



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

CALENDAR FOR THE MEETING

of

MONDAY, NOVEMBER 6, 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)

VII. PUBLIC HEARINGS

VIII. COMMUNICATIONS FROM THE MAYOR

ORDERS

11075 – An Order Authorizing \$12,551.87 Payment of Prior Year Expenditure for Police Department. *(Finance Committee)*

11078 – An Order to Rescind Prior Order to Raise and appropriate \$27,880,707.70 for the Various Departments for the Expense Budget for the Fiscal Year Beginning July 1, 2023, to June 30, 2024. *(Finance Committee)*

11079 – An Order to Raise and Appropriate \$25,855,113.10 for the Various Departments for the Expense Budget for the Fiscal Year Beginning July 1, 2023, to June 30, 2024. *(Finance Committee)*

COMMUNICATIONS

11080 – A Measure to Adopt a Factor for Real Estate and Personal Property Taxation for Fiscal Year 2024. (*Finance Committee; Public Hearing Required*)

11081 – A Notification from the Mayor Regarding Certification of LA-4 Assessment/Classification Report FY2024.

11082 – A Notification from the Mayor Regarding Certification of Gardner LA13 Tax Base Levy Growth.

APPOINTMENTS

11083 – A Measure Confirming the Mayor’s Appointment of Debra Pond to the Position of Human Resources Director, for term expiring October 31, 2026. (*Appointment Committee*)

11084 – A Measure Confirming the Mayor’s Appointment of David Hackett to the Position of Disability Commission Member, for term expiring October 30, 2026. (*Appointment Committee*)

11085 – A Measure Confirming the Mayor’s Appointment of Debra Pond to the Position of Disability Commission Member, for term expiring October 30, 2026. (*Appointment Committee*)

IX. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

11086 – An Ordinance to Amend the Code of the City of Gardner Chapter 600, Entitled “Vehicles and Traffic”, Section 24, Entitled “Parking Prohibited on Certain Streets”. (*Public Safety Committee*)

11087 – A Ruling from the Attorney General relative to an Open Meeting Law Complaint Filed by Paul DeMeo Regarding Meeting Minutes.

X. REPORTS OF STANDING COMMITTEES

FINANCE COMMITTEE

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; In the City Council and Referred to Finance Committee 9/18/2023; More Time 10/2/2023*)

XI. UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION

XII. NEW BUSINESS

11088 – A Request from Councillor James Boone to have a Special Meeting of the Council as a Whole to Hear a Presentation by SoMax Circular Solutions.

XIII. COUNCIL COMMENTS AND REMARKS

XIV. CLOSING PRAYER

XV. ADJOURNMENT

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.



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

October 18, 2023

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

RECEIVED
2023 NOV -2 AM 11:08
CITY OF GARDNER
OFFICE

RE: Authorization of Prior Year Expenditure – Police Department K9 Officer Stipend

Dear Madam President and Councilors,

As part of our negotiations with the Patrol Union, the City has entered into an agreement to compensate Officer Willis for his work after hours with K9 Rocky in housing him and taking care of him at home.

The attached authorization request allows the City to pay him this stipend retroactively from when he first took on his duties with Rocky.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner

AUTHORIZING PAYMENT OF PRIOR YEAR SALARY EXPENDITURE

ORDERED: To authorize payment of prior year POLICE salary expenditure account for prior year, as follows:

FY2022	POLICE/PATROLMEN OT SAL ACCT	\$2,721.53
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FY2023	POLICE/PATROLMEN OT SAL ACCT	\$9,830.34
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John Richard

From: John Richard
Sent: Tuesday, October 17, 2023 9:16 AM
To: Mayor; Titi Siriphan
Cc: Debra Pond
Subject: FW: Josh Willis Agreement/Retro Prior Period Expense
Attachments: Canine Officer MOA 2023 Signed.pdf; AUTHORIZING PAYMT PRIOR YEAR SAL-POL Josh Willis.doc

Hi Ti

Please add the attached order to the next FinCom and CC agenda. A copy of the signed Canine MOA is attached and retro breakdown is below.

FY24 JOSHUA WILLIS K9 PAY RETRO FROM 03-14-22 THRU 06-30-23										
Emp #	Last Name	First Name	Pay	Desc	Org Code	Obj Code	Pay Rate	Hrs	Amount	NOTES
840	WILLIS	JOSHUA	200	REG OT 1.5	12210	51030	\$45.3589	60	\$ 2,721.53	FY22 RETRO
840	WILLIS	JOSHUA	200	REG OT 1.5	12210	51030	\$47.2613	208.00	\$ 9,830.34	FY23 RETRO
									\$ 12,551.87	

Thank you.

John Richard
City Auditor



95 Pleasant Street, Room 114
 Gardner, MA 01440-2630
 978-632-1900 ext 8020

From: Debra Pond <dpond@gardner-ma.gov>
Sent: Monday, October 16, 2023 4:19 PM

To: John Richard <jrichard@gardner-ma.gov>

Subject: Willis Agreement

John:

Signed Canine Officer Agreement.

Debra A. Pond

Director of Human Resources

City of Gardner

95 Pleasant Street, Rm. 226

Gardner, MA 01440

dpond@gardner-ma.gov

Tel: (978) 630-4001

Cell: (978) 870-8483

Fax: (978) 630-4025

MEMORADUM OF AGREEMENT

By execution of this Agreement, the City of Gardner (the "City") and The Gardner Police Union – Massachusetts Coalition of Police, AFL-CIO, Local 400 (the "Union") agree that the terms and conditions of the Union' July 1, 2023 through June 30, 2026 contract document (the "Contract") shall remain in force and effect for the duration, with the exception of the following changes and additions, which upon ratification by the Union, shall become incorporated into and be made a part of the Contract.

WITNESSETH:

WHEREAS the Union and the City are parties to a collective bargaining agreement, most recently settled by execution of a Memorandum of Agreement on or about June 26, 2023 (the "Contract")

WHEREAS on or about March 14, 2022, the City re-established the canine program within the Police Department.

WHEREAS the canine program requires the assignment of a police officer in the role of the handler, trainer and caretaker of the canine defined as the "Canine Officer." This is a specialty assignment, receiving additional compensation as defined in Appendix B Item 1 (d) of the Contract.

WHEREAS, the City and the Union desire to bring the Canine Officer into compliance with all applicable laws and regulations including but not limited to the Fair Labor Standards Act, and Massachusetts Wage and Hour laws, and

WHEREAS it is hereby understood that in addition to the specialty assignment requirements of the Canine Officer, full-time care of the canine must also be provided both on and off duty.

NOW, THEREFORE compensation for this full-time care, shall be defined as follows:

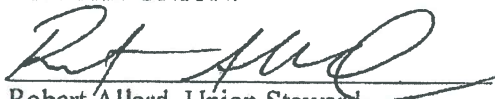
1. The canine officer will be paid four (4) hours of overtime weekly.
2. The overtime will be paid each week whether the Canine Officer is working or not (on vacation, sick time or some other benefited time out of work).
3. The overtime shall be paid compensation and will not be eligible for conversion to compensatory time.
4. The terms of this agreement shall be included in the Contract.
5. The implementation of this compensation will commence with the first assigned Canine Officer, Joshua Willis, retroactively to date his assignment began, March 14, 2022.

Memorandum of Agreement
Canine Officer

Page 2

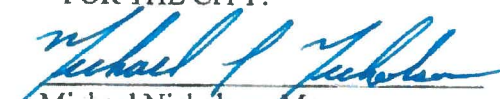
In witness whereof, the parties hereto cause this instrument to be executed in their names and on their behalves by the duly authorized Officers thereto this 16th day of October, in the year 2023.

FOR THE UNION:



Robert Allard, Union Steward
Massachusetts Coalition of Police
AFL-CIO, Local 400

FOR THE CITY:



Michael Nicholson, Mayor
City of Gardner

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

November 1, 2023

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

RECEIVED
2023 NOV -2 11:11:08
CITY OF GARDNER
OFFICE OF THE MAYOR

RE: Order Rescinding The FY2024 Salary And Labor Budget Due To Error In Authorized Amount

Dear Madam President and Councilors,

When the FY2024 Budget was first created this Spring, the budget was created based off of the preliminary estimates that were proposed in the Governor's Budget.

Additionally, there was a clerical error in that the "Charges and Assessments" that the City pays to the Commonwealth were included in our expenses. This is in error due to the fact that our Cherry Sheet Charges and Assessments are paid through direct deductions on the amount of state aid that the Commonwealth gives the City annually.

As such, the amount authorized by the City Council at their meeting of June 5th, 2023 when the budget was adopted was actually \$1,995,594 too high than what was actually needed to cover expenses. This amount is exactly equivalent to what the City's projected Charges and Assessments were in the Governor's Preliminary Budget Estimates for local aid. A copy of the City's Cherry Sheet is attached.

The City is required to correct this in order to complete our tax recapitulation process. As such, the City Council will need to rescind the previous vote and vote to adopt a new budget vote for the City's Salary and Labor budget with the corrected amount.

The attached vote rescinds the previous vote of the City Council authorizing \$27,880,707.10 to cover the City's FY2024 Salary and Labor Budget.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner

RESCIND PRIOR ORDER TO RAISE AND APPROPRIATE A SUM OF MONEY FOR THE VARIOUS DEPARTMENTS FOR THE EXPENSE BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 TO JUNE 30, 2024.

ORDERED:

To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2023 to June 30, 2024 sums as designated for the expenditures of the various departments, other than what was presented to City Council in the Salary and Labor budget, according to the detailed schedule hereto annexed and made a part of this money order in the amount of TWENTY-SEVEN MILLION, EIGHT HUNDRED EIGHTY THOUSAND, SEVEN HUNDRED SEVEN DOLLAR 10/100 CENTS (\$27,880,707.10)



MA Department of Revenue
Division of Local Services
Preliminary Municipal Cherry Sheet Estimates
Data current as of 7/31/2023

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Select a Fiscal Year: 2024 ▼

Select a Municipality: Gardner ▼

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FY2024 Preliminary Cherry Sheet Estimates
Gardner

Estimated Receipts Estimated Assessments & Charges

PROGRAM	FY2023 Cherry Sheet Estimate	FY2024 Governor's Local Aid Proposal	FY2024 House Budget Proposal	FY2024 Senate Budget Proposal	FY2024 Conference Committee
County Assessments:					
County Tax	0	0	0	0	0
Suffolk County Retirement	0	0	0	0	0
Sub-Total, County Assessments:	0	0	0	0	0
State Assessments and Charges:					
Retired Employees Health Insurance	0	0	0	0	0
Retired Teachers Health Insurance	0	0	0	0	0
Mosquito Control Projects	69,138	69,340	69,339	69,339	69,339
Air Pollution Districts	5,164	5,358	5,358	5,358	5,358
Metropolitan Area Planning Council	0	0	0	0	0
Old Colony Planning Council	0	0	0	0	0
RMV Non-Renewal Surcharge	34,560	27,900	27,900	27,900	27,900
Sub-Total, State Assessments:	108,862	102,598	102,597	102,597	102,597
Transportation Authorities:					
MBTA	0	0	0	0	0
Boston Metro. Transit District	0	0	0	0	0
Regional Transit	232,531	257,030	257,030	257,030	257,030
Sub-Total, Transp Authorities:	232,531	257,030	257,030	257,030	257,030
Annual Charges Against Receipts:					
Multi-Year Repayment Program	0	0	0	0	0
Special Education	4,994	16,799	16,799	16,799	16,887
Sub-Total, Annual Charges:	4,994	16,799	16,799	16,799	16,887
Tuition Assessments:					
School Choice Sending Tuition	1,364,171	1,293,205	1,293,205	1,293,205	1,324,084
Charter School Sending Tuition	387,616	325,962	358,636	359,736	362,227
Sub-Total, Tuition Assessments:	1,751,787	1,619,167	1,651,841	1,652,941	1,686,311
Total All Estimated Charges:	2,098,174	1,995,594	2,028,267	2,029,367	2,062,825

Questions or Assistance Please Email The Municipal Databank at : databank@dor.state.ma.us

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

November 1, 2023

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

RECEIVED
2023 NOV -2 AM 11:03
CITY OF GARDNER OFFICE

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The City is required to correct this in order to complete our tax recapitulation process. As such, the City Council will need to rescind the previous vote and vote to adopt a new budget vote for the City's Salary and Labor budget with the corrected amount.

The attached vote appropriates the correct amount of \$25,885,113.10 to fully correct this error and allow the City to move forward with the required end of year processes.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner

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Select a Fiscal Year:

2024 ▼

Select a Municipality:

Gardner ▼

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Gardner

[Estimated Receipts](#)
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Questions or Assistance Please Email The Municipal Databank at : databank@dor.state.ma.us



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

October 26, 2023

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

RE: Request for a Tax Classification Hearing

Dear Madam President and Councilors,

As you are aware, the General Laws of the Commonwealth require that the City Council annually vote to set the tax classification for the City prior to December 31st of each calendar year.

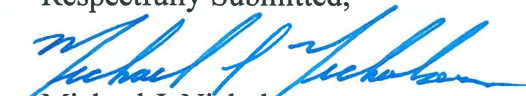
The Board of Assessors voted to recommend that the City Council vote to adopt a residential factor of one (1) for the 2024 Fiscal Year.

The City has made large strides in our economic development goals in recent years, and we are starting to see a very strong return on our investments in these endeavors. The Administration supports the recommendation of the Board of Assessors by continuing with a single tax rate rather than a split tax rate, with more of the burden shifted to commercial and industrial properties in the City.

Following the required procedures for certifications of new growth, tax recapitulation, value certifications, and certifications of sales, the tax rate for the current fiscal year is set to be certified at a rate of \$14.97 per thousand dollar valuation. This represents a \$1.16 reduction per thousand dollars, and is the lowest the tax rate has been since 2011.

I respectfully request that the City Council schedule the statutorily required hearing regarding the City's Tax Classification for a single or split tax rate for the 2024 Fiscal year.

Respectfully Submitted,


Michael J. Nicholson
Mayor, City of Gardner

RECEIVED
CITY OF GARDNER
2023 OCT 27 AM 11:07

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

October 18, 2023

Mayor Nicholson
95 Pleasant Street
Gardner, MA 01440

Re: FY2024 Residential Factor Recommendation

Mayor Nicholson:

The Board of Assessors met yesterday, October 17, 2023, to discuss and vote on a recommendation to the City Council regarding the Residential Factor.

The Board of Assessors voted unanimously (3-0) to recommend a Residential Factor of "1" to the City Council. A Residential Factor of "1" would result in a single tax rate. We feel that it would not be beneficial to shift the tax burden to Commercial, Industrial and Personal property classes, as they account for only about 16% of the tax base.

Respectfully,

Christine Kumar, MAA
City Assessor

Gardner Average Single Family Home Tax Bill History

Fiscal Year	Single Family Assessed Value	Single Family Parcels	Single Family Average Value	Residential Tax Rate	Average Single Family Tax Bill
2013	670,651,600	3909	171,566	17.46	\$2,995.54
2014	633,628,900	3913	161,929	18.87	\$3,055.60
2015	627,774,800	3945	159,132	19.98	\$3,179.45
2016	650,308,100	3962	164,136	20.47	\$3,359.87
2017	689,881,300	3977	173,468	20.48	\$3,552.62
2018	713,318,700	3985	179,001	20.27	\$3,628.35
2019	773,887,200	4001	193,423	20.14	\$3,895.55
2020	824,554,400	4005	205,881	19.74	\$4,064.10
2021	853,053,400	4020	212,202	20.04	\$4,252.53
2022	959,390,400	4032	237,944	18.59	\$4,423.38
2023	1,156,307,700	4034	286,640	16.13	\$4,623.51
2024	1,315,963,900	4032	326,380	14.97	\$4,885.91

FY24 tax rate is an estimate

FY23 Average Single Family Home Values (N. Worcester County)

Municipality	Single Family Value	Tax Rate	Single Family Tax Bill	Rank
Lunenburg	470,165	14.62	6,874	125
Leominster	371,691	15.54	5,776	184
Ashburnham	341,621	16.55	5,654	193
Westminster	412,711	13.06	5,390	206
Fitchburg	294,199	16.02	4,713	259
Hubbardston	354,932	13.03	4,625	264
Gardner	286,640	16.13	4,624	265
Phillipston	327,583	12.84	4,206	299
Templeton	320,151	12.92	4,136	302
Winchendon	281,647	13.40	3,774	324
Athol	248,935	14.04	3,495	334

351 Municipalities in Massachusetts

TOP 10 TAXPAYERS

OWNER	TOTAL VALUE	TYPE	ESTIMATED TAXES
OLDE ENGLISH VILLAGE PRESERVATION LP	11,618,900	APARTMENTS	\$173,935
CEDAR TIMPANY LLC	11,377,800	RETAIL/COMMERCIAL	\$170,326
MOUNTAIN CLIMBER LLC	11,278,400	APARTMENTS	\$168,838
WAKEFIELD PLACE ASSOC LTD PTNR	11,125,100	APARTMENTS	\$166,543
URQUHART FAMILY LLC/NEW ENGLAND WOODEN WARE	10,684,300	COMMERCIAL	\$159,944
MOLINA LANDMARK LLC/MOLINA REALTY LLC	10,197,700	APARTMENTS/COMMERCIAL	\$152,660
BINNALL HOUSE RHF PARTNERS	8,879,900	APARTMENTS	\$132,932
JENNY/JESSIE/MIKEY REALTY LLC	8,215,600	CONDOS	\$122,988
EXCHANGERIGHT NET-LEASED PORTFOLIO 54 DST	7,292,300	RETAIL/COMMERCIAL	\$109,166
C B & B INC	6,794,100	HOTEL/COMMERCIAL	\$101,708

** using an estimated tax rate of \$14.97*

Gardner Historic Assessments & Percentages of Value

FY	TOTAL	Residential	Commercial	Industrial	Personal Prop	Res % of Total	CIP % of Total	Tax Rate
2013	1,181,385,479	969,707,075	111,731,325	61,621,600	38,325,479	82.08	17.92	17.46
2014	1,136,149,615	920,245,074	110,967,326	62,394,500	42,542,715	81.00	19.00	18.87
2015	1,131,686,711	896,784,169	111,029,231	62,898,800	60,974,511	79.24	20.76	19.98
2016	1,139,021,076	904,538,011	116,765,889	58,565,500	59,151,676	79.41	20.59	20.47
2017	1,197,247,612	949,314,346	120,068,054	60,033,000	67,832,212	79.29	20.71	20.48
2018	1,245,880,527	984,275,930	126,760,670	63,989,080	70,854,847	79.00	21.00	20.27
2019	1,337,397,809	1,069,105,409	124,307,491	63,340,650	80,644,259	79.94	20.06	20.14
2020	1,412,573,860	1,137,043,228	126,423,872	66,730,100	82,376,660	80.49	19.51	19.74
2021	1,456,237,096	1,175,288,183	130,856,217	63,236,000	86,856,696	80.71	19.29	20.04
2022	1,616,370,964	1,318,229,099	130,973,801	63,946,660	103,221,404	81.55	18.45	18.59
2023	1,954,354,540	1,621,892,966	150,541,334	75,159,200	106,761,040	82.99	17.01	16.13
2024	2,185,643,180	1,835,104,190	162,233,510	77,599,680	110,705,800	83.96	16.04	14.97

FY24 Tax Rate is estimated

FY2024	Parcel Count	Percent of Total	FY24 Parcel Count - Including Exempt	
Residential				
Single Family	4032		6107	Residential
Condos	547		22	Chapterland
2 & 3 Family	808		58	Mixed Use
4+ Family	180		291	Commercial
Manufactured Home Parks	81		139	Industrial
Mixed Residential	15		6617	Total Taxable RE Parcels
Residential Vacant Land	459			
TOTAL:	6122	92.52%	510	Exempt Parcels
Commercial				
Chapterland	22		7127	TOTAL Parcels
Mixed Commercial	42			
Commercial	291			
TOTAL:	355	5.36%		
Industrial				
Mixed Industrial	1			
Industrial	139			
TOTAL:	140	2.12%		
TOTAL PARCELS:	6617			

FY2024

CIP SHIFT RATIO	RESIDENTIAL FACTOR	RES%	CIP%	RES TAX* RATE	CIP TAX RATE	
1	100%	83.9600%	16.0400%	14.97	14.97	100%
1.25	95.22%	79.9500%	20.0500%	14.26	18.71	100%
1.5	90.45%	75.9400%	24.0600%	13.54	22.45	100%

FY24 Tax Rate is estimated

CLASS (A)	TOTAL VALUE (B)	% Share (C)
Residential	1,835,104,190	83.9617%
Commercial	162,233,510	7.4227%
Industrial	77,599,680	3.5504%
Personal Property	110,705,800	5.0651%
	2,185,643,180	100.0000%

CIP % 16.0383%

Maximum Share of Levy for Classes Three, Four and Personal Property:

$$150\% * 16.0383\% \text{ (Lines 3C + 4C + 5C)} = 24.05745\% \text{ (Max \% Share)}$$

Minimum Share of Levy for Class One:

$$100\% - 24.05745\% \text{ (Max \% Share)} = 75.94255\% \text{ (Min \% Share)}$$

Minimum Residential Factor (MRF):

$$75.94255\% \text{ (Min \% Share)} / 83.9617\% \text{ (Lines 1C)} = 90.449\% \text{ (MRF)}$$

MINIMUM RESIDENTIAL FACTOR LA7:

90.4490%

Chapter 58, Section 1A mandates a minimum residential factor of not less than 65 percent.



City of Gardner - Executive Department
Mayor Michael J. Nicholson

October 18, 2023

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

RE: Notification of Certification of LA-4 Assessment/Classification Report FY2024

Dear Madam President and Councilors,

As part of the annual fiscal year processes, the City Assessor is required to submit a report to the Commonwealth's Department of Revenue Division of Local Assessments, detailing a breakdown of the different classifications of real property in the City and the values that these properties are assessed at. This document is known as the City's LA-4 document.

On October 6, 2023, the Administration received notification that the City's LA-4 Report had been certified by the Commonwealth.


Under the General Laws of the Commonwealth and the Code of Massachusetts Regulation ("CMR"), property valuations must be based upon qualifying sales of real property in the City that took place two (2) fiscal years prior to the valuations being set. For the FY2024 budget, these sales took place in FY2022. These qualifying sales must also be arm's length sales and any anomalies are removed with the approval of the Department of Revenue.

The City's Assessor noted the following increases in valuations as a result of this process.

% Increase from FY23 to FY24	Property Classification
13.86%	Single Family
21.22%	Condominiums
3.61%	Mobile Homes
11.09%	Two Family
12.30%	Three Family
6.97%	Apt 4+ Units
6.37%	Residential Vacant Land
8.86%	Commercial
4.03%	Industrial

A copy of the City's Form LA-4, the certified qualifying sales, and the certified valuations are attached to this correspondence.

Respectfully submitted,


 Michael J. Nicholson
 Mayor, City of Gardner

MASSACHUSETTS DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES
BUREAU OF LOCAL ASSESSMENT

Gardner

CITY

ASSESSMENT/CLASSIFICATION REPORT as of January 1, 2023

Fiscal Year 2024

Property Type	Parcel Count	Class1 Residential	Class2 Open Space	Class3 Commercial	Class4 Industrial	Class5 Pers Prop
101	4,032	1,315,963,900				
102	547	85,818,600				
MISC 103,109	81	21,261,900				
104	546	150,028,000				
105	262	82,664,500				
111-125	180	145,346,600				
130-32,106	459	15,706,200				
200-231	0		0			
300-393	291			151,323,000		
400-442	134				75,000,380	
450-452	5				1,874,400	
CH 61 LAND	4	0	0	19,783		
CH 61A LAND	3	3	0	30,400		
CH 61B LAND	6	6	0	494,900		
012-043	58	18,314,490	0	10,365,427	724,900	
501	138					9,625,080
502	152					23,347,820
503	0					0
504	3					59,149,360
505	2					2,592,100
506	0					0
508	3					1,080,550
550-552	7					14,910,890
TOTALS	6,922	1,835,104,190	0	162,233,510	77,599,680	110,705,800
Real and Personal Property Total Value						2,185,643,180
Exempt Parcel Count & Value					510	378,443,800

For CH 61, 61A and 61B Land: enter the mixed use parcel count in the left-hand box, and enter the 100% Chapter land parcel count in the right-hand box.

Signatures

Board of Assessors

Paulette A. Burns, Assessor , Gardner , duncan.burns75@gmail.com 978-630-4004 | 10/3/2023 9:05 AM

Charles R. Leblanc, Assessor , Gardner , leblanc37@comcast.net 978-630-4004 | 10/3/2023 9:14 AM

Christine Marie Kumar, City Assessor , Gardner , ckumar@gardner-ma.gov 978-630-4004 | 10/2/2023 2:48 PM

MASSACHUSETTS DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES
BUREAU OF LOCAL ASSESSMENT

Gardner

CITY

ASSESSMENT/CLASSIFICATION REPORT as of January 1, 2023

Fiscal Year 2024

Comments

No comments to display.

Documents

Documents have been uploaded.



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

October 18, 2023

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

RE: Notification of Certification of City of Gardner LA13 Tax Base Levy Growth

RECEIVED
2023 NOV -2 PM 1:07
CITY CLERK'S OFFICE

Dear Madam President and Councilors,

As part of the annual fiscal year processes, the City Assessor's Department is required to submit a document to the Commonwealth's Department of Revenue Division of Local Assessments calculating the tax base levy growth for the budget adopted for the current fiscal year. This document is known as the City's Form LA-13.

The City received notification on October 6, 2023 that our LA-13 had been certified by the Commonwealth.

As part of this calculation, \$347,809.00 was identified as "New Growth" for the 2024 Fiscal Year. The term "new growth" is used to describe properties (both real and personal) that were not expected to be taxed when the budget was originally adopted by the City Council. This includes new purchases that were made or new construction that was done and has already had its final inspection by the building department. Please note that any major construction or new renovation cannot be calculated into the City's tax base until a final inspection or certificate of occupancy is issued. Once those processes are done, then those items would fall into the new growth category.

When the City's budget was adopted by the City Council in June of 2023, the Administration budgeted for \$250,000 of new growth to be added to the tax base. Since new growth came in higher, this leaves us with a surplus in that revenue line of \$97,809.00. My administration will be submitting a supplemental budget to the City Council shortly to appropriate this funding, so that it can be fully capitalized in the construction of the City's FY2025 budget next year.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner

LA13 Tax Base Levy Growth

Retain documentation for 5 years in case of DOR audit - Fiscal Year 2024

Property Class	(A) All Prior Year Abatement No.	(B) All Prior Year Abatement Values	(C) New Growth Valuation	(D) PY Tax Rate	(E) Tax Levy Growth
RESIDENTIAL					
SINGLE FAMILY (101)	0	0	3,758,200		
CONDOMINIUM (102)	0	0	619,500		
TWO & THREE FAMILY (104 & 105)	0	0	945,800		
MULTI - FAMILY (111-125)	0	0	1,860,900		
VACANT LAND (130-132 & 106)	0	0	1,031,100		
ALL OTHERS (103, 109, 012-018)	0	0	453,400		
TOTAL RESIDENTIAL	0	0	8,668,900	16.13	139,829
OPEN SPACE	0	0	0		
OPEN SPACE - CHAPTER 61, 61A, 61B	0	0	0		
TOTAL OPEN SPACE	0	0	0	0.00	0
COMMERCIAL					
COMMERCIAL - CHAPTER 61, 61A, 61B	0	0	817,500		
TOTAL COMMERCIAL	0	0	817,500	16.13	13,186
INDUSTRIAL	3	2,602,850	9,900	16.13	160
PERSONAL PROPERTY	5	187,630	12,066,600	16.13	194,634
TOTAL REAL & PERSONAL	8	2,790,480	21,562,900		347,809

Community Comments:

3 Abatements in Industrial were not growth.....was Mount Wachusett Community College

Signatures

Board of Assessors

Christine Marie Kumar, City Assessor , Gardner , ckumar@gardner-ma.gov 978-630-4004 | 10/5/2023 7:29 AM

LA13 Tax Base Levy Growth

Retain documentation for 5 years in case of DOR audit - Fiscal Year 2024

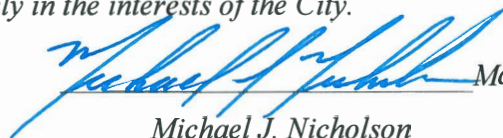
Charles R. Leblanc, Assessor , Gardner , leblanc37@comcast.net 978-630-4004 | 10/5/2023 7:31 AM
Paulette A. Burns, Assessor , Gardner , duncan.burns75@gmail.com 978-630-4004 | 10/5/2023 7:32 AM

Documents have been uploaded.

October 30, 2023

RECEIVED

2023 OCT 30 PM 11:45

Commonwealth of Massachusetts**Worcester County****City of Gardner****CERTIFICATE OF APPOINTMENT***I appoint **Debra Pond** to the position of **Director of Human Resources**, and I certify**that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.*

 _____ Mayor
 Michael J. Nicholson

Confirmed by City Council _____

 _____ City Clerk
 Titi Siriphan
Expires: October 31, 2026

Worcester, ss., _____

*Then personally appeared the above named **Debra Pond** and made oath that he/she would faithfully and impartially perform the duties of the office of **Director, Human Resources** according to law and the best of his/her abilities.*

Before me,

_____ City Clerk

Chapter 303 Acts of 1975
 and
 Chapter 409 Acts of 1983

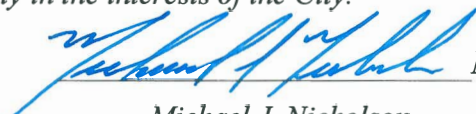
Received _____

October 30, 2023

Commonwealth of Massachusetts**Worcester County****City of Gardner****CERTIFICATE OF APPOINTMENT**

I appoint **David Hackett** to the position of **Member, Disability Commission,** and I certify

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

 Mayor
Michael J. Nicholson

Confirmed by City Council _____

City Clerk

Titi Siriphan

Expires: October 30, 2026

Worcester, ss., _____

Then personally appeared the above named **David Hackett** and made oath that he/she would faithfully and impartially perform the duties of the office of **Member, Disability Commission** according to law and the best of his/her abilities.

Before me,

City Clerk

Chapter 303 Acts of 1975
and
Chapter 409 Acts of 1983

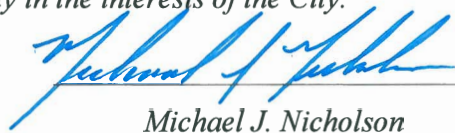
Received _____

October 30, 2023

Commonwealth of Massachusetts**Worcester County****City of Gardner****CERTIFICATE OF APPOINTMENT**

I appoint **Debra Pond** to the position of **Member, Disability Commission,** and I certify

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

 Mayor
Michael J. Nicholson

Confirmed by City Council _____

Titi Siriphan
City Clerk

Expires: October 30, 2026

Worcester, ss., _____

Then personally appeared the above named **Debra Pond** and made oath that he/she would faithfully and impartially perform the duties of the office of **Member, Disability Commission** according to law and the best of his/her abilities.

Before me,

City Clerk

Chapter 303 Acts of 1975
and
Chapter 409 Acts of 1983

Received _____

AN ORDINACNE TO AMEND THE CODE OF THE CITY OF GARDNER CHAPTER 600, ENTITLED
“VEHICLES AND TRAFFIC”, SECTION 24, ENTITLED “PARKING PROHIBITED ON CERTAIN STREETS”

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

SECTION 1: Section 24, of Chapter 600 of the Code of the City of Garnder, entitled “Parking
Prohibited on Certain Streets” by amended by adding the following

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Comee St	West	Entire Length
Comee St	East	From Pearl Street southerly for a distance of 30 feet



CITY OF GARDNER POLICE DEPARTMENT

200 Main Street • Gardner, Massachusetts 01440

Emergency-Dial 911

Main line: (978) 632-5600

Fax Line: (978) 630-4027



TRAFFIC COMMISSION - MEETING MINUTES

Date: Thursday August 10, 2023 Time: 10am

Location: Community Classroom, GPD

Provided by Dept. Chief of Police Nick Maroni

1. Members in attendance: Call to Order: 10:03 am by D.C. Nicholas Maroni
Dane Arnold – Director of DPW
Rob Oliva – City Engineer
Josh Cormier – Director of Civil Enforcement
Craig Cormier – Councilor at large

Member(s) not in attendance- Trevor Beauregard
2. Waive reading / acceptance of meeting minutes from April 24, 2023
 - a. Motion by Dane, 2nd by Rob, All in favor – Unanimous.
3. Rob- updated on flashing school zone signs on Catherine St
 - a. Future updates to city ordinance to define current school zones.
4. Gardner ale house renting a parking spot on Parker St to designate as Pick up parking.
 - a. Josh- if allowed would this cause other businesses to ask too.
 - b. Dane-not in favor, large parking area behind business and across the street
 - c. Nick- limited parking already in the downtown area
 - d. Dane motion to not allow pick up parking for all of downtown, Rob 2nd, unanimous vote.
5. Pedestrian traffic concerns with new Tap House going in at Bullnose Park.
 - a. Rob- ask Tap house to help enhance crosswalks in area, flashing lights, push button to activate when pedestrians cross. Recommends city work with building owner to install flashing lights
6. New School Traffic and speeding on Catherine St.
 - a. Dane worked with school on new traffic pattern for drop off and pick up that should cut down on traffic. Tabled until start of school to see how it works.
7. Eliminate Parking Spot on Central St near the cross walk at Lake St on the Southwest travel side of Central St so pedestrians can be seen by motor vehicles.
 - a. Dane motioned, Josh 2nd All in Favor-Unanimous
 - b. Forwarded to Public Safety Committee
8. Remove handicap spot in front of 144 Central St and recommend city council to approve new Handicap spots on Central St at Monument Park.
 - a. Dane motioned, Josh 2nd, all in favor, unanimous.
 - b. Forwarded to Public Safety Committee
 - c. Let property owner know about removing Handicap spot in front of 144 Central.

9. Eliminate parking spot in front of crosswalk on west bound side of East Broadway at Prospect St so motor vehicles can see pedestrians in the cross walk.
 - a. Dane motioned, Rob 2nd all in favor, unanimous.
 - b. Forwarded to Public Safety Committee.
10. New Business
 - a. Rob suggested making whole length of westside of Comee St no parking and making no parking 30 ft from stop sign on east side heading from Pearl St
 - i. Dane motioned, Josh 2nd all in favor, unanimous will be forwarded to public safety committee.
 - b. Speeding on Elm St & Lawrence St, request more enforcement with school starting.
 - c. Craig asked about speeding issues on Chesley St
 - i. Nick stated Officers did enforcement in that area and we have not received any further complaints.

Conclusion: At 10:56 am Dane made a motion to adjourn the meeting, seconded by Craig

All in favor - Unanimous

Next Traffic Committee Meeting Schedule: TBD

From: [OpenMeeting \(AGO\)](#)
To: [Elizabeth Kazinskas](#)
Cc: [PAUL DEMEO](#); [Titi Siriphan](#)
Subject: [EXTERNAL] Open Meeting Law determination
Date: Thursday, November 2, 2023 11:32:11 AM
Attachments: [OML 2023-179 - Gardner City Council and Finance Committee.pdf](#)

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.

Dear Ms. Kazinskas,

Please see the attached Open Meeting Law determination.

Sincerely,

Natalie Arellano (she/her/hers)

Paralegal

Division of Open Government

Massachusetts Office of the Attorney General



THE COMMONWEALTH OF MASSACHUSETTS
 OFFICE OF THE ATTORNEY GENERAL
 ONE ASHBURTON PLACE
 BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
 ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

November 2, 2023

OML 2023 – 179

VIA EMAIL

Elizabeth J. Kazinskas
 City Council President
 Office of the City Council
 Gardner MA 01440-2630

ekazinskas@gardner-ma.gov

RE: Open Meeting Law Complaints

Dear Ms. Kazinskas:

This office received three complaints from Paul DeMeo, alleging that the Gardner City Council (“Council”) and its Finance Committee (the “Committee”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. Mr. DeMeo filed complaints with the Council and with the Committee on March 3, 2023, and March 8, 2023, respectively. The Council and Committee responded by letters dated March 22, 2023, and the complaints were filed with this office on April 7, 2023. The third complaint originally was filed with the Committee on June 27, 2023, and the Committee responded by letter dated July 13, 2023. The third complaint was filed with this office on August 11, 2023. Collectively, the complaints allege that the Council and its Committee failed to create and approve meeting minutes in a timely manner.¹

Following our review, we find that the Council and the Committee violated the Open Meeting Law. In reaching this determination, we reviewed the original complaints, the

¹ The complaint dated June 27, 2023, faults the Committee for failing to “post” minutes. To the extent that the complainant argues that the subject minutes should have been posted to a municipal website, we note that the Open Meeting Law does not require public bodies to post meeting minutes. See OML 2015-173; OML 2013-117. Rather, the Law requires that “[t]he minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person within 10 days.” G.L. c. 30A, § 22(c). Similarly, the March 8 complaint against the Committee states that it “failed to approve *and make available*” the minutes (emphasis added). Mr. DeMeo does not allege, and the Committee explicitly denies, that the minutes ever were requested. Therefore, this determination addresses only the failure to approve minutes timely and not any allegation that the Committee failed to respond to a request for minutes.

Council's and the Committee's responses to the complaints, the complainant's requests for further review, and the meeting calendar available on the City of Gardner's website.

FACTS

We find the facts as follows. The Council held meetings on November 7, November 21 (two meetings), December 5, December 19, 2022, and January 3 and January 17, 2023. The Council approved the minutes of these meetings on March 20, 2023. The Committee held meetings on October 3, October 12, November 17, November 30, December 14, 2022, and January 30, 2023, the minutes of which were approved March 20, 2023. The Committee also held meetings on April 26, May 10 and May 31, 2023, the minutes of which were approved on July 3, 2023. Around the time of these complaints, the City's two Assistant City Clerks announced their retirement. The City Clerk was working to train a new hire to take over the responsibilities of the retiring staff.

DISCUSSION

The Open Meeting Law was enacted "to eliminate much of the secrecy surrounding the deliberations and decisions on which public policy is based." Ghiglione v. School Board of Southbridge, 376 Mass. 70, 72 (1978). The Open Meeting Law requires public bodies to create and approve meeting minutes in a timely manner. G.L. c. 30A, § 22(c). "Timely manner" means "within the next three public body meetings or within 30 days, whichever is later, unless the public body can show good cause for further delay." 940 CMR 29.11; see OML 2018-48. Whenever possible, we recommend that minutes of a meeting be approved at the next meeting. See OML 2018-67; OML 2017-133.

With one possible exception,² the minutes referenced in Mr. DeMeo's complaints were not approved within three meetings or 30 days of their respective meeting. In their responses, the Council and the Committee acknowledge that the minutes were not approved within the later of their next three meetings or 30 days but maintain that they had good cause for the delay. See 940 CMR 29.11. Specifically, they cite backlogs at the City clerk's office caused by staffing issues, including retirements and training. However, staffing shortages of the type that all governmental bodies with limited resources experience, including periodic staff vacancies, do not constitute good cause for failing to approve minutes in a timely manner. See OML 2023-117. A public body must ensure that staff have adequate assistance to complete the minutes in a timely manner, having members of the public body assist in the creation of minutes if necessary. See OML 2023-117; OML 2021-177; OML 2018- 105; OML 2015-86. Ultimately, the duty to comply with the deadline to approve meeting minutes rests with public bodies, not with administrative staff or other public employees. See OML 2023-117; OML 2018-105. Therefore, we find that neither the Council nor the Committee had good cause for its delay in approving meeting minutes.

² Minutes of the Committee's May 31 meeting were approved on July 3, 2023. The Committee held three intervening meetings between May 31 and July 3. Arguably, two of those meetings (both held on June 8) could be counted as one for these purposes, as one was held immediately after the other although the Committee posted separate notices. We need not resolve this issue in light of the other clear Open Meeting Law violations.

CONCLUSION

For the reasons stated above, we find that the Council and the Committee violated the Open Meeting Law by failing to approve meeting minutes in a timely manner. Because all the meeting minutes have since been approved, we order no further remedial action. We order immediate and future compliance with the law's requirements and we caution that similar future violations may be considered evidence of intent to violate the law.

We now consider the complaints addressed by this determination to be resolved. Please feel free to contact our office at (617) 963-2540 if you have any questions.

Sincerely,



Matthew Lindberg
Assistant Attorney General
Division of Open Government

cc: Paul DeMeo (via e-mail: ryanrealty@comcast.net)
Gardner City Clerk (via e-mail: tsiriphan@gardner-ma.gov)

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

From: [James Boone](#)
To: [Elizabeth Kazinskas](#)
Cc: [Titi Siriphan](#)
Subject: New Business Agenda Item
Date: Wednesday, November 1, 2023 3:26:19 PM

Hi Lizzy,

I respectfully request an agenda item for New Business to request approval of a special meeting of the Council as a Whole to hear a presentation by SoMax Circular Solutions regarding the feasibility of an alternative or addition to expanding the Sludge Landfill.

Alan Rousseau sent each Councilor, via email, highlights and documentation of the study. I and other councilors that I have talked to feel it would be worthwhile for us to hear a presentation and have the opportunity for Q/A.

Hoping it can be placed on the Agenda for our next meeting. Please let me know.

Best Regards,
Jim