  | E. | Parker    | 27 Wachusett Road        | Gardner |

## WARD 5A

|           |           |    |            |                           |         |
|-----------|-----------|----|------------|---------------------------|---------|
| Warden    | Paul      | A. | Spano      | 33 Adams Street           | Gardner |
| Clerk     | Mary      | L. | Glotch     | 47 Montvale Road          | Gardner |
| Inspector | Judith    | T. | Collette   | 47 Kendall Street         | Gardner |
| Inspector | Gloria    | M. | O'Malley   | 80 Kendall Pond Road West | Gardner |
| Inspector | Marcia    | A. | Stone      | 185 Bridge Street         | Gardner |
| Inspector | Rheal     | J. | Leblanc    | 228 Lovewell Street       | Gardner |
| Inspector | Roberta   | J. | Lesperance | 35 Wachusett Road         | Gardner |
| Inspector | Constance | I. | Pelletier  | 81 Airport Road           | Gardner |

## WARD 5B

|           |          |     |           |                    |         |
|-----------|----------|-----|-----------|--------------------|---------|
| Warden    | Leonette | M.  | Roy       | 49 Temple Street   | Gardner |
| Clerk     | Karen    | L.  | Olivari   | 185 Leo Drive      | Gardner |
| Inspector | William  |     | Edwards   | 4 Sunrise Lane     | Gardner |
| Inspector | Susan    | H.  | Lariviere | 95 Bayberry Drive  | Gardner |
| Inspector | Mary     | Ann | Suchocki  | 154 Sand Street    | Gardner |
| Inspector | Jane     | M.  | Bettez    | 24 Yale Street     | Gardner |
| Inspector | Robert   | J.  | Bettez    | 24 Yale Street     | Gardner |
| Inspector | Jeanne   | M.  | Rafferty  | 60 Kendall Pond W  | Gardner |
| Inspector | Edward   | S.  | Yablonski | 195 Sherman Street | Gardner |

# City of Gardner, *Executive Department*

Michael J. Nicholson, Mayor




RECEIVED  
2022 SEP 14 AM 9:30  
CITY CLERK'S OFFICE

## COMMONWEALTH OF MASSACHUSETTS

WORCESTER COUNTY  
CITY OF GARDNER

I assign all Officers of the Gardner Police Department as election poll detail, and I hereby certify that in my opinion they are persons specifically fitted by education, training and experience to perform the duties of said office and that I make the appointments solely in the interest of the City.

I approve a sufficient number of police officers, at the polling location to preserve order and to protect the election officers and supervisors from any interference with their duties and to aid in enforcing the laws relating to elections, as required by Section 72 of MGL Chapter 54 which was changed in Section 13 of Chapter 91 of the Acts of 2022. Further, move to designate the Police Chief the authority to assign specific police officers according to scheduling and availability.

  
Michael J. Nicholson, Mayor

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

  
Titi Siriphan, City Clerk



## OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

RECEIVED  
2023 AUG 30 AM 8:48  
CITY CLERK'S OFFICE  
GARDNER, MA

### Your Contact Information:

First Name: Paul Last Name: DeMeo

Address: 9 Willis Road

City: Gardner State: MA Zip Code: 01440

Phone Number: 9786321300 Ext. \_\_\_\_\_

Email: ryanrealty@comcast.net

Organization or Media Affiliation (if any): \_\_\_\_\_

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual  Organization  Media

### Public Body that is the subject of this complaint:

City/Town  County  Regional/District  State

Name of Public Body (including city/town, county or region, if applicable): Gardner City Council, Mayor, City of Gardner

Specific person(s), if any, you allege committed the violation: Council President Elizabeth Kazinskas, Mayor Michael Nicholson

Date of alleged violation: August 7th, 2023



**Description of alleged violation:**

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

On August 1st, 2023, Mayor Mike Nicholson requested an Executive Session of the Gardner City Council. (attached) On August 7th, an executive session was called by council president Elizabeth Kazinskas to discuss a \$550,000 dollar loan order for Waterford Street School. (attached) This should not have been an executive session and closed to the public as it was Taxpayer money being discussed to be voted on by the city council.

It is believed, the mayor is using the money to pay back a private corporation, GAAMHA Inc. for work that they did on the building, after being promised leased space. Because of some legal title issue (Article 97), GAAMHA Inc. cannot lease or occupy the building and they want to be reimbursed for work done and \$550,000 spent.

I believe using Taxpayer money (loan) to pay a private corporation is illegal.

The point of the Open Meeting Law complaint is this, it was illegal to enter into Executive Session to discuss an issue pertaining to the expenditure of Taxpayer money, without the Public being allowed to be present during the proceedings of a government body, the Gardner City Council.

Mayor Nicholson and council president Kazinskas have not been open, honest, and transparent as to how the Taxpayer money was to be used.

No member of the Gardner City Council will discuss the issue of the loan request by the mayor.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Release the minutes of the Executive Session held August 7th immediately.  
Disclose to the Public, the State Ethics Commission, the Inspector General, and the Attorney Generals Office what the Executive Session was all about and its purpose.  
Comply with the Mass Open Meeting Law.

**Review, sign, and submit your complaint****I. Disclosure of Your Complaint.**

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

**Publication to Website.** As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

**II. Consulting With a Private Attorney.**

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

**III. Submit Your Complaint to the Public Body.**

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: Paul D'Amico

Date: 8/29/2023

For Use By Public Body  
Date Received by Public Body:

For Use By AGO  
Date Received by AGO:

Executive Session



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

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August 1, 2023

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

RE: Request for Executive Session

Dear Madam President and Councilors,

I am respectfully requesting that an Executive Session of the City Council be scheduled in order for the Administration to provide updates to the Council regarding matters for consideration.

I request that the Executive Session be called under the following exemptions to the Open Meeting Law as outlined in the following sections of the General Laws of the Commonwealth:

*MGL c.30A, §21(3). To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares*

*MGL c.30A, §21(6). To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body*

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael J. Nicholson".

Michael J. Nicholson  
Mayor, City of Gardner





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

~~~~~  
CALENDAR FOR THE MEETING

of
MONDAY, AUGUST 7, 2023
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)**
 - June 20, 2023, Regular Meeting
 - June 20, 2023, Informal Meeting
 - July 3, 2023, Regular Meeting

- VII. **PUBLIC HEARINGS**

11026 – A Petition by National Grid, Manca Drive – to install 1 Single Owned Pole on Manca Drive beginning at a point approximately 640’ feet west of the centerline of the intersection of W Broadway and Manca Drive. Install 1 Single Owned Pole to bring 3 ph power to new EV charging stations at Car dealership. *(In the City Council and Referred to Public Service Committee 7/3/2023; Public Hearing 8/7/2023)*

- VIII. **EXECUTIVE SESSION**

Entered under Exemption 3 of the Open Meeting Law: “To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares,” (MGL c.30A, §21(3)) and Exemption 6 of the Open Meeting Law: “To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.” MGL c.30A, §21(6) and to approve the Executive Session meeting minutes of April 3, 2023.

IX. COMMUNICATIONS FROM THE MAYOR

COMMUNICATIONS

- 11033** – A Measure Authorizing Acceptance of Donations and Gifts for Use by Mayor’s Department, Summer Celebration Account – Banner Sponsorship. *(Finance Committee)*
- 11034** – A Measure Authorizing Acceptance of Donations and Gifts for Use by Mayor’s Department, Summer Celebration Account – Flowerpot Sponsorship. *(Finance Committee)*
- 11035** – A Measure Authorizing Acceptance of Donations and Gifts for Use by Mayor’s Department, Summer Celebration Account – Summer Kick Off Sponsorship. *(Finance Committee)*
- 11036** – A Measure Authorizing Acceptance of Donations and Gifts for Use by Mayor’s Department, Summer Celebration Account – Welcome to Gardner Sign. *(Finance Committee)*
- 11038** – A Measure to Create and Authorize Acceptance of Donations and Gifts for Use by City of Gardner – Gardner Waterford Street Building. *(Finance Committee)*
- 11042** – A Memorandum from the Director of Public Works Regarding Staffing Levels.

ORDERS

- 11037** – An Order Transferring \$39,643.48 FY2023 Appropriations from Various DPW Salaries and Wages to FY2023 Various Operating Expenditures. *(Finance Committee)*
- 11039** – An Order Authorizing the City to Borrow \$550,000.00 for Waterford Street School Renovations. *(Finance Committee)*
- 11040** – An Order Appropriating \$115,000.00 from Available Funds – Sale of City Property Reserved to GRA Rear Main Street Capital Project. *(Finance Committee)*

APPOINTMENTS

- 11029** – A Measure Confirming the Mayor’s Appointment of Jane Clabaugh to the Position of Disability Commission Member, for term expiring July 6, 2026. *(Appointments Committee)*



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

July 6, 2023

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

RE: Loan Order – Waterford Street School Renovations

Dear Madam President and Councilors,

Attached, please find a loan order associated with work to be done at the Waterford Street School facility, in order to convert the structure into a new community center.

The goal is to have this loan order paid off by the leases that will eventually be collected on the site by the participating organizations.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael J. Nicholson".

Michael J. Nicholson
Mayor, City of Gardner

BOND ORDER NO. _____

IN CITY COUNCIL _____, 2023

A BOND ORDER TO PAY COSTS OF REMODELING AND EQUIPPING AN EXISTING CITY BUILDING FOR USE BY THE COUNCIL ON AGING AND VARIOUS OTHER COMMUNITY ORGANIZATIONS

BE IT ORDERED, BY THE CITY COUNCIL OF THE CITY OF GARDNER AS FOLLOWS:

That there be raised and appropriated the sum of Five Hundred Fifty Thousand Dollars (\$550,000) to pay costs of remodeling and equipping an existing City-owned building for use by the Council on Aging and various other community organizations, and for the payment of all other costs incidental and related thereto, and to meet this appropriation, the City Treasurer, with the approval of the Mayor, be and hereby is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. The Mayor is authorized to accept and expend any federal or state grants that may be available to the City on account of the projects described above. The amount authorized to be borrowed pursuant to this loan order shall be reduced to the extent of any federal or Commonwealth grants received by City on account of the project approved by this vote.

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

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
Aleksander Dernalowicz, Esq.

August 25, 2023

CITY COUNCIL SPECIAL MEETING

Date: Tuesday, August 29, 2023
Time: 6:30 P.M.
Location: City Council Chambers, Room 219, City Hall

ANNOUNCEMENT - 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 referenced or used during the meeting must be submitted in duplicate to the City Clerk, pursuant to the Open Meeting and Public Records Law. All documents shall become part of the official record of the meeting.

EXECUTIVE SESSION

Entered under Exemption 3 of the Open Meeting Law: "To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares," (MGL c.30A, §21(3)) and Exemption 6 of the Open Meeting Law: "To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body." MGL c.30A, §21(6).

11039 – An Order Authorizing the City to Borrow \$550,000.00 for Waterford Street School Renovations. (In the City Council, More Time 8/7/2023)

11023 – Charter Review Committee Final Review Recommendations. (In the City Council and Referred to Committee of the Whole and Law Department 6/20/2023; More Time 7/3/2023, 8/7/2023; Referred back to Law Department 8/7/2023)

CITY COUNCIL OF GARDNER
Elizabeth J. Kazinskas
ELIZABETH J. KAZINSKAS
Council President

NOTICE: The listing of Agenda items are those reasonably anticipated by the Chair 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.

From: [James Boone](#)
To: [Mayor](#); [Elizabeth Kazinskas](#)
Cc: [Titi Siriphan](#)
Subject: Amendment to Charter
Date: Sunday, September 3, 2023 9:37:24 AM

Mr. Mayor, President Kazinskas,

I'd like to offer up an amendment to our charter as follows:

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 to elect a suitable person to fill the vacancy until the next regular city election. The mayor, if present, shall preside at the convention.

Change as follows:

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 to elect a suitable person to fill the vacancy until the next regular city election. The mayor, ~~if present~~, shall preside at the convention.

Respectfully,

Councilor Boone

From: [George Tyros](#)
To: [Titi Siriphan](#)
Cc: [Mayor](#); [Elizabeth Kazinskas](#)
Subject: Agenda Item
Date: Thursday, September 14, 2023 11:00:55 AM

Madam Clerk,

I would like to request an informal meeting to review the City's Disaster Response Plans presented by the Mayor as an item to be put on the 9/18 agenda.

Thank you,
George

George Tyros (He/Him)
Councillor At-Large
Gardner, MA
978.340.1449

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER BY ADDING A NEW CHAPTER TO BE ENTITLED, CHAPTER 504: WAGE THEFT PROTECTION, WHICH SHALL PROVIDE FOR PROTECTIONS FOR WORKERS AND EMPLOYEES OF CONTRACTORS WORKING ON CITY PROJECTS.

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

SECTION 1: That a new Chapter 504, entitled “Wage Theft Protection,” be added to the City Code as follows:

Section 1. DEFINITIONS

A. “Gardner Resident” means any person for whom the principal place of residence is within the City of Gardner during the entirety of time the person works on a Public Construction Project within the City of Gardner. Proof of such residence may include, but is not limited to, the following: a valid Massachusetts Driver's License or Massachusetts Identification Card, utility bills, proof of voter registration, or such other proof acceptable to the City of Gardner.

B. “Tax Relief” means any issuance of tax relief provided under a Tax Increment Financing Agreement, a Housing Development Exemption Agreement or any other provision of law or regulation authorizing the issuance of tax relief, or any form of municipality-funded grant (regardless of whether the source is tax revenues or otherwise) provided under the Community Preservation Act or any other provision of law or regulation authorizing the issuance of municipality-funded grants.

C. “Tax Relief Agreement” means any Agreement or other form of document governing the terms and conditions of the issuance of Tax Relief by the City of Gardner.

Section 2. MUNICIPAL CONSTRUCTION CONTRACTS

Whenever the City of Gardner is procuring construction services subject to the provisions of M.G.L. Chapter 149, Chapter 149A or Chapter 30, §39M, the following shall be incorporated into the procurement documents and made part of the specifications and contract. Any person, company or corporation shall acknowledge, in writing, receipt of said requirements with their bid or proposal.

A. All bidders or proposers, contractors, and subcontractors and trade contractors, including subcontractors of any tier that are not subject to M.G.L. Chapter 149, §44F, (the “Contractor”) under the bidder, shall as a condition for bidding, contracting, or subcontracting verify under oath and in writing at the time of bidding or submittal in response to an RFP or in any event prior to entering into a contract or subcontract at any tier, that they comply with the following conditions for bidding,

contracting or subcontracting and, for the duration of the project, shall comply with the following requirements and obligations:

1. The Contractor shall not have been debarred or suspended from performing construction work by any federal, state or local government agency or authority in the past five years;
2. The Contractor shall not have been found within the past five years by a court or governmental agency in violation of any law relating to providing workers compensation insurance coverage, misclassification of employees as independent contractors, payment of employer payroll taxes, employee income tax withholding, earned sick time, wage and hour laws, prompt payment laws, or prevailing wage laws;
3. The Contractor shall maintain appropriate industrial accident insurance sufficient to provide coverage for all the employees on the project in accordance with M.G.L. Chapter 152 and provide documentary proof of such coverage included with the contractor's submitted bid to the Purchasing Department to be maintained as a public record;
4. The Contractor shall properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of prevailing wages and overtime, workers' compensation insurance coverage, unemployment taxes, social security taxes and state and federal income tax withholding. (M.G.L. Chapter 149, §148B on employee classification).
5. The Contractor shall comply with M.G.L. Chapter 151, §1A and M.G.L. Chapter 149, § 148 with respect to the payment of wages;
6. The Contractor must make arrangements to ensure that each employee of every contractor and subcontractor of any tier entering or leaving the project individually completes the appropriate entries in a daily sign-in/out log. The sign in/out log shall include: the location of the project; current date; printed employee name; signed employee name; name of employee's employer and the time of each entry or exiting. The log shall contain a prominent notice that employees are entitled under state law to receive the prevailing wage rate for their work on the project. Such sign-in/out logs shall be provided to the City of Gardner on a weekly basis with the certified payrolls and shall be a public record.
7. The contractor, prior to bidding or, if not subject to bidding requirements, prior to performing any work on the project, shall sign under oath and provide to the City of Gardner a certification that they are not debarred or otherwise prevented from bidding for or performing work on a public project in the Commonwealth of Massachusetts or in the City of Gardner.

8. The contractor must be in compliance with the health and hospitalization requirements of the Massachusetts Health Care Reform law established by Chapter 58 of the Acts of 2006, as amended, and regulations promulgated under that statute by the Commonwealth Health Insurance Connector Authority; and

9. The Contractor must submit weekly to City Director of Purchasing certified payrolls for all employees. A certified payroll format will be provided by the City that includes the employees full name, address, identifying number, and gender. Each contractor shall provide a copy of the OSHA 10 card for every employee attached to the first certified payroll they submit on which the employee appears.

B. A proposal or bid submitted by any general bidder or by any trade contractor or subcontractor, at any tier, under the general bidder or proposer that does not comply with any of the foregoing conditions for bidding shall be rejected, and no subcontract for work outside the scope of M.G.L. Chapter 149, §44F shall be awarded to a subcontractor of any tier that does not comply with the forgoing conditions.

C. All bidders or proposers and all trade contractors and subcontractors under the bidder or proposer who are awarded or who otherwise obtain contracts on projects subject to M.G.L. c.149, §44A(2), c 149A, or c.30, §39M shall comply with each of the obligations set forth in paragraph A above for the entire duration of their work on the project. An officer of each contractor or subcontractor shall certify under oath and in writing in connection with each requisition or request for payment that it is in compliance with such obligations.

D. Any proposer, bidder, trade contractor or subcontractor under the bidder or proposer that fails to comply with any one of obligations set forth in Paragraph A above or any other requirements in bid or contract documents for any period of time shall be, at the sole discretion of the City of Gardner, subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City of Gardner in the amount of 5% of the dollar value of the contract.

E. In addition to the sanctions outlined in Paragraph D above, a proposer, general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to M.G.L. c.149, §44F. Any contractor or subcontractor that has been determined by the City/Town or by any court or agency to have violated any of the obligations set forth in Paragraphs A and C above shall be barred from performing any work on any future projects for six months for a first violation, three years for a second violation and permanently for a third violation.

Section 3. TAX RELIEF AGREEMENTS

Minimum Mandatory Conditions. In addition to any other conditions that may be required in connection with the issuance of any Tax Relief issued or granted by the City of Gardner, each Tax Relief Agreement entered into between the City of Gardner and the recipient of such Tax Relief shall be subject to and shall include the following set of mandatory conditions:

A. It shall be a special and material condition of this Agreement that any construction manager, general contractor or other lead or prime contractor, or any entity functioning in any such capacity, and any other contractor or subcontractor of any tier or other person that is engaged to perform the construction work during the term of this Agreement on the property that is the subject of this Agreement (hereinafter, collectively and individually, the "Contractor") shall comply with the following qualifications and conditions at all times during their performance of work on the property:

(1) The Contractor has not been debarred or suspended from performing construction work by any federal, state or local government agency or authority in the past five years;

(2) The Contractor has not been found within the past five years by a court or governmental agency in violation of any law relating to providing workers compensation insurance coverage, misclassification of employees as independent contractors, payment of employer payroll taxes, employee income tax withholding, earned sick time, wage and hour laws, prompt payment laws, or prevailing wage laws;

(3) The Contractor must maintain appropriate industrial accident insurance sufficient to provide coverage for all the employees on the project in accordance with G.L. c.152 and provide documentary proof of such coverage as part of the application process, or prior to commencing any work to the City Purchasing Department to be maintained as a public record;

(4) The Contractor must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of minimum wages and overtime, workers' compensation insurance coverage, unemployment taxes, social security taxes and state and federal income tax withholding. (G.L. c.149, §148B on employee classification);

(5) The Contractor must comply with G.L. c. 151, §1A and G.L. c. 149, § 148 with respect to the payment of wages;

(6) The Contractor must be in compliance with the health and hospitalization requirements of the Massachusetts Health Care Reform law established by Chapter 58 of the Acts of 2006, as amended, and regulations promulgated under that statute by the Commonwealth Health Insurance Connector Authority; and

(7) The applicant shall submit to the City of Gardner as part of the applicant's request for Tax Relief a list of all the expected contractors to work on the project. The list shall include the name of the primary contact, the Contractor's address and either a phone number or email address. The applicant will provide a final all-inclusive list to the City of Gardner within 30 days of the conclusion of the project.

(8) The applicant and/or the Contractor must submit monthly to the City Director of Purchasing certified payrolls for all contractors. A certified payroll format will be provided by the City of Gardner that includes the employees full name, address, identifying number, and gender. Each contractor shall provide a copy of the OSHA 10 card for every employee attached to the first certified payroll they submit on which the employee appears.

(9) The Contractor must make arrangements to ensure that each employee of every contractor and subcontractor of any tier entering or leaving the project individually completes the appropriate entries in a daily sign-in/out log. The sign in/out log shall include: the location of the project; current date; printed employee name; signed employee name; name of employee's employer and the time of each entry or exiting. Such sign-in/out logs shall be provided to the City/Town on a weekly basis with the certified payrolls and shall be a public record.

B. If any person or entity subject to the foregoing qualifications and conditions fails to comply with any of them with respect to work on the property, the parties agree that such an event materially frustrates the public purpose for which the Tax Relief Agreement (and any certification or other form of approval that may have been granted by the state) was intended to advance. In such an event, the recipient of the Tax Relief shall be subject to the following penalty schedule:

- a. First Offense- the recipient shall pay the City of Gardner an amount equal to twenty-five (25%) of the total Tax Relief granted.
- b. Second Offense- the recipient shall pay the City of Gardner an amount equal to fifty (50%) of the total Tax Relief granted.
- c. Third Offense- Tax Relief granted by this Agreement shall be terminated upon written notice to the property owner, and the property owner shall pay to the City of Gardner an amount equal to the total value of any tax relief or grant that was received prior to the termination of the Tax Relief Agreement.

Where required, the City of Gardner shall petition the appropriate state agency or body for revocation of the certification or approval and, upon such revocation, the tax relief provided by this Agreement shall be terminated and the property owner shall pay to the City an amount equal to the value of the tax relief or grant that was received prior to the termination of the Tax Relief Agreement.

The above penalties are the only penalties that may be imposed in the event of a violation of the foregoing qualifications and conditions. However, the City Council

of the City of Gardner may, at its own discretion, impose a more severe penalty for a first or second offense from among those listed above.

C. In the event the owner of the property or any other person challenges the termination of the tax relief provided by this Agreement and/or the revocation by the state of any certification or approval, the owner shall set aside in an escrow account an amount equal to the full amount of the tax savings that previously would have accrued under this Agreement while any such challenge remains pending. The owner of the property shall have a continuing obligation to contribute to the escrow account amounts equal to any additional tax savings that accrue under this Agreement while its challenge remains pending. The owner shall promptly provide to the City of Gardner with documentation of its compliance with this obligation. The conditions of the escrow account shall provide that, in the event the owner or such other person is unsuccessful in its challenge, the funds in the account shall be paid to the City of Gardner. The owner's obligations under this subsection shall be judicially enforceable. It is the intent of the parties that the residents of this municipality are third party beneficiaries of this Agreement, and that it may be enforced in a civil proceeding brought by not less than 10 taxable inhabitants.

Section 4. BUILDING PERMITS

Minimum Mandatory Conditions. In addition to any other conditions that may be required in connection with the issuance of building permits under the provisions of the Code of the City of Gardner, each building permit issued in connection with the construction, reconstruction, installation, demolition, maintenance or repair of any commercial building estimated to cost not less than \$1,000,000 or in connection with a residential building with one-hundred-twenty-five (125) or more units shall be subject to and shall include the following set of mandatory permit conditions:

A. It shall be a material condition of this Permit that any construction manager, general contractor or other lead or prime contractor, or any entity functioning in any such capacity, and any other contractor or subcontractor of any tier or other person or entity that is engaged to perform the construction work on the property that is the subject of this Permit (hereinafter, collectively and individually, the "Contractor") shall comply with the following qualifications and conditions at all times during their performance of work on the project:

(1) The Contractor has not been debarred or suspended from performing construction work by any federal, state or local government agency or authority in the past five years;

(2) The Contractor has not been found within the past five years by a court or governmental agency in violation of any law relating to providing workers compensation insurance coverage, misclassification of employees as independent

contractors, payment of employer payroll taxes, employee income tax withholding, wage and hour laws, prompt payment laws, or prevailing wage laws;

(3) The Contractor must maintain appropriate industrial accident insurance sufficient to provide coverage for all the employees on the project in accordance with G.L. c.152 and provide documentary proof of such coverage to the Building Commissioner to be maintained as a public record;

(4) The Contractor must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of minimum wages and overtime, workers' compensation insurance coverage, unemployment taxes, social security taxes and state and federal income tax withholding. (G.L. c.149, §148B on employee classification);

(5) The Contractor must comply with G.L. c. 151, §1A and G.L. c. 149, § 148 with respect to the payment of wages; and

(6) The Contractor must be in compliance with the health and hospitalization requirements of the Massachusetts Health Care Reform law established by Chapter 58 of the Acts of 2006, as amended, and regulations promulgated under that statute by the Commonwealth Health Insurance Connector Authority.

(7) The Contractor must make arrangements to ensure that each employee of every contractor and subcontractor of any tier entering or leaving the project individually completes the appropriate entries in a daily sign-in/out log. The sign in/out log shall include: the location of the project; current date; printed employee name; signed employee name; name of employee's employer and the time of each entry or exiting. Such sign-in/out logs shall be provided to the City/Town on a weekly basis with the certified payrolls and shall be a public record.

If any person or entity that is subject to the foregoing fails to comply with any of the qualifications and conditions with respect to work on the project, this Permit shall be deemed temporarily suspended and all construction work on the entire project shall cease immediately upon issuance of a stop work order by the Building Commissioner or his/her designee until further notice by him/her.

Remedies. In the event the permit is granted, the applicant for the permit shall be responsible for ensuring that all contractors performing construction work on the property comply with the Minimum Mandatory Conditions required by this Section for the duration of work on the project. If any person or entity that is subject to those Minimum Mandatory Conditions fails to comply with any of the qualifications and conditions with respect to work on the project, and in addition to any other penalties or consequences provided by law, the Building Commissioner or his/her designee shall issue a stop work order with respect to all construction work on the entire project until the violation is remedied. Once the Building Commissioner or his/her designee

determines that the violation has been remedied, he/she shall withdraw the stop work order and construction on the project may proceed.

Appeals. Any person aggrieved by a stop work order issued by the **Building Commissioner** or his/her designee shall have the appeal rights set forth in by the Code of the City of Gardner or any applicable state law.

Section 5. SUCCESSORS IN INTEREST

The requirements of this Ordinance, including any sanctions or limitations imposed, that are applicable to any employer shall also be applicable to, and effective against, any successor employer that (1) has at least one of the same principals or officers as the predecessor employer and (2) is engaged in the same or equivalent trade or activity as the predecessor employer.

Section 6. SEPARABILITY

If any provision of this Ordinance, or the application of such provision to any person or circumstances, shall be enjoined or held to be invalid, the remaining provisions of this Ordinance, or the application of such provisions to persons or circumstances, other than that which is enjoined or held invalid shall be not affected thereby.

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

CITY OF GARDNER, MASSACHUSETTS
CITY PRELIMINARY ELECTION ORDER
OCTOBER 10, 2023

ORDER: That meetings of the citizens of this City qualified to vote for City officers shall be held on **TUESDAY**, the **TENTH DAY** of **OCTOBER 2023** from 7:00 o'clock in the morning until 8:00 o'clock in the evening for the purpose of casting their votes for the nomination of Mayor for Two years and School Committee for Four Years.

To vote for a person, fill in the oval  at the right of the name.

CANDIDATE FOR MAYOR FOR TWO YEARS

VOTE FOR ONE

Kimberly Ann Blake, 25 Baker Street
Martin Gray, 205 Woodland Avenue
Michael Joseph Nicholson, 131 Crestwood Drive

CANDIDATES FOR SCHOOL COMMITTEE MEMBER AT LARGE FOR FOUR YEARS

VOTE FOR NOT
MORE THAN THREE

Stephen P. Sandoval, 400 Chestnut Street, 1
Rachel Ann Cormier, 38 Bickford Hill Road
Robert J. Swartz, 53 Racette Avenue
Ayesha Zarinha Coaxum, 243 Waterford Street
Margaret Bissonette, 680 Clark Street
Brandon Richard Hughey, 5 Grace Court
John M. LaFreniere, 72 Kendall Street

It is further ordered that the following polling places are designated by this Council:

WARD 1, PRECINCT A – Elk's Home, 31 Park Street
WARD 1, PRECINCT B – Elk's Home, 31 Park Street
WARD 2, PRECINCT A – Levi Heywood Memorial Library, 55 West Lynde Street
WARD 2, PRECINCT B – Levi Heywood Memorial Library, 55 West Lynde Street
WARD 3, PRECINCT A – City Hall, Perry Auditorium, 95 Pleasant Street
WARD 3, PRECINCT B – City Hall, Perry Auditorium, 95 Pleasant Street
WARD 4, PRECINCT A – Gardner Police Headquarters, 200 Main Street
WARD 4, PRECINCT B – Gardner Police Headquarters, 200 Main Street
WARD 5, PRECINCT A – Polish American Club, 171 Kendall Pond Rd W
WARD 5, PRECINCT B – Polish American Club, 171 Kendall Pond Rd W

BY ORDER OF THE CITY COUNCIL

Commonwealth of Massachusetts
CITY OF GARDNER
SPECIAL STATE PRIMARY ORDER
OCTOBER 10, 2023

ORDER:

POLLS OPEN 7:00 O'CLOCK A.M.

POLLS CLOSE 8:00 O'CLOCK P.M.

In accordance with the vote taken by the City Council, it is ordered that meetings of the citizens of this City qualified to vote in the Special State Primary Election shall be held on **TUESDAY**, the **TENTH DAY OF OCTOBER 2023** for the purpose of casting their votes in the Special State Primary Election for the candidates for the following office:

SENATOR IN GENERAL COURT.....FOR THE WORCESTER & HAMPSHIRE DISTRICT

It is further ordered that the following polling places are designated by the City Council:

- WARD 1, PRECINCT A – Elk’s Home, 31 Park Street
- WARD 1, PRECINCT B – Elk’s Home, 31 Park Street
- WARD 2, PRECINCT A – Levi Heywood Memorial Library, 55 West Lynde Street
- WARD 2, PRECINCT B – Levi Heywood Memorial Library, 55 West Lynde Street
- WARD 3, PRECINCT A – City Hall, Perry Auditorium, 95 Pleasant Street
- WARD 3, PRECINCT B – City Hall, Perry Auditorium, 95 Pleasant Street
- WARD 4, PRECINCT A – Gardner Police Headquarters, 200 Main Street
- WARD 4, PRECINCT B – Gardner Police Headquarters, 200 Main Street
- WARD 5, PRECINCT A – Polish American Club, 171 Kendall Pond Rd W
- WARD 5, PRECINCT B – Polish American Club, 171 Kendall Pond Rd W

It is further ordered that the polls shall open at 7:00 o’clock in the morning and close at 8:00 o’clock in the evening.

BY ORDER OF THE CITY COUNCIL



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

July 6, 2023

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

RE: Loan Order – Waterford Street School Renovations

Dear Madam President and Councilors,

Attached, please find a loan order associated with work to be done at the Waterford Street School facility, in order to convert the structure into a new community center.

The goal is to have this loan order paid off by the leases that will eventually be collected on the site by the participating organizations.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner

BOND ORDER NO. _____

IN CITY COUNCIL _____, 2023

A BOND ORDER TO PAY COSTS OF REMODELING AND EQUIPPING AN EXISTING CITY BUILDING FOR USE BY THE COUNCIL ON AGING AND VARIOUS OTHER COMMUNITY ORGANIZATIONS

BE IT ORDERED, BY THE CITY COUNCIL OF THE CITY OF GARDNER AS FOLLOWS:

That there be raised and appropriated the sum of Five Hundred Fifty Thousand Dollars (\$550,000) to pay costs of remodeling and equipping an existing City-owned building for use by the Council on Aging and various other community organizations, and for the payment of all other costs incidental and related thereto, and to meet this appropriation, the City Treasurer, with the approval of the Mayor, be and hereby is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. The Mayor is authorized to accept and expend any federal or state grants that may be available to the City on account of the projects described above. The amount authorized to be borrowed pursuant to this loan order shall be reduced to the extent of any federal or Commonwealth grants received by City on account of the project approved by this vote.

RECEIVED

August 29, 2023

2023 AUG 29 PM 2:28

Commonwealth of Massachusetts

CITY CLERK'S OFFICE

Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

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

 Mayor
Michael J. Nicholson

Confirmed by City Council: _____

Titi Siriphan
City Clerk

Expires: Permanent

Worcester, ss., _____ 2023

Then personally appeared the above named Elijah Williams 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 _____

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 306 THEREOF, ENTITLED “ALCOHOLIC BEVERAGES,” TO ADD A NEW SECTION 5 THEREOF, ENTITLED, “MARIJUANA RETAIL ESTABLISHMENTS” TO INCREASE THE QUOTA ALLOWED AND CHANGE THE METHOD FOR AMENDING THE QUOTA ALLOWED BY THE CODE OF THE CITY OF GARDNER.

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

SECTION 1: That the Title of Chapter 306 of the Code of the City of Gardner shall be amended to state as follows:

Chapter 306. Alcoholic Beverages and Marijuana

SECTION 2: That the Chapter 306 of the of the Code of the City of Gardner shall be amended by adding a new Article II, entitled "Marijuana Establishments", and a new Section 5, entitled "Number of Allowed Marijuana Retail Establishments", immediately after the existing Section 4 of Chapter 306, as follows:

Article II. Marijuana Establishments

§306-5. Number of Allowed Marijuana Retail Establishments. The number of marijuana retail establishments shall not exceed 35% of liquor licenses issued in the City of Gardner for retail sale of alcoholic beverages not to be drunk on the premises where sold, said number to be rounded up to the next whole number.

SECTION 3: That this ordinance take effect upon passage and publication as required by law.

From: [Trevor Beauregard](#)
To: [Dana Heath](#)
Cc: [Mayor](#); [Elizabeth Kazinskas](#); mschafron@comcast.net; [Christine Fucile](#); [Titi Siriphan](#)
Subject: Planning Board meeting attendance - Zoning Amendments
Date: Wednesday, August 23, 2023 9:48:18 AM

Good morning Councilor Heath,

At their meeting last night, the Planning Board suggested that I reach out to you and request your presence at their next meeting on September 19, 2023, 6:30 p.m. to address questions and comments from the Board regarding the three zoning amendments you've submitted. As the petitioner of the three amendments, your input and feedback would be appreciated prior to the Planning Board making the necessary recommendations to the City Council.

Please confirm your availability at your earliest convenience and feel free to contact me with any questions.

Thank you,
Trevor

Trevor Beauregard
Director
Dept. Community Development and Planning
115 Pleasant Street
Gardner, MA 01440
978-991-5842

Executive Director
Gardner Redevelopment Authority

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO AMEND SECTION 1070 THEREOF, ENTITLED, "MARIJUANA ESTABLISHMENTS" TO CHANGE THE METHOD TO INCREASE THE QUOTA ALLOWED BY THE CODE OF THE CITY OF GARDNER.

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

SECTION 1: Subsection (C)(8)(b) of Section 1070 of Chapter 675 of the Code of the City of Gardner be amended by replacing the paragraph in its entirety and amending the Ordinance as follows:

b) The number of marijuana retail establishments shall be limited to the amount specified by Section 5 of Chapter 306 of the Code of the City of Gardner, as the same may be amended from time to time. No permit, special permit or variance may be granted for a marijuana retail establishment which results in a violation of this limit;

SECTION 2: That this ordinance take effect upon passage and publication as required by law.

From: [Trevor Beauregard](#)
To: [Dana Heath](#)
Cc: [Mayor](#); [Elizabeth Kazinskas](#); mschafron@comcast.net; [Christine Fucile](#); [Titi Siriphan](#)
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Thank you,
Trevor

Trevor Beauregard
Director
Dept. Community Development and Planning
115 Pleasant Street
Gardner, MA 01440
978-991-5842

Executive Director
Gardner Redevelopment Authority

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED “ZONING,” TO ADD “SPORTS BETTING” TO THE ZONING TABLE OF USES.

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

SECTION 1: That Section 210(B) of Chapter 675, entitled “Word Usage and Definitions,” be amended by adding the following definition to its list:

Sports Betting Facility – A lot or structure operated by an entity licensed as a Sports Wagering Operator or Qualified Gaming Entity by the Massachusetts Gaming Commission under the provisions of M.G.L. c. 23N, 128A and 128C, as the same may be amended from time to time, to conduct sporting and sports wagering events, including but not limited to horse racing and simulcast wagering, subject to and operated in accordance with the restrictions of such license. Sports Betting Facilities may be indoor or outdoor facilities.

SECTION 2: That Attachment 1 of Chapter 675 of the Code of the City of Gardner, entitled “Zoning- Table of Uses,” be amended by adding a new Section 54(a) immediately following Section 54, entitled “Sports Betting Facility” with the zoning district designations as follows:

Description of Use	SFR1	RR2	GR3	COM1	COM2	IND1	IND2
54a. Sports Betting Facility, provided that any structure is so insulated and maintained as to confine noise to the premises, and is located not less than 100 feet from a residential district, excepting any access driveway.	NP	NP	NP	SPPB	SPPB	SPPB	NP

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