



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

**CALENDAR FOR THE MEETING**

*of*

**MONDAY, DECEMBER 4, 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**

**11105** – An Order Authorizing \$3,085.47 Payment of Prior Year Salary Expenditure.  
*(Finance Committee)*

**COMMUNICATIONS**

**11106** – A Notification from the Mayor Regarding Certification of FY2024 Tax Levy.  
*(Finance Committee)*

**11107** – A Notification from the Mayor Regarding FY2024 Tax Rate and FY2024 Tax Recapitulation. *(Finance Committee)*

**11108** – A Notification from the Mayor Regarding Insurance Change – Removal of 30-Day Grace Period Following Resignation or Termination.

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

**11109** – Applications for Motor Vehicle Dealers Licenses, Class I. *(Safety Committee)*

- (a) Salvadore Chevrolet, 442 West Broadway
- (b) Salvadore Chrysler-Dodge-Jeep-Ram, 442 West Broadway

**11110** – Applications for Motor Vehicle Dealers Licenses, Class II *(Safety Committee)*

- (a) AC Auto Clinic, 411 Parker Street
- (b) Brian's Auto Sales, 549 W Broadway
- (c) Gardner Automart, Inc., 182 West Street
- (d) Gardner Motors, LLC, 119 Pearson Blvd
- (e) JPJ Automotive, LLC, 78 East Broadway
- (f) Mike's Auto, 251 E Broadway
- (g) Osagi Enterprise, LLC., 43 Tobey Street
- (h) Ric's Radiator Repair Used Car Sales, 800 W Broadway
- (i) Salvadore Chevrolet, 421 W Broadway
- (j) Salvadore Chevrolet, 249 Timpany Blvd.
- (k) Rob's Dyno Services, LLC, 268 Coleman Street
- (l) J. Wood Inc., 361 West Street

**11111** – Applications for Motor Vehicle Dealers Licenses, Class III, Osagi Enterprise, LLC., Used Auto Parts Sales, 43 Tobey Street. *(Safety Committee)*

**11112** – 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)*

**11113** – 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)*

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

### **APPOINTMENT COMMITTEE**

**11083** – A Measure Confirming the Mayor's Appointment of Debra Pond to the Position of Human Resources Director, for term expiring October 31, 2026. *(In the City Council and Referred to the Appointment Committee 11/6/2023; More Time 11/20/2023)*

**11084** – A Measure Confirming the Mayor's Appointment of David Hackett to the Position of Disability Commission Member, for term expiring October 30, 2026. *(In the City Council and Referred to the Appointment Committee 11/6/2023; More Time 11/20/2023)*

## **APPOINTMENT, continued**

**11085** – A Measure Confirming the Mayor’s Appointment of Debra Pond to the Position of Disability Commission Member, for term expiring October 30, 2026. *(In the City Council and Referred to the Appointment Committee 11/6/2023; More Time 11/20/2023)*

## **SAFETY COMMITTEE**

**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”. *(In the City Council and Referred to the Public Safety Committee 11/6/2023; More Time 11/20/2023)*

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

**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, 10/16/2023, 11/6/2023; Sent to First Printing 11/20/2023; First Printing on 11/24/2023)*

## **XII. EXECUTIVE SESSION**

To approve the Executive Session meeting minutes of August 7, 2023, and September 18, 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.



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

November 29, 2023

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

RE: Authorization for Previous Fiscal Year Salary Expenditure

Dear Madam President and Councilors,

Attached is an authorization request for a salary expenditure that should have been paid in the previous fiscal year.

There are two staff members who were due to receive step increases but were not given due to clerical errors. This action would correct that retroactively to when those increases should have been received.

Respectfully submitted,

Michael J. Nicholson  
Mayor, City of Gardner

RECEIVED

2023 NOV 30 PM 12:57

## AUTHORIZING PAYMENT OF PRIOR YEAR SALARY EXPENDITURE

*ORDERED:* To authorize payment of prior year COA & BOH salary expenditure account for prior year, as follows:

FY2022	COA SALARY ACCOUNT	\$ 465.90
FY2023	COA SALARY ACCOUNT	2,021.88
FY2023	BOH SALARY ACCOUNT	597.69

**Mayor**

**From:** John Richard  
**Sent:** Wednesday, November 22, 2023 10:01 AM  
**To:** Mayor; Titi Siriphan  
**Cc:** Debra Pond  
**Subject:** Order to Approve Payment of Prior Year Sal Expense  
**Attachments:** AUTHORIZING PAYMT PRIOR YEAR SAL-COA & BOH.doc

Hi Mike and Ti

Please add the attached order to the next FinCom and CC agenda. Step increases were missed and retros need to be paid out. Detailed breakdown is below.

Emp #	Last Name	First Name	Pay	Desc	Org Code	Obj Code	Proj Code	Old Rate	New Rate	
1001	COSTA	NANCY	100	SAL & WAGES	15541	51012		\$ 18.2000	\$ 19.0500	\$
1001	COSTA	NANCY	200	REG OT 1.5	15541	51012		\$ 27.3067	\$ 28.5750	\$
										F
1001	COSTA	NANCY	100	SAL & WAGES	15541	51012		\$ 18.5600	\$ 19.4300	\$
1001	COSTA	NANCY	100	SAL & WAGES	15541	51012		\$ 18.5600	\$ 20.0100	\$
1001	COSTA	NANCY	200	REG OT 1.5	15541	51030		\$ 27.8400	\$ 30.0150	\$
										F
1320	CAISSE	BRANDI	100	SAL & WAGES	15512	51012		\$ 18.5600	\$ 19.4300	\$
										F
									COA & BOH SAL	-

John Richard  
City Auditor



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





City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

November 29, 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 FY2024 Tax Levy

Dear Madam President and Councilors,

The City received notification on November 29, 2023, that our tax levy for the 2024 fiscal year has been certified.

A copy of the certified documents is attached here for your information.

This is the earliest the City has had both the tax rate and recapitalization certified by at least three (3) weeks going back as far as we have records of this process.

I would like to thank City Auditor John Richard and City Assessor Christine Kumar for their work in overseeing this process.

Respectfully submitted,

Michael J. Nicholson  
Mayor, City of Gardner

RECEIVED

NOV 30 PM 12:57

**Levy Limit**  
**Fiscal Year 2024**

FOR BUDGET PLANNING PURPOSES

**I. TO CALCULATE THE FY 2023 LEVY LIMIT**

A. FY 2022 Levy Limit	30,509,065	
A1. Amended FY 2022 Growth	0	
B. ADD (IA + IA1)*2.5%	762,727	
C. ADD FY 2023 New Growth	415,336	
C1. ADD FY 2023 New Growth Adjustment	0	
D. ADD FY 2023 Override	0	
E. FY 2023 Subtotal	<b>31,687,128</b>	
F. FY 2023 Levy Ceiling	48,858,864	I. <b>31,687,128</b> FY 2023 Levy Limit

**II. TO CALCULATE THE FY 2024 LEVY LIMIT**

A. FY 2023 Levy Limit from I	31,687,128	
A1. Amended FY 2023 Growth	-655	
B. ADD (IIA + IIA1)*2.5%	792,162	
C. ADD FY 2024 New Growth	347,809	
C1. ADD FY 2024 New Growth Adjustment	0	
D. ADD FY 2024 Override	0	
E. ADD FY 2024 Subtotal	<b>32,826,444</b>	
F. FY 2024 Levy Ceiling	54,641,080	II. <b>32,826,444</b> FY 2024 Levy Limit

**III. TO CALCULATE THE FY 2024 MAXIMUM ALLOWABLE LEVY**

A. FY 2024 Levy Limit from II.	32,826,444
B. FY 2024 Debt Exclusion(s)	0
C. FY 2024 Capital Expenditure Exclusion(s)	0
D. FY 2024 Stabilization Fund Override	0
E. FY 2024 Other Adjustment :	0
F. FY 2024 Water/Sewer	0
G. FY 2024 Maximum Allowable Levy	<b>32,826,444</b>

**Signatures**

**Board of Assessors**

Christine Marie Kumar, City Assessor , Gardner , ckumar@gardner-ma.gov 978-630-4004 | 11/21/2023 11:53 AM  
Charles R. Leblanc, Assessor , Gardner , leblanc37@comcast.net 978-630-4004 | 11/21/2023 12:32 PM  
Paulette A. Burns, Assessor , Gardner , duncan.burns75@gmail.com 978-630-4004 | 11/21/2023 12:33 PM

**Levy Limit**  
**Fiscal Year 2024**

**Documents**

No documents have been uploaded.



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

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November 29, 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 FY2024 Tax Rate and FY2024 Tax Recapitulation

Dear Madam President and Councilors,

The City received notification on November 29, 2023, that our tax rate and tax recapitulation for the 2024 fiscal year have been certified.

A copy of the certified documents is attached here for your information.

This is the earliest the City has had both the tax rate and recapitalization certified by at least three (3) weeks going back as far as we have records of this process.

I would like to thank City Auditor John Richard and City Assessor Christine Kumar for their work in overseeing this process.

Respectfully submitted,

Michael J. Nicholson  
Mayor, City of Gardner

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2023 NOV 30 PM 12:57  
CITY OF GARDNER

**TAX RATE RECAPITULATION**  
**Fiscal Year 2024**

**I. TAX RATE SUMMARY**

la. Total amount to be raised (from page 2, IIe)	\$ 87,375,245.81
lb. Total estimated receipts and other revenue sources (from page 2, IIIe)	54,612,454.55
lc. Tax Levy (Ia minus Ib)	\$ 32,762,791.26
ld. Distribution of Tax Rates and levies	

CLASS	(b) Levy percentage (from LA5)	(c) lc above times each percent in col (b)	(d) Valuation by class (from LA-5)	(e) Tax Rates (c) / (d) x 1000	(f) Levy by class (d) x (e) / 1000
Residential	83.9618	27,508,229.27	1,835,104,190.00	14.99	27,508,211.81
Net of Exempt					
Open Space	0.0000	0.00	0.00	0.00	0.00
Commercial	7.4227	2,431,883.71	162,233,510.00	14.99	2,431,880.31
Net of Exempt					
Industrial	3.5504	1,163,210.14	77,599,680.00	14.99	1,163,219.20
SUBTOTAL	94.9349		2,074,937,380.00		31,103,311.32
Personal	5.0651	1,659,468.14	110,705,800.00	14.99	1,659,479.94
TOTAL	100.0000		2,185,643,180.00		32,762,791.26

MUST EQUAL 1C

**Signatures**

<b>Assessors</b>
Christine Marie Kumar, City Assessor , Gardner , ckumar@gardner-ma.gov 978-630-4004   11/21/2023 2:34 PM Comment:
Paulette A. Burns, Assessor , Gardner , duncan.burns75@gmail.com 978-630-4004   11/21/2023 2:36 PM Comment:
Charles R. Leblanc, Assessor , Gardner , leblanc37@comcast.net 978-630-4004   11/21/2023 2:35 PM Comment:

**Documents**

No documents have been uploaded.

Do Not Write Below This Line --- For Department of Revenue Use Only

**Reviewed By:** David Guzman  
**Date:** 11/29/2023  
**Approved:** Jared Curtis  
**Director of Accounts:** Deborah A. Wagner

**TAX RATE RECAPITULATION**

**Fiscal Year 2024**

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*Deborah A. Wagner*

**TAX RATE RECAPITULATION**  
**Fiscal Year 2024**

**II. Amounts to be raised**

Ila. Appropriations (col.(b) through col.(g) from page 4)		<b>84,162,552.34</b>
Ilb. Other amounts to be raised		
1. Amounts certified for tax title purposes	0.00	
2. Debt and interest charges not included on page 4	0.00	
3. Final Awards	0.00	
4. Retained Earnings Deficit	0.00	
5. Total cherry sheet offsets (see cherry sheet 1-ER)	998,455.00	
6. Revenue deficits	0.00	
7. Offset receipts deficits Ch. 44, Sec. 53E	0.00	
8. CPA other unappropriated/unreserved	0.00	
9. Snow and ice deficit Ch. 44, Sec. 31D	0.00	
10. Other :	0.00	
TOTAL Ilb (Total lines 1 through 10)		<b>998,455.00</b>
Ilc. State and county cherry sheet charges (C.S. 1-EC)		2,062,825.00
Ild. Allowance for abatements and exemptions (overlay)		151,413.47
Ile. Total amount to be raised (Total Ila through Ild)		<b>87,375,245.81</b>

**III. Estimated receipts and other revenue sources**

IIIa. Estimated receipts - State		
1. Cherry sheet estimated receipts (C.S. 1-ER Total)	34,194,016.00	
2. Massachusetts school building authority payments	0.00	
TOTAL IIIa		<b>34,194,016.00</b>
IIIb. Estimated receipts - Local		
1. Local receipts not allocated (page 3, col (b) Line 24)	5,957,481.67	
2. Offset Receipts (Schedule A-1)	0.00	
3. Enterprise Funds (Schedule A-2)	11,149,200.62	
4. Community Preservation Funds (See Schedule A-4)	0.00	
TOTAL IIIb		<b>17,106,682.29</b>
IIIc. Revenue sources appropriated for particular purposes		
1. Free cash (page 4, col (c))	2,714,536.04	
2. Other available funds (page 4, col (d))	597,220.22	
TOTAL IIIc		<b>3,311,756.26</b>
IIId. Other revenue sources appropriated specifically to reduce the tax rate		
1a. Free cash..appropriated on or before June 30, 2023	0.00	
1b. Free cash..appropriated on or after July 1, 2023	0.00	

TAX RATE RECAPITULATION  
Fiscal Year 2024

2. Municipal light surplus	0.00	
3. Other source :	0.00	
TOTAL IIId		0.00
IIIe. Total estimated receipts and other revenue sources (Total IIIa through IIId)		54,612,454.55
IV. Summary of total amount to be raised and total receipts from all sources		
a. Total amount to be raised (from IIe)		87,375,245.81
b. Total estimated receipts and other revenue sources (from IIIe)	54,612,454.55	
c. Total real and personal property tax levy (from Ic)	32,762,791.26	
d. Total receipts from all sources (total IVb plus IVc)		87,375,245.81

**TAX RATE RECAPITULATION**  
**Fiscal Year 2024**

LOCAL RECEIPTS NOT ALLOCATED \*

	Receipt Type Description	(a) Actual Receipts Fiscal 2023	(b) Estimated Receipts Fiscal 2024	Percentage Change
==> 1.	MOTOR VEHICLE EXCISE	2,287,710.59	2,100,539.00	-8.18
2.	OTHER EXCISE			
==>	a.Meals	0.00	0.00	0.00
==>	b.Room	176,008.26	144,447.00	-17.93
==>	c.Other	0.00	0.00	0.00
==>	d.Cannabis	199,670.77	294,021.00	47.25
==> 3.	PENALTIES AND INTEREST ON TAXES AND EXCISES	412,458.36	360,597.00	-12.57
==> 4.	PAYMENTS IN LIEU OF TAXES	9,009.80	20,564.00	128.24
5.	CHARGES FOR SERVICES - WATER	0.00	0.00	0.00
6.	CHARGES FOR SERVICES - SEWER	0.00	0.00	0.00
7.	CHARGES FOR SERVICES - HOSPITAL	0.00	0.00	0.00
8.	CHARGES FOR SERVICES - SOLID WASTE FEES	0.00	0.00	0.00
9.	OTHER CHARGES FOR SERVICES	0.00	0.00	0.00
10.	FEES	1,825,699.76	1,705,802.00	-6.57
	a.Cannabis Impact Fee	0.00	0.00	0.00
	b.Community Impact Fee Short Term Rentals	0.00	0.00	0.00
11.	RENTALS	74,970.00	76,739.00	2.36
12.	DEPARTMENTAL REVENUE - SCHOOLS	0.00	0.00	0.00
13.	DEPARTMENTAL REVENUE - LIBRARIES	0.00	0.00	0.00
14.	DEPARTMENTAL REVENUE - CEMETERIES	0.00	0.00	0.00
15.	DEPARTMENTAL REVENUE - RECREATION	0.00	0.00	0.00
16.	OTHER DEPARTMENTAL REVENUE	257,587.15	265,656.00	3.13
17.	LICENSES AND PERMITS			
	a.Building Permits	574,901.05	166,192.00	-71.09
	b.Other licenses and permits	194,164.50	117,424.00	-39.52
18.	SPECIAL ASSESSMENTS	0.00	0.00	0.00
==> 19.	FINES AND FORFEITS	77,868.18	73,330.00	-5.83
==> 20.	INVESTMENT INCOME	799,994.88	25,000.00	-96.87
==> 21.	MEDICAID REIMBURSEMENT	312,962.82	239,043.00	-23.62
==> 22.	MISCELLANEOUS RECURRING	104,562.66	281,579.00	169.29
23.	MISCELLANEOUS NON-RECURRING	351,096.70	86,548.67	-75.35
24.	Totals	7,658,665.48	5,957,481.67	-22.21

Signatures

TAX RATE RECAPITULATION  
Fiscal Year 2024

Accounting Officer

I hereby certify that the actual receipts as shown in column (a) are, to the best of my knowledge correct and complete, and I further certify that I have examined the entries made on page 4 of the above-indicated fiscal year tax rate recapitulation form by the City / Town / District Clerk and hereby acknowledge that such entries correctly reflect the appropriations made and the sources from which such appropriations are to be met.

John Richard, City Auditor , Gardner , jrichard@gardner-ma.gov 978-630-4005 | 11/21/2023 10:42 AM

Comment:

Documents

No documents have been uploaded.

\* Do not include receipts in columns (a) or (b) that were voted by the City / Town / District Council or Town Meeting as offset receipts on Schedule A-1, enterprise funds on Schedule A-2, or departmental revolving funds per Chapter 44, Section 53E 1/2. The Recap Page 3 Support form must be submitted to support increases / decreases of estimated receipts to actual receipts.  
==> The Recap Page 3 Support form must be submitted to support increases/ decreases of FY 2024 estimated receipts to FY 2023 estimated receipts to be used in calculating the Municipal Revenue Growth Factor (MRGF). The Recap Page 3 Support form must be submitted to list each receipt type included in rows 22 and 23, Miscellaneous Recurring and Non-Recurring.

TAX RATE RECAPITULATION

Fiscal Year 2024

APPROPRIATIONS											AUTHORIZATIONS		
City/Town Council or Town Meeting Dates	FY*	(a) Total Appropriations Of Each Meeting	(b) ** From Raise and Appropriate	(c) From Free Cash (See B-1)	(d) From Other Available Funds (See B-2)	(e) From Offset Receipts (See A-1)	(f) From Enterprise Funds (See A-2)	(g) From Community Preservation Funds (See A-4)	(h) *** Departmental Revolving Funds	MEMO ONLY			
											(i) Borrowing Authorization (Other)		
12/20/2022	2023	10,000.00	0.00	10,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
12/20/2022	2023	27,000.00	0.00	27,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
02/07/2023	2023	134,500.00	0.00	134,500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
02/07/2023	2023	4,040.00	0.00	4,040.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
02/22/2023	2023	150,000.00	0.00	150,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
03/07/2023	2023	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
03/07/2023	2023	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-4,158,176.00		
03/07/2023	2023	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-450,000.00		
03/07/2023	2023	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-3,497,380.00		
03/07/2023	2023	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-2,500,000.00		
03/07/2023	2023	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-750,000.00		
03/07/2023	2023	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-100,000.00		
03/07/2023	2023	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-174,162.00		
03/07/2023	2023	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-2,060,000.00		
03/07/2023	2023	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-1,800,000.00		
03/07/2023	2023	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-320,000.00		
03/07/2023	2023	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-33,148.16		
03/07/2023	2023	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-3,545,682.00		
03/07/2023	2023	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-14,000,000.00		
03/07/2023	2023	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-11,000,000.00		
03/07/2023	2023	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-250,000.00		

TAX RATE RECAPITULATION

Fiscal Year 2024

City/Town Council or Town Meeting Dates	FY*	(a) Total Appropriations Of Each Meeting	(b) From Raise and Appropriate	(c) From Free Cash (See B-1)	(d) From Other Available Funds (See B-2)	(e) From Offset Receipts (See A-1)	(f) From Enterprise Funds (See A-2)	(g) From Community Preservation Funds (See A-4)	(h) *** Departmental Revolving Funds	(i) Borrowing Authorization (Other)
03/07/2023	2023	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-1,750,000.00
03/07/2023	2023	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-400,000.00
03/07/2023	2023	60,000.00	0.00	60,000.00	0.00	0.00	0.00	0.00	0.00	0.00
03/07/2023	2023	28,039.00	0.00	28,039.00	0.00	0.00	0.00	0.00	0.00	0.00
03/07/2023	2023	3,690.00	0.00	3,690.00	0.00	0.00	0.00	0.00	0.00	0.00
03/07/2023	2023	8,900.00	0.00	8,900.00	0.00	0.00	0.00	0.00	0.00	0.00
04/04/2023	2023	23,091.00	0.00	23,091.00	0.00	0.00	0.00	0.00	0.00	0.00
04/04/2023	2023	30,000.00	0.00	0.00	0.00	0.00	30,000.00	0.00	0.00	0.00
04/04/2023	2023	50,000.00	0.00	0.00	0.00	0.00	50,000.00	0.00	0.00	0.00
04/04/2023	2023	150,000.00	0.00	0.00	0.00	0.00	150,000.00	0.00	0.00	0.00
05/30/2023	2023	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
06/06/2023	2023	14,925.00	0.00	14,925.00	0.00	0.00	0.00	0.00	350,000.00	0.00
06/06/2023	2023	13,499,627.36	13,499,627.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00
06/06/2023	2023	27,880,707.10	27,880,707.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00
06/06/2023	2023	31,319,046.00	31,319,046.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
06/06/2023	2023	9,291,444.15	0.00	0.00	0.00	0.00	9,291,444.15	0.00	0.00	0.00
06/06/2023	2023	197,220.22	0.00	0.00	197,220.22	0.00	0.00	0.00	0.00	0.00
06/06/2023	2023	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
06/06/2023	2023	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
06/06/2023	2023	307,000.00	0.00	0.00	0.00	0.00	307,000.00	0.00	265,000.00	0.00
06/06/2023	2023	39,348.00	0.00	0.00	0.00	0.00	39,348.00	0.00	0.00	0.00
06/26/2023	2023	31,408.47	0.00	0.00	0.00	0.00	31,408.47	0.00	0.00	0.00

11107

TAX RATE RECAPITULATION

Fiscal Year 2024

City/Town Council or Town Meeting Dates	FY*	(a) Total Appropriations Of Each Meeting	(b) ** From Raise and Appropriate	(c) From Free Cash (See B-1)	(d) From Other Available Funds (See B-2)	(e) From Offset Receipts (See A-1)	(f) From Enterprise Funds (See A-2)	(g) From Community Preservation Funds (See A-4)	(h) *** Departmental Revolving Funds	(i) Borrowing Authorization (Other)
06/26/2023	2023	89,547.00	0.00	89,547.00	0.00	0.00	0.00	0.00	0.00	0.00
06/26/2023	2023	150,000.00	0.00	0.00	0.00	0.00	150,000.00	0.00	0.00	0.00
08/09/2023	2024	0.00	0.00	0.00	0.00	0.00	0.00	0.00	115,000.00	0.00
10/03/2023	2024	90,072.04	0.00	90,072.04	0.00	0.00	0.00	0.00	0.00	0.00
10/03/2023	2024	200,000.00	0.00	200,000.00	0.00	0.00	0.00	0.00	0.00	0.00
10/03/2023	2024	75,000.00	0.00	75,000.00	0.00	0.00	0.00	0.00	0.00	0.00
10/03/2023	2024	257,956.00	0.00	257,956.00	0.00	0.00	0.00	0.00	0.00	0.00
10/03/2023	2024	25,796.00	0.00	25,796.00	0.00	0.00	0.00	0.00	0.00	0.00
10/03/2023	2024	128,978.00	0.00	128,978.00	0.00	0.00	0.00	0.00	0.00	0.00
05/22/2023	2023	701,700.00	0.00	701,700.00	0.00	0.00	0.00	0.00	0.00	0.00
05/22/2023	2023	99,000.00	0.00	99,000.00	0.00	0.00	0.00	0.00	0.00	0.00
05/22/2023	2023	10,000.00	0.00	10,000.00	0.00	0.00	0.00	0.00	0.00	0.00
05/22/2023	2023	3,312.00	0.00	3,312.00	0.00	0.00	0.00	0.00	0.00	0.00
05/22/2023	2023	500.00	0.00	500.00	0.00	0.00	0.00	0.00	0.00	0.00
05/22/2023	2023	879.00	0.00	879.00	0.00	0.00	0.00	0.00	0.00	0.00
05/22/2023	2023	15,000.00	0.00	15,000.00	0.00	0.00	0.00	0.00	0.00	0.00
05/22/2023	2023	45,000.00	0.00	45,000.00	0.00	0.00	0.00	0.00	0.00	0.00
05/22/2023	2023	25,000.00	0.00	25,000.00	0.00	0.00	0.00	0.00	0.00	0.00
05/22/2023	2023	10,000.00	0.00	10,000.00	0.00	0.00	0.00	0.00	0.00	0.00
05/22/2023	2023	25,000.00	0.00	25,000.00	0.00	0.00	0.00	0.00	0.00	0.00
05/22/2023	2023	32,000.00	0.00	32,000.00	0.00	0.00	0.00	0.00	0.00	0.00
05/22/2023	2023	1,091.00	0.00	1,091.00	0.00	0.00	0.00	0.00	0.00	0.00

11107

TAX RATE RECAPITULATION

Fiscal Year 2024

City/Town Council or Town Meeting Dates	FY*	(a) Total Appropriations Of Each Meeting	(b) ** From Raise and Appropriate	(c) From Free Cash (See B-1)	(d) From Other Available Funds (See B-2)	(e) From Offset Receipts (See A-1)	(f) From Enterprise Funds (See A-2)	(g) From Community Preservation Funds (See A-4)	(h) *** Departmental Revolving Funds	(i) Borrowing Authorization (Other)
06/06/2023	2023	400,000.00	0.00	0.00	400,000.00	0.00	0.00	0.00	0.00	0.00
11/16/2023	2024	-27,880,707.10	-27,880,707.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11/16/2023	2024	25,885,113.10	25,885,113.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11/21/2023	2024	13,600.00	0.00	13,600.00	0.00	0.00	0.00	0.00	0.00	0.00
11/21/2023	2024	24,500.00	0.00	24,500.00	0.00	0.00	0.00	0.00	0.00	0.00
11/21/2023	2024	156,420.00	0.00	156,420.00	0.00	0.00	0.00	0.00	0.00	0.00
11/21/2023	2024	220,000.00	0.00	220,000.00	0.00	0.00	0.00	0.00	0.00	0.00
11/21/2023	2024	97,809.00	97,809.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total		84,162,552.34	70,801,595.46	2,714,536.04	597,220.22	0.00	10,049,200.62	0.00	0.00	0.00

\* Enter the fiscal year to which the appropriation relates.

\*\* Appropriations included in column (b) must not be reduced by local receipts or any other funding source.

Appropriations must be entered gross to avoid a duplication in the use of estimated or other sources of receipts.

\*\*\* Include only revolving funds pursuant to Chapter 44, Section 53 E 1/2.

Clerk

Signatures

I hereby certify that the appropriations correctly reflect the votes taken by City / Town / District Council.

TIM Siriphan, City Clerk , Gardner , tsiriphan@gardner-ma.gov 978-630-4058 | 11/21/2023 2:56 PM

Comment:

No documents have been uploaded.

Documents



## City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

November 29, 2023

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

RE: Notification Of Insurance Change- Removal Of 30-Day Grace Period Following Resignation Or Termination

Dear Madam President and Councilors,

The City of Gardner has accepted the provisions of Chapter 32B of the General Laws of the Commonwealth, which make it so that any plan changes done to the City's employee benefit insurances must be approved by the City's Insurance Advisory Council ("IAC").

This committee is made up of representatives from each of the City's unions, a non-union employee, and a representative of the City's retired employees.

The majority of the IAC recently voted to remove a provision from the City's policy that grants any employee who either resigns or is terminated from their position a grace period of thirty (30) days following their last day of employment in which they are fully covered by the City's insurance before having to go on COBRA benefits.

Prior to this vote, the any employee in the City is fully covered by our insurance on the first day of their employment. The City then takes out two months of health insurance premiums in their first paycheck, in order to cover the cost of their first month of employment and the final 30-day grace period. However, this took place no matter how long the employee was employed by the City. If an employee worked for the City for a week, and then decided to resign, and then a week after their resignation they became sick or were injured, it was up to the City's insurance to cover, as if they were still City employees. This vote to accept the Administration's proposal to the IAC removes that liability from the City and the City's Health Insurance Trust Fund.

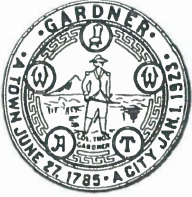
In order to make this effective to all current employees, the City will be issuing a Health Insurance Holiday for the month of December, in which the City will still pay our share of the health insurance costs, but the employees will not have deductions taken out of their pay check, and this will be the additional month that they pre-paid for when they were first hired.

This does not change any health insurance coverage for any existing employee or retiree, but makes it so if a current employee choses to resign or is fired, they must go onto COBRA benefits upon termination. Any employee who retires simply transitions to the City's retirement coverage.

Respectfully submitted,

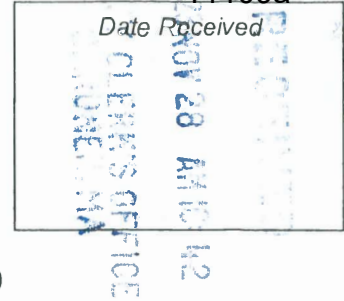
Michael J. Nicholson  
Mayor, City of Gardner

RECEIVED  
2023 NOV 30 PM 2:30  
CITY OF GARDNER



CITY OF GARDNER, MASSACHUSETTS  
City Hall - Room 121 - 95 Pleasant Street  
Gardner, MA 01440-2630  
Tel: 978-630-4058 Fax: 978-630-2589

11109a  
Date Received



APPLICATION FOR LICENSE TO BUY AND  
SELL SECOND HAND MOTOR VEHICLES

New \_\_\_ Renewal ☒ Class 1 - Class 2 - Class 3 (Circle all that apply to this Application)

1. Legal Name of Business: Salvadore Auto Exchange, Inc  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: Salvadore Chevrolet  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 442 West Broadway Gardner MA 01440  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel. 978-630-2000 Cellular \_\_\_\_\_ Fax 978-630-0200 E-Mail pamk@salvadoreauto.com
5. Is the business an individual, partnership, association or corporation? Corporation
6. If an individual, state full name and residential address: \_\_\_\_\_
7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_
8. If an association or corporation, state full names of the principal officers:  
President Angelo G. Salvadore  
Secretary Angelo G. Salvadore  
Treasurer Angelo G. Salvadore
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? Yes
  - a. If so, is your principal business the sale of new motor vehicles? Yes
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? Yes
  - c. Is your principal business that of a motor vehicle junk dealer? NO
  - d. Is your principal business that of a "Repairs"? Yes
  - e. Is your principal business that of "Repossession"? NO
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
Land, building located at 442 West Broadway approx 117 ft  
frontage on West Broadway 119 feet of frontage  
on Kinzer Dr lot depth is 9000 SFT used as offices & showrooms
10. Are you a recognized agent of a motor vehicle manufacturer? YES ☒ NO \_\_\_\_\_  
If yes, state the name of the manufacturer: General Motors

11. Do you have a signed contract as required by Section 58, Class I? YES ✓ NO
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES ✓ NO
- If yes, in what city or town? Gardner
- Did you receive a license? YES ✓ NO        For what year? 2023
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES        NO ✓ If yes, please explain:

**Provide the following items/documentation with the completed Application form:**

- ☐ **Applicable License Application Processing Fee(s)**, check payable to **"City of Gardner"**
- ☐ **Surety Bond** in the amount of **\$25,000** executed by a surety company authorized to transact business in Massachusetts, or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority. A separate bond shall be required for each different name under which the dealer conducts his business. (Applies only to Class 2 Dealers).
- ☐ **State and Federal Tax Certification Affidavit**
- ☐ City of Gardner **PERMIT/APPLICATION GOOD STANDING CERTIFICATE**
- ☐ **Criminal Offender Record Information (CORI) Authorization form.**
- ☐ **Workers Compensation Insurance Affidavit: General Businesses**
- ☐ **Parking Plan** (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Site Plan** (scaled 1" = 40 ft.) showing all available parking, driveways, entrances and exits, building location, etc. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Zoning Opinion** from the Building Commissioner.
- ☐ Planning Board and/or Board of Appeals Decisions *(if applicable)*.

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. APPLICANT FURTHER CERTIFIES THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

**SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.**

INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT

DATE SIGNED 11-22-2023

SOCIAL SECURITY NUMBER

OR

04 300 5686  
EMPLOYER IDENTIFICATION NUMBER (EIN)

License Fee must be submitted with this form. Make check payable to *City of Gardner*. Mail completed Application Form, along with all required documentation and check to: *City Clerk, 95 Pleasant Street, Room 121, Gardner, MA 01440*.

**NOTICE:** The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 requires the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, **shall be sufficient cause for the denial of the License application.**



CITY OF GARDNER, MASSACHUSETTS  
City Hall - Room 121 - 95 Pleasant Street  
Gardner, MA 01440-2630  
Tel: 978-630-4058 Fax: 978-630-2589

11109b

Date Received

NOV 28 AM 10:12  
RECEIVED  
CITY OF GARDNER  
MA

APPLICATION FOR LICENSE TO BUY AND  
SELL SECOND HAND MOTOR VEHICLES

New ☐ Renewal ☒ Class 1 - Class 2 - Class 3 (Circle all that apply to this Application)

1. Legal Name of Business: Salvatore Auto Exchange, Inc.  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: Salvatore Chrysler Dodge Jeep Ram  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 442 West Broadway Gardner MA 01440  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel. 978-630-2200 Cellular --- Fax 978-630-5913 E-Mail pamk@salvatoreauto.com
5. Is the business an individual, partnership, association or corporation? Corporation
6. If an individual, state full name and residential address: \_\_\_\_\_
7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_
8. If an association or corporation, state full names of the principal officers:  
President Angelo G. Salvatore  
Secretary Angelo G. Salvatore  
Treasurer Angelo G. Salvatore
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? Yes
  - a. If so, is your principal business the sale of new motor vehicles? Yes
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? Yes
  - c. Is your principal business that of a motor vehicle junk dealer? NO
  - d. Is your principal business that of a "Repairs"? Yes
  - e. Is your principal business that of "Repossession"? NO
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
Land, building located at 440 West Broadway approx 3.81 acres  
302 Ft Frontage on Kinzer Dr Building is  
24,984 sq feet used for offices & showroom
10. Are you a recognized agent of a motor vehicle manufacturer? YES ☒ NO ☐  
If yes, state the name of the manufacturer: Stellantis

11. Do you have a signed contract as required by Section 58, Class I? YES ☒ NO ☐
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES ☒ NO ☐  
 If yes, in what city or town? Gardner MA  
 Did you receive a license? YES ☒ NO ☐ For what year? 2023
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES ☐ NO ☒ If yes, please explain: \_\_\_\_\_

**Provide the following items/documentation with the completed Application form:**

- ☐ Applicable License Application Processing Fee(s), check payable to "City of Gardner"
- ☐ Surety Bond in the amount of \$25,000 executed by a surety company authorized to transact business in Massachusetts, or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority. A separate bond shall be required for each different name under which the dealer conducts his business. (Applies only to Class 2 Dealers).
- ☐ State and Federal Tax Certification Affidavit
- ☐ City of Gardner PERMIT/APPLICATION GOOD STANDING CERTIFICATE
- ☐ Criminal Offender Record Information (CORI) Authorization form.
- ☐ Workers Compensation Insurance Affidavit: General Businesses
- ☐ Parking Plan (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ Site Plan (scaled 1" = 40 ft.) showing all available parking, driveways, entrances and exits, building location, etc. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ Zoning Opinion from the Building Commissioner.
- ☐ Planning Board and/or Board of Appeals Decisions (if applicable).

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. APPLICANT FURTHER CERTIFIES THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY

\_\_\_\_\_  
 INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE  
 OFFICER OR APPLICANT

DATE SIGNED 11-22-2022

\_\_\_\_\_  
 SOCIAL SECURITY NUMBER

OR 043005686  
 EMPLOYER IDENTIFICATION NUMBER (EIN)

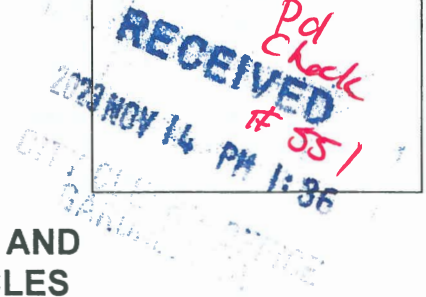
**License Fee must be submitted with this form. Make check payable to City of Gardner. Mail completed Application Form, along with all required documentation and check to: City Clerk, 95 Pleasant Street, Room 121, Gardner, MA 01440.**

**NOTICE:** The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 requires the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, shall be sufficient cause for the denial of the License application.



CITY OF GARDNER, MASSACHUSETTS  
City Hall - Room 121 - 95 Pleasant Street  
Gardner, MA 01440-2630  
Tel: 978-630-4058 Fax: 978-630-2589

11110a  
Date Received



## APPLICATION FOR LICENSE TO BUY AND SELL SECOND HAND MOTOR VEHICLES

New \_\_\_ Renewal \_\_\_ Class 1 Class 2 Class 3 (Circle all that apply to this Application)

1. Legal Name of Business: AC AUTO CLINIC  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: \_\_\_\_\_  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 411 PARKER ST GARDNER MA 01440  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel. 9786321138 Cellular \_\_\_\_\_ Fax \_\_\_\_\_ E-Mail \_\_\_\_\_
5. Is the business an individual, partnership, association or corporation? INDIVIDUAL
6. If an individual, state full name and residential address: ROBERT BROCHU  
61 KORSNOLM AVE GARDNER MA 01440
7. If a partnership, state full names and residential addresses of all partners: NA
8. If an association or corporation, state full names of the principal officers:  
President NA  
Secretary \_\_\_\_\_  
Treasurer \_\_\_\_\_
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? Yes
  - a. If so, is your principal business the sale of new motor vehicles? No
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? Yes
  - c. Is your principal business that of a motor vehicle junk dealer? No
  - d. Is your principal business that of a "Repairs"? YES REPAIRS ALSO
  - e. Is your principal business that of "Repossession"? No
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
OFFICE AND 2 BAY GARAGE AT 411 PARKER ST GARDNER
10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO ✓  
If yes, state the name of the manufacturer: \_\_\_\_\_

11. Do you have a signed contract as required by Section 58, Class I? YES \_\_\_\_\_ NO ✓
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES ✓ NO \_\_\_\_\_
- If yes, in what city or town? GARDNER
- Did you receive a license? YES ✓ NO \_\_\_\_\_ For what year? PREVIOUS 10+ YEARS
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO ✓ If yes, please explain: \_\_\_\_\_

**Provide the following items/documentation with the completed Application form:**

- ☒ **Applicable License Application Processing Fee(s)**, check payable to "**City of Gardner**"
- ☒ **Surety Bond** in the amount of **\$25,000** executed by a surety company authorized to transact business in Massachusetts, or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority. A separate bond shall be required for each different name under which the dealer conducts his business. (Applies only to Class 2 Dealers).
- ☒ **State and Federal Tax Certification Affidavit**
- ☒ City of Gardner **PERMIT/APPLICATION GOOD STANDING CERTIFICATE**
- ☒ **Criminal Offender Record Information (CORI) Authorization form.**
- ☒ **Workers Compensation Insurance Affidavit: General Businesses**
- ? ☐ **Parking Plan** (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ? ☐ **Site Plan** (scaled 1" = 40 ft.) showing all available parking, driveways, entrances and exits, building location, etc. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ? ☐ **Zoning Opinion** from the Building Commissioner.
- ☐ Planning Board and/or Board of Appeals Decisions (*if applicable*).

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. APPLICANT FURTHER CERTIFIES THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

Robert Bouch  
INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE  
OFFICER OR APPLICANT

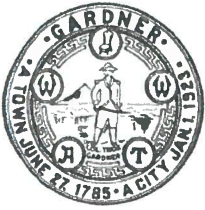
DATE SIGNED 11/14/23

SOCIAL SECURITY NUMBER \_\_\_\_\_

OR 043 208 630  
EMPLOYER IDENTIFICATION NUMBER (EIN)

**License Fee must be submitted with this form. Make check payable to *City of Gardner*. Mail completed Application Form, along with all required documentation and check to: *City Clerk, 95 Pleasant Street, Room 121, Gardner, MA 01440*.**

**NOTICE:** The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 requires the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, **shall be sufficient cause for the denial of the License application.**



CITY OF GARDNER, MASSACHUSETTS  
City Hall - Room 121 - 95 Pleasant Street  
Gardner, MA 01440-2630  
Tel: 978-630-4058 Fax: 978-630-2589

Date Received  
111105

## APPLICATION FOR LICENSE TO BUY AND SELL SECOND HAND MOTOR VEHICLES

New \_\_\_ Renewal X Class 1 - Class 2 - Class 3 (Circle all that apply to this Application)

1. Legal Name of Business: Brian K Michaud  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: Brian's Auto Sales  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 549 W Broadway, Gardner, MA 01440  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel. 978-632-1943 Cellular \_\_\_\_\_ Fax 978-632-0707 E-Mail brianautobody@yahoo.com
5. Is the business an individual, partnership, association or corporation? Individual
6. If an individual, state full name and residential address: Brian K Michaud - 253 Lovewell St, Gardner, MA 01440  
\_\_\_\_\_
7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_  
\_\_\_\_\_
8. If an association or corporation, state full names of the principal officers:  
President \_\_\_\_\_  
Secretary \_\_\_\_\_  
Treasurer \_\_\_\_\_
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? YES
  - a. If so, is your principal business the sale of new motor vehicles? NO
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? YES
  - c. Is your principal business that of a motor vehicle junk dealer? NO
  - d. Is your principal business that of a "Repairs"? NO
  - e. Is your principal business that of "Repossession"? NO
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
24' x 45' Metal Building with adjacent 13' x 32' cinder block bay with 12' x 32' metal office  
\_\_\_\_\_  
\_\_\_\_\_
10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO X  
If yes, state the name of the manufacturer: \_\_\_\_\_

11. Do you have a signed contract as required by Section 58, Class I? YES \_\_\_\_\_ NO X
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES X NO \_\_\_\_\_  
If yes, in what city or town? Gardner  
Did you receive a license? YES X NO \_\_\_\_\_ For what year? 2018
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO X If yes, please explain: \_\_\_\_\_

**Provide the following items/documentation with the completed Application form:**

- ☐ **Applicable License Application Processing Fee(s)**, check payable to "**City of Gardner**"
- ☐ **Surety Bond** in the amount of **\$25,000** executed by a surety company authorized to transact business in Massachusetts, or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority. A separate bond shall be required for each different name under which the dealer conducts his business. (Applies only to Class 2 Dealers).
- ☐ **State and Federal Tax Certification Affidavit**
- ☐ City of Gardner **PERMIT/APPLICATION GOOD STANDING CERTIFICATE**
- ☐ **Criminal Offender Record Information (CORI) Authorization form.**
- ☐ **Workers Compensation Insurance Affidavit: General Businesses**
- ☐ **Parking Plan** (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Site Plan** (scaled 1" = 40 ft.) showing all available parking, driveways, entrances and exits, building location, etc. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Zoning Opinion** from the Building Commissioner.
- ☐ Planning Board and/or Board of Appeals Decisions (*if applicable*).

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. APPLICANT FURTHER CERTIFIES THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.



DATE SIGNED

11/29/23

INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE  
OFFICER OR APPLICANT

OR

04-3570484

SOCIAL SECURITY NUMBER

EMPLOYER IDENTIFICATION NUMBER (EIN)

**License Fee must be submitted with this form. Make check payable to *City of Gardner*. Mail completed Application Form, along with all required documentation and check to: *City Clerk, 95 Pleasant Street, Room 121, Gardner, MA 01440*.**

**NOTICE:** The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 requires the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, **shall be sufficient cause for the denial of the License application.**

License Application  
Processing Fee - \$200.00



CITY OF GARDNER, MASSACHUSETTS  
City Hall - Room 121 - 95 Pleasant Street  
Gardner, MA 01440-2630  
Tel: 978-630-4058 Fax: 978-630-2589

Date Received

RECEIVED *paid*  
*Check*

2023 NOV 13 AM 9:28  
*23176*

CITY OF GARDNER  
CITY CLERK'S OFFICE

## APPLICATION FOR LICENSE TO BUY AND SELL SECOND HAND MOTOR VEHICLES

New ☐ Renewal ☒ Class 1 ☒ Class 2 ☐ Class 3 (Circle all that apply to this Application)

1. Legal Name of Business: GARDNER Auto Mart INC  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: \_\_\_\_\_  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 182 WEST ST GARDNER MA 01440  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel. 978 632-1414 Cellular 978-895-003 Fax - E-Mail gardnerautomart@gmail.com
5. Is the business an individual, partnership, association or corporation? Corporation
6. If an individual, state full name and residential address: \_\_\_\_\_
7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_
8. If an association or corporation, state full names of the principal officers:
 

President David A BETHEZ

Secretary Robert Leonard T Better

Treasurer Robert J Better Jr
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? Yes
  - a. If so, is your principal business the sale of new motor vehicles? No
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? Yes
  - c. Is your principal business that of a motor vehicle junk dealer? No
  - d. Is your principal business that of a "Repairs"? No
  - e. Is your principal business that of "Repossession"? No
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:
 

Address of 182 West St, property located at the

Corner of West St @ Jean St Building 2100 sq ft,

Lot size .2 Acres
10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO X  
If yes, state the name of the manufacturer: \_\_\_\_\_

11. Do you have a signed contract as required by Section 58, Class I? YES \_\_\_\_\_ NO X
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES X NO \_\_\_\_\_  
 If yes, in what city or town? Gardner
- Did you receive a license? YES X NO \_\_\_\_\_ For what year? 2023
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO X If yes, please explain: \_\_\_\_\_

**Provide the following items/documentation with the completed Application form:**

- ☒ **Applicable License Application Processing Fee(s)**, check payable to **"City of Gardner"**
- ☒ **Surety Bond** in the amount of **\$25,000** executed by a surety company authorized to transact business in Massachusetts, or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority. A separate bond shall be required for each different name under which the dealer conducts his business. (Applies only to Class 2 Dealers).
- ☒ **State and Federal Tax Certification Affidavit**
- ☒ City of Gardner **PERMIT/APPLICATION GOOD STANDING CERTIFICATE**
- ☒ **Criminal Offender Record Information (CORI) Authorization form.**
- ☒ **Workers Compensation Insurance Affidavit: General Businesses**
- ☐ **Parking Plan** (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Site Plan** (scaled 1" = 40 ft.) showing all available parking, driveways, entrances and exits, building location, etc. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Zoning Opinion** from the Building Commissioner.
- ☐ **Planning Board and/or Board of Appeals Decisions (if applicable).**

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. APPLICANT FURTHER CERTIFIES THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

*[Signature]*  
 INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE  
 OFFICER OR APPLICANT

DATE SIGNED Nov 13 2023

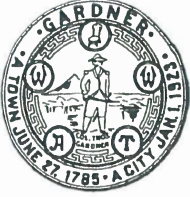
SOCIAL SECURITY NUMBER \_\_\_\_\_

OR 92-1487823  
 EMPLOYER IDENTIFICATION NUMBER (EIN)

**License Fee must be submitted with this form. Make check payable to City of Gardner. Mail completed Application Form, along with all required documentation and check to: City Clerk, 95 Pleasant Street, Room 121, Gardner, MA 01440.**

**NOTICE:** The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 requires the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, shall be sufficient cause for the denial of the License application.

License Application  
Processing Fee - \$200.00



CITY OF GARDNER, MASSACHUSETTS  
City Hall - Room 121 - 95 Pleasant Street  
Gardner, MA 01440-2630  
Tel: 978-630-4058 Fax: 978-630-2589

Date Received

RECEIVED

Rec'd check  
#176

2007 JUL 13 12:52:28

CITY CLERK'S OFFICE  
GARDNER, MA

## APPLICATION FOR LICENSE TO BUY AND SELL SECOND HAND MOTOR VEHICLES

New \_\_\_ Renewal \_\_\_ Class 1 - Class 2 - Class 3 (Circle all that apply to this Application)

1. Legal Name of Business: GARDNER MOTORS LLC  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: VILSON AUTO SALES  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 119 PEARSON BLVD  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel. (978) 870 00 33 Cellular (978) 870 00 33 Fax \_\_\_\_\_ E-Mail WRCMG@HOTMAIL.COM
5. Is the business an individual, partnership, association or corporation? YES
6. If an individual, state full name and residential address: VILSON CAMARGO  
189 W BROADWAY GARDNER MA
7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_
8. If an association or corporation, state full names of the principal officers:  
President \_\_\_\_\_  
Secretary \_\_\_\_\_  
Treasurer \_\_\_\_\_
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? YES
  - a. If so, is your principal business the sale of new motor vehicles? NO
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? YES
  - c. Is your principal business that of a motor vehicle junk dealer? NO
  - d. Is your principal business that of a "Repairs"? YES
  - e. Is your principal business that of "Repossession"? NO
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
OFFICE, GARAGE AND PARKING LOT OF 119 PEARSON BLVD GARDNER MA
10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO ✓  
If yes, state the name of the manufacturer: \_\_\_\_\_

11. Do you have a signed contract as required by Section 58, Class I? YES \_\_\_\_\_ NO ✓
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES ✓ NO \_\_\_\_\_  
 If yes, in what city or town? GARDNER  
 Did you receive a license? YES ✓ NO \_\_\_\_\_ For what year? 2016 To PRESENT
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO ✓ If yes, please explain: \_\_\_\_\_

**Provide the following items/documentation with the completed Application form:**

- ☐ **Applicable License Application Processing Fee(s)**, check payable to "**City of Gardner**"
- ☐ **Surety Bond** in the amount of **\$25,000** executed by a surety company authorized to transact business in Massachusetts, or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority. A separate bond shall be required for each different name under which the dealer conducts his business. (Applies only to Class 2 Dealers).
- ☐ **State and Federal Tax Certification Affidavit**
- ☐ City of Gardner **PERMIT/APPLICATION GOOD STANDING CERTIFICATE**
- ☐ **Criminal Offender Record Information (CORI) Authorization form.**
- ☐ **Workers Compensation Insurance Affidavit: General Businesses**
- ☐ **Parking Plan** (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Site Plan** (scaled 1" = 40 ft.) showing all available parking, driveways, entrances and exits, building location, etc. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Zoning Opinion** from the Building Commissioner.
- ☐ Planning Board and/or Board of Appeals Decisions (*if applicable*).

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SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

*Community*  
 INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE  
 OFFICER OR APPLICANT

DATE SIGNED 11/13/2023

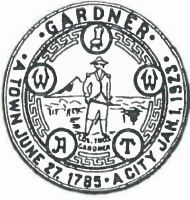
SOCIAL SECURITY NUMBER XXXXXXXXXXXX

OR

EMPLOYER IDENTIFICATION NUMBER (EIN) \_\_\_\_\_

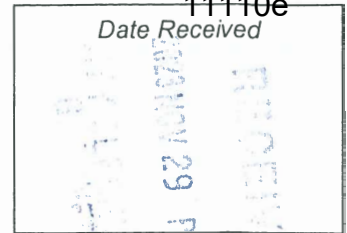
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CITY OF GARDNER, MASSACHUSETTS  
City Hall - Room 121 - 95 Pleasant Street  
Gardner, MA 01440-2630  
Tel: 978-630-4058 Fax: 978-630-2589

11110e  
Date Received



APPLICATION FOR LICENSE TO BUY AND  
SELL SECOND HAND MOTOR VEHICLES

New ☐ Renewal ☒ Class 1 - Class 2 - Class 3 (Circle all that apply to this Application)

1. Legal Name of Business: JPO Automotive LLC  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: \_\_\_\_\_  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 78 East Broadway  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel: 978-835-9437 Cellular \_\_\_\_\_ Fax \_\_\_\_\_ E-Mail Tjohnny2009@yahoo
5. Is the business an individual, partnership, association or corporation? LLC
6. If an individual, state full name and residential address: \_\_\_\_\_
7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_
8. If an association or corporation, state full names of the principal officers:  
President John Jalbert  
Secretary \_\_\_\_\_  
Treasurer \_\_\_\_\_
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? Yes
  - a. If so, is your principal business the sale of new motor vehicles? NO
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? Yes
  - c. Is your principal business that of a motor vehicle junk dealer? no, repairs are 2nd to sales
  - d. Is your principal business that of a "Repairs"? NO, repairs are second to sales
  - e. Is your principal business that of "Repossession"? NO
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
land & bldg located at 78 East Broadway Gardner MA 01440  
the premises contain 6917 S.F. in area. A single story garage  
of approx 729 SF with a appurtenant parking located on site
10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO NO  
If yes, state the name of the manufacturer: \_\_\_\_\_

11. Do you have a signed contract as required by Section 58, Class I? YES \_\_\_\_\_ NO N/A
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES X NO \_\_\_\_\_  
 If yes, in what city or town? Gardner  
 Did you receive a license? YES X NO \_\_\_\_\_ For what year? 2011
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO X If yes, please explain: \_\_\_\_\_

**Provide the following items/documentation with the completed Application form:**

- ☐ **Applicable License Application Processing Fee(s)**, check payable to "City of Gardner"
- ☐ **Surety Bond** in the amount of \$25,000 executed by a surety company authorized to transact business in Massachusetts, or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority. A separate bond shall be required for each different name under which the dealer conducts his business. (Applies only to Class 2 Dealers).
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- ☐ City of Gardner **PERMIT/APPLICATION GOOD STANDING CERTIFICATE**
- ☐ **Criminal Offender Record Information (CORI) Authorization form.**
- ☐ **Workers Compensation Insurance Affidavit: General Businesses**
- ☐ **Parking Plan** (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
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- ☐ Planning Board and/or Board of Appeals Decisions (*if applicable*).

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SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

John J. [Signature]  
 INDIVIDUAL PARTNER OR AUTHORIZED CORPORATE  
 OFFICER OR APPLICANT

DATE SIGNED 11/23/23

SOCIAL SECURITY NUMBER \_\_\_\_\_

OR 273 180 826  
 EMPLOYER IDENTIFICATION NUMBER (EIN)

**License Fee must be submitted with this form. Make check payable to City of Gardner. Mail completed Application Form, along with all required documentation and check to: City Clerk, 95 Pleasant Street, Room 121, Gardner, MA 01440.**

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CITY OF GARDNER, MASSACHUSETTS  
City Hall - Room 121 - 95 Pleasant Street  
Gardner, MA 01440-2630  
Tel: 978-630-4058 Fax: 978-630-2589

11110f

Date Received

RECEIVED

NOV 27 PM 2:03

APPLICATION FOR LICENSE TO BUY AND  
SELL SECOND HAND MOTOR VEHICLES

New ☐ Renewal ☒ Class 1 ☒ Class 2 - Class 3 (Circle all that apply to this Application)

1. Legal Name of Business: MIKES AUTO Michael Toth  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: \_\_\_\_\_  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: MIKE'S AUTO 251 E Broadway  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel: 978 630 4220 Cellular 978 696 1306 Fax \_\_\_\_\_ E-Mail Tothauto@aol.com
5. Is the business an individual, partnership, association or corporation? individual
6. If an individual, state full name and residential address: Michael Toth  
106 State Rd Baldwinville Ma 01436
7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_
8. If an association or corporation, state full names of the principal officers:  
President \_\_\_\_\_  
Secretary \_\_\_\_\_  
Treasurer \_\_\_\_\_
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? yes
  - a. If so, is your principal business the sale of new motor vehicles? No
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? yes
  - c. Is your principal business that of a motor vehicle junk dealer? No
  - d. Is your principal business that of a "Repairs"? No
  - e. Is your principal business that of "Repossession"? No
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
12x60 Building w/2 overhead doors, office located in rear front area for auto display
10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO ☒  
If yes, state the name of the manufacturer: \_\_\_\_\_

11. Do you have a signed contract as required by Section 58, Class I? YES \_\_\_\_\_ NO ✓
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES ✓ NO \_\_\_\_\_
- If yes, in what city or town? Gardner
- Did you receive a license? YES ✓ NO \_\_\_\_\_ For what year? 2023
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO ✓ If yes, please explain: \_\_\_\_\_

**Provide the following items/documentation with the completed Application form:**

- ☐ **Applicable License Application Processing Fee(s)**, check payable to "City of Gardner"
- ☐ **Surety Bond** in the amount of \$25,000 executed by a surety company authorized to transact business in Massachusetts, or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority. A separate bond shall be required for each different name under which the dealer conducts his business. (Applies only to Class 2 Dealers).
- ☐ **State and Federal Tax Certification Affidavit**
- ☐ City of Gardner **PERMIT/APPLICATION GOOD STANDING CERTIFICATE**
- ☐ **Criminal Offender Record Information (CORI) Authorization form.**
- ☐ **Workers Compensation Insurance Affidavit: General Businesses**
- ☐ **Parking Plan** (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Site Plan** (scaled 1" = 40 ft.) showing all available parking, driveways, entrances and exits, building location, etc. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Zoning Opinion** from the Building Commissioner.
- ☐ Planning Board and/or Board of Appeals Decisions (*if applicable*).

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. APPLICANT FURTHER CERTIFIES THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

Michael Roth  
INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE  
OFFICER OR APPLICANT

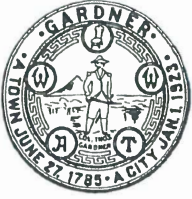
DATE SIGNED 11/20/2023

~~XXXXXXXXXXXX~~  
SOCIAL SECURITY NUMBER

OR 04-3353658  
EMPLOYER IDENTIFICATION NUMBER (EIN)

**License Fee must be submitted with this form. Make check payable to City of Gardner. Mail completed Application Form, along with all required documentation and check to: City Clerk, 95 Pleasant Street, Room 121, Gardner, MA 01440.**

**NOTICE:** The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 requires the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, **shall be sufficient cause for the denial of the License application.**



CITY OF GARDNER, MASSACHUSETTS  
City Hall - Room 121 - 95 Pleasant Street  
Gardner, MA 01440-2630  
Tel: 978-630-4058 Fax: 978-630-2589

11110g  
Date Received



APPLICATION FOR LICENSE TO BUY AND  
SELL SECOND HAND MOTOR VEHICLES

New \_\_\_ Renewal \_\_\_ Class 1 - Class 2 - Class 3 (Circle all that apply to this Application)

1. Legal Name of Business: OSAGI ENTERPRISE LLC  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: USED CAR SALES  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 43 TOBEY ST GARDNER MA 01440  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel. 508 714 6591 Cellular 508 714 6591 Fax \_\_\_\_\_ E-Mail OSAGI-LLC@GMAIL.COM
5. Is the business an individual, partnership, association or corporation? \_\_\_\_\_
6. If an individual, state full name and residential address: KWAME NKRUMAH  
27 TOWLE DR HOLDEN MA 01520
7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_
8. If an association or corporation, state full names of the principal officers:  
President \_\_\_\_\_  
Secretary \_\_\_\_\_  
Treasurer \_\_\_\_\_
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? YES
  - a. If so, is your principal business the sale of new motor vehicles? USED
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? YES
  - c. Is your principal business that of a motor vehicle junk dealer? YES
  - d. Is your principal business that of a "Repairs"? YES
  - e. Is your principal business that of "Repossession"? NO
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO \_\_\_\_\_  
If yes, state the name of the manufacturer: \_\_\_\_\_

11. Do you have a signed contract as required by Section 58, Class I? YES NO
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES NO  
 If yes, in what city or town? GARDNER  
 Did you receive a license? YES NO For what year? 2023
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES NO If yes, please explain: \_\_\_\_\_

**Provide the following items/documentation with the completed Application form:**

- ☐ **Applicable License Application Processing Fee(s)**, check payable to **"City of Gardner"**
- ☐ **Surety Bond** in the amount of **\$25,000** executed by a surety company authorized to transact business in Massachusetts, or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority. A separate bond shall be required for each different name under which the dealer conducts his business. (Applies only to Class 2 Dealers).
- ☐ **State and Federal Tax Certification Affidavit**
- ☐ City of Gardner **PERMIT/APPLICATION GOOD STANDING CERTIFICATE**
- ☐ **Criminal Offender Record Information (CORI) Authorization form.**
- ☐ **Workers Compensation Insurance Affidavit: General Businesses**
- ☐ **Parking Plan** (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Site Plan** (scaled 1" = 40 ft.) showing all available parking, driveways, entrances and exits, building location, etc. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Zoning Opinion** from the Building Commissioner.
- ☐ Planning Board and/or Board of Appeals Decisions (*if applicable*).

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. APPLICANT FURTHER CERTIFIES THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZES THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

[Signature]  
 INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE  
 OFFICER OR APPLICANT

DATE SIGNED 11/13/23

SOCIAL SECURITY NUMBER \_\_\_\_\_

OR 843 762 755  
 EMPLOYER IDENTIFICATION NUMBER (EIN)

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CITY OF GARDNER, MASSACHUSETTS  
City Hall - Room 121 - 95 Pleasant Street  
Gardner, MA 01440-2630  
Tel: 978-630-4058 Fax: 978-630-2589

Date Received  
11110h

RECEIVED

## APPLICATION FOR LICENSE TO BUY AND SELL SECOND HAND MOTOR VEHICLES

New ☐ Renewal ☒ Class 1 - Class 2 - Class 3 (Circle all that apply to this Application)

1. Legal Name of Business: Eric J Hill d/b/a Ric's Radiator Repair Used Car Sales  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: 800 West Broadway  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: Gardner, MA 01440  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel. 978 632 3855 Cellular \_\_\_\_\_ Fax \_\_\_\_\_ E-Mail radiatorric@comcast.net
5. Is the business an individual, partnership, association or corporation? Individual
6. If an individual, state full name and residential address: Eric John Hill  
54 French Rd Templeton, MA 01468
7. If a partnership, state full names and residential addresses of all partners: N/A
8. If an association or corporation, state full names of the principal officers:  
President \_\_\_\_\_  
Secretary \_\_\_\_\_  
Treasurer \_\_\_\_\_
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? yes
  - a. If so, is your principal business the sale of new motor vehicles? NO
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? yes
  - c. Is your principal business that of a motor vehicle junk dealer? NO
  - d. Is your principal business that of a "Repairs"? NO
  - e. Is your principal business that of "Repossession"? NO
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
30' x 40' Block Building 200' x 200' yard
10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO ☒  
If yes, state the name of the manufacturer: \_\_\_\_\_

11. Do you have a signed contract as required by Section 58, Class I? YES \_\_\_\_\_ NO ✓
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES ✓ NO \_\_\_\_\_
- If yes, in what city or town? Gardner, MA
- Did you receive a license? YES ✓ NO \_\_\_\_\_ For what year? 2023
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO ✓ If yes, please explain: \_\_\_\_\_

**Provide the following items/documentation with the completed Application form:**

- ☐ **Applicable License Application Processing Fee(s)**, check payable to **"City of Gardner"**
- ☐ **Surety Bond** in the amount of **\$25,000** executed by a surety company authorized to transact business in Massachusetts, or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority. A separate bond shall be required for each different name under which the dealer conducts his business. (Applies only to Class 2 Dealers).
- ☐ **State and Federal Tax Certification Affidavit**
- ☐ City of Gardner **PERMIT/APPLICATION GOOD STANDING CERTIFICATE**
- ☐ **Criminal Offender Record Information (CORI) Authorization form.**
- ☐ **Workers Compensation Insurance Affidavit: General Businesses**
- ☐ **Parking Plan** (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Site Plan** (scaled 1" = 40 ft.) showing all available parking, driveways, entrances and exits, building location, etc. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Zoning Opinion** from the Building Commissioner.
- ☐ Planning Board and/or Board of Appeals Decisions (*if applicable*).

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. APPLICANT FURTHER CERTIFIES THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY

Eric J. Hill [Signature]  
INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE  
OFFICER OR APPLICANT

DATE SIGNED 11/06/23

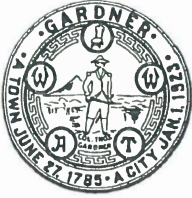
XX [Redacted] XX  
SOCIAL SECURITY NUMBER

OR

EMPLOYER IDENTIFICATION NUMBER (EIN)

**License Fee must be submitted with this form. Make check payable to City of Gardner. Mail completed Application Form, along with all required documentation and check to: City Clerk, 95 Pleasant Street, Room 121, Gardner, MA 01440.**

**NOTICE:** The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 requires the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, **shall be sufficient cause for the denial of the License application.**



CITY OF GARDNER, MASSACHUSETTS  
City Hall - Room 121 - 95 Pleasant Street  
Gardner, MA 01440-2630  
Tel: 978-630-4058 Fax: 978-630-2589

111101  
Date Received

APPLICATION FOR LICENSE TO BUY AND  
SELL SECOND HAND MOTOR VEHICLES

New \_\_\_ Renewal ☒ Class 1 ☒ Class 2 ☐ Class 3 (Circle all that apply to this Application)

1. Legal Name of Business: Salvatore Auto Exchange, Inc  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: Salvatore Chevrolet  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 421 West Broadway Gardner MA 01440  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel. 978-630-2000 Cellular ☐ Fax 978-630-0202 E-Mail panka@salvadoreauto.com
5. Is the business an individual, partnership, association or corporation? Corporation
6. If an individual, state full name and residential address: \_\_\_\_\_
7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_
8. If an association or corporation, state full names of the principal officers:  
President Angelo G. Salvatore  
Secretary Angelo G. Salvatore  
Treasurer Angelo G. Salvatore
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? Yes
  - a. If so, is your principal business the sale of new motor vehicles? NO
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? Yes
  - c. Is your principal business that of a motor vehicle junk dealer? NO
  - d. Is your principal business that of a "Repairs"? NO
  - e. Is your principal business that of "Repossession"? NO
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
Land building located @ 421 West Broadway approx 141 FT OF  
Frontage on West Broadway 244 ON RILEY ST Lot is  
141 by 120 16920 sq feet used as offices & showroom
10. Are you a recognized agent of a motor vehicle manufacturer? YES ☒ NO ☐  
If yes, state the name of the manufacturer: General Motors

11. Do you have a signed contract as required by Section 58, Class I? YES ☒ NO ☐
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES ☒ NO ☐  
 If yes, in what city or town? Gardner  
 Did you receive a license? YES ☒ NO ☐ For what year? 2023
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES ☐ NO ☒ If yes, please explain: \_\_\_\_\_

**Provide the following items/documentation with the completed Application form:**

- ☐ **Applicable License Application Processing Fee(s)**, check payable to "**City of Gardner**"
- ☐ **Surety Bond** in the amount of \$25,000 executed by a surety company authorized to transact business in Massachusetts, or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority. A separate bond shall be required for each different name under which the dealer conducts his business. (Applies only to Class 2 Dealers).
- ☐ **State and Federal Tax Certification Affidavit**
- ☐ City of Gardner **PERMIT/APPLICATION GOOD STANDING CERTIFICATE**
- ☐ **Criminal Offender Record Information (CORI) Authorization form.**
- ☐ **Workers Compensation Insurance Affidavit: General Businesses**
- ☐ **Parking Plan** (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Site Plan** (scaled 1" = 40 ft.) showing all available parking, driveways, entrances and exits, building location, etc. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Zoning Opinion** from the Building Commissioner.
- ☐ Planning Board and/or Board of Appeals Decisions (*if applicable*).

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. APPLICANT FURTHER CERTIFIES THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

\_\_\_\_\_  
 INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE  
 OFFICER OR APPLICANT

DATE SIGNED 11-22-2025

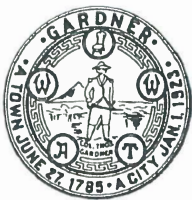
\_\_\_\_\_  
 SOCIAL SECURITY NUMBER

OR 043005686  
 EMPLOYER IDENTIFICATION NUMBER (EIN)

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License Application  
Processing Fee - \$200.00



CITY OF GARDNER, MASSACHUSETTS  
City Hall - Room 121 - 95 Pleasant Street  
Gardner, MA 01440-2630  
Tel: 978-630-4058 Fax: 978-630-2589

Date Received

## APPLICATION FOR LICENSE TO BUY AND SELL SECOND HAND MOTOR VEHICLES

New ☐ Renewal ☒ Class 1 - Class 2 - Class 3 (Circle all that apply to this Application)

1. Legal Name of Business: Salvadore Auto Exchange Inc  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: Salvadore Chevrolet  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 249 Timpany Blvd Gardner MA 01440  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel. 978-630-2000 Cellular \_\_\_\_\_ Fax 978-630-0202 E-Mail pamk@salvadoreauto.com
5. Is the business an individual, partnership, association or corporation? Corporation
6. If an individual, state full name and residential address: \_\_\_\_\_
7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_
8. If an association or corporation, state full names of the principal officers:
  - President Angelo G. Salvadore
  - Secretary Angelo G. Salvadore
  - Treasurer Angelo G. Salvadore
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? Yes
  - a. If so, is your principal business the sale of new motor vehicles? NO
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? Yes
  - c. Is your principal business that of a motor vehicle junk dealer? NO
  - d. Is your principal business that of a "Repairs"? Yes
  - e. Is your principal business that of "Repossession"? NO
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:
 

land building located 249 Timpany Blvd & 295 Timpany Blvd  
Frontage of 138 Feet Frontage on Timpany 127 FT Frontage on  
West Broadway lot is 30,717 sq feet used as offices & showroom
10. Are you a recognized agent of a motor vehicle manufacturer? YES ☒ NO ☐

If yes, state the name of the manufacturer: General Motors

11. Do you have a signed contract as required by Section 58, Class I? YES ✓ NO \_\_\_\_\_
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES ✓ NO \_\_\_\_\_  
 If yes, in what city or town? Gardner  
 Did you receive a license? YES ✓ NO \_\_\_\_\_ For what year? 2023
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO ✓ If yes, please explain: \_\_\_\_\_

**Provide the following items/documentation with the completed Application form:**

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- ☐ City of Gardner **PERMIT/APPLICATION GOOD STANDING CERTIFICATE**
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- ☐ **Parking Plan** (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Site Plan** (scaled 1" = 40 ft.) showing all available parking, driveways, entrances and exits, building location, etc. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
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- ☐ **Planning Board and/or Board of Appeals Decisions** (if applicable).

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SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

\_\_\_\_\_  
 INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE  
 OFFICER OR APPLICANT

DATE SIGNED 11-22-2012

\_\_\_\_\_  
 SOCIAL SECURITY NUMBER

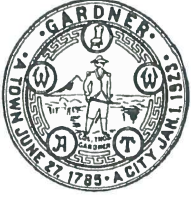
OR

043005686  
 EMPLOYER IDENTIFICATION NUMBER (EIN)

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License Application  
Processing Fee - \$200.00



CITY OF GARDNER, MASSACHUSETTS  
City Hall - Room 121 - 95 Pleasant Street  
Gardner, MA 01440-2630  
Tel: 978-630-4058 Fax: 978-630-2589

Date Received

PAID CHECK  
#  
6025

## APPLICATION FOR LICENSE TO BUY AND SELL SECOND HAND MOTOR VEHICLES

New ☐ Renewal ☒ Class 1 - Class 2 - Class 3 (Circle all that apply to this Application)

1. Legal Name of Business: Rob's Dyno Service LLC  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: \_\_\_\_\_  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 268 Coleman St Gardner MA 01440  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel. 978 895 0441 Cellular 978 895 0441 Fax — E-Mail robs@robsdyno.com
5. Is the business an individual, partnership, association or corporation? LLC
6. If an individual, state full name and residential address: \_\_\_\_\_
7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_
8. If an association or corporation, state full names of the principal officers:  
President Robert R Swartz  
Secretary \_\_\_\_\_  
Treasurer \_\_\_\_\_
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? no
  - a. If so, is your principal business the sale of new motor vehicles? \_\_\_\_\_
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? no
  - c. Is your principal business that of a motor vehicle junk dealer? no
  - d. Is your principal business that of a "Repairs"? yes
  - e. Is your principal business that of "Repossession"? no
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
Rebuild, restore and test motorcycles.
10. Are you a recognized agent of a motor vehicle manufacturer? YES ☒ NO ☐  
If yes, state the name of the manufacturer: Energica

11. Do you have a signed contract as required by Section 58, Class I? YES ✓ NO \_\_\_\_\_
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES \_\_\_\_\_ NO ✓  
 If yes, in what city or town? \_\_\_\_\_  
 Did you receive a license? YES \_\_\_\_\_ NO \_\_\_\_\_ For what year? \_\_\_\_\_
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO ✓ If yes, please explain: \_\_\_\_\_

**Provide the following items/documentation with the completed Application form:**

- ☐ **Applicable License Application Processing Fee(s)**, check payable to **"City of Gardner"**
- ☐ **Surety Bond** in the amount of **\$25,000** executed by a surety company authorized to transact business in Massachusetts, or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority. A separate bond shall be required for each different name under which the dealer conducts his business. (Applies only to Class 2 Dealers).
- ☐ **State and Federal Tax Certification Affidavit**
- ☐ **City of Gardner PERMIT/APPLICATION GOOD STANDING CERTIFICATE**
- ☐ **Criminal Offender Record Information (CORI) Authorization form.**
- ☐ **Workers Compensation Insurance Affidavit: General Businesses**
- ☐ **Parking Plan** (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Site Plan** (scaled 1" = 40 ft.) showing all available parking, driveways, entrances and exits, building location, etc. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Zoning Opinion** from the Building Commissioner.
- ☐ **Planning Board and/or Board of Appeals Decisions** (if applicable).

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. APPLICANT FURTHER CERTIFIES THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

  
 INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE  
 OFFICER OR APPLICANT

XXXXXXXXXXXXXXXXXXXX  
 XXXXXXXXXXXXXXXXXXXX  
 SOCIAL SECURITY NUMBER

DATE SIGNED Nov 14 2023

OR

82-757960  
 EMPLOYER IDENTIFICATION NUMBER (EIN)

**License Fee must be submitted with this form. Make check payable to City of Gardner. Mail completed Application Form, along with all required documentation and check to: City Clerk, 95 Pleasant Street, Room 121, Gardner, MA 01440.**

**NOTICE:** The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 requires the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, **shall be sufficient cause for the denial of the License application.**



CITY OF GARDNER, MASSACHUSETTS  
City Hall - Room 121 - 95 Pleasant Street  
Gardner, MA 01440-2630  
Tel: 978-630-4058 Fax: 978-630-2589

111101  
Date Received

## APPLICATION FOR LICENSE TO BUY AND SELL SECOND HAND MOTOR VEHICLES

New ☐ Renewal ☒ Class 1 - Class 2 - Class 3 (Circle all that apply to this Application)

1. Legal Name of Business: J. Wood Inc  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: \_\_\_\_\_  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 361 West St. Gardner MA 01440  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel. 978-297-1800 Cellular \_\_\_\_\_ Fax 297-1855 E-Mail \_\_\_\_\_
5. Is the business an individual, partnership, association or corporation? Corp.
6. If an individual, state full name and residential address: \_\_\_\_\_
7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_
8. If an association or corporation, state full names of the principal officers:  
President Jerrold Wood  
Secretary Jerrold Wood  
Treasurer Jeffrey Wood
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? yes
  - a. If so, is your principal business the sale of new motor vehicles? NO
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? yes
  - c. Is your principal business that of a motor vehicle junk dealer? NO
  - d. Is your principal business that of a "Repairs"? NO
  - e. Is your principal business that of a "Repossession"? NO
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
North end of property used as vehicle sales office and sales lot.
10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO ☒  
If yes, state the name of the manufacturer: \_\_\_\_\_

11. Do you have a signed contract as required by Section 58, Class I? YES \_\_\_\_\_ NO ✓
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES ✓ NO \_\_\_\_\_
- If yes, in what city or town? Gardner
- Did you receive a license? YES ✓ NO \_\_\_\_\_ For what year? 2013 - ~~2013-2023~~ 2023
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO ✓ If yes, please explain: \_\_\_\_\_

**Provide the following items/documentation with the completed Application form:**

- ☐ **Applicable License Application Processing Fee(s)**, check payable to **"City of Gardner"**
- ☐ **Surety Bond** in the amount of **\$25,000** executed by a surety company authorized to transact business in Massachusetts, or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority. A separate bond shall be required for each different name under which the dealer conducts his business. (Applies only to Class 2 Dealers).
- ☐ **State and Federal Tax Certification Affidavit**
- ☐ **City of Gardner PERMIT/APPLICATION GOOD STANDING CERTIFICATE**
- ☐ **Criminal Offender Record Information (CORI) Authorization form.**
- ☐ **Workers Compensation Insurance Affidavit: General Businesses**
- ☐ **Parking Plan** (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Site Plan** (scaled 1" = 40 ft.) showing all available parking, driveways, entrances and exits, building location, etc. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Zoning Opinion** from the Building Commissioner.
- ☐ **Planning Board and/or Board of Appeals Decisions** (if applicable).

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. APPLICANT FURTHER CERTIFIES THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZES THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT

XXXXXXXXXXXXXXXXXXXXX

SOCIAL SECURITY NUMBER

DATE SIGNED

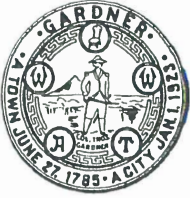
11/27/23

OR

EMPLOYER IDENTIFICATION NUMBER (EIN)

**License Fee must be submitted with this form. Make check payable to City of Gardner. Mail completed Application Form, along with all required documentation and check to: City Clerk, 95 Pleasant Street, Room 121, Gardner, MA 01440.**

**NOTICE:** The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 requires the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, shall be sufficient cause for the denial of the License application.



CITY OF GARDNER, MASSACHUSETTS  
City Hall - Room 121 - 95 Pleasant Street  
Gardner, MA 01440-2630  
Tel: 978-630-4058 Fax: 978-630-2589

11111  
Date Received

RECEIVED

2009 JUL 27 PM 2:27

CITY CLERK'S OFFICE  
GARDNER, MA

APPLICATION FOR LICENSE TO BUY AND  
SELL SECOND HAND MOTOR VEHICLES

New ☐ Renewal ☐ Class 1 - Class 2 - Class 3 (Circle all that apply to this Application)

1. Legal Name of Business: OSAGI ENTERPRISE LLC  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: USED AUTO PARTS SALE  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 43 TOBEY ST GARDNER MA 01440  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel. 5087446591 Cellular \_\_\_\_\_ Fax \_\_\_\_\_ E-Mail OSAGI-LLC@GMAIL.COM
5. Is the business an individual partnership, association or corporation? \_\_\_\_\_
6. If an individual, state full name and residential address: KWAME NKUMAH  
27 TOWLE DR HOLDEN MA 01520
7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_
8. If an association or corporation, state full names of the principal officers:  
President \_\_\_\_\_  
Secretary \_\_\_\_\_  
Treasurer \_\_\_\_\_
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? YES
  - a. If so, is your principal business the sale of new motor vehicles? USED
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? YES
  - c. Is your principal business that of a motor vehicle junk dealer? YES
  - d. Is your principal business that of a "Repairs"? YES
  - e. Is your principal business that of "Repossession"? NO
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO \_\_\_\_\_  
If yes, state the name of the manufacturer: \_\_\_\_\_

11. Do you have a signed contract as required by Section 58, Class I? YES \_\_\_\_\_ NO \_\_\_\_\_
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES \_\_\_\_\_ NO \_\_\_\_\_  
 If yes, in what city or town? GARDNER  
 Did you receive a license? YES \_\_\_\_\_ NO \_\_\_\_\_ For what year? 2023
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO \_\_\_\_\_ If yes, please explain: \_\_\_\_\_

**Provide the following items/documentation with the completed Application form:**

- ☐ **Applicable License Application Processing Fee(s)**, check payable to **"City of Gardner"**
- ☐ **Surety Bond** in the amount of **\$25,000** executed by a surety company authorized to transact business in Massachusetts, or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority. A separate bond shall be required for each different name under which the dealer conducts his business. (Applies only to Class 2 Dealers).
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- ☐ **Criminal Offender Record Information (CORI) Authorization form.**
- ☐ **Workers Compensation Insurance Affidavit: General Businesses**
- ☐ **Parking Plan** (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
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- ☐ Planning Board and/or Board of Appeals Decisions (*if applicable*).

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SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

  
 INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE  
 OFFICER OR APPLICANT

DATE SIGNED 11/13/23

SOCIAL SECURITY NUMBER \_\_\_\_\_

OR 843 762 755  
 EMPLOYER IDENTIFICATION NUMBER (EIN)

**License Fee must be submitted with this form. Make check payable to *City of Gardner*. Mail completed Application Form, along with all required documentation and check to: *City Clerk, 95 Pleasant Street, Room 121, Gardner, MA 01440*.**

**NOTICE:** The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 requires the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, **shall be sufficient cause for the denial of the License application.**

**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 – An entity licensed by the Massachusetts Gaming Commission under the provisions of Chapter 173 of the Acts of 2022 of the General Laws to conduct sporting and wagering events.

**SECTION 2:** That Section 54 of Attachment 1 of Chapter 675 of the Code of the City of Gardner, entitled "Zoning- Table of Uses," be adding the term "Sports Betting Facility" to the description of use as follows:

54. Indoor amusement, fitness, or recreational place or place of assembly, provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than 100 feet from a residential district, or a sports betting facility.

**SECTION 2:** That Section 56 of Attachment 1 of Chapter 675 of the Code of the City of Gardner, entitled "Zoning- Table of Uses," be adding the term "Sports Betting Facility" to the description of use as follows:

56. Public or commercial outdoor amusement or recreation use, or a sports betting facility, but not including outdoor drive-in movie theater.

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

# CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING  
March 30, 2023



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

RE: **Petition 10892** – 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.

Dear President Kazinskas:

At its meeting on March 22, 2023, the Planning Board voted unanimously, 5-0, to recommend approving the proposed zoning amendment referenced above based on the information provided to them by the petitioner.

If the proposed amendment is approved, the Planning Board recommends the rewording of number 54 to read:

*Indoor amusement, fitness, recreational place, place of assembly, or a sports betting facility, provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than 100 feet from a residential district.*

In addition, due to the potential significant scope and complexity of such a project if implemented under this proposed zoning amendment, the Board recommends changing the use table for number 54 from permitted by right (P) to Special Permit Planning Board (SPPB) for Commercial 1 and Commercial 2 zones; and number 56 from permitted by right (P) to Special Permit Planning Board (SPPB) for Commercial 2 and Industrial 1 zones.

The Planning Board looks forward to joining the City Council at the joint public hearing scheduled on Monday, April 3, 2023, at 6:30 p.m. Please contact Trevor Beauregard if you have any questions or need additional information.

Sincerely,

Mark M. Schafron, Planning Board Chairman

C: Mayor Michael J. Nicholson  
Trevor M. Beauregard, Director  
Richard Hanks, Interim Building Commissioner

City Hall Annex, 115 Pleasant Street, Room 201, Gardner, Massachusetts 01440  
Telephone: (978) 630-4011 ♦ Facsimile: (978) 632-1905 ♦ CDBG (978) 632-3800



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

RECEIVED  
2023 MAR 29 PM 1:21  
CITY CLERK'S OFFICE  
GARDNER, MA

March 29, 2023

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

RE: Item #: 10892 - Planning Board Follow Up

Dear Madam President and Councilors,

At the Planning Board Meeting of March 22, 2023, the Planning Board recommended changing the proposal from a permitted use ("P") in the table to a use requiring a special permit ("SP").

The Administration is more than acceptable to this proposal and would be amenable to it being made.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



# City of Gardner - Executive Department

Mayor Michael J. Nicholson

RECEIVED

2023 MAR 29 PM 1:21

CITY CLERK'S OFFICE  
GARDNER, MA

March 15, 2023

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

Mr. Mark Schafron, Chair  
And Planning Board Members  
Gardner City Hall, Manca Annex, Rm 201  
115 Pleasant St  
Gardner, MA 01440

RE: Joint Public Hearing Written Testimony – Item #10892: 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

Dear Madam President and Councilors,

I am writing in favor of the Administration’s proposed Zoning Amendment to add the term “Sports Betting,” to line items 54 and 56 the Zoning Table of Uses.

In May of 2018, the United States Supreme Court struck down the federal Professional and Amateur Sports Protection Act (“PASPA”)<sup>1</sup>, also known as the Bradley Act, as unconstitutional in their ruling of *Murphy v. National Collegiate Athletic Association*<sup>2</sup>. This federal statute had effectively outlawed sports betting nationwide, except for a few excluded states. The Supreme Court had ruled this act as unconstitutional, thus paving the way for several states to legalize sports betting.

In August of 2023, former Governor Charlie Baker signed House Bill 5164 into law, legalizing online, retail, and kiosk sports betting in the Commonwealth for residents ages 21 and older. Retail sports betting went live on January 31, 2023, and online sports betting launched on March 10, 2023. Kiosk sports betting will go live later this year.

There are currently three (3) approved retail sites and ten (10) approved mobile betting applications. When kiosk sports betting goes live later this year, they will be allowed across the Commonwealth in locations that follow a specific procedure as outlined by the new law.

The Supreme Court of the United States has ruled on several occasions, that under the First Amendment of the Constitution, a municipality cannot outright ban a particular industry or business from opening within its borders, but can limit where these businesses are located.

Since the City cannot bar this type of business from opening in Gardner, and since this type of activity is not currently listed in the City’s Zoning Table of Uses, it leaves the City open to

<sup>1</sup> 28 U.S.C. ch.178 §3701 et seq.

<sup>2</sup> *Murphy v. NCAA*, 138 S.Ct. 1461 (2018).

liability of not being able to control whether these types of facility are located in largely residential neighborhoods or in areas in the City that may not be suited for this type of activity.

As such, it is the request of my Administration that this use be added to the City Code's Zoning table of uses under Line 54: Indoor Amusement, and Line 56: Outdoor Amusement, as these items fit the closest to the realm of sports betting.

This amendment to the Zoning Table of Uses, does not waive the other requirements these locations would have to go through should any sports betting facility open in Gardner in the future.

Per the requirements of the sports betting enabling legislation, any sports betting facility would have to enter into a Host Community Agreement ("HCA") similar to cannabis facilities in the Commonwealth. The Expanded Gaming Act requires that all applicants for sports betting licenses must first submit to the Massachusetts Gaming commission:

"a signed agreement between the host community and the applicant setting forth the conditions to have a gaming establishment located within the host community; provided, however, that the agreement shall include a community impact fee for the host community and all stipulations of responsibilities between the host community and the applicant, including stipulations of known impacts from the development and operation of a gaming establishment."

Additionally, after the HCA is approved by the City Council and signed by the Mayor, the City Council must then annually vote to allow the proposed establishment to operate a sports betting facility within the City at its location.

Lastly, before any facility should open, they must also go through the regular requirements for site plan approval and Development Review Committee vetting, both listed in Chapter §675-1010 of the City Code.

As such, this action to add this type of use to the Zoning Ordinances still requires this type of industry to be heavily regulated and vetted by the City by both branches of its government and its boards and commissions.

This action is simply being put forward to protect the City in the long run and pre-plan should one of these facilities come to Gardner rather than waiting and reacting if this should ever come up.

Respectfully Submitted,



Michael J. Nicholson  
Mayor, City of Gardner



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

CITY OF GARDNER  
NOTICE OF JOINT PUBLIC HEARING, continued

Pursuant to G.L. 40A, § 5, notice is hereby given that the City Council and Planning Board will conduct a **Joint Public Hearing** on **Monday, April 3, 2023 at 6:30 P.M.** in the City Council Chamber, Room 219, City Hall, 95 Pleasant Street, Gardner, to consider amending Chapter 675, the Zoning Code of the City of Gardner. The proposed Amendment involves changing items:

- **10891** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, entitled “Zoning,” to Change the Classification of Certain Parcels of Land Along Route 140.
- **10892** – 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.
- **10893** – 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 increase the quota allowed by the Code of the City of Gardner

Information regarding this amendment is available for viewing in the City Clerk’s Office, the Department of Community Development and Planning (DCDP), or on the City’s webpage – [www.gardner-ma.gov](http://www.gardner-ma.gov).

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

Titi Siriphan  
City Clerk



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

CITY OF GARDNER  
NOTICE OF JOINT PUBLIC HEARING

Pursuant to G.L. 40A, § 5, notice is hereby given that the City Council and Planning Board will conduct a **Joint Public Hearing** on **Monday, March 20, 2023 at 6:30 P.M.** in the City Council Chamber, Room 219, City Hall, 95 Pleasant Street, Gardner, to consider amending Chapter 675, the Zoning Code of the City of Gardner. The proposed Amendment involves changing items:

- **10891** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, entitled “Zoning,” to Change the Classification of Certain Parcels of Land Along Route 140.
- **10892** – 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.
- **10893** – 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 increase the quota allowed by the Code of the City of Gardner

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

Titi Siriphan  
City Clerk



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

February 3, 2023

Hon. Elizabeth J. Kazinskas, Council President

And City Councilors

Gardner City Hall, Rm 121

95 Pleasant St

Gardner, MA 01440

RE: Zoning Ordinance Proposal- Sports Betting Facilities

Dear Madam President and Councilors,

As you are likely aware, on August 10, 2022, former Governor Charlie Baker signed Chapter 173 of the Acts of 2022 into law, legalizing sports betting in the Commonwealth.

This new addition to the General Laws, some parts of which have already taken effect while others will within the next few months, allows for the opening of new facilities across the Commonwealth where individuals can gamble and place wagers on sporting games.

Currently, these types of facilities are not governed by our zoning ordinance, as they were not allowed prior to the passage of this act. The attached ordinance proposal is being presented to help protect the City so that we can regulate where facilities like this can go and make sure that in the event that a facility like this looks to open in Gardner, it locates in a location that fits this use rather than in a largely residential area that could cause disruptions to a neighborhood.

I believe it is in the best interest of the City to be proactive in this matter in order to make sure the City has the tools in place before any situations may arise.

Respectfully Submitted,

A handwritten signature in blue ink, which appears to read "Michael J. Nicholson", is written over a horizontal line.

Michael J. Nicholson  
Mayor, City of Gardner

CC:

City Council Public Welfare Committee  
Planning Board



## CITY OF GARDNER POLICE DEPARTMENT

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



Eric P. McAvene  
Chief of Police

Nicholas P. Maroni  
Deputy Chief of Police

February 3, 2023

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

Re: Sports Betting Zoning Ordinance

Dear Mayor,

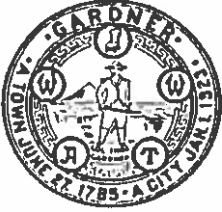
I have reviewed the proposed addition of the new Sports Betting Ordinance and do not see any issues from the police department. Any proposed facility should have a buffer between any residential zone and this ordinance reflects the new law.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "CPA" followed by a stylized flourish.

Eric P. McAvene  
Chief of Police



**City of Gardner**  
**Department of Inspectional Services**  
**115 Pleasant Street, Room 101**  
**Gardner, MA 01440**  
Tel. (978) 630-4007 Fax: (978) 632-3313

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Feb. 7, 2023

RE: Text Amendment

Dear Mr. Mayor,

Please accept this letter as my full support for your proposed text amendment to our Zoning Ordinance regarding sports betting. I believe when new laws are enacted at a state level that a municipalities Zoning must change to reflect the new law, or be forced to react to a potential problem.

Do not hesitate to contact me should you need any further assistance.

Roland Jean  
Building Commissioner/Zoning Enforcement Officer  
City Hall Annex  
115 Pleasant St. RM 101  
Gardner, MA 01440  
(978) 630 4007  
rjean@gardner-ma.gov

**Mission Statement**

To promote the safe and compatible development of the community through fair and consistent enforcement of building codes and zoning ordinances

*Current Ordinance*

GARDNER CODE

Description of Use	SFR1	RR2	GR3	COM1	COM2		IND1	IND2
					P	SP		
49. Restaurant	NP	SP	NP	P	P		P	NP
50. Restaurant, fast-food, including appurtenant structures to provide drive-through or drive-in services	NP	NP	NP	SP	SP		NP	NP
51. Restaurant serving food or beverages with live or mechanical entertainment	NP	SP	NP	SP	P		NP	NP
52. Wholesale office or showroom, with storage limited to floor samples only	NP	NP	NP	P	P		P	P
53. Wholesale office or showroom with storage permitted on property	NP	NP	NP	SP	P		P	P
54. Indoor amusement, fitness, or recreational place or place of assembly, provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than 100 feet from a residential district	NP	NP	NP	P	P		NP	NP
55. Outdoor commercial clubs and/or recreational establishments or use such as swimming pools, tennis courts, ski clubs, camping areas, skating rinks or other commercial facilities offering outdoor recreation	NP	SP	NP	P	P		NP	NP
56. Public or commercial outdoor amusement or recreation use but not including outdoor drive-in movie theater	NP	NP	NP	NP	P		P	NP
57. Bus station or terminal or railroad station for passengers	NP	NP	NP	P	P		P	NP
58. Transport terminal, warehouse distribution facility	NP	NP	NP	NP	NP		P	P
59. Contracting business and contractor's yard, including storage in the open'	NP	NP	NP	NP	SP		P	NP

# HOUSE . . . . . No. 5164

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## The Commonwealth of Massachusetts

The committee of conference on the disagreeing votes of the two branches with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2862) of the House Bill regulating sports wagering (House, No. 3993), reports recommending passage of the accompanying bill (House, No. 5164). August 1, 2022.

Jerald A. Parisella	Michael J. Rodrigues
Aaron Michlewitz	Eric P. Lesser
David K. Muradian	Patrick M. O'Connor

FILED ON: 8/1/2022

**HOUSE . . . . . No. 5164****The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Second General Court**  
**(2021-2022)**  
 \_\_\_\_\_

An Act regulating sports wagering.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 7 of chapter 4 of the General Laws is hereby amended by striking  
 2 out clause Tenth, as appearing in the 2020 Official Edition, and inserting in place thereof the  
 3 following clause:-

4           Tenth, "Illegal gaming", a banking or percentage game played with cards, dice, tiles,  
 5 dominoes, or an electronic, electrical or mechanical device or machine for money, property,  
 6 checks, credit or any representative of value, but excluding: (i) a lottery game conducted by the  
 7 state lottery commission under sections 24, 24A and 27 of chapter 10; (ii) a game conducted  
 8 under chapter 23K; (iii) sports wagering conducted under chapter 23N; (iv) pari-mutuel wagering  
 9 on horse races under chapters 128A and 128C and greyhound races under said chapter 128C; (v)  
 10 a game of bingo conducted under chapter 271; (vi) charitable gaming conducted under said  
 11 chapter 271; and (vii) a fantasy contest conducted under section 11M½.

12           SECTION 2. Section 7 of chapter 4 of the General Laws is hereby amended by striking  
 13 out clause Tenth, as inserted by section 1, and inserting in place thereof the following clause:-

Tenth, “Illegal gaming”, a banking or percentage game played with cards, dice, tiles, dominoes, or an electronic, electrical or mechanical device or machine for money, property, checks, credit or any representative of value, but excluding: (i) a lottery game conducted by the state lottery commission under sections 24, 24A and 27 of chapter 10; (ii) a game conducted under chapter 23K; (iii) sports wagering conducted under chapter 23N; (iv) pari-mutuel wagering on horse races under chapters 128A and 128C; (v) a game of bingo conducted under chapter 271; and (vi) charitable gaming conducted under said chapter 271.

SECTION 3. Chapter 12 of the General Laws is hereby amended by inserting after section 11M the following section:-

Section 11M½. Notwithstanding sections 24, 24A and 27 of chapter 10, chapter 271 or any other general or special law to the contrary, a person or entity that offers fantasy contests for a cash prize to members of the public may offer a fantasy contest to residents of the commonwealth pursuant to and in accordance with regulations promulgated by the attorney general; provided further, for the purposes of section 7 of chapter 4, a fantasy contest shall not be considered illegal gaming. “Fantasy contest” includes any fantasy or simulated game or contest, including, but not limited to, any fantasy or simulated game or contest based on professional sports events in which: (i) the value of all prizes and awards offered to winning participants are established and made known to the participants in advance of the contest; (ii) all winning outcomes reflect the relative knowledge and skill of the participants and shall be determined predominantly by accumulated statistical results of the performance of individuals, including athletes in the case of sports events; and (iii) no winning outcome is based on the score, point spread, or any performance or performances of any single actual team or combination of such

36 teams or solely on any single performance of an individual athlete or player in any single actual  
37 event.

38 SECTION 4. Section 4 of chapter 23K of the General Laws, as appearing in the 2020  
39 Official Edition, is hereby amended by inserting the following subsection:-

40 (42) regulate and enforce chapter 23N relating to sports wagering.

41 SECTION 5. The General Laws are hereby amended by inserting after chapter 23M the  
42 following chapter:-

43 CHAPTER 23N

44 AUTHORIZATION AND REGULATION OF SPORTS WAGERING

45 Section 1. This chapter shall be known and may be cited as the "Massachusetts Sports  
46 Wagering Act".

47 Section 2. Notwithstanding any general or special law to the contrary, the operation of  
48 sports wagering and ancillary activities shall be lawful when conducted in accordance with this  
49 chapter and the rules and regulations of the commission.

50 Section 3. As used in this chapter the following words shall, unless the context clearly  
51 requires otherwise, have the following meanings:

52 "Adjusted gross fantasy wagering receipts", the total gross receipts from fantasy contests  
53 as defined in section 11M1/2 of chapter 12, less only the total of all cash prizes paid to  
54 participants in the fantasy contests; provided, however, that the total of all cash prizes paid to

55 participants shall not include the cash equivalent of any merchandise or thing of value awarded  
56 as a prize.

57 “Adjusted gross sports wagering receipts”, the total gross receipts from sports wagering  
58 less the sum of: (i) the total of all winnings paid to participants; and (ii) all excise taxes paid  
59 pursuant to federal law; provided, however, that the total of all winnings paid to participants  
60 shall not include the cash equivalent of any merchandise or thing of value awarded as a prize.

61 “Affiliate”, a person who directly or indirectly controls, or is controlled by, or is under  
62 common control with, a specified person.

63 “Applicant”, a person who has applied for a license to engage in activity regulated under  
64 this chapter.

65 “Breaks”, the odd cents over any multiple of 10 cents of winnings per \$1 wagered.

66 “Category 1 license”, a license issued by the commission that permits the operation of  
67 sports wagering in person at a gaming establishment, as defined in section 2 of chapter 23K, and  
68 through not more than 2 individually-branded mobile applications or other digital platforms  
69 approved by the commission; provided, that the mobile applications or other digital platforms  
70 shall be qualified for and issued a category 3 license.

71 “Category 2 license”, a license issued by the commission that permits the operation of  
72 sports wagering in-person on the premises where either: (1) live horse racing is conducted in  
73 accordance with chapter 128A or (2) the licensee is authorized by law to conduct simulcast  
74 wagering on horse or greyhound racing, and through not more than 1 individually branded  
75 mobile application or other digital platform approved by the commission; provided, that the

76 mobile applications or other digital platforms shall be qualified for and issued a category 3  
77 license; provided further, that the commission may issue a category 2 license to: (1) a person or  
78 entity licensed by the commission in accordance with said chapter 128A to conduct a live horse  
79 racing meeting, (2) a running horse racing licensee that conducted simulcast wagering as of  
80 December 31, 2020 as authorized by law, or (3) a greyhound meeting licensee that conducted  
81 simulcast wagering as of December 31, 2020 as authorized by law; provided further, a category 2  
82 licensee shall make a capital investment of not less than \$7,500,000 within 3 years after  
83 receiving a sports wagering license.

84 “Category 3 license”, a license issued by the commission that permits the operation of  
85 sports wagering through a mobile application and other digital platforms approved by the  
86 commission.

87 “Close associate”, a person who holds a relevant financial interest in, or is entitled to  
88 exercise power in, the business of an applicant or licensee and, by virtue of that interest or  
89 power, is able to exercise a significant influence over the management or operation of a gaming  
90 establishment or business licensed under this chapter.

91 “Collegiate sport or athletic event”, a sport or athletic event offered or sponsored by, or  
92 played in connection with, a public or private institution that offers educational services beyond  
93 the secondary level.

94 “Collegiate tournament”, a series of collegiate sports or athletic events involving four or  
95 more collegiate teams that make up a single unit of competition.

96 “Commission”, the Massachusetts gaming commission established in section 3 of chapter  
97 23K.

98           “Electronic sports”, a single or multiplayer video game played competitively for  
99   spectators.

100          “Governmental authority”, any governmental unit of a national, state or local body  
101   exercising governmental functions, except the United States government.

102          “License”, any license applied for or issued by the commission under this chapter,  
103   including, but not limited to: (i) an operator license or (ii) an occupational license.

104          “National criminal history background check”, a criminal history background check  
105   conducted using the criminal history record system maintained by the Federal Bureau of  
106   Investigation and based on fingerprint identification or any other method of positive  
107   identification.

108          “Occupational license”, a license required to be held by an employee of an operator when  
109   the employee performs duties directly related to the operation of sports wagering in the  
110   commonwealth in a supervisory role.

111          “Official league data”, statistics, results, outcomes and other data relating to a sporting  
112   event that is obtained pursuant to an agreement with the relevant sports governing body, or with  
113   an entity expressly authorized by the relevant sports governing body to provide such data to  
114   sports wagering operators, which authorizes the use of such data for determining the outcome of  
115   tier 2 sports wagers on such sporting event.

116          “Operator” or “sports wagering operator”, any entity permitted under this chapter to offer  
117   sports wagering to persons in the commonwealth through a category 1 license, category 2 license  
118   or category 3 license.

119           “Operator license”, a category 1 license, category 2 license or category 3 license to  
120   operate sports wagering.

121           “Person”, an individual, corporation, association, operation, firm, partnership, trust or  
122   other form of business association.

123           “Personal biometric data”, any information about an athlete that is derived from that  
124   athlete’s physical or physiological characteristics, including, but not limited to, deoxyribonucleic  
125   acid, heart rate, blood pressure, perspiration rate, internal or external body temperature, hormone  
126   levels, glucose levels, hydration levels, vitamin levels, bone density, muscle density or sleep  
127   patterns.

128           “Players association”, a professional sports association recognized by a sports governing  
129   body that represents professional athletes.

130           “Professional sport or athletic event”, an event at which 2 or more persons participate in a  
131   sport or athletic event and receive compensation in excess of actual expenses for their  
132   participation in such event.

133           “Promotional gaming credit”, a sports wagering credit or other item issued by an operator  
134   to a patron to enable the placement of a sports wager.

135           “Qualified gaming entity”, an entity that: (i) holds a gaming license as defined in section  
136   2 of chapter 23K; (ii) (a) is licensed by the commission in accordance with chapter 128A to  
137   conduct a live horse racing meeting, (b) is a running horse racing licensee that conducted  
138   simulcast wagering as of December 31, 2020 as authorized by law or (c) is a greyhound meeting  
139   licensee that conducted simulcast wagering as of December 31, 2020 as authorized by law; or

140 (iii) offers an interactive sports wagering platform through a mobile application or other digital  
141 platform.

142 “Sports event” or “sporting event”, a professional sport or athletic event, collegiate sport  
143 or athletic event, a collegiate tournament, motor race event, electronic sports event or other event  
144 authorized by the commission under this chapter; provided, however, that “sporting event” shall  
145 not include: (i) high school and youth sports or athletic events; or (ii) a collegiate sport or athletic  
146 event involving 1 or more collegiate teams from the commonwealth unless they are involved in a  
147 collegiate tournament.

148 “Sports governing body”, an organization that is headquartered in the United States and  
149 prescribes final rules and enforces codes of conduct with respect to a sporting event and  
150 participants therein; provided, however, that, notwithstanding the foregoing, the commission  
151 shall adopt regulations to determine the governing body for electronic sports for the purposes of  
152 this chapter.

153 “Sports wager”, a wager on a sporting event or a portion of a sporting event.

154 “Sports wagering”, the business of accepting wagers on sporting events or portions of  
155 sporting events, other events, the individual performance statistics of athletes in a sporting event  
156 or other events or a combination of any of the same by any system or method of wagering  
157 approved by the commission including, but not limited to, mobile applications and other digital  
158 platforms; provided, that sports wagering shall not include the acceptance of any wager: (i) with  
159 an outcome dependent on the performance of an individual athlete in any collegiate sport or  
160 athletic event, including, but not limited, to in-game or in-play wagers; (ii) on a high school or  
161 youth sporting event; (iii) on injuries, penalties, player discipline or replay review; and provided

further, that sports wagering shall not include fantasy contests as defined in section 11M½ of chapter 12. Sports wagering shall include, but shall not be limited to, single-game bets, teaser bets, parlays, over-under, moneyline, pools, exchange wagering, in-game wagering, in-play bets, proposition bets and straight bets.

“Sports wagering account”, a financial record established by an operator for a patron in which the patron may deposit by any method approved by the commission and withdraw funds for sports wagering and other authorized purchases and to which the operator may credit winnings or other amounts due to or authorized by that patron; provided, however, that such account may be established and funded by the patron electronically through an approved mobile application or digital platform; and provided further, that a deposit into a sports wagering account shall not be made using a credit card.

“Tier 1 sports wager”, a sports wager that is determined solely by the final score or outcome of a sporting event and is placed before the sporting event has begun.

“Tier 2 sports wager”, a sports wager that is not a tier 1 sports wager.

“Wager”, a sum of money or thing of value risked on an uncertain occurrence.

Section 4. (a) The commission shall regulate the conduct of sports wagering under this chapter.

(b) The commission shall promulgate rules and regulations necessary for the implementation, administration and enforcement of this chapter. The commission may promulgate emergency rules and regulations in accordance with applicable procedures for the promulgation of emergency rules and regulations.

(c) The commission shall promulgate regulations to prohibit: (i) the purchase or other use of any personal biometric data of an athlete for sports wagering or aiding a patron in placing a wager with sports wagering operators; and (ii) the following advertising, marketing and branding activities: (A) advertisements, marketing and branding in such a manner that it is deceptive, false, misleading, or untrue, or tends to deceive or create a misleading impression whether directly, or by ambiguity or omission; (B) use of unsolicited pop-up advertisements on the internet or by text message directed to an individual on the list of self-excluded persons established pursuant to paragraph (2) of subsection (e) of section 13; (C) any form of advertising, marketing or branding that the commission deems unacceptable or disruptive to the viewer experience at a sports event; (D) advertising, marketing and branding deemed to appeal directly to a person younger than 21 years old; and (E) advertising on any billboards, or any other public signage, which fails to comply with any federal, state or local law.

(d)(1) The commission may promulgate rules and regulations including, but not limited to, those governing the acceptance of wagers on a sports event, other event or a series of sports events; types of wagering receipts which may be used; methods of issuing receipts; methods of accounting to be used by operators; types of records to be kept; types of systems for wagering; and any other sports wagering-related issues.

(2) The commission shall promulgate rules and regulations regarding protections for patrons placing wagers and the promotion of social responsibility and responsible gaming that shall include, but not be limited to, a requirement that an operator: (i) implement responsible gaming programs that include comprehensive employee trainings on responding to circumstances in which individuals present signs of gambling addiction; (ii) assess, prevent and address problem gaming by an operator's consumers; (iii) permit a consumer to permanently

close an account registered to the consumer on any or all platforms owned or operated by the operator at any time and for any reason; (iv) offer consumers access to their account history and account details; (v) refrain from making claims as to a consumer's winnings or money earned that is not net of wagers placed; (vi) allow a consumer to withdraw funds without further solicitation or promotion in the manner in which the funds were deposited; (vii) annually submit a problem gaming plan for approval by the commission, in consultation with the department of public health, that includes the objectives of and timetables for implementing the plan, identification of the persons responsible for implementing and maintaining the plan, procedures for identifying consumers with suspected or known problem gaming behavior, procedures for providing information to consumers concerning problem gaming identification and resources, procedures to prevent gaming by minors and self-excluded persons and any other information the commission may require; and (viii) shall not offer or provide a line of credit to any consumer.

(3) The commission shall promulgate regulations that require mobile applications and digital platforms authorized for sports wagering to prominently display upon each entry into the application or platform the telephone number and website for a problem gambling hotline overseen by the department of public health.

(e) The commission shall: (i) determine the eligibility of a person to hold or continue to hold a license; (ii) issue all licenses; and (iii) maintain a record of all licenses issued under this chapter.

(f) The commission shall levy and collect all fees, surcharges, civil penalties and taxes on adjusted gross sports wagering receipts imposed by this chapter, except as otherwise provided under this chapter.

228 (g) The commission shall have the authority to enforce this chapter and any rule or  
229 regulation of the commission and may request that the attorney general bring an action to enforce  
230 this chapter or any rule or regulation of the commission by civil action or petition for injunctive  
231 relief.

232 (h) The commission may hold hearings, administer oaths and issue subpoenas or  
233 subpoenas duces tecum in order to enforce this chapter and the rules and regulations of the  
234 commission.

235 (i) The commission may exercise any other powers necessary to effectuate this chapter  
236 and the rules and regulations of the commission.

237 Section 5. (a) A person shall not engage in any activity in connection with sports  
238 wagering in the commonwealth unless all required licenses have been obtained in accordance  
239 with this chapter and the rules and regulations of the commission.

240 (b) The commission shall not grant an operator license until it determines that each  
241 person who has control of the applicant meets all qualifications for licensure. For the purposes of  
242 this chapter, the following shall be considered to have control of an applicant: (i) a person who  
243 owns 10 per cent or more of a corporate applicant and who has the ability to control the activities  
244 of the corporate applicant; provided, however, that a bank or other licensed lending institution  
245 that holds a mortgage or other lien acquired in the ordinary course of business shall not be  
246 considered to have control of an applicant; (ii) a person who holds a beneficial or proprietary  
247 interest of 10 per cent or more of a non-corporate applicant's business operation and who has the  
248 ability to control the activities of the non-corporate applicant; and (iii) at the commission's

discretion, an executive, employee or agent having the power to exercise significant influence over decisions concerning the applicant's sports wagering operations in the commonwealth.

(c) A person having control of an applicant pursuant to subsection (b) shall submit to the commission an application in a form determined by the commission. Each such person who is a natural person shall also submit to the commission: (i) fingerprints for a national criminal records check by the department of state police and the Federal Bureau of Investigation; and (ii) a signed authorization for the release of the person's information by the department of state police and the Federal Bureau of Investigation; provided, however, that a person having control of an applicant who is a natural person that has submitted to a national criminal records check in any jurisdiction within the previous year shall not be required to submit to another national criminal records check if such person submits to the commission the results of such previous national criminal records check. Any applicant convicted of any disqualifying offense, as determined by the commission, shall not be licensed.

(d) Each person licensed under this chapter shall give the commission written notice not more than 30 days after any change to any material information provided in the application for a license or renewal.

(e) A commission employee shall not be an applicant for any license issued under this chapter.

Section 6. (a) A licensed qualified gaming entity may operate sports wagering upon the approval of the commission.

(b)(1) The commission shall issue a category 1 license to any holder of a gaming license, as defined in section 2 of chapter 23K, that meets the requirements of this chapter and the rules

271 and regulations of the commission; provided, however, that any holder of a category 1 license  
272 shall not be issued a category 2 license.

273 (2) The commission shall issue a category 2 license to: (i) any holder of a license to  
274 conduct a live horse racing meeting in accordance with chapter 128A; (ii) a running horse racing  
275 licensee that conducted simulcast wagering as of December 31, 2020 as authorized by law; or  
276 (iii) a greyhound meeting licensee that conducted simulcast wagering as of December 31, 2020  
277 as authorized by law; that meets the requirements of this chapter and the rules and regulations of  
278 the commission; provided, however, that any holder of a category 2 license shall not be issued a  
279 category 1 license; and provided further, that no more than 1 category 2 license shall be issued to  
280 any 1 person, entity, or affiliate or close associate of such person or entity.

281 (3) The commission may issue a category 3 license to any entity that offers sports  
282 wagering through a mobile application or other digital platform that meets the requirements of  
283 this chapter and the rules and regulations of the commission; provided, however, the commission  
284 shall issue no more than 7 category 3 licenses that are not connected to a category 1 or category  
285 2 license.

286 (4) A category 1 or category 2 licensee may enter into agreements related to mobile or  
287 digital sports wagering with a category 3 licensee pursuant to the approval of the commission.  
288 Nothing in this chapter shall require a category 3 licensee to partner with or have any  
289 commercial relationship with a category 1 or 2 licensee.

290 (c)(1) A qualified gaming entity may submit to the commission a request for a temporary  
291 license for the immediate commencement of sports wagering operations. Such request shall  
292 include an initial licensing fee of \$1,000,000 payable to the commission.

293           (2) Upon receiving a request for a temporary license, the executive director of the  
294       commission shall review the request. If the executive director determines that the entity  
295       requesting the temporary license is a qualified gaming entity and has paid the sports wagering  
296       initial licensing fee pursuant to paragraph (1), the commission shall authorize the qualified  
297       gaming entity to conduct sports wagering for a period of 1 year under a temporary license or  
298       until a final determination on its operator license application is made.

299           (3) All sports wagering conducted under authority of a temporary license shall comply  
300       with the house rules adopted under section 10.

301           (d) Prior to issuing an operator license, the commission shall commence an investigation  
302       into the suitability of the applicant. The commission may use information obtained from the  
303       applicant pursuant to chapter 23K, chapter 128A, chapter 128C, or information from other  
304       jurisdictions where the applicant is authorized to conduct sports wagering. In evaluating the  
305       suitability of the applicant, the commission shall consider the overall reputation of the applicant  
306       including, but not limited to: (i) the integrity, honesty, good character and reputation of the  
307       applicant; (ii) the financial stability, integrity and background of the applicant; (iii) the business  
308       practices and the business ability of the applicant to establish and maintain a successful sports  
309       wagering operation; (iv) whether the applicant has a history of compliance with gaming or sports  
310       wagering licensing requirements in other jurisdictions; (v) whether the applicant, at the time of  
311       application, is a defendant in litigation involving its business practices; and (vi) the suitability of  
312       all parties in interest to the license, including affiliates and close associates, and the financial  
313       resources of the applicant.

314 (c) The commission may deny an application, if the commission determines during its  
315 investigation that an applicant has failed to: (i) establish the applicant's integrity or the integrity  
316 of any affiliate, close associate, financial resources or any person required to be qualified by the  
317 commission; (ii) demonstrate responsible business practices in any jurisdiction; or (iii) overcome  
318 any other reason, as determined by the commission, as to why it would be injurious to the  
319 interests of the commonwealth to award the applicant an operator license.

320 (f) Upon application by a qualified gaming entity that is not denied pursuant to subsection  
321 (e) and payment of a \$5,000,000 licensing fee, the commission shall grant an operator license to  
322 a qualified gaming entity that provides the right to conduct sports wagering; provided, that the  
323 qualified gaming entity shall meet the requirements for licensure under this chapter and the rules  
324 and regulations of the commission. Such license shall be issued for a 5-year period, and may be  
325 renewed for 5-year periods upon payment of a \$5,000,000 renewal fee; provided, that the  
326 operator shall continue to meet all requirements under this chapter and the rules and regulations  
327 of the commission. The commission shall credit any initial licensing fee paid pursuant to  
328 paragraph (1) of subsection (c) to a successful applicant for an operator license against the  
329 licensing fee due under this subsection.

330 (g) An operator shall submit to the commission such documentation or information as the  
331 commission may require to demonstrate that the operator continues to meet the requirements of  
332 this chapter and the rules and regulations of the commission. An operator shall submit required  
333 documentation or information no later than 5 years after issuance of its operator license and  
334 every 5 years thereafter, or within lesser periods based on circumstances specified by the  
335 commission.

(h) No licensee shall transfer an operator license, or any direct or indirect interest in the license, without the majority approval of the commission. A person seeking to acquire such license through a transfer shall qualify and otherwise be determined by the commission to be eligible for licensure under this chapter. The commission may reject a proposed license transfer or a proposed transfer of interest in the license to an unsuitable person and may reject a proposed transfer that, in the determination of the commission, would be injurious to the interests of the commonwealth. The commission may promulgate regulations governing this process which may include assessment of a fee to reflect the cost associated with reviewing the proposed transfer.

(i) Applications for operator licenses shall be public records under section 10 of chapter 66; provided however, that trade secrets, competitively-sensitive or other proprietary information provided in the course of an application for an operator license under this chapter, the disclosure of which would place the applicant at a competitive disadvantage, may be withheld from disclosure under said section 10 of said chapter 66.

Section 7. (a) An applicant for an operator license shall pay to the commission a nonrefundable processing fee of \$200,000 for the costs associated with the processing of the application and investigation of the applicant; provided, however, that if the costs of the investigation exceed the initial application fee, the applicant shall pay the additional amount to the commission not more than 30 days after notification of insufficient fees or the application shall be rejected.

(b) All fees in this section shall be deposited into the Sports Wagering Control Fund established in section 14.

357           Section 8. Section 8. (a) All persons employed by an operator to perform duties directly  
358 related to the operation of sports wagering in the commonwealth in a supervisory role shall  
359 maintain a valid occupational license issued by the commission. The commission shall issue such  
360 occupational license to a person who meets the requirements of this section.

361           (b) An occupational license authorizes the licensee to be employed in the capacity  
362 designated by the commission while the license is active. The commission may establish, by rule  
363 or regulation, job classifications with different requirements based on the extent to which a  
364 particular job impacts, or has the potential to impact, the lawful operation of sports wagering.

365           (c) An applicant for an occupational license shall submit any required application forms  
366 established by the commission and shall pay a nonrefundable application fee of \$100. An  
367 employer may pay an application fee on behalf of an applicant.

368           (d) Not later than March 1 of the third calendar year following the issuance or renewal of  
369 an occupational license, an occupational license holder shall pay a nonrefundable license renewal  
370 fee of \$100 and submit a renewal application on a form established by the commission. An  
371 employer may pay the license renewal fee on behalf of the licensed employee.

372           Section 9. Section 9. (a) The commission may deny a license to any applicant, reprimand  
373 any licensee or suspend or revoke a license if the applicant or licensee: (i) has knowingly made a  
374 false statement of a material fact to the commission; (ii) has had a license revoked by any  
375 governmental authority responsible for regulation of gaming activities; (iii) has been convicted  
376 of a felony or other crime involving embezzlement, theft, fraud, perjury, or a gambling-related  
377 offense; (iv) has not demonstrated to the satisfaction of the commission financial responsibility  
378 sufficient to adequately meet the requirements of the proposed enterprise; (v) has affiliates or

close associates that would not qualify for a license or whose relationship with the applicant may pose an injurious threat to the interests of the commonwealth in awarding an operator license to the applicant; or (vi) in the case of an operator or an applicant for an operator license, is not the true owner of the business or is not the sole owner and has not disclosed the existence or identity of other persons who have an ownership interest in the business.

(b) The commission may deny, suspend or revoke an operator license or reprimand any licensee if the applicant or licensee has not met the requirements of this chapter.

Section 10. (a) An operator shall adopt comprehensive house rules for game play governing sports wagering transactions with the operator's patrons. The house rules shall specify the amounts to be paid on winning wagers and the effect of sports event schedule changes. An operator shall not conduct sports wagering until the commission has approved the house rules and an operator shall not conduct sports wagering in a manner inconsistent with approved house rules.

(b) The house rules, together with any other information the commission deems appropriate, shall be accessible to any patrons of the sports wagering operator. The operator shall make copies readily available to patrons and shall post the house rules as required by the commission, including on a prominent place on the operator's public website and mobile application or other digital platform.

Section 11. (a) An operator shall employ commercially reasonable methods to: (i) prohibit the operator, directors, officers, owners and employees of the operator and any relative living in the same household as any such person from placing bets with the operator; (ii) prohibit athletes, coaches, referees, team owners, employees of a sports governing body or its member

401 teams and player and referee union personnel from wagering on any sporting event of their  
402 sport's governing body; provided, however, that the operator shall use lists of such persons that a  
403 sports governing body may provide to the commission to determine which persons are excluded  
404 from placing wagers under this subsection; and provided further, that the commission may use  
405 the list of barred employees from the operator and may work directly with a member team to  
406 determine the risk posed by certain employees for obtaining nonpublic confidential information  
407 on a sporting event and may remove an employee without knowledge of team strategy or game  
408 operations from such a list if the commission determines any such risk is de minimis; (iii)  
409 prohibit any individual with access to nonpublic confidential information held by the operator  
410 from placing wagers with the operator; (iv) prohibit persons from placing wagers as agents or  
411 proxies for others; and (v) maintain the security of wagering data, customer data and other  
412 confidential information from unauthorized access and dissemination; provided, however, that  
413 nothing in this chapter shall preclude the use of internet or cloud-based hosting of such data and  
414 information or disclosure as required by court order, other law or this chapter; and provided  
415 further, that such data and information shall be hosted in the United States.

416 (b) A sports governing body or players association representing athletes who participate  
417 in sporting events of the sports governing body may submit to the commission, in writing, by  
418 providing notice in a form and manner as the commission may require, a request to restrict, limit  
419 or exclude a certain type, form or category of sports wagering with respect to sporting events of  
420 the sports governing body, if the sports governing body or players association believes that such  
421 type, form or category of sports wagering with respect to sporting events of the sports governing  
422 body: (i) is contrary to public policy; (ii) unfair to consumers; (iii) may undermine the perceived  
423 integrity of the sports governing body, sporting events of the sports governing body or the

424 athletes participating therein; or (iv) affects the integrity of the sports governing body or sporting  
425 events of the sports governing body or the athletes participating therein.

426       The commission shall request comment from operators on all such requests. After giving  
427 due consideration to all comments received, the commission shall, upon a demonstration of good  
428 cause from the requestor, grant the request. The commission shall respond to a request  
429 concerning a particular event before the start of the event or, if it is not feasible to respond before  
430 the start of the event, not later than 7 days after the request is made; provided, however, that if  
431 the commission determines that the requestor is more likely than not to prevail in successfully  
432 demonstrating good cause for its request, the commission may provisionally grant the request  
433 until the commission makes a final determination as to whether the requestor has demonstrated  
434 good cause. Absent a provisional grant by the commission, an operator may continue to offer  
435 sports wagering on sporting events that are the subject of a request during the pendency of the  
436 consideration of the applicable request.

437       (c) The commission shall designate a state law enforcement entity to have primary  
438 responsibility for conducting, or assisting the commission in conducting, investigations into  
439 abnormal betting activity, match fixing and other conduct that corrupts a betting outcome of a  
440 sporting event for purposes of financial gain.

441       (d) The commission and operators shall use commercially reasonable efforts to cooperate  
442 with investigations conducted by sports governing bodies or law enforcement agencies,  
443 including, but not limited to, using commercially reasonable efforts to provide or facilitate the  
444 provision of anonymized account-level betting information and audio or video files relating to  
445 persons placing wagers. All disclosures under this section are subject to the obligation of an

446 operator to comply with all federal, state and local laws and regulations, including, but not  
447 limited to, laws and regulations relating to privacy and personally identifiable information.

448 (e) An operator shall immediately report to the commission any information relating to:  
449 (i) criminal or disciplinary proceedings commenced against the operator in connection with its  
450 operations; (ii) abnormal betting activity or patterns that may indicate a concern with the  
451 integrity of a sporting event; (iii) any potential breach of the internal rules and codes of conduct  
452 pertaining to sports wagering of a relevant sports governing body; (iv) any other conduct that  
453 corrupts a betting outcome of a sporting event for purposes of financial gain, including, but not  
454 limited to, match fixing; or (v) suspicious or illegal wagering activities, including, but not limited  
455 to: (A) use of funds derived from illegal activity; (B) wagers to conceal or launder funds derived  
456 from illegal activity; (C) use of agents to place wagers; and (D) use of false identification. An  
457 operator shall immediately report information relating to conduct described in clauses (ii), (iii)  
458 and (iv) of this subsection to the relevant sports governing body.

459 (f) The commission and operators shall maintain the confidentiality of information  
460 provided by a sports governing body for purposes of investigating or preventing the conduct  
461 described in clauses (ii), (iii) and (iv) of subsection (e), unless disclosure is required by this  
462 chapter, the commission, other law or court order or unless the sports governing body consents to  
463 disclosure.

464 (g) With respect to any information provided by an operator to a sports governing body  
465 relating to conduct described in clauses (ii), (iii) and (iv) of subsection (e), a sports governing  
466 body shall: (i) only use such information for integrity purposes and shall not use the information  
467 for any commercial or other purpose; and (ii) maintain the confidentiality of such information,

unless disclosure is required by this chapter, the commission, other law or court order or unless the operator consents to disclosure; provided, however, that the sports governing body may make any disclosure necessary to conduct and resolve integrity-related investigations and may publicly disclose such information if required by its integrity policies or if deemed by the sports governing body in its reasonable judgment to be necessary to maintain the actual or perceived integrity of its sporting events, and subject in all cases to the sports governing body's compliance with federal, state and local laws and regulations, including, but not limited to, laws and regulations relating to privacy and personally identifiable information; and provided further, that prior to any such public disclosure that would identify the operator by name, the sports governing body shall provide the operator with notice of such disclosure and an opportunity to object to such disclosure.

(h) An operator shall maintain records of all wagers placed by its patrons, including: (i) personally identifiable information of a patron who places a sports wager through a mobile application or other digital platform or a patron who places an in-person sports wager that exceeds an amount determined by the commission; (ii) amount and type of the bet; (iii) the time the bet was placed; (iv) the location of the bet, including the Internet Protocol address if applicable; (v) the outcome of the bet; and (vi) records of abnormal betting activity for 3 years after a sporting event occurs and video camera recordings in the case of in-person wagers for at least 1 year after a sporting event occurs. An operator shall make these records available for inspection upon request of the commission or as required by court order.

(i) An operator shall use commercially reasonable efforts to maintain, in real time and at the account level, anonymized information for each patron, including: (i) the amount and type of bet; (ii) the time the bet was placed; (iii) the location of the bet, including the Internet Protocol

491 address if applicable; (iv) the outcome of the bet; and (v) records of abnormal betting activity.  
492 The commission may request the information in the form and manner as it requires. Nothing in  
493 this section shall require an operator to provide any information prohibited by federal, state or  
494 local laws or regulations, including, but not limited to, laws and regulations relating to privacy  
495 and personally identifiable information.

496 (j) If a sports governing body has notified the commission and demonstrated a need for  
497 access to the information described in subsection (i) for wagers placed on sporting events of the  
498 sports governing body for integrity monitoring purposes and demonstrated the capability to use  
499 the data for the purpose of effectively monitoring the integrity of sporting events of the sports  
500 governing body, an operator shall share, in a commercially reasonable frequency, form and  
501 manner, with the sports governing body or its designee the same information the operator is  
502 required to maintain pursuant to said subsection (i) with respect to sports wagers on sporting  
503 events of the sports governing body. A sports governing body and its designee shall only use  
504 information received pursuant to this section for integrity-monitoring purposes and shall not use  
505 information received pursuant to this section for any commercial or other purpose. Nothing in  
506 this section shall require an operator to provide any information that is prohibited by federal,  
507 state or local law or regulation, including, but not limited to, laws and regulations relating to  
508 privacy and personally identifiable information.

509 (k)(1) An operator shall conduct a background check on each newly hired employee.  
510 Background checks shall search for criminal history, charges or convictions involving corruption  
511 or manipulation of sporting events and association with organized crime.

(2) An operator shall conduct a single background check on any employee hired before the operator was issued an operator license. Background checks shall search for criminal history, charges or convictions involving corruption or manipulation of sporting events and association with organized crime.

Section 12. (a) An operator shall: (i) employ a monitoring system utilizing software to identify irregularities in volume or changes in odds that could signal suspicious activities and promptly report such information to the commission for further investigation; provided, however, that system requirements and specifications shall be developed according to industry standards and implemented by the commission as part of the minimum internal control standards; (ii) promptly report to the commission any facts or circumstances related to the operation of a sports wagering license that constitute a violation of state or federal law and promptly report to the appropriate state or federal authorities any suspicious betting over a threshold set by the operator that has been approved by the commission; (iii) conduct all sports wagering activities and functions in a manner that does not pose a threat to the public health, safety or welfare of the residents of the commonwealth; (iv) keep current in all payments and obligations to the commission; (v) prevent any person from tampering or interfering with the operation of any sports wagering; (vi) ensure that mobile sports wagering occurs only using a commission-approved mobile application or other digital platform to accept wagers initiated within the commonwealth; (vii) maintain sufficient cash and other supplies to conduct sports wagering at all times; (viii) maintain daily records showing the gross sports wagering receipts and adjusted gross sports wagering receipts of the operator from sports wagering; (ix) timely file with the commission any additional reports required by this chapter or by any rule or regulation;

534 and (x) use commercially reasonable efforts to prevent a person under 21 years old from placing  
535 a wager.

536 (b) Sports wagering operators may use any data source for determining:

537 (1) the results of any and all tier 1 sports wagers on any and all sporting events; and

538 (2) the results of any and all tier 2 sports wagers on sporting events of an organization  
539 that is not headquartered in the United States.

540 (c) A sports governing body may notify the commission that it desires sports wagering  
541 operators to use official league data to settle tier 2 sports wagers on sporting events of such  
542 sports governing body. The notification shall be made in the form and manner as the commission  
543 may require. Within 5 days of receipt of the notification, the commission shall notify each sports  
544 wagering operator of the requirement to use official league data to settle tier 2 sports wagers. If a  
545 sports governing body does not notify the commission of its desire to supply official league data,  
546 a sports wagering operator may use any data source for determining the results of any and all tier  
547 2 sports wagers on sporting events of the sports governing body.

548 (d) Within 60 days of the commission notifying a sports wagering operator of the  
549 requirement to use official league data to settle tier 2 sports wagers pursuant to subsection (c), or  
550 such longer period as may be agreed between the sports governing body and the applicable  
551 sports wagering operator, a sports wagering operator shall use only official league data to  
552 determine the results of tier 2 sports wagers on sporting events of that sports governing body,  
553 unless:

554 (1) the sports governing body or its designee cannot provide a feed of official league data  
555 to determine the results of a particular type of tier 2 sports wager, in which case a sports  
556 wagering operator may use any data source for determining the results of the applicable tier 2  
557 sports wager until such time a data feed becomes available from the sports governing body on  
558 commercially reasonable terms and conditions; or

559 (2) a sports wagering operator can demonstrate to the commission that the sports  
560 governing body or its designee will not provide a feed of official league data to the sports  
561 wagering operator on commercially reasonable terms and conditions.

562 (e) In evaluating whether official league data is offered on commercially reasonable  
563 terms and conditions for purposes of paragraphs (1) and (2) of subsection (d), the commission  
564 may consider factors, including, but not limited to:

565 (1) the availability of official league data to a sports wagering operator from more than 1  
566 authorized source;

567 (2) market information, including, but not limited to, price and other terms and conditions  
568 regarding the purchase by sports wagering operators of comparable data for the purpose of  
569 settling sports wagers in the commonwealth and other jurisdictions;

570 (3) the nature and quantity of data, including the quality and complexity of the process  
571 used for collecting the data; and

572 (4) the extent to which a sports governing body or its designee has made data used to  
573 settle tier 2 wagers available to sports wagering operators and any terms and conditions relating  
574 to the use of that data.

575 (f) Notwithstanding subsection (d) or any provision of this subsection to the contrary,  
576 during the pendency of the determination of the commission as to whether a sports governing  
577 body or its designee may provide official league data on commercially reasonable terms, a sports  
578 wagering operator may use any data source to determine the results of tier 2 sports wagers. The  
579 determination shall be made within 120 days of the sports wagering operator notifying the  
580 commission that it requests to demonstrate that the sports governing body or its designee will not  
581 provide a feed of official league data to the sports wagering operator on commercially reasonable  
582 terms.

583 (g) A sports governing body may enter into commercial agreements with a sports  
584 wagering operator or other entity in which such sports governing body may share in the amount  
585 wagered or revenues derived from sports wagering on sporting events of the sports governing  
586 body. A sports governing body shall not be required to obtain a license or any other approval  
587 from the commission to lawfully accept such amounts or revenues.

588 Section 13. (a) Holders of category 1 and category 2 licenses may accept wagers on  
589 sports events and other events authorized pursuant to this chapter in person at authorized  
590 facilities.

591 (b) Holders of an operator license may accept wagers on sports events and other events  
592 authorized pursuant to this chapter from individuals physically located within the commonwealth  
593 using mobile applications or digital platforms approved by the commission, through the patron's  
594 sports wagering account. The branding for each mobile application or digital platform shall be  
595 determined by the operator. All bets authorized pursuant to this section must be initiated,  
596 received and otherwise made within the commonwealth. Consistent with the intent of the federal

597 Unlawful Internet Gambling Enforcement Act of 2006, 31 U.S.C. section 5361 to 5367,  
598 inclusive, the intermediate routing of electronic data related to a lawful intrastate wager  
599 authorized pursuant to this chapter shall not determine the location or locations in which the  
600 wager is initiated, received or otherwise made.

601 (c) An operator may: (i) accept wagers placed by other operators and (ii) place wagers  
602 with other operators; provided, that any operator that places a wager with another operator shall  
603 inform the operator accepting the wager that the wager is being placed by an operator and shall  
604 disclose the operator's identity.

605 (d) An operator shall not accept: (i) a wager from a person who is less than 21 years of  
606 age; or (ii) a credit card .

607 (e)(1) The commission or operator may ban any person from participating in the play or  
608 operation of any sports wagering consistent with rules and regulations promulgated by the  
609 commission. A list of all excluded patrons shall be kept by the commission and provided to each  
610 licensee. No patron on the exclusion list shall be permitted to conduct sports wagering pursuant  
611 to this chapter.

612 (2) The commission shall establish a list of self-excluded persons from sports wagering.  
613 A person may request their name to be placed on the list of self-excluded persons by filing a  
614 statement with the commission acknowledging that they are a problem gambler and by agreeing  
615 that, during any period of voluntary exclusion, they shall not collect any winnings or recover any  
616 losses resulting from any sports wagering. The commission shall adopt further regulations for the  
617 self-excluded persons list including procedures for placement, removal and transmittal of the list  
618 to sports wagering operators. The commission may revoke, limit, condition, suspend or fine a

619 sports wagering operator if the operator knowingly or recklessly fails to exclude or eject from its  
620 premises any person placed on the list of self-excluded persons. The list of self-excluded persons  
621 from sports wagering shall not be open to public inspection.

622 (3) An operator that operates sports wagering through a mobile application or other  
623 digital platform may allow patrons to set self-imposed limitations on sports wagering when the  
624 patron joins the mobile application or digital platform.

625 (f) No employee may place a sports wager at any facility or through any mobile  
626 application or digital platform owned or operated by their employer.

627 (g) Sections 24, 24A and 27 of chapter 10 of the General Laws shall not apply to an  
628 operator conducting sports wagering in accordance with this chapter.

629 (h) Unclaimed winning sports wagers shall be retained by the operator for the person  
630 entitled to the wager for 1 year after the game or event in which the wager was won. If no claim  
631 is made for the wager within 1 year, the cash or equivalent cash value of the wager shall be  
632 deposited in the Sports Wagering Control Fund established in section 15.

633 Section 14. (a) An excise is hereby imposed upon sports wagering operators in the  
634 commonwealth at the rate of: (i) 15 per cent of the operator's adjusted gross sports wagering  
635 receipts from the operation of in-person sports wagering; (ii) 20 per cent of the operator's  
636 adjusted gross sports wagering receipts from the operation of sports wagering through mobile  
637 applications and other digital platforms approved by the commission; and (iii) 15 per cent of the  
638 adjusted gross fantasy wagering receipts of a person or entity that offers fantasy contests, as  
639 defined in section 11M½. The accrual method of accounting shall be used for purposes of

calculating the amount of the tax owed by the licensee. The excise shall be paid to the commission at the time provided for filing the return pursuant to subsection (b).

(b)(1) The excise imposed and collected pursuant to subsection (a) shall be due and payable to the commission in monthly installments on or before the fifteenth calendar day following the calendar month in which the adjusted gross sports wagering receipts were received.

(2) On or before the fifteenth calendar day of each month, the operator shall complete and submit the return for the preceding month by electronic communication to the commission in a form prescribed by the commission that provides:

(i) the total gross sports wagering receipts and adjusted gross sports wagering receipts from operation of sports wagering during that month;

(ii) the total gross fantasy wagering receipts and adjusted gross fantasy wagering receipts from the offering of fantasy contests, as defined in section 11M½ of chapter 12, during that month;

(iii) the tax amount for which an operator or a person or entity that offers fantasy contests, as defined in said section 11M½ of said chapter 12, is liable; and

(iv) any additional information necessary in the computation and collection of the tax on adjusted gross sports wagering receipts and adjusted gross fantasy wagering receipts required by the commission.

(3) The excise amount shown to be due shall be remitted by electronic funds transfer simultaneously with the filing of the return.

660           (4) When an operator's adjusted gross sports wagering receipts for a month is a negative  
661   number because the winnings paid to wagerers and excise taxes paid pursuant to federal law  
662   exceed the operator's total gross receipts from sports wagering, the commission shall allow the  
663   operator to carry over the negative amount to returns filed for subsequent months. The negative  
664   amount of adjusted gross sports wagering receipts shall not be carried back to an earlier month  
665   and taxes previously received by the commission shall not be refunded unless the operator  
666   surrenders its license and the operator's last return reported negative adjusted gross sports  
667   wagering receipts.

668           (c) The excise on adjusted gross sports wagering receipts imposed by this section shall be  
669   in lieu of all other state and local taxes and fees imposed on the operation of, or the proceeds  
670   from operation of, sports wagering.

671           (d) Annually, not later than July 1, the commission shall publish on its website a report  
672   stating the amount in fees, surcharges and civil penalties received from operators and taxes  
673   received from operators and from people or entities that offer fantasy contests, as defined in  
674   section 11M½ of chapter 12.

675           Section 15. (a) There shall be established and set up on the books of the commonwealth a  
676   separate fund to be known as the Sports Wagering Control Fund. The commission shall be the  
677   trustee of the fund and shall expend money to finance the operational activities of the  
678   commission pertaining to sports wagering. The fund shall be credited with: (i) any appropriation,  
679   bond proceeds or other monies authorized by the general court and specifically designated to be  
680   credited thereto; (ii) the proceeds of any fees collected pursuant to this section unless otherwise  
681   specified; (iii) fees collected pursuant to sections 7 and 8; (iv) breaks; and (v) such additional

682 funds as are subject to the direction and control of the commission. All available money in the  
683 fund that is unexpended at the end of each fiscal year shall not revert to the General Fund and  
684 shall be available for expenditure in the subsequent fiscal year.

685 (b) The commission shall establish fees for any investigation into a violation of this  
686 chapter or regulation promulgated hereunder by a sports wagering operator to be paid by the  
687 sports wagering operator including, but not limited to, billable hours by commission staff  
688 involved in the investigation and the costs of services, equipment or other expenses that are  
689 incurred by the commission during the investigation.

690 (c) Any remaining costs of the commission necessary to maintain regulatory control over  
691 sports wagering operators that are not covered by: (i) the fees set forth in subsection (b); (ii) any  
692 other fees assessed pursuant to this chapter; or (iii) any other designated sources of funding, shall  
693 be annually assessed on sports wagering operators pursuant to this chapter in proportion to each  
694 operator's share of the commonwealth's total adjusted gross sports wagering receipts. Each  
695 operator shall pay the amount assessed against the operator not more than 30 days after the date  
696 of the notice of assessment from the commission.

697 (d) If the fees collected pursuant to subsections (b) and (c) exceed the cost required to  
698 maintain regulatory control, the surplus funds shall be credited in proportional shares against  
699 each sports wagering operator's next assessment.

700 (e) The commission shall annually assess and collect a \$1,000,000 fee in shares to be  
701 determined by the commission against each sports wagering operator that is not a category 1 or  
702 category 2 gaming licensee, as defined in section 2 of chapter 23K. The fee collected pursuant to  
703 this subsection shall be deposited into the Public Health Trust Fund established in section 58 of

704 said chapter 23K and shall be used for the costs of services and public health programs provided  
705 for in said section 58 of said chapter 23K.

706       Section 16. (a) The commission may assess a civil administrative penalty on an operator  
707 who fails to comply with any provision of this chapter, house rules or any regulation or order  
708 adopted by the commission; provided, however, that the noncompliance shall have occurred after  
709 the commission has given such operator written notice of the noncompliance and the time stated  
710 in the notice for coming into compliance has elapsed; provided further, that the commission may  
711 assess a penalty without providing written notice if the failure to comply: (i) was part of a pattern  
712 of noncompliance and not an isolated instance; (ii) was willful or neglectful and not the result of  
713 error; (iii) resulted in a significant breach to the integrity of the operator or the sports wagering  
714 laws of the commonwealth; or (iv) consisted of failure to promptly report to the commission any  
715 knowledge of evidence or circumstances that would cause a reasonable person to believe that a  
716 violation of this chapter has been committed. The civil administrative penalty shall be in addition  
717 to any other civil penalty that may be prescribed by law.

718       (b) For the purpose of determining whether such noncompliance was part of a pattern of  
719 noncompliance and not an isolated instance, the commission shall consider, but not be limited to;  
720 (i) whether the commission had previously notified the operator of such noncompliance on more  
721 than 1 occasion during the previous month or of any noncompliance with the same provision of a  
722 law, regulation, order, license or approval as the current noncompliance during the previous 6-  
723 month period; or (ii) whether the current and previous instances of noncompliance, considered  
724 together, indicate a potential threat to the integrity of the operator and sports wagering in the  
725 commonwealth or an interference with the commission's ability to efficiently and effectively  
726 regulate sports wagering in the commonwealth and enforce any regulation, license or order. If an

727 operator that has received a notice of noncompliance fails to come into compliance within the  
728 time period stated in the notice, the civil administrative penalty may be assessed by the  
729 commission upon the operator from the date of receipt of such notice.

730 (c) If the commission seeks to assess a civil administrative penalty on an operator, the  
731 commission shall cause to be served upon the operator, by service in hand or by certified mail,  
732 return receipt requested, a written notice of its intent to assess a civil administrative penalty that  
733 shall include: (i) a concise statement of the alleged act or omission for which such civil  
734 administrative penalty is sought to be assessed; (ii) each law, regulation, order, license or  
735 approval that has not been complied with as a result of such alleged act or omission; (iii) the  
736 amount that the commission seeks to assess as a civil administrative penalty for each alleged act  
737 or omission; (iv) a statement of the operator's right to an adjudicatory hearing on the proposed  
738 assessment; (v) the requirements the operator shall comply with to avoid being deemed to have  
739 waived the right to an adjudicatory hearing; and (vi) the manner of payment thereof if the  
740 operator elects to pay the penalty and waive an adjudicatory hearing. After written notice of  
741 noncompliance or intent to assess a civil administrative penalty has been given, each day  
742 thereafter during which noncompliance occurs or continues shall constitute a separate offense  
743 and shall be subject to a separate civil administrative penalty if reasonable efforts have not been  
744 made by the operator to promptly come into compliance.

745 (d) If the commission seeks to assess a civil administrative penalty on an operator, the  
746 operator shall have the right to an adjudicatory hearing under chapter 30A, the provisions of  
747 which shall apply except when they are inconsistent with the provisions of this chapter.

(c) An operator shall be deemed to have waived its right to an adjudicatory hearing unless, not more than 21 days after the date of the commission's notice that the commission seeks to assess a civil administrative penalty, the operator files with the commission a written statement denying the occurrence of any of the acts or omissions alleged by the commission in the notice or asserting that the amount of the proposed civil administrative penalty is excessive. In an adjudicatory hearing authorized under chapter 30A, the commission shall be required to prove, by a preponderance of the evidence, the occurrence of each act or omission alleged by the commission in the notice.

(f) If an operator waives the right to an adjudicatory hearing, the proposed civil administrative penalty shall be final immediately upon such waiver. If a civil administrative penalty is assessed at the conclusion of an adjudicatory hearing, the civil administrative penalty shall be final upon the expiration of 30 days unless an action for judicial review of the decision is commenced under chapter 30A.

(g) An operator who institutes proceedings for judicial review of the final assessment of a civil administrative penalty shall place the full amount of the final assessment in an interest-bearing escrow account in the custody of the clerk or magistrate of the reviewing court. The establishment of an interest-bearing escrow account shall be a condition precedent to the jurisdiction of the reviewing court unless the party seeking judicial review demonstrates, in a preliminary hearing held not more than 20 days after the filing of the complaint, the presence of a substantial question for review by the court or the operator's inability to pay. Upon such a demonstration, the court may grant an extension or waiver of the interest-bearing escrow account requirement or may require, in lieu of such interest-bearing escrow account, the posting of a

770 bond payable directly to the commonwealth in the amount of 125 per cent of the assessed  
771 penalty.

772 If, after judicial review, in a case where the escrow account requirement has been waived,  
773 and in cases where a bond has been posted in lieu of such requirement, the court affirms, in  
774 whole or in part, the assessment of a civil administrative penalty, the commission shall be paid  
775 the amount thereof together with interest at the rate provided in section 6C of chapter 231. If,  
776 after judicial review in a case where an interest-bearing escrow account has been established, the  
777 court affirms the assessment of such penalty, in whole or in part, the commission shall be paid  
778 the amount thereof together with the accumulated interest in the interest-bearing escrow account.  
779 If the court sets aside the assessment of a civil administrative penalty in a case where the amount  
780 of such penalty has been deposited in an interest-bearing escrow account, the operator on whom  
781 the civil administrative penalty was assessed shall be repaid the amount so set aside, together  
782 with the accumulated interest thereon.

783 (h) Each operator who fails to timely pay a civil administrative penalty and each operator  
784 who issues a bond under this section and fails to timely pay to the commission the amount  
785 required for the bond, shall be liable to the commonwealth for up to 3 times the amount of the  
786 civil administrative penalty, together with costs, plus interest accrued from the time the civil  
787 administrative penalty became final and attorneys' fees, including all costs and attorneys fees  
788 incurred directly in the collection of the penalty. The rate of interest shall be the rate provided in  
789 section 6C of chapter 231. The commission may require that the amount of a civil administrative  
790 penalty imposed under this section exceed any economic benefit realized by a person.

(i) The commission may impose conditions on, suspend or revoke an operator's license or reprimand or assess a fine on an operator upon a finding that the operator: (i) has committed a criminal or civil offense under this chapter or under any other law; (ii) is not in compliance with sports wagering regulations promulgated pursuant to this chapter; (iii) is under criminal investigation in another jurisdiction; (iv) has breached a condition of licensure; (v) has affiliates, close associates or employees that are not qualified or licensed under this chapter with whom the operator continues to conduct business or employ; (vi) is no longer capable of maintaining operations as a sports wagering operator; or (vii) whose business practice, upon a determination by the commission, is injurious to the policy objectives of this chapter.

Section 17. There shall be established and set up on the books of the commonwealth a Sports Wagering Fund which shall receive revenues collected pursuant to sections 6 and 14. The commission shall be the trustee of the fund and shall transfer monies from the fund as follows:

(1) 45 per cent to the General Fund;

(2) 17.5 per cent to the Workforce Investment Trust Fund established in section 18;

(3) 27.5 per cent to the Gaming Local Aid Fund established in section 63 of section 23K;

(4) 1 per cent to the Youth Development and Achievement Fund established in section 19; and

(5) 9 per cent to the Public Health Trust Fund established in section 58 of section 23K.

Section 18. (a) There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Workforce Investment Trust Fund. There shall be credited to the fund any sports wagering revenue transferred from the Sports Wagering Fund pursuant to

section 16. Monies transferred to the fund shall be continuously expended, without regard for fiscal year, exclusively for carrying out the purposes of this section. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

(b) The fund shall be administered by the secretary of housing and economic development. Money in the fund shall be competitively granted to develop and strengthen workforce opportunities for low-income communities and vulnerable youth and young adults in the commonwealth, including providing opportunities and strategies to promote stable employment and wage growth.

(c) Eligible grant recipients shall provide opportunities which: (i) target at risk youth, including resources to empower youth to succeed in the workforce; (ii) provide job skills trainings, including programs offering trainings in multiple languages and areas for development, including education and hands on skills; (iii) promote adult literacy, including strategies to master reading and writing and providing digital formats to increase accessibility; and (iv) provide English language learning programs to promote access to the workforce. The secretary of housing and economic development shall establish criteria to evaluate applications for the grant program; provided, that the criteria shall include, but shall not be limited to, at risk populations; provided further, that preference shall be given to eligible grant recipients providing opportunities for individuals who meet at least 2 of the following: (i) is under 30 years of age; (ii) is a victim of violence; (iii) is over 18 years of age and does not have a high school diploma; (iv) has been convicted of a felony; (v) has been unemployed or has had a family income below 250 per cent of the federal poverty level for not less than 6 months; (vi) lives in a census tract where over 20 per cent of the populations fall below the federal poverty line; or (vii) is an immigrant, refugee or person of color.

835           (d) Annually, not later than October 1, the secretary of housing and economic  
836 development shall provide a report of the grants given and a breakdown of expenditures made by  
837 the fund. The report shall be posted on the website of the executive office of housing and  
838 economic development.

839           Section 18. There shall be established and set up on the books of the commonwealth a  
840 fund to be known as the Youth Development and Achievement Fund. The fund shall be credited  
841 any monies transferred from the Sports Wagering Fund pursuant to section 16 and all monies  
842 credited to or transferred to the fund from any other fund or source. Expenditures from the fund  
843 shall be subject to appropriation and shall be expended equally for the following purposes:

844           (1) For the purposes of providing financial assistance to students from the commonwealth  
845 enrolled in and pursuing a program of higher education in any approved public or independent  
846 college, university, school of nursing or any other approved institution furnishing a program of  
847 higher education;

848           (2) For the purposes of funding after-school and out-of-school activities, including, but  
849 not limited to, youth athletics and other activities that improve student health, literacy programs,  
850 English language learning programs, academic tutoring, art, theater and music programs and  
851 community service programs; and

852           (3) For the purposes of providing matching grants to elementary and secondary youth  
853 sports, organizations, clubs and other school groups to attend events including, but not limited to,  
854 academic events and programs, cultural events and award ceremonies both nationally and  
855 internationally.

Section 20. The commission shall conduct a study into the feasibility of allowing retail locations in the commonwealth to operate sports wagering kiosks. The study by the commission shall include, but not be limited to, an analysis of: (i) the economic impact of this chapter on retail establishments that serve alcoholic beverages for on premises consumption, such as restaurants and bars; (ii) which retail locations have the ability to operate a sports wagering kiosk; (iii) the economic impact to the commonwealth of authorizing retail locations to operate a sports wagering kiosk; (iv) the methods and availability of payouts of winnings by a sports wagering kiosks at retail locations; (v) the public health and safety impacts to the commonwealth of authorizing retail locations to operate a sports wagering kiosk; (vi) the potential effect of sports wagering kiosks at retail locations on problem gaming or gambling; (vii) the impact of sports wagering kiosks at retail locations on minors; (viii) the economic impact of authorizing this method of sports wagering on businesses owned by people of color; (ix) the public health and economic impact of this method of sports wagering as an alternative to the current black market, particularly in communities far from authorized in-person sports wagering; and (x) recommendations to ensure diversity, equity and inclusion are included in this method of sports wagering. As part of the study, the commission shall consult retailers, convenience stores, restaurants, women and minority owned businesses and small business owners. The commission shall report on its findings and submit any recommendations to the clerks of the house and senate, the house and senate committees on ways and means, the joint committee on consumer protection and professional licensure and the joint committee on economic development and emerging technologies no later than December 31, 2022.

Section 21. (a) The commission may impose on any person who violates this chapter a civil penalty not to exceed \$2,000 for each violation or \$5,000 for violations arising from the

879 same series of events. Such penalty shall be imposed on all persons and is not limited to persons  
880 licensed under this chapter.

881 (b) The commission may condition, suspend, reprimand, assess a fine or revoke an  
882 operator license upon a finding that a licensee: (i) has committed a criminal or civil offense  
883 under this chapter or under any other laws of the commonwealth; (ii) is not in compliance with  
884 sports wagering regulations; (iii) is under criminal investigation in another jurisdiction; (iv) has  
885 breached a condition of licensure; (v) has affiliates, close associates or employees that are not  
886 qualified or licensed under this chapter with whom the licensee continues to conduct business or  
887 employ; (vi) is no longer capable of maintaining operations as a sports wagering operator or data  
888 supplier; or (vii) whose business practice, upon a determination by the commission,  
889 is injurious to the policy objectives of this chapter.

890 Section 21. (a) Whoever, other than an operator under this chapter, engages in accepting,  
891 facilitating or operating a sports wagering operation shall be punished by imprisonment in the  
892 house of correction for not more than 90 days or by a fine not to exceed \$10,000, or both; and for  
893 a second offense, by imprisonment in the house of correction for not more than 6 months or by a  
894 fine of not more than \$50,000, or both; and in the case of a third or subsequent violation by  
895 imprisonment in the state prison for not less than 1 but not more than 5 years or by a fine of not  
896 less than \$25,000 and not more than \$100,000, or both.

897 Section 22. An operator shall not discharge, demote, suspend, threaten, harass or in any  
898 other manner discriminate against an employee because of any lawful act done by the employee  
899 to provide information, cause information to be provided or otherwise assist in an investigation

900 regarding any conduct that the employee reasonably believes constitutes a violation of this  
901 chapter.

902       Section 23. (a) The commission shall develop an annual research agenda in order to  
903 understand the social and economic effects of sports wagering in the commonwealth and to  
904 obtain scientific information relative to the neuroscience, psychology, sociology, epidemiology  
905 and etiology of sports wagering. The secretary of health and human services, with the advice and  
906 consent of the commission, may expend funds from the Public Health Trust Fund established in  
907 section 58 of chapter 23K to implement the objectives of the sports wagering research agenda;  
908 provided, however, that the objectives of the sports wagering research agenda shall, to the extent  
909 practicable, be substantially similar to the objectives of the research agenda established under  
910 section 71 of said chapter 23K. The sports wagering research agenda shall also include, but not  
911 be limited to: (i) an assessment of whether problem sports wagering is comorbid with problem  
912 gambling; (ii) an assessment as to whether the individuals participating in sports wagering are  
913 different than those who participate in other forms of gaming or gambling; (iii) an assessment of  
914 the impact of sports wagering on youth under the age of 25; (iv) an assessment of the impacts of  
915 sports wagering on college athletics and professional sports; and (v) the costs of implementing  
916 this chapter.

917       (b) Annually, the commission shall make scientifically-based recommendations that  
918 reflect the results of the research under clause (a) to the clerks of the senate and house of  
919 representatives, the senate and house committees on ways and means, the joint committee on  
920 economic development and emerging technologies, the joint committee on mental health,  
921 substance use and recovery and the joint committee on public health. The commission shall  
922 consider any such recommendations, research and findings in all decisions related to enhancing

923 responsible gambling and mitigating problem sports wagering. The recommendations shall be  
924 posted on the commission's website.

925 SECTION 6. Chapter 128C of the General Laws is hereby amended by inserting the  
926 following new section:-

927 Section 9. Notwithstanding sections 1 to 8, inclusive, or any other general or special law  
928 to the contrary, no racing meeting licensee, including licensees holding racing meetings in  
929 connection with a state or county fair as defined in section 1 of chapter 128A, shall simulcast or  
930 accept a wager on greyhound dog racing, and a running horse racing meeting licensee shall  
931 conduct not less than 20 live racing days at a thoroughbred horse racing track, provided, the  
932 commission may waive this requirement as necessary and appropriate to ensure the financial  
933 ability of the licensee to develop and operate a race track.

934 SECTION 7. Section 1 of chapter 137 of the General Laws, as appearing in the 2018  
935 Official Edition, is hereby amended by inserting after the figure "23K", in line 3, the following  
936 words:- or sports wagering conducted pursuant to chapter 23N.

937 SECTION 8. Section 2 of said chapter 137, as so appearing, is hereby amended by  
938 inserting after the figure "23K", in line 3, the following words:- or an operator who offers sports  
939 wagering pursuant to chapter 23N.

940 SECTION 9. Section 3 of said chapter 137, as so appearing, is hereby amended by  
941 inserting after the figure "23K", in line 7, the following words:- or sports wagering conducted  
942 pursuant to chapter 23N.

943           SECTION 10. Section 1 of chapter 271 of the General Laws, as so appearing, is hereby  
944 amended by striking out, in line 4, the words “chapter 23K” and inserting in place thereof the  
945 following words:- chapters 23K and 23N.

946           SECTION 11. Section 2 of said chapter 271, as so appearing, is hereby amended by  
947 striking out, in line 4, the words “chapter 23K” and inserting in place thereof the following  
948 words:- chapters 23K and 23N.

949           SECTION 12. Section 3 of said chapter 271, as so appearing, is hereby amended by  
950 striking out, in line 1, the words “chapter 23K” and inserting in place thereof the following  
951 words:- chapters 23K and 23N.

952           SECTION 13. Section 5 of said chapter 271, as so appearing, is hereby amended by  
953 striking out, in line 1, the words “chapter 23K” and inserting in place thereof the following  
954 words:- chapters 23K and 23N.

955           SECTION 14. Section 5A of said chapter 271, as so appearing, is further amended by  
956 inserting after the words “chapter 23K”, in line 32, the following words:- or sports wagering  
957 conducted pursuant to chapter 23N.

958           SECTION 15. Section 5B of said chapter 271, as so appearing, is hereby amended by  
959 striking out, in line 58, the words “chapter 23K” and inserting in place thereof the following  
960 words:- chapters 23K and 23N.

961           SECTION 16. Section 8 of said chapter 271, as so appearing, is hereby amended by  
962 striking out, in lines 10 to 11, the words “other game of chance that is not being conducted in a  
963 gaming establishment licensed under chapter 23K” and inserting in place thereof the following

964 words:- other game that is not being conducted pursuant to chapter 23K and any other sports  
965 wagering that is not being conducted pursuant to chapter 23N.

966 SECTION 17. Section 17 of said chapter 271, as so appearing, is hereby amended by  
967 inserting after the words "chapter 23K", in line 27, the following words:- or for the purpose of  
968 sports wagering conducted in accordance with chapter 23N.

969 SECTION 18. Said chapter 271, as so appearing, is hereby further amended by striking  
970 out section 17A and inserting in place thereof the following section:-

971 Section 17A. Except as permitted under chapter 23N, whoever uses a telephone, internet  
972 or other communications technology or, being the occupant in control of premises where a  
973 telephone, internet or other communications technology is located or a subscriber for such  
974 communications technology, knowingly permits another to use a telephone, internet or other  
975 communications technology so located or for which such person subscribes, as the case may be,  
976 for the purpose of accepting wagers or bets, or buying or selling of pools, or for placing all or  
977 any portion of a wager with another, upon the result of a trial or contest of skill, speed or  
978 endurance of man, beast, bird or machine, or upon the result of an athletic game or contest, or  
979 upon the lottery called the numbers game, or for the purpose of reporting the same to a  
980 headquarters or booking office, or who under another name or otherwise falsely or fictitiously  
981 procures telephone, internet or other communications technology service for oneself or another  
982 for such purposes, shall be punished by a fine of not more than \$2,000 or by imprisonment for  
983 not more than 1 year; provided, however, that this section shall not apply to use of telephones or  
984 other devices or means to place wagers authorized pursuant to the provisions of section 5C of  
985 chapter 128A.

986           SECTION 19. Section 19 of said chapter 271, as so appearing, is hereby amended by  
987 inserting after the words “chapter 23K”, in line 19, the following words:- and shall not apply to  
988 advertising of sports wagering conducted pursuant to chapter 23N.

989           SECTION 20. Section 20 of said chapter 271, as so appearing, is hereby amended by  
990 adding the following sentence:- Nothing in this section shall prohibit an operator licensed under  
991 chapter 23N from posting, advertising or displaying materials relevant to its sports wagering  
992 operations.

993           SECTION 21. Section 23 of said chapter 271, as so appearing, is hereby amended by  
994 inserting after the words “chapter 23K”, in line 31, the following words:- and shall not apply to  
995 sports wagering conducted pursuant to chapter 23N.

996           SECTION 22. Section 27 of said chapter 271, as so appearing, is hereby amended by  
997 inserting after the word “thereto”, in line 15, the following words:- ; provided, however, that  
998 such provisions shall not apply to sports wagering conducting pursuant to chapter 23N.

999           SECTION 23. Section 28 of said chapter 271, as so appearing, is hereby amended by  
1000 inserting after the word “prescribed”, in line 12, the following words:- ; provided, however, that  
1001 such provisions shall not apply to sports wagering conducted pursuant to chapter 23N.

1002           SECTION 24. Section 42 of said chapter 271, as so appearing, is hereby amended by  
1003 inserting after the word “both”, in line 4, the following words:- ; provided, however, that such  
1004 provisions shall not apply to sports wagering conducted pursuant to chapter 23N.

1005           SECTION 25. The Massachusetts gaming commission shall conduct a study on the  
1006 participation by minority business enterprises, women business enterprises and veteran business

1007 enterprises in the sports wagering industry in the commonwealth. The study shall include, but not  
1008 be limited to, an analysis of: (i) participation in activities related to the regulation, licensing and  
1009 promotion of sports wagering operators; (ii) the level of participation of women, minority and  
1010 veteran employees working for sports wagering licensees and employers; (iii) the level of  
1011 participation by minority-owned and women-owned businesses that contract with or provide  
1012 services to sports wagering licensees and employers; (iv) any barriers to employment of women  
1013 and minorities in the sports wagering industry; and (v) methods for increasing racial and gender  
1014 diversity in the workforce in the sports wagering industry, including whether to set reasonable  
1015 and appropriate goals and procedures for increasing the number of minority business enterprises  
1016 providing sports wagering industry-related services to sports wagering licensees and employers.  
1017 The commission shall report on its findings and submit any recommendations to the clerks of the  
1018 senate and house of representatives, the house and senate committees on ways and means, the  
1019 joint committee on racial equity, civil rights, and inclusion and the joint committee on economic  
1020 development and emerging technologies not later than December 31, 2022.

1021 SECTION 26. Section 135 of chapter 219 of the acts of 2016 is hereby repealed.

1022 SECTION 27. Sections 2 and 6 shall take effect 1 year after the effective date of this act.

**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 INCREASE THE QUOTE 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 "20%" with "35%" as follows:

b) The number of marijuana retail establishments shall not exceed 35% of liquor licenses issued for retail sale of alcohol not consumed on the premises in the City of Gardner, said number to be rounded up to the next whole number;

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

# CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING



March 30, 2023

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

RE: **Petition 10893** – 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 increase the quota allowed by the Code of the City of Gardner.

Dear President Kazinskas:

At its meeting on March 22, 2023, the Planning Board voted unanimously, 5-0, to recommend approving the proposed zoning amendment referenced above based on the information provided to them by the petitioner.

The Planning Board looks forward to joining the City Council at the joint public hearing scheduled on Monday, April 3, 2023, at 6:30 p.m. Please contact Trevor Beauregard if you have any questions or need additional information.

Sincerely,

Mark M. Schafron, Planning Board Chairman

C: Mayor Michael J. Nicholson  
Trevor M. Beauregard, Director  
Richard Hanks, Interim Building Commissioner



## City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

2023 MAR 30 AM 8:43  
CITY CLERK'S OFFICE  
GARDNER, MA

March 29, 2023

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

Mr. Mark Schafron, Chair  
And Planning Board Members  
Gardner City Hall, Manca Annex, Rm 201  
115 Pleasant St  
Gardner, MA 01440

RE: Written Testimony: Item #10893: 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 increase the quota allowed by the Code of the City of Gardner

Dear Madam President, Councilors, Mr. Chairman, and Planning Board Members,

I am writing in support of the aforementioned zoning amendment proposal.

When the retail sale of cannabis products was legalized in the Commonwealth in 2019, several municipalities, including Gardner, took steps to heavily regulate the industry since we didn't really know what would happen once the cannabis industry became legalized.

Since then we have seen that commercial enterprises like these do not cause as much of a strain on our services as we had originally been concerned about and have not been a public safety concern at all for us.

This proposal seeks to loosen the market constraints in the City and simply let the economic market be the market. If the City does not have the capability of handling more up to four (4) retain cannabis stores, then the market will correct itself for that.

An example of this can be seen with the regular tobacco/vape smoke shops that used to exist in the Downtown area. These businesses, unregulated in terms of number of facilities that could open in the City, were not marketed by the City and simply opened and then consolidated from five (5) to one (1) on their own because that was all the market was able to carry.

The purpose of this amendment, while it also provides a financial benefit to the City through statutorily required sales tax and host community agreement fees, is simply to relax some of the regulations placed on this industry and let the City's economy play itself out. This does still regulate the retail cannabis industry to four (4) locations, but it at least loosens the restriction of only being able to allow two (2) locations in the City.

Respectfully,

Michael J. Nicholson  
Mayor, City of Gardner



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

CITY OF GARDNER  
 NOTICE OF JOINT PUBLIC HEARING, continued

Pursuant to G.L. 40A, § 5, notice is hereby given that the City Council and Planning Board will conduct a **Joint Public Hearing** on **Monday, April 3, 2023 at 6:30 P.M.** in the City Council Chamber, Room 219, City Hall, 95 Pleasant Street, Gardner, to consider amending Chapter 675, the Zoning Code of the City of Gardner. The proposed Amendment involves changing items:

- **10891** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, entitled “Zoning,” to Change the Classification of Certain Parcels of Land Along Route 140.
- **10892** – 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.
- **10893** – 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 increase the quota allowed by the Code of the City of Gardner

Information regarding this amendment is available for viewing in the City Clerk’s Office, the Department of Community Development and Planning (DCDP), or on the City’s webpage – [www.gardner-ma.gov](http://www.gardner-ma.gov).

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

Titi Siriphan  
 City Clerk



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

CITY OF GARDNER  
NOTICE OF JOINT PUBLIC HEARING

Pursuant to G.L. 40A, § 5, notice is hereby given that the City Council and Planning Board will conduct a **Joint Public Hearing** on **Monday, March 20, 2023 at 6:30 P.M.** in the City Council Chamber, Room 219, City Hall, 95 Pleasant Street, Gardner, to consider amending Chapter 675, the Zoning Code of the City of Gardner. The proposed Amendment involves changing items:

- **10891** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, entitled “Zoning,” to Change the Classification of Certain Parcels of Land Along Route 140.
- **10892** – 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.
- **10893** – 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 increase the quota allowed by the Code of the City of Gardner

Information regarding this amendment is available for viewing in the City Clerk’s Office, the Department of Community Development and Planning (DCDP), or on the City’s webpage – [www.gardner-ma.gov](http://www.gardner-ma.gov).

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

Titi Siriphan  
City Clerk



**City of Gardner - *Executive Department***

**Mayor Michael J. Nicholson**

February 3, 2023

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

RE: An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled "Zoning," to amend Section 1070 thereof, entitled, "Marijuana Establishments" to increase the quota allowed by the Code of the City of Gardner.

Dear Madam President and Councilors,

As you are aware, in 2018, the retail sale of cannabis products became legalized in the Commonwealth.

When the City adopted the sale of Marijuana into our ordinances in November of 2018, the ordinances limited the number of establishments that could open in the City for the retail sale of cannabis to twenty percent (20%) of "license issues for retail sale of alcohol not consumed on the premises." (Code of the City of Gardner 675-1070(C)(8)(b)).

Whereas the City is currently issued ten (10) liquor licenses that fit this category, this provision of the City Code limited the number of retail cannabis locations to two (2) locations in the City.

One of the main reasons this quota limit was drafted was due to uncertainty as to how this new market would run its course in the City and the Commonwealth as a whole. However, since then, we have seen that these businesses do not provide a detriment to the City, and have seen the financial benefit the City receives from this as well.

The City currently has one retail location open with Sanctuary, with a second location – Bloc Cannabis – permitted at the Timpany Crossroads location.

This attached ordinance amendment proposal would increase the number of locations allowed in the City from two (2) to four (4). It is the belief of the Administration that this would allow more economic activity in the City based on inquiries that we have seen, keep the industry within a workable range that we are seeing in market trends with the cannabis industry around the Commonwealth, and done with the full support of our public safety departments.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

CC:  
City Council Public Welfare Committee  
Planning Board

**CITY OF GARDNER POLICE DEPARTMENT**

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



Eric P. McAvene  
Chief of Police

Nicholas P. Maroni  
Deputy Chief of Police

February 2, 2023

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

Re: Retail Marijuana Ordinance

Dear Mayor,

After reviewing the proposed ordinance change from two retail dispensary licenses to four, I do not see any issue with this particular change moving forward. Retail marijuana dispensaries have been operating in the state for the past few years and are closely monitored and regulated by the Cannabis Control Commission. Any retail dispensaries are required to have pre-determined surveillance camera coverage (inside and outside) and purpose-built safes for stored retail product. This is in addition to physical security during operating hours.

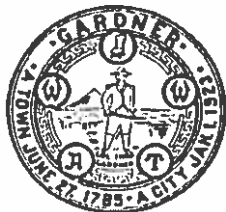
The Gardner Police Department has responded to calls at the current recreational retail dispensary, but the vast majority of the calls are general service calls (accidents, lockouts, burglar alarms, etc.). The police department rarely deals with anything else there.

We have conducted "compliance checks" at Sanctuary using underage youths to enter and purchase cannabis products. Sanctuary has never failed a compliance check. In fact, no youth has ever made it past the front door. I have spoken to law enforcement in other host dispensary locations and have not heard of any major issues.

If there are any further questions or concerns, please do not hesitate to contact me.

Very truly yours,

Eric P. McAvene  
Chief of Police



**City of Gardner**  
**Department of Inspectional Services**  
**115 Pleasant Street, Room 101**  
**Gardner, MA 01440**  
Tel. (978) 630-4007 Fax: (978) 632-3313

---

Feb. 7, 2023

RE: Marijuana Retail Establishments

Dear Mr. Mayor,

I believe the text amendment regarding the number of Marijuana Retail Establishments will only increase opportunities in the City for revenue, and jobs. From a Zoning standpoint I have seen no ill effects from the existing Marijuana Facility. I currently have an application for a Building permit for a second facility which would leave us with no additional licenses. This would in effect tie our hands regarding further growth. I am in full support of this proposal.

Do not hesitate to contact me should you need any further assistance.

Roland Jean  
Building Commissioner/Zoning Enforcement Officer  
City Hall Annex  
115 Pleasant St. RM 101  
Gardner, MA 01440  
(978) 630 4007  
rjean@gardner-ma.gov

**Mission Statement**

To promote the safe and compatible development of the community through fair and consistent enforcement of building codes and zoning ordinances

**Mayor**

---

**From:** John Richard  
**Sent:** Wednesday, February 1, 2023 11:14 AM  
**To:** Mayor  
**Subject:** Marijuana Fees History

Hi Mike

Here you go.

Description	2023 Actual	2022 Actual	2021 Actual	2020 Actual	2019 Actual
MARIJUANA HCA FEES	\$ 26,367.11	\$ 124,076.56	\$ 132,015.11	\$ 118,394.64	\$ 47,072.12
MARIJUANA SALES EXCISE TAX	\$ 104,773.64	\$ 237,668.25	\$ 306,969.74	\$ 383,850.54	\$ 50,330.46
<b>TOTAL</b>	<b>\$ 131,140.75</b>	<b>\$ 361,744.81</b>	<b>\$ 438,984.85</b>	<b>\$ 502,245.18</b>	<b>\$ 97,402.58</b>

John Richard  
City Auditor



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

**Mayor**

---

**From:** Ashley Metivier  
**Sent:** Wednesday, February 1, 2023 11:04 AM  
**To:** Mayor  
**Subject:** Liquor Retail - Not Consumed on Premise

Hi Mike,

We have 10 locations licensed as retail sale, not consumed on premises:

Malt/Wine Packaged Goods

Town Convenience, 13 Pine St  
BP, 221 Main St  
South Gardner Mini Mart, 94 S. Main St  
Jays Variety, 32 E. Broadway  
Price Chopper, 500 Main St

All Alcohol Packaged Goods

Beauregard Liquors, 11 West St  
Brazells, 201 Pleasant St  
Hannaford, 14-20 Timpany Blvd  
Gardner Spirits, 364 Timpany Blvd  
Anthony's, 12 Pearson Blvd

Let me know if you need any more information!

**Ashley Metivier**  
**Administrative Assistant/License Commission Clerk**  
City of Gardner  
95 Pleasant St, Room 29  
Gardner, MA 01440  
P: 978-630-4013 Ext: 8042  
F: 978-632-4682  
E: [AMetivier@gardner-ma.gov](mailto:AMetivier@gardner-ma.gov)

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# Current Ordinance

City of Gardner, MA  
Friday, February 3, 2023

## Chapter 675. Zoning

### Article X. Supplemental Regulations

#### § 675-1070. Marijuana establishments.

##### A. Purpose.

- (1) To provide for the placement of marijuana establishments in appropriate places and under conditions in accordance with the provisions of MGL c. 94G.
- (2) To minimize the adverse impacts of marijuana establishments on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other sensitive land uses potentially incompatible with said establishments.
- (3) To regulate the siting, design, placement, security, safety, monitoring, modification, and discontinuance of marijuana establishments.

##### B. Applicability.

- (1) No marijuana establishment shall be established except in compliance with the provisions of § 675-410 (Schedule of permitted uses) and this § 675-1070 (Marijuana establishments).
- (2) Nothing in this section shall be construed to supersede federal and state laws governing the sale and distribution of Class 1 Controlled Substances.
- (3) If any provision of this section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this section are severable.

##### C. General requirements and conditions for all marijuana establishments.

- (1) All marijuana establishments shall be contained within a building or structure.
- (2) The hours of operation of marijuana establishments shall be set by the special permit granting authority.
- (3) No marijuana establishment property line shall be located within 500 linear feet of a lot line where the following districts, activity, or uses occur:
  - (a) (Reserved)<sup>[1]</sup>

**[1]** *Editor's Note: Former Subsection C(3)(a), regarding nonconforming residential dwellings, was repealed 9-3-2019 by Ord. No. 1625.*
  - (b) Any church, public or private school or child-care facility; or place where minors frequent (e.g., a library, ball field, park, sports or family recreation facility, religious facility or the like);
  - (c) Any other marijuana establishment;
  - (d) Any drug or alcohol rehabilitation facility; or
  - (e) Any correctional facility, halfway house or similar facility.
- (4) No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a marijuana establishment.

- (5) No marijuana establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.
- (6) Marijuana establishments shall provide the Gardner Police and Fire Departments, Building Commissioner, Board of Health, and the special permit granting authority with the names, phone numbers and e-mail addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment.
- (7) The City shall have access at any time to inspect the premises of the marijuana establishment to ensure compliance with local and state regulations, excluding client health information protected under the Health Insurance Portability and Accountability Act of 1996.
- (8) Pursuant to MGL c. 94G, § 3(a)(2)(i) to (iii), the maximum number of licensed marijuana establishments in the City shall be consistent with the following provisions:
  - (a) Shall not prohibit one or more types of marijuana establishment;
  - (b) The number of marijuana retail establishments shall not exceed 20% of liquor licenses issued for retail sale of alcohol not consumed on the premises in the City of Gardner, said number to be rounded up to the next whole number;
  - (c) The number of marijuana establishments shall not prevent the conversion of a medical marijuana treatment center licensed or registered no later than July 1, 2017, to a marijuana establishment engaged in the same type of activity.

[Amended 9-3-2019 by Ord. No. 1625]

D. Special permit requirements.

- (1) No special permit for any marijuana establishment shall be issued without site plan approval first having been obtained from the Planning Board, § 675-1010, Site plan review, of this chapter. In addition to the standards set forth within, the site plan must meet all dimensional, parking, landscaping, and signage requirements within this chapter.
- (2) A marijuana establishment shall only be allowed by special permit from the Gardner Planning Board in accordance with MGL c. 40A, § 9, subject to the following statements, regulations, requirements, conditions and limitations.
- (3) A special permit for a marijuana establishment shall be limited to one or more of the following uses that shall be specified by the special permit granting authority:
  - (a) Marijuana cultivator;
  - (b) Marijuana product manufacturer;
  - (c) Marijuana retailer;
  - (d) Marijuana testing facility;
  - (e) Marijuana transportation or distribution facility; and
  - (f) Any other type of licensed marijuana-related business.
- (4) In addition to the application requirements set forth above, a special permit application for a marijuana establishment shall include the following:
  - (a) The name and address of each owner of the establishment;
  - (b) Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts Cannabis Control Commission and any of its other agencies for the establishment;
  - (c) Evidence of the applicant's right to use the site of the establishment for the establishment, such as a purchase and sale agreement, deed, owner's authorization, or lease;
  - (d) Proposed security measures for the marijuana establishment, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft. A letter

from the City of Gardner Police Chief, or designee, acknowledging review and approval of the marijuana establishment security plan is required. To the extent allowed by law, all such documents shall be confidential.

- (5) Mandatory findings. The special permit granting authority shall not issue a special permit for a marijuana establishment unless it finds that:
  - (a) The establishment is designed to minimize any adverse impacts on abutters and other parties in interest, as defined in MGL c. 40A, § 11.
  - (b) The establishment demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state laws and regulations; and
  - (c) The applicant has satisfied all the conditions and requirements set forth herein.
- (6) A special permit granted under this section shall have a term limited to the duration of the applicant's ownership or leasehold of the premises as a marijuana establishment. A special permit may be transferred only with the approval of the special permit granting authority in the form of an amendment to the special permit with all information required in this § 675-1070.

E. Abandonment or discontinuance of use.

- (1) A special permit shall lapse if not exercised within one year of issuance.
- (2) A marijuana establishment shall be required to remove all personal property, including but not limited to all material, plants, equipment, accessories, paraphernalia, and any other property no later than the earliest of:
  - (a) Prior to surrendering its state-issued licenses or permits; or
  - (b) Within six months of ceasing operations.



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

November 29, 2023

Hon. George C. Tyros, Chair  
And Appointment Committee  
Gardner City Hall, Rm 121  
95 Pleasant Street  
Gardner, MA 01440

RECEIVED  
NOV 30 PM 6:14  
CITY OF GARDNER, MA

RE: Appointments Submitted for Review- Meeting of Dec 4, 2023

Dear Chairman Tyros and Councilors,

Thank you for your time in reviewing the appointments I have submitted for City Council confirmation for the positions of City Director of Human Resources and two Disability Commission Members.

Debra Pond- Director of Human Resources (Re-Appointment)

Director Pond has served in this position since October of 2002, when she was originally appointed by Mayor Daniel Kelley. In the 21 years since Director Pond has been in this position, she has truly been an asset to the City in terms of the expertise she brings to the table due to her background as a paralegal before becoming our HR Director. She also serves as the director of operations for the Greenwood Pool overseeing all swimming lessons, maintenance, and upkeep of the outdoor pool facility during the summer months.

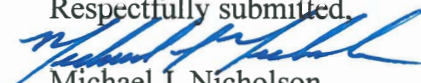
Debra Pond – Disability Commission Member (Re-Appointment)

In 2002, Director Pond took on the role as the ADA coordinator for the City by virtue of her position as HR Director. In this capacity, she serves as a voting member of the City's Disability Commission, pursuant to §62-1 of the Code of the City of Gardner.

David Hacket- Disability Commission Member (Re-Appointment)

Mr. Hacket has served as a member of the Disability Commission for several years. Pursuant to the City Code, members of the Disability Commission, aside from a member who is an elected or appointed City official, must have a disability themselves or be an immediate family member of someone with a disability. Mr. Hacket has a mobility disability and brings a great perspective to this important board.

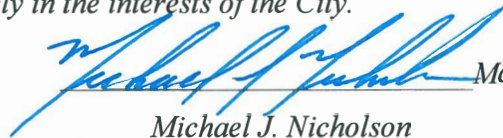
Respectfully submitted,

  
Michael J. Nicholson  
Mayor, City of Gardner

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

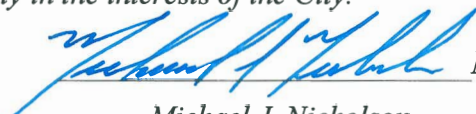
Received \_\_\_\_\_

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

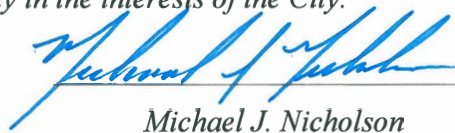
Received \_\_\_\_\_

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, 2<sup>nd</sup> 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 2<sup>nd</sup>, 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 2<sup>nd</sup> 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 2<sup>nd</sup>, 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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

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:

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### **Section 1. DEFINITIONS**

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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.

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### **Section 2. MUNICIPAL CONSTRUCTION CONTRACTS**

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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 foregoing 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.

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### **Section 3. TAX RELIEF AGREEMENTS**

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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.

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#### **Section 4. BUILDING PERMITS**

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**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.

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#### **Section 5. SUCCESSORS IN INTEREST**

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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.

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#### **Section 6. SEPARABILITY**

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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.