



City of Gardner, Massachusetts  
Office of the City Council

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CALENDAR FOR THE MEETING

of

MONDAY, JUNE 17, 2024  
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**

- 11299** – An Order Requesting a Transfer from Sewer Surplus/Retained Earnings in the Sum of \$40,825.00 to DPW Dept New Equipment Expenditures. (*Finance Committee*)
- 11300** – An Order Appropriating \$253,908.96 from Free Cash to the Building Demo Expenses Account. (*Finance Committee*)
- 11301** – An Order Appropriating \$90,000.00 from Free Cash to the Veterans Services Benefit Expenses Account. (*Finance Committee*)
- 11302** – An Order Appropriating \$4,000.00 from Free Cash to the Community Development Hazard Mitigation Plan Grant City Match Account. (*Finance Committee*)

- 11303** – An Order Transferring Appropriations \$25,000.00 from Building Salaries & Wages to Operating Expenditures. (*Finance Committee*)
- 11304** – An Order Appropriating \$55,000.00 from Free Cash to the New Parking Meter Expenses Account. (*Finance Committee*)
- 11311** – An Order Transferring Appropriations \$33,000.00 from DPW Maintenance Crew Salaries & Wages to Vehicle Fuel Operating Expenditures. (*Finance Committee*)
- 11312** – An Order Requesting a Transfer from Sewer Surplus/Retained Earnings in the Sum of \$140,000.00 to Sewer Dept Chemical Treatment Expenditures. (*Finance Committee*)
- 11313** – An Order Requesting a Transfer from Water Surplus/Retained Earnings \$50,000.00 to Water Dept Chemical Treatment Expenditures. (*Finance Committee*)

### **ORDINANCE**

- 11314** – An Ordinance to Amend the Code of the City of Gardner, Section 90 of Chapter 553, Thereof Entitled, “Sewer Rates” (*Finance Committee*)

### **APPOINTMENTS**

- 11307** – A Measure Confirming the Mayor’s Appointment of Roger Cormier, to the position of Sergeant, permanent (*Appointments Committee*)
- 11308**- A Measure Confirming the Mayor’s Appointment of John Braun, to the position of Sergeant, permanent (*Appointments Committee*)
- 11309** – A Measure Confirming the Mayor’s Appointment of John Czasnowski, to the position of Lieutenant, permanent (*Appointments Committee*)
- 11310** – A Measure Confirming the Mayor’s Appointment of Matthew Arsenault, to the position of Lieutenant, permanent (*Appointments Committee*)
- 11315** – A Measure Confirming the Mayor’s Appointment of Melory Cornett, to the position of Zoning Board Member, for term expiring June 12, 2026(*Appointments Committee*)
- 11316** – A Measure Confirming the Mayor’s Appointment of Laurie Wiita, to the position of Zoning Board Member, for term expiring June 12, 2027 (*Appointments Committee*)

## **COMMUNICATIONS**

**11305** – A Measure to Accept Short-Term Rental Impact Fee MGL 64G, Sec. 3D(a)  
(*Finance Committee*)

**11306** – A Measure to Accept Short-Term Rental Impact Fee MGL 64G, Sec. 3D(b)  
(*Finance Committee*)

**11323** – A Vote to Authorize the Mayor to Enter into a Host Community Agreement  
between the City of Gardner and Bay State Racing, LLC

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

**11317** – A Vote to determine if a track of land located at 827 Green Street, be  
approved as the location of a running horse racing track where race meetings  
laid out and conducted by licensees under M.G.L c. 128A will be held or  
conducted (*Public Hearing Required*)

**11318** – An Application by GameStop, Inc. #3725 for a License to deal in Second-  
hand Articles at 376 Timpany Blvd (*Safety Committee*)

**11319** – An Application by Gardner Coins & Cards, Inc., for a License to deal in  
Second-hand Articles at 18 Parker Street (*Safety Committee*)

**11320** – An Application by The Salvation Army – Family Store & Donation Center,  
for a License to deal in Second-hand Articles at 8 Union Street (*Safety  
Committee*)

**11321** – An Application by House of Peace and Education, Inc., d/b/a HOPEful  
Boutique, for a License to Deal in Second Hand Articles at 29 Pleasant Street  
(*Safety Committee*)

**11322** – Council Request for Opinion from the Law Department Follow Up

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

### **FINANCE COMMITTEE**

**11256** – A Resolution to Rename the City Council Chamber "The Ronald F. Cormier  
Council Chamber." (*Submitted by Councillor Judy Mack; More Time  
4/16/2024; Referred to Finance 5/6/2024; More Time 5/20/2024, 6/3/2024*)

**11286** – An Order Appropriating \$30,000.00 from Free Cash to the Mayor's  
Unclassified – S. Graves vs City Lawsuit Expense Account (*In the City  
Council Referred to Finance Committee, 5/20/2024; More Time 6/3/2024*)

**11289** – An Ordinance to Amend the Code of the City of Gardner, Part 1, thereof entitled “Administrative Legislation.” *(In the City Council Referred to Finance Committee, 5/20/2024, More Time 6/3/2024)*

**APPOINTMENTS COMMITTEE**

**11140** – A Measure Confirming the Mayor’s Appointment of Robert Swartz, to the position of Planning Board Member, for term expiring January 4, 2027. *(In the City Council and Referred to the Appointments Committee 1/16/2024)*

**11141** – A Measure Confirming the Mayor’s Appointment of Stephen Cormier, to the position of Planning Board Member, for term expiring January 4, 2027. *(In the City Council and Referred to the Appointments Committee 1/16/2024)*

**11255** - A Measure Confirming the Mayor’s Appointment of Vincent Pusateri, to the position of Assistant City Solicitor, for term expiring January 1, 2025. *(In the City Council and Referred to the Appointments Committee 4/16/2024)*

**SAFETY COMMITTEE**

**11115** – 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.” – Douglas Road. *(In the City Council & Referred to Safety Committee 12/18/2023; More Time 1/2/2024, 1/16/2024, 2/5/2024, 2/20/2024, 3/4/2024, 3/18/2024, 4/1/2024,4/16/2024, 5/6/2024, 5/20/2024, 6/3/2024)*

**11204** – 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” – Edgell Street, from Elm Street to Lawrence Street. *(More Time 3/18/2024, 4/1/2024,4/16/2024, 5/6/2024, 5/20/2024, 06/3/2024)*

**WELFARE COMMITTEE**

**11211** – An Ordinance to Amend the Code of the City of Gardner, to add a new Chapter 15 to be entitled “Agricultural Commission.” *(In the City Council and Referred to Welfare Committee 3/18/2024; More Time 4/1/2024, 4/16/2024, 5/6/2024, 5/20/2024, 6/3/2024)*

**COMMITTEE OF THE WHOLE**

**11287** – An Ordinance to Amend the Code of the City of Gardner, Chapter 171, thereof entitled “Personnel” to change the compensation schedule, Exhibit E Non-Union Personnel. *(In the City Council and Referred to the Committee of the Whole 5/20/2024; Ordered to 1<sup>st</sup> Printing 6/3/2024, 1<sup>st</sup> Printing 6/7/2024)*

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

**XII. NEW BUSINESS**

**XIII. COUNCIL COMMENTS AND REMARKS**

**XIV. CLOSING PRAYER**

**XV. 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

June 6, 2024

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

RE: Sewer Retained Earning Appropriation Request – Sand Purchase

Dear Madam President and Councilors,

Attached, please find a sewer enterprise fund retained earnings request.

As you are aware, Massachusetts General Laws as well as the Emerson case of the Massachusetts Supreme Judicial Court require the City to retain a full and completely separate accounting for all enterprise accounts and funds are not allowed to be mixed with taxpayer funded accounts. This is because not all taxpayers receive the services provided by enterprise departments. For example, someone whose property has a well and septic system still pays property taxes but does not pay into the water or sewer enterprise accounts.

This attached appropriation is related to the Sewer Department purchasing sand from the DPW gravel bank. This must be treated as a sale, due to the aforementioned statutes and regulations.

The money from this sale will be used to offset the cost of purchasing equipment for the DPW.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

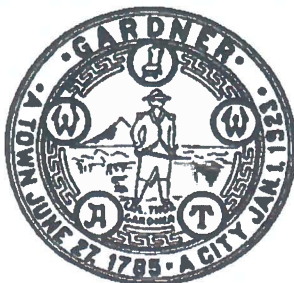
RECEIVED  
2024 JUN -6 PM 4:05  
CITY CLERK'S OFFICE  
CITY OF GARDNER, MA

AN ORDER REQUESTING A TRANSFER FROM SEWER SURPLUS/RETAINED EARNINGS TO DPW DEPT NEW EQUIPMENT EXPENDITURES.

ORDERED:

That there be and is hereby transfer the sum of Forty Thousand Dollars, Eight Hundred Twenty-Five and 00/100 (\$40,825) from Sewer Surplus/Retained Earnings to DPW New Equipment Expenditure.

**CITY OF GARDNER**  
**Department of Public Works**



Highway  
Water  
Sewer  
Forestry  
Parks/Playgrounds  
Cemeteries

Dane E. Arnold, Director  
50 Manca Drive  
Gardner, MA 01440-2687  
Telephone (978) 630-8195  
darnold@gardner-ma.gov

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

RE: Cover Material Transfer

June 4, 2024

Dear Mayor Nicholson:

I am requesting the **\$40,825** from available **Sewer Surplus** to be transferred into the Department of Public Works **New Equipment** line item **14421 - 55123**.

The Sewer Department requires sand to be used for mixing and cover material at the Sludge Landfill. With the City owning a gravel bank and we now use a limited amount of sand for road treatment during the winter, the City has an abundance that can supply the Sewer Department with sand.

The retail cost to purchase cover material is approximately \$9.50 per yard. We determined that a fair cost of half the retail cost as we've used in the past. The \$4.75 per yard is a slight increase from last year. Approximately 8595 yards were used from the City's gravel bank. The funds will be used to offset the City costs of purchasing new equipment.

If you have any questions regarding this matter, please do not hesitate to call.

Sincerely,

Dane E. Arnold, Director  
Department of Public Works

PC: Public Service Committee  
John Richard, City Auditor





City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

June 6, 2024

Hon. Elizabeth J. Kazinskas, Council President

And City Councilors

Gardner City Hall, Rm 121

95 Pleasant Street

Gardner, MA 01440

RE: Free Cash Appropriation Request – Demolition of 73 Stuart Street

Dear Madam President and Councilors,

In November of 2022, the Land Court foreclosed on the right of redemption for the former factory building located at 73 Stuart Street at the corner of Stuart and Nadeau streets in Ward 2 off of Clark Street due to being delinquent on tax payments.

At that time, the City took ownership of the property. This was notified to the City Council with the declaration of surplus vote that took place as Item #10866: A Measure Declaring Surplus for the Purpose of Disposal Land and Buildings at 73 Stuart Street, that was voted on, on December 19, 2022

At the March 4, 2024 Meeting of the City Council, I notified that Council that the property had sustained damage during the wind storm that took place on February 29<sup>th</sup>, 2024. (*See Attached, Item # 11202: A Communication from the Mayor Regarding City Property Damage as a result of the Wind Storm of 2/28/24*)

The Massachusetts Interlocal Insurance Agency (MIIA) has since ordered the City to demolish the structure as soon as possible in order to prevent any further damage due to the collapsing state of the building. If this is not done, they will cease to provide any insurance coverage to any damage associated with the structure.

The attached appropriation request is being put forward to perform the necessary emergency demolition of the site.

Whereas the City Council has already declared the land surplus (Item #10866- Dec 19, 2022) the Administration seeks to put the land back on the market for sale as soon as possible after the demolition is completed.

Respectfully submitted,

Michael J. Nicholson

Mayor, City of Gardner

RECEIVED  
 2024 JUN -6 PM 4:05  
 CITY CLERK'S OFFICE

AN ORDER APPROPRIATING FROM FREE CASH TO THE BUILDING  
DEMO EXPENSES ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Two Hundred Fifty-Three  
Thousand Nine Hundred Eight Dollars and Ninety-Six Cents (\$253,908.96) from Free  
Cash to the Building Demo Expenses Account.



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

December 8, 2022

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

RE: Declaration of Surplus – 73 Stuart Street

Dear Madam President and Councilors,

Recently, the Land Court foreclosed on the right of redemption for the former factory building located at 73 Stuart Street at the corner of Stuart and Nadeau streets in Ward 2 off of Clark Street due to being delinquent on tax payments.

Whereas the City now owns the property, I am requesting that the City Council declare the property surplus for the purpose of disposition so that the City can sell the property to get it developed and back on the tax rolls.

I am recommending a minimum price of \$17,500 for the property. The previous property owner owed the City \$17,229 in taxes with an additional \$13,690.14 in interest. A recent appraisal of the property also came back with a value of zero dollars and zero cents (\$0.00) due to the fact that there is no feasible way to save the building and it would be required to be demolished for any work to be done on the site.

In recognition of the information contained in the appraisal, I am requesting that the minimum price only include the principal back taxes owed to the City and the filing fees that the City had to incur as a result of the tax taking.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

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

February 29, 2024

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

RE: A Communication regarding City Property Damage as a result of the Wind Storm of 2/28/24 to 2/29/24

Dear Madam President and Councilors,

On the evening of February 28, 2024 through the morning of February 29, 2024, there were substantial winds in the area. The National Weather Service had placed the City under a severe wind advisory.

While Gardner made out well in terms of not having many power outages, there were two City properties that experienced significant amounts of damage as a result.

**Gardner Fire Department Headquarters Roof:**

At approximately 1:50am on Thursday, February 29, 2024, the wind gauge of the Gardner Fire Department recorded a 60 mile per hour gust of wind. This gust of wind blew a portion of the Fire Department's roof off and folded over itself.

This section of the roof is located above the living quarters of station.

The roof is made of lead lined copper. It is original to the building's 1978 construction and was patched in 2001.

At the informal meeting of the City Council held on September 19, 2022, at which the City Council reviewed the Fire Department Audit by Parrow and Associates, I notified the City Council that the City needed to take action on the roof soon, because of the leaks, air quality issues, and instability concerns that it was causing.

In October of 2022, the City had CM Chartier, the City's on call general carpentry contractor remove all insulation from under the roof in the apparatus bay from the information in the Parrow Report and reviews that were done on the structure.

On November 9, 2023, I notified the City Council that the Administration was going to be making the roof's replacement a priority for the 2024 calendar year. This was before the City Council as *Agenda Item 11098 – A Notification from the Mayor Regarding Upcoming*

*Appropriation Request for Fire Department Roof Repairs*, for the meeting of November 20, 2023. And further reiterated in my inaugural address, delivered on January 6<sup>th</sup>, 2024.

During the week of February 19<sup>th</sup>, 2024, the City had engaged in architectural and building design engineers – Tighe & Bond and Weston & Samson – do a review of the roof and provide the City with Opinions of Probable Costs, so that the City could move forward with a full replacement project based off of an actual financial projection.

The roof is currently having a short term emergency repair made and we are working with our insurance company, the Massachusetts Interlocal Insurance Agency (MIIA) on what would be covered in terms of replacements.

### **73 Stuart Street – Former Factory Building:**

The building at 73 Stuart Street, at the intersection of Stuart and Nadeau Streets was taken by tax title proceedings in the fall of 2022.

At the regular meeting of the Gardner City Council of December 19, 2022, the City Council voted to declare the land surplus for sale.

While the City tried to sell this property, the interested purchaser, and the only one individual who put in an offer on the property, wanted the property subject to a zoning variance, which the City could not wait for, per the General Laws of the Commonwealth, since the solicitation required that the property be sold “as is.”

During the aforementioned windstorm, a portion of the roof collapsed, which caused one of the outside walls of the factory to collapse onto the neighbors fence.

The full report of the building commissioner is attached.

The City was already under the process of finding ways to demolish this structure as it is fully condemned already. According to the Opinion of Probable Cause that we received from Tighe and Bond, the cost to demolish the structure would be \$369,400, largely due to the unknown environmental factors of the demolition.

The Building Commissioner, per the provisions of the General Laws, does however, have the right to order a building to be removed when extreme safety of life and property arise.

The Administration is looking at how best to proceed with this property before any further damage or collapse occurs.

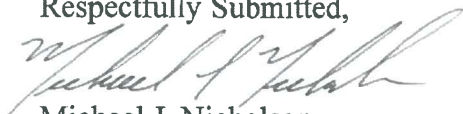
### **Gardner City Hall Flagpole:**

The main flagpole behind the World War I monument at Gardner City Hall is largely in disrepair. The pulley system inside the pole was slightly damaged but repaired earlier this year. Following this storm, the mechanism completely broke, causing the flag to completely fall off the pole.

The flag was retrieved by members of the Fire Department who saw the flag on the ground when they drove by. It was properly folded and is currently being stored in the City's Veteran's Services Department.

Current estimates have a repair of the existing pole around \$8,000 and the cost of a full replacement being \$75,000.

Respectfully Submitted,



Michael J. Nicholson  
Mayor, City of Gardner

## 73 Stuart St. Information

- Building Commissioner Report, 2/29/24
- Opinion of Probable Cost for Demolition
- City Council Agenda of Monday, Dec 9, 2022



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



February 29, 2024

Mayor Nicholson  
City of Gardner  
95 Pleasant St.  
Gardner, MA 01440

**Re: Unsafe structure located at 73 Stuart St. Gardner, MA 01440 M.B.L. M32-24-6**

Dear Mayor Nicholson,

On Wednesday February 14, 2024 the building department received a complaint regarding the concrete (cmu) wall at the rear of 73 Stuart St. The complainant stated the wall had partially collapsed and damaged the vinyl fence dividing 73 Stuart and 348 Park St. I visited 73 Stuart St. on February 15, 2024... see attached report and photos.

Previously, in accordance with **§116 Unsafe Structures and Equipment** of 780 CMR, Massachusetts State Building Code and **§116.3 Marking or Identifying Certain Buildings That Are Especially Unsafe in the Case of Fire**, in cooperation with the head of the fire department, the building has been marked with an "X" as prescribed in the **Massachusetts Comprehensive Fire Code 527 CMR 1.00 10.12.5**.

I have made the determination that the above referenced structure is dangerous to life or limb and poses an immediate threat to the general public and first responders. In the interest of public safety and in accordance with M.G.L. c.143 §6, It is my recommendation that the structure be removed in its entirety.

Understanding that the city of Gardner is currently exploring options for the removal of the structure, and until such a time that the structure has been removed, I must order the city of Gardner to secure the remainder of the concrete wall which is in immediate danger of collapse and install a proper fence around the structure for the protection of passers-by as outlined in **M.G.L. c.143 §7 Removal or making structure safe; putting up fence**

Please feel free to contact me directly at 978-630-4060 or by email at [tzuppa@gardner-ma.gov](mailto:tzuppa@gardner-ma.gov) should you have any questions or concerns.

Respectfully,

Thomas Zuppa  
Building Commissioner  
Zoning Enforcement Officer

**Mission Statement**

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





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



February 16, 2024

RE: Fencing Damage @ 348 Park St.

**Timeline of Events:**

- On Wednesday February 14, 2024 at 09:40 hrs. the an email was received by Gayle McNally; occupant of 348 Park St. regarding damage to her fence located at the rear of her property.
- Inspector Germano made a site visit at approximately 10:45 hrs. on February 14, 2024
- At approximately 14:50 hrs. on February 15, 2024 I accompanied Inspector Germano on a second site visit.

**Observations from site visit:**

- A six foot vinyl fence has been installed on what appears to be the property of 348 Park St.
- The vinyl fence has sustained damage in two separate locations.
- The roof structure on the northern side of the of the structure located at 73 Stuart St. has collapsed. Time of collapse unknown.
- The collapse of the roof structure appears to have caused a portion the cmu block wall to collapse.
- Damage was observed to the adjacent trees. Time of damage unknown although it does appear recent. Bark was observed on the cmu block wall on the ground next to the trees.
- Remainder of the cmu block wall located at the northern most part of 73 Stuart St. is in a compromised state.

**Conclusion:**

- Owner of 348 Park St. has been given a copy of this report along with a copy of the city's claim form to complete and return to the city clerk's office.

Thomas Zuppa C.B.O.  
 Building Commissioner  
 Zoning Enforcement Officer  
 City of Gardner, MA

**Mission Statement**

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

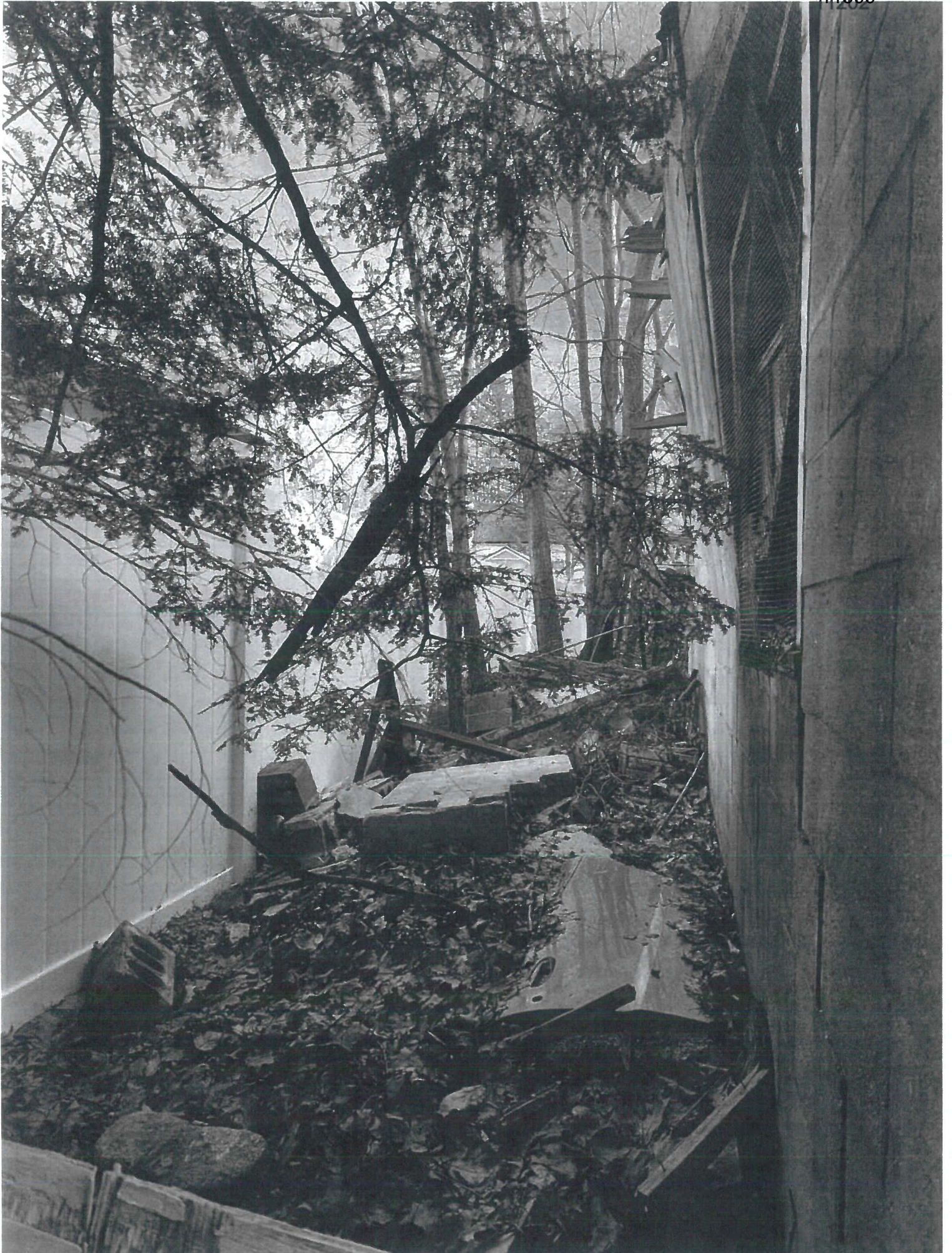


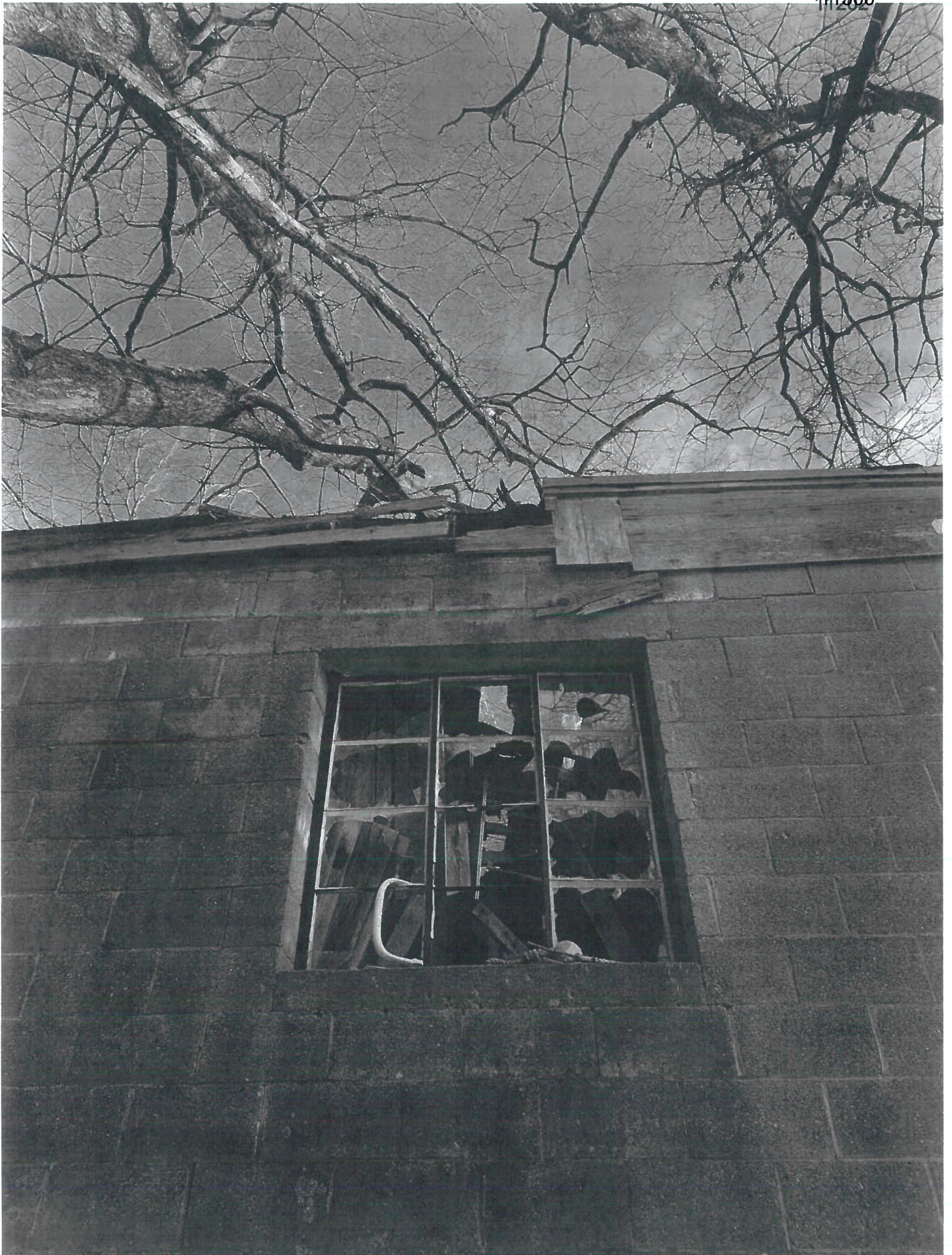


















City of Gardner - *Executive Department*  
Mayor Michael J. Nicholson

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June 6, 2024

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

RE: Free Cash Appropriation Request – Veterans Benefits Expenses Account

Dear Madam President and Councilors,

As we close out the fiscal year, the City Auditor has been reviewing the current status of accounts for each departments and working with their respective department heads to cover the costs of any overages that currently exist.

The attached appropriation request relates to the Veterans Benefits Expense Account in the Veterans Services Department Budget. This account covers the costs associated with providing the Chapter 115 Benefits and other benefits given to eligible veterans in the City.

When the budget is created, the Administration guesses what we will pay out based on the trends from the previous fiscal year and the amount paid out each year. However, as veterans move into the City or have life circumstances that make the eligible for these benefits, that number can largely fluctuate.

This request would bring this account back to the black for the remainder of the fiscal year.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

RECEIVED  
2024 JUN -6 PM 4:05  
CITY OF GARDNER

AN ORDER APPROPRIATING FROM FREE CASH TO THE VETERANS  
SERVICES BENEFIT EXPENSES ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Ninety Thousand Dollars and No Cents (\$90,000.00) from Free Cash to the Veteran's Services Benefit Expenses Account.



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

June 6, 2024

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

RE: Free Cash Appropriation Request – Hazard Mitigation Plan Grant Match

Dear Madam President and Councilors,

The City was recently awarded a grant of \$36,000.00 to update the City's Hazard Mitigation Plan.

The Massachusetts Emergency Management Agency defines a Hazard Mitigation Plan as "Hazard Mitigation plans form the basis for a community's long-term strategy to reduce disaster losses. Hazard Mitigation breaks the cycle of disaster damage, reconstruction, and repeated damage."

Having such a plan is a requirement in order to receive state funding in certain areas.

The attached request is being put forward for the City's matching portion for the grant.

Respectfully submitted,

Michael J. Nicholson  
Mayor, City of Gardner

RECEIVED  
2024 JUN -6 PM 4:05  
CITY OF GARDNER  
ADMINISTRATIVE

AN ORDER APPROPRIATING FROM FREE CASH TO THE COMMUNITY  
DEVELOPMENT HAZARD MITIGATION PLAN GRANT CITY MATCH  
ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Four Thousand Dollars and  
No Cents (\$4,000.00) from Free Cash to the Community Development Hazard Mitigation  
Plan Grant City Match Account.



**THE COMMONWEALTH OF MASSACHUSETTS**  
**EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY**



**MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY**

400 Worcester Road Framingham, MA 01702-5399

Tel: 508-820-2000 Fax: 508-820-2030

Website: [www.mass.gov/mema](http://www.mass.gov/mema)

Maura T. Healey  
Governor

Dawn Brantley  
Director

Kimberley Driscoll  
Lt. Governor

Terrence M. Reidy  
Secretary

December 1, 2023

Michael J. Nicholson, Mayor  
City of Gardner  
95 Pleasant Street  
Gardner, MA 01440

Re: Hazard Mitigation Grant Program  
HMGP 4496-13Gar Hazard Mitigation Plan Update

Dear Mayor Nicholson,

The Federal Emergency Management Agency (FEMA) has approved Hazard Mitigation Grant Program (HMGP) funding for the City of Gardner **Hazard Mitigation Plan Update** project.

The City of Gardner has received a FEMA award of \$36,000.00 and will be reimbursed up to 90% of approved, allowable, and eligible costs, up to the Federal Award, as stipulated by the grant agreement and 2 CFR Part 200. This is a reimbursable grant program and expenses must be incurred and paid, prior to being reimbursed. Please note that any project revisions, changes or deviations from the FEMA-approved grant application must be approved in writing by both MEMA and FEMA in order to be eligible for grant reimbursement. The scope of work for this project includes planning; it does not include R&D.

**Please Note:** work cannot begin on this project until the contract is executed by all parties and a Notice to Proceed is issued.

In order to execute this agreement, the following forms relative to the attached grant agreement must be reviewed, completed and signed.

- 1) **Contractor Authorized Signatory Listing:** The Authorized Signatory must complete and sign the CASL according to instructions provided.
- 2) **Standard Contract Form and Commonwealth Terms and Conditions:** The Authorized Signatory must complete, sign and hand date the form as the Contractor, on page 1 of this document.
- 3) **Scope of Work:** The approved Scope of Work is included.
- 4) **Budget Information:** The budget has been completed according to the approved budget included in your application, with the funds allocated through the appropriate fiscal years.

Region I  
P.O. Box 116  
365 East Street  
Tewksbury, MA 01876  
Tel: 978-328-1500 Fax: 978-851-8218

Region II  
20 Forge Parkway  
Franklin, MA 02038  
Tel: 774-613-5400

Region III / IV  
1002 Suffield Street  
Agawam, MA 01001  
Tel: 413-750-1400 Fax: 413-821-1599

- 5) **Work Schedule:** The work schedule has been prepared to coincide with the contract start and end dates.
- 6) **Designation of Project Manager Form:** The Authorized Signatory must appoint a local Project Manager for this Agreement; please complete and sign the form provided.
- 7) **Federal Funding Accountability and Transparency Act (FFATA):** This form must be completed and signed in blue ink.
- 8) **MEMA Sub-recipient Pre-Award Risk Assessment Questionnaire:** This form must be completed and signed by either the Authorized Signatory or CFO.
- 9) **MEMA Terms and Conditions:** These are conditions set forth by MEMA. Please review and sign this document. These conditions/requirements must be satisfied to be eligible for reimbursement.
- 10) **2022 DHS Standard Terms and Conditions:** Please review this document; these conditions/requirements must be satisfied to be eligible for funding.
- 11) **FEMA Award Letter:** A copy of the FEMA Award Letter is enclosed for your reference.

**Documents requiring signature must be returned utilizing one of the following methods:**

- Utilize Adobe signature to place your electronic signature on each form requiring signature and return by email (this method must show the signatory's name, title and signature date);
- Print the documents, sign the hard copy, scan and return the signed documents by email;
- Print the documents, sign the hard copy and return the original wet ink signed documents by mail.

(Please note that typed text of a name in computer generated cursive script, that is not generated by a digital tool such as Adobe Sign, is not an acceptable form of signature.)

Please return this fully executed contract package within 30 days by email to: [beth.dubrawski@mass.gov](mailto:beth.dubrawski@mass.gov), or by mail to:

**Massachusetts Emergency Management Agency  
Attn: Beth Dubrawski  
Mitigation and Recovery Grants Support Coordinator  
400 Worcester Road  
Framingham, MA 01702**

Once the Authorized Signatory has signed all required forms, MEMA will approve the contract and return a countersigned copy to you with the Notice to Proceed. Please carefully review all provisions of the attached grant agreement prior to executing the documents.

Please do not hesitate to contact Beth Dubrawski at (508) 820-1425, or by email at [beth.dubrawski@mass.gov](mailto:beth.dubrawski@mass.gov), with any questions or concerns regarding these documents.

Sincerely,



Michelle O'Toole  
Hazard Mitigation Unit Supervisor  
State Hazard Mitigation Officer

Enclosure



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

June 6, 2024

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

RE: Appropriation Transfer Request- Building Commissioner Salary to Expenses

Dear Madam President and Councilors,

In working to close out the FY2024 Fiscal Year, the City Auditor is requesting that funds be moved from the Building Commissioner excess salary appropriations to Minor Equipment and Energy and Utilities to cover overages that were incurred in the Fiscal Year.

The Building Commissioner is in favor of this proposal as the funds are not needed for the fiscal year and became available due to vacancies in various positions in the Commissioner's Office during the fiscal year.

Respectfully submitted,

Michael J. Nicholson  
Mayor, City of Gardner

RECEIVED  
2024 JUN -6 PM 4:04  
CITY OF GARDNER  
GARDNER, MA



AN ORDER TRANSFERRING APPROPRIATIONS FROM BUILDING SALARIES & WAGES TO OPERATING EXPENDTURES.

*ORDERED:*

That there be and is hereby transferred the appropriations sum of Twenty-Five Thousand Dollars and No Cents (\$25,000.00) from Building Salaries & Wages to Operating Expenditures as follows:

|                    |          |
|--------------------|----------|
| MINOR EQUIPMENT    | \$15,000 |
| ENERGY & UTILITIES | 10,000   |



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

June 6, 2024

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

RE: Free Cash Appropriation Request – Downtown Parking Meters

Dear Madam President and Councilors,

At the November 20, 2023 meeting of the City Council, I notified the Council that the Administration was appointing an Ad Hoc Advisory Committee to review the future for parking meters in the Downtown area. This communication was noted on the City Council Agenda as Item #11101. (See attached)

At the April 1, 2024 meeting of the City Council, I reported that the Committee largely recommended the replacement of the current meters with new coin operated meters while contracting with a cell phone application (“app”) company for those wishing to pay electronically or by credit card. (See Item #11227: *A Communication from the Mayor regarding Downtown Parking Meters*)

After reviewing options, the attached appropriation request is being submitted to purchase the new meters and contract with the application company so that the new system can be implemented in the parking meter area, as set by City Council vote in Article V of Chapter 600 of the Code of the City of Gardner.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

RECEIVED  
2024 JUN -6 PM 4:05  
CITY CLERK'S OFFICE

AN ORDER APPROPRIATING FROM FREE CASH TO THE NEW PARKING  
METER EXPENSES ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Fifty-Five Thousand Dollars  
and No Cents (\$55,000.00) from Free Cash to the New Parking Meter Expenses Account.

Quote Number: 24169

**Quote**

Page: 1 of 1

|                                                                                                                                                                                                                                      |                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Quote To:</b></p> <p>CITY OF GARDNER<br/>         PURCHASING &amp; CIVIL ENFORCEMENT<br/>         CITY HALL, 95 PLEASANT ST.<br/>         GARDNER MA 01440</p> <p>Phone: 978-630-4016<br/>         jcormier@gardner-ma.gov</p> | <p><b>Date:</b> 6/3/2024</p> <p><b>Expires:</b> 9/30/2024</p> <p><b>Sales Person:</b> Bobra Schultes<br/> <b>Fax:</b> 479-968-2840<br/>         bobra@pom.com</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|

OMNIA national contract #05-40 pricing, includes delivery and one-year warranty. Terms: Net 30. Lead time: 4-6 weeks ARO.

| Line | Part Number             | Description                                                                                                                | Quantity | Unit Price | Net Price |
|------|-------------------------|----------------------------------------------------------------------------------------------------------------------------|----------|------------|-----------|
| 1    | CFG-APME-0024169-001    | APM-E Mechanisms<br><i>Accepts nickels, dimes, quarters<br/>Hi-vis wheel signal option<br/>6V AA alkaline battery pack</i> | 150.00   | 246.71     | 37,006.50 |
| 2    | CFG-DOMETP-0024169-002  | Zinc Dome Assy, Black, with 108-587 window installed                                                                       | 50.00    | 52.38      | 2,619.00  |
| 3    | CFG-VAULTTP-0024169-003 | Zinc Tamperproof Vault Assy, Black<br><i>with open top coin box<br/>Gripper wedge assembly</i>                             | 65.00    | 187.00     | 12,155.00 |
| 4    | 108-587                 | Dome, Lexan, flat-faced anti-glare                                                                                         | 100.00   | 3.66       | 366.00    |

Quoted by:

**TOTAL \$52,146.50**



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

November 9, 2023

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

RE: Notification Regarding Parking Meter Study Committee

Dear Madam President and Councilors,

As was done in 2019, the Administration has tasked the following people to serve on an ad-hoc advisory committee to study the best way to replace the currently defective parking meters in the downtown area.

I have appointed:

- Director Josh Cormier, City Director of Purchasing and Civil Enforcement,
- Bradley Fucile as the representative of the City Treasurer/Collector's Office,
- Dane Arnold, City Director of Public Works,
- Chris Coughlin, DPW Business Manager,
- Deputy Police Chief Nick Maroni,
- Rebecca Marois, President of the Greater Gardner Chamber of Commerce

to serve on this committee to review the different options available and recommend how best to move forward.

I have also requested that the City Council President ask a City Councilor to serve in this role as well as a member of the Mayor's Ad-Hoc Advisory Committee. I have been informed that Councilor Craig Cormier will be serving in this capacity due to his current role as the Chair of the Public Safety Committee that oversees the parking meter area and as the City Council's liaison to the Traffic Commission.

Anne LeBlanc, Gardner resident and owner of John's Sports Shop has also agreed to help in an advisory role to the committee from the perspective of a Downtown Business owner, even though she doesn't have the time available to commit to a full seat on the committee due to her role in the store.

Once the final recommendation is completed, the administration will put forward a proposal before the City Council to correct the issue we are experiencing now.

Respectfully submitted,

Michael J. Nicholson  
Mayor, City of Gardner

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

March 20, 2024

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

RE: A Communication from the Mayor regarding Downtown Parking Meters

Dear Madam President and Councilors,

At the November 20, 2023 meeting of the City Council, I notified the Council that the Administration was assembling an ad hoc advisory committee to make a recommendation to the Administration regarding the future of the parking meters in the downtown area.

Public input was solicited both online and via three requests made in the weekly mayor's update videos that are issued by my office. The overwhelming response to these inquiries, especially among the downtown business community, is to replace the meters rather than remove them.

The Committee also recommended against installing kiosks in the street instead of meters, due to the number of kiosks that would need to be purchased in order to keep the distance between the kiosks a reasonable space for those parking. Additionally, kiosks would require the installation of new electrical conduit in the sidewalks which would require a very labor intensive process in conjunction with both the City and National Grid.

As a result, the City's Director of Purchasing, Joshua Cormier, is currently working on a proposal to replace the meters with coin technology that has compatibility with a cell phone application for those that would like to pay electronically instead by coin.

Once this proposal is finalized, I will submit the final recommendation to the City Council for appropriation.

Respectfully submitted,

Michael J. Nicholson  
Mayor, City of Gardner



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

RECEIVED  
2024 JUN 11 AM 8:59  
CITY CLERK'S OFFICE  
GARDNER, MA

June 10, 2024

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

RE: Appropriation Transfer Request – DPW Salaries to Expenses

Dear Madam President and Councilors,

In working to close out the FY2024 Fiscal Year, the City Auditor is requesting that funds be moved from the Department of Public Works Maintenance Crew excess salary appropriations to the Vehicle Fuel Operating Expense Account to cover overages that were incurred in the Fiscal Year.

The Director of Public Works is in favor of this proposal as the funds are not needed for the fiscal year and became available due to vacancies in the DPW during this fiscal year.

Respectfully submitted,

Michael J. Nicholson  
Mayor, City of Gardner

AN ORDER TRANSFERRING APPROPRIATIONS FROM DPW MAINTENANCE  
CREW SALARIES & WAGES TO VEHICLE FUEL OPERATING EXPENDTURES.

*ORDERED:*

That there be and is hereby transferred the appropriations sum of Thirty-three  
Thousand Dollars and No Cents (\$33,000.00) from DPW Maintenance Crew Salaries &  
Wages to Vehicle Fuel Operating Expenditures.





City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

RECEIVED

2024 JUN 11 AM 7:53

CITY CLERK'S OFFICE  
GARDNER, MA

June 10, 2024

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

RE: Sewer Retained Earnings Appropriation Request – Chemical Treatment Expenditures

Dear Madam President and Councilors,

The attached appropriation request is being put forward to purchase additional chemicals for the wastewater treatment plant.

These chemicals are used in order to meet the required standards for wastewater treatment set by the State and Federal Governments.

Respectfully Submitted,

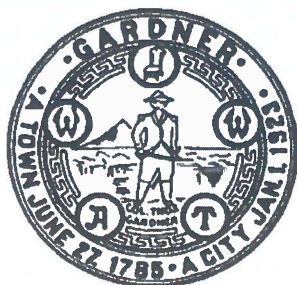
Michael J. Nicholson  
Mayor, City of Gardner

AN ORDER REQUESTING A TRANSFER FROM SEWER SURPLUS/RETAINED EARNINGS TO SEWER DEPT CHEMICAL TREATMENT EXPENDITURES.

ORDERED:

That there be and is hereby transfer the sum of One Hundred and Forty Thousand Dollars and 00/100 (\$140,000) from Sewer Surplus/Retained Earnings to Sewer Dept Chemical Treatment Expenditures.

**CITY OF GARDNER**  
**Department of Public Works**



Highway  
 Water  
 Sewer  
 Forestry  
 Parks/Playgrounds  
 Cemeteries

Dane E. Arnold, Director  
 50 Manca Drive  
 Gardner, MA 01440-2687  
 Telephone (978) 630-8195  
 darnold@gardner-ma.gov

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

RE: Sewer Chemicals Shortfall

June 10, 2024

Dear Mayor Nicholson:

I am requesting the **\$140,000** from the available **Sewer Surplus to Chemical Treatment (61440-52231)**.

This request is to cover the cost of the chemicals used at the Gardner Wastewater Treatment Facility (WWTF). The line item was funded at \$230,730 with an additional transfer of \$140,000 in March. To date we have spent \$436,520, leaving a -\$66,000 deficit and we still have June's invoice to be determined.

Over the years, chemicals have increased dramatically.

|        |                        |
|--------|------------------------|
| FY2022 | \$287,000              |
| Fy2023 | \$292,000              |
| FY2024 | \$576,000* (estimated) |

Most of the increase is due to inflationary costs of chemicals. During the spring months we have seen a substantial increase in flows we are receiving at the WWTF. This increase in flows mean more wastewater having to be treated, thus increasing chemical usage however a significant portion is due to regulatory changes by EPA and DEP. Stricter regulations require more chemical treatment to meet the new discharge requirements at the WWTF.

If you have any questions regarding this matter, please do not hesitate to call.

Sincerely,

Dane E. Arnold, Director  
 Department of Public Works

PC: Public Service Committee  
 John Richard, City Auditor



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

RECEIVED

2024 JUN 11 AM 7:53

CITY CLERK'S DEPT  
GARDNER, MA

June 10, 2024

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

RE: Water Retained Earnings Appropriation Request – Chemical Treatment Expenditures

Dear Madam President and Councilors,

The attached appropriation request is being put forward to purchase additional chemicals for the Water Treatment Plants both at Crystal Lake and Snake Pond.

These chemicals are used in order to meet the required standards for water treatment set by the State and Federal Governments.

Respectfully Submitted,

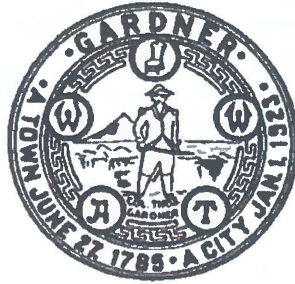
Michael J. Nicholson  
Mayor, City of Gardner

AN ORDER REQUESTING A TRANSFER FROM WATER SURPLUS/RETAINED EARNINGS TO WATER DEPT CHEMICAL TREATMENT EXPENDITURES.

ORDERED:

That there be and is hereby transfer the sum of Fifty Thousand Dollars and 00/100 (\$50,000) from Water Surplus/Retained Earnings to Water Dept Chemical Treatment Expenditures.

**CITY OF GARDNER**  
**Department of Public Works**



Highway  
Water  
Sewer  
Forestry  
Parks/Playgrounds  
Cemeteries

Dane E. Arnold, Director  
50 Manca Drive  
Gardner, MA 01440-2687  
Telephone (978) 630-8195  
darnold@gardner-ma.gov

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

RE: Water Chemicals Shortfall

June 10, 2024

Dear Mayor Nicholson:

I am requesting the **\$50,000** from the available **Water Surplus to Chemical Treatment (62450-52231)**.

This request is to cover the cost of the chemicals used at the Crystal Lake Water Treatment Facility and Snake Pond Well (CLWTF & SPW). The line item was funded at \$118,178. To date we have spent \$126,620, leaving a -\$8441 deficit and we still have June's invoice to be determined.

The difference in costs from previous fiscal years is due to the increased cost of chemicals.

If you have any questions regarding this matter, please do not hesitate to call.

Sincerely,

Dane E. Arnold, Director  
Department of Public Works

PC

Public Service Committee  
John Richard, City Auditor



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

RECEIVED  
2024 JUN 11 AM 7:54  
CITY CLERK'S OFFICE  
GARDNER, MA

June 10, 2024

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

RE: An Ordinance to Amend the Code of the City of Gardner, Chapter 553, Section 90, thereof  
entitled "Sewer Rates"

Dear Madam President and Councilors,

The Director of Public Works is recommending the attached amendment to the city's sewer rate schedule, based on the attached rate study to help keep the City in line with the expenses that are anticipated for our Sewer Enterprise Account.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, SECTION 90 OF  
CHAPTER 553, THEREOF ENTITLED, "SEWER RATES"**

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

**SECTION 1:**

Section 90(a) of Chapter 553 of the Code of the City of Gardner, thereof entitled "Uniform Rate" be deleted in its entirety and replaced with the following:

A. Uniform Rate

- 1) Uniform Rate (per 100 cubic feet of metered use): \$5.50
  - i. Effective FY2025
- 2) Uniform Rate (per 100 cubic feet of metered use): \$6.10
  - i. Effective July 1, 2026
- 3) Uniform Rate (per 100 cubic feet of metered use): \$6.80
  - i. Effective July 1, 2027
- 4) Uniform Rate (per 100 cubic feet of metered use): \$7.50
  - i. Effective July 1, 2028
- 5) Uniform Rate (per 100 cubic feet of metered use): \$8.30
  - i. Effective July 1, 2029

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



**CITY OF GARDNER**  
**Department of Public Works**

Highway  
 Water  
 Sewer  
 Forestry  
 Parks/Playgrounds  
 Cemeteries



Dane E. Arnold, Director  
 50 Manca Drive  
 Gardner, MA 01440-2687  
 Telephone (978) 630-8195  
 darnold@gardner-ma.gov

Mayor Michael J. Nicholson and City Council Members  
 City Hall  
 95 Pleasant Street  
 Gardner, MA 01440

RE: Sewer Rate Increase

May 30, 2024

Dear Mayor Nicholson and City Council Members,

I am requesting that the Sewer Department increase its Sewer Rates as follows:

|              |                                         |       |
|--------------|-----------------------------------------|-------|
| Current Rate | \$5.00 per 100 cubic feet (748 gallons) |       |
| FY2025       | \$5.50 per 100 cubic feet               | 10.0% |
| July 1, 2026 | \$6.10 per 100 cubic feet               | 10.9% |
| July 1, 2027 | \$6.80 per 100 cubic feet               | 11.5% |
| July 1, 2028 | \$7.50 per 100 cubic feet               | 10.3% |
| July 1, 2029 | \$8.30 per 100 cubic feet               | 10.7% |

The last time the Sewer Rates were increased was July 1, 2017, 7 years ago. Below is a table outlining neighboring communities' current sewer rates that we obtained. Gardner Sewer rates for all 5 fiscal year increases were added into this table. Please note that even with our proposed rate increases, we are still in the bottom tier of the communities.

|                          | <b>Sewer</b>     |
|--------------------------|------------------|
|                          | <b>100 cu ft</b> |
| Westminster              | \$ 18.13         |
| Acton                    | \$ 15.17         |
| Ashburnham               | \$ 14.75         |
| Winchendon               | \$ 11.88         |
| Holden                   | \$5.68-\$11.78   |
| Hudson                   | \$ 11.41         |
| Fitchburg                | \$ 11.11         |
| Barre                    | \$ 11.00         |
| Athol                    | \$ 8.75          |
| <b>Gardner Rate 2029</b> | <b>\$ 8.30</b>   |
| <b>Gardner Rate 2028</b> | <b>\$ 7.50</b>   |
| <b>Gardner Rate 2027</b> | <b>\$ 6.80</b>   |
| Templeton                | \$ 6.71          |
| <b>Gardner Rate 2026</b> | <b>\$ 6.10</b>   |
| <b>Gardner Rate 2025</b> | <b>\$ 5.50</b>   |
| <b>Gardner Rate 2024</b> | <b>\$ 5.00</b>   |

This increase is necessary not only to catch up with the nearly 21%-50% increased cost of Energy, Utilities, Chemicals, Equipment, and Operation Costs, but the increase is necessary to complete improvements at the Wastewater Treatment Facility and within the 100+ year old Collection System throughout the City.

Currently the Sewer Department is spending approximately \$1.1 million annually in debt on about \$14 million worth of projects that were completed over the last 5-20 years for the Wastewater Treatment Facility and Collection System. Some of these loans that were for the sewer improvements for Snake Pond Well will be paid off in Fiscal Year 2025. We are anticipating at least another \$15 Million in improvements required in the next 6 years.

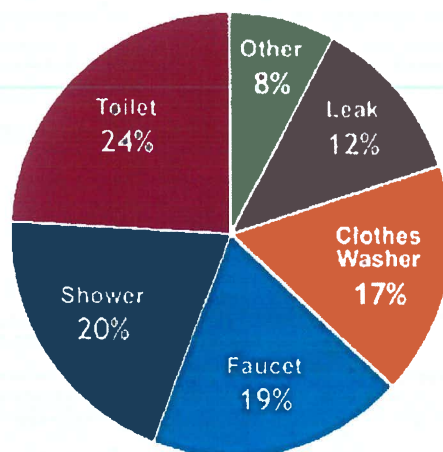
These improvements include \$5-\$6 million worth of upgrades at the Wastewater Treatment Facility WWTF for concrete tank resurfacing, large mechanism replacements, pumps, sidewalks, electrical, and other improvements on the site.

The Collection system is over 100 years old in some areas and will need to be relined or replaced in some cases costing hundreds of thousands of dollars annually. The City has 4 sewer pump stations from the early to mid-1990's that will need to be replaced at a cost of just under \$1 million each.

Sewer Revenue is based Water Meter reading. In theory, other than the small percentage of what is consumed, water entering the home or business is sent to the sewer system. Our revenue was calculated based on average usage since 2018, when the rates last increased. We took 95% of the average usage to be conservative since usage fluctuates greatly from year to year based on weather conditions throughout the year.

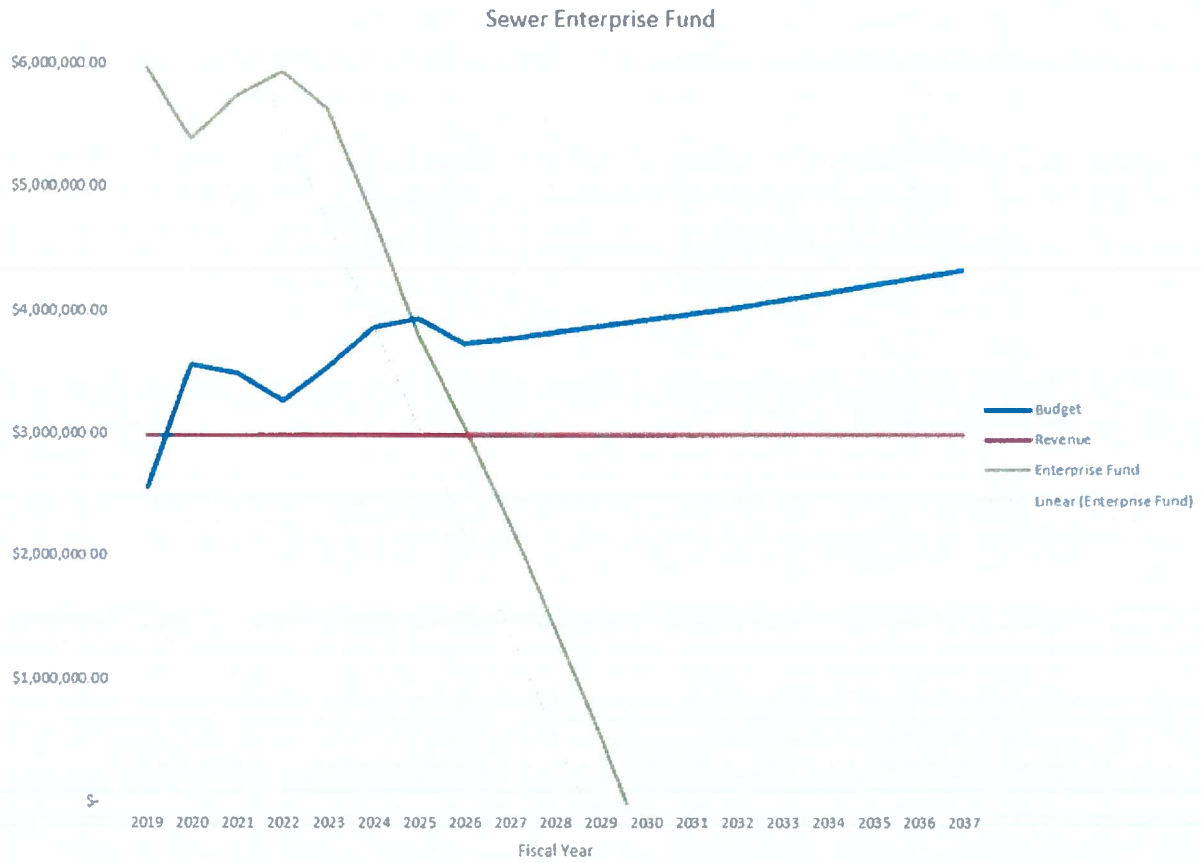
| <b>SEWER</b>       |                        |               |                   |
|--------------------|------------------------|---------------|-------------------|
| <b>Fiscal Year</b> | <b>Sewer Revenue</b>   | <b>Rate</b>   | <b>Rev/Rate</b>   |
| <b>2023</b>        | <b>\$ 3,062,186.00</b> | <b>\$5.00</b> | <b>612,437.20</b> |
| <b>2022</b>        | <b>\$ 3,168,500.00</b> | <b>\$5.00</b> | <b>633,700.00</b> |
| <b>2021</b>        | <b>\$ 3,223,628.00</b> | <b>\$5.00</b> | <b>644,725.60</b> |
| <b>2020</b>        | <b>\$ 2,974,141.00</b> | <b>\$5.00</b> | <b>594,828.20</b> |
| <b>2019</b>        | <b>\$ 3,181,981.00</b> | <b>\$5.00</b> | <b>636,396.20</b> |
| <b>2018</b>        | <b>\$ 3,212,970.00</b> | <b>\$5.00</b> | <b>642,594.00</b> |
| <b>2017</b>        | <b>\$ 3,067,976.00</b> | <b>\$4.76</b> | <b>644,532.77</b> |
| <b>2016</b>        | <b>\$ 2,818,790.00</b> | <b>\$4.50</b> | <b>626,397.78</b> |
| <b>2015</b>        | <b>\$ 2,614,477.00</b> | <b>\$4.10</b> | <b>637,677.32</b> |
| <b>2014</b>        | <b>\$ 2,717,429.00</b> | <b>\$4.10</b> | <b>662,787.56</b> |
| <b>2013</b>        | <b>\$ 2,668,574.00</b> | <b>\$4.10</b> | <b>650,871.71</b> |
|                    |                        |               |                   |
| <b>Average</b>     | <b>\$ 3,137,234.33</b> |               | <b>627,446.87</b> |
| <b>95% Revenue</b> | <b>\$ 2,980,372.62</b> |               | <b>596,074.52</b> |
| <b>90% Revenue</b> | <b>\$ 2,823,510.90</b> |               | <b>564,702.18</b> |
| <b>85% Revenue</b> | <b>\$ 2,666,649.18</b> |               | <b>533,329.84</b> |

### How Much Water Do We Use?



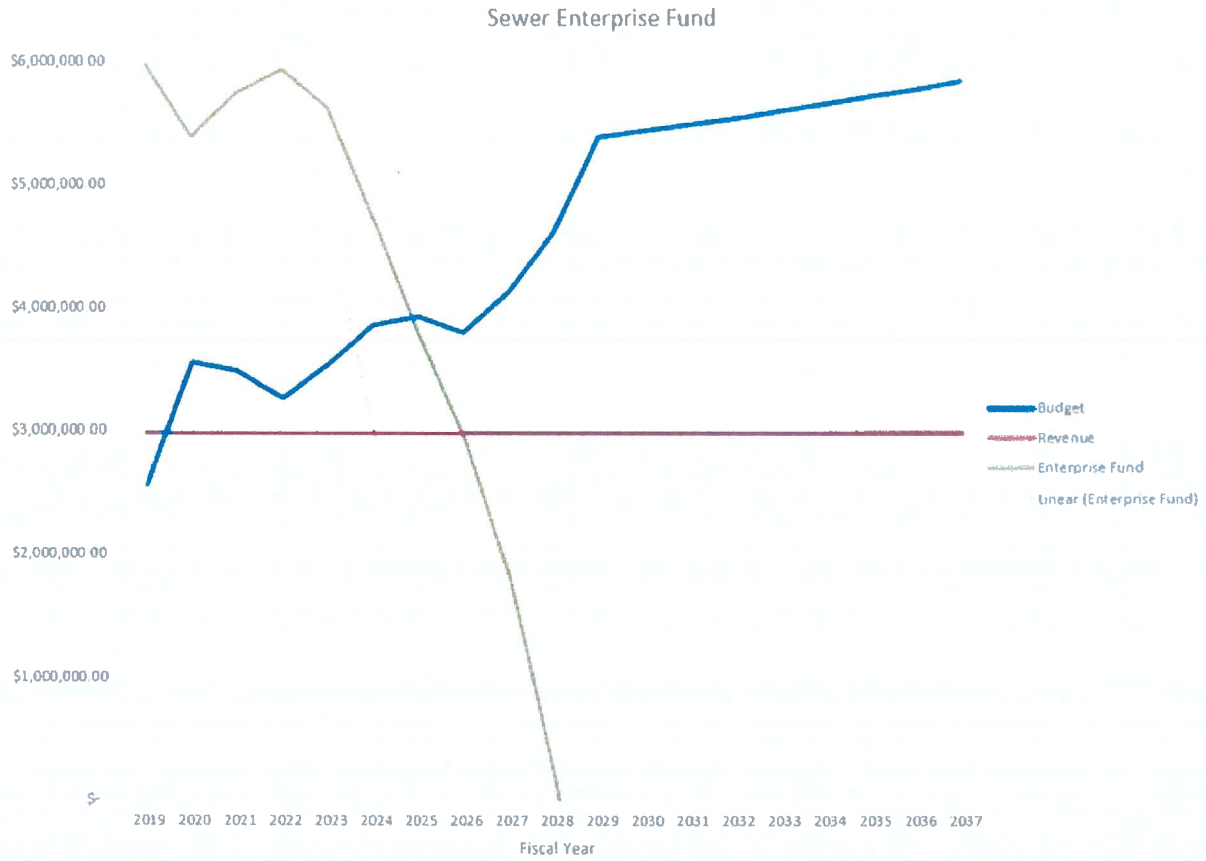
Source: Water Research Foundation, Residential End Uses of Water, Version 2, 2016

Below is a graph of the **current state** of the Sewer Enterprise Fund:  
 The Enterprise Fund (green), Budget (blue), and Revenue (red).  
 With the projected increase in chemicals, energy, utilities, operations, The Enterprise Fund  
 is at "Zero" in FY2029.



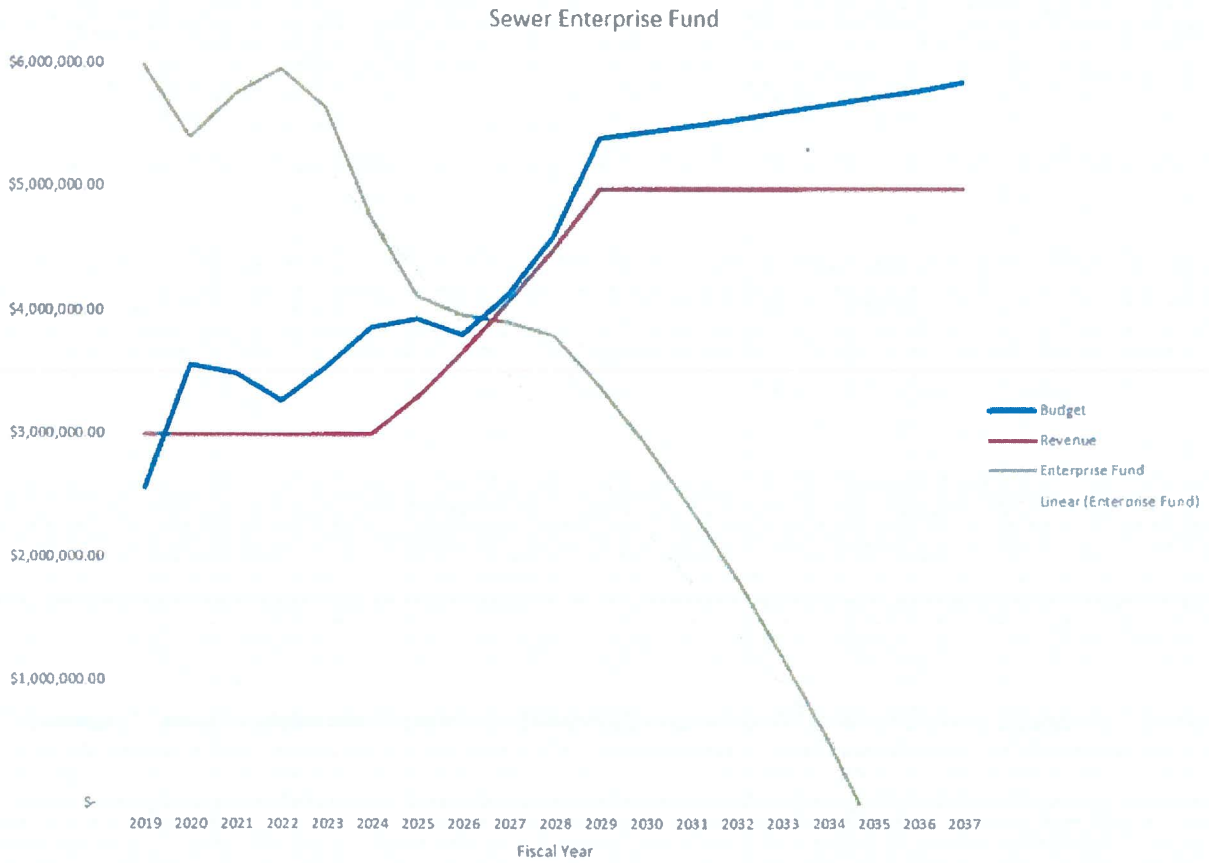
Below is a graph incorporating the proposed projects with budgetary costs and the **Current Sewer Rate**.

The Enterprise Fund (green), Budget (blue), and Revenue (red) Please note the Enterprise Fund is at "Zero" in FY 2028

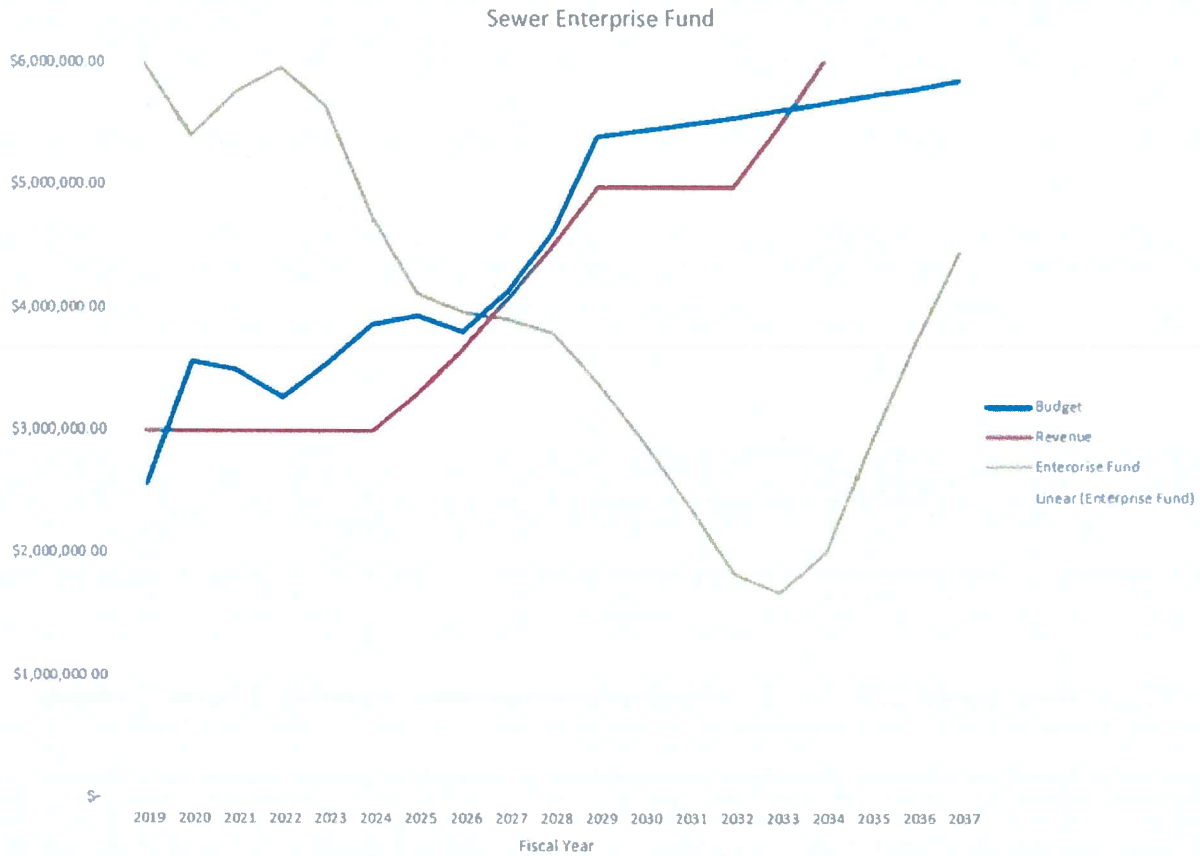


Below is a graph incorporating the proposed projects with budgetary costs and the Proposed Sewer Rates.

The Enterprise Fund (green), Budget (blue), and Revenue (red) Please note the Enterprise Fund is at "Zero" in FY 2034



- The intention is to increase the Sewer Rates by the 10% increments now for 5 years.
- In FY2030, the City would then have to increase Water Rates for 3 years.
- In FY2033, the City would then have to increase Sewer Rates for 3 years to stabilize the Fund and prepare for future regulations and improvements.



If you have any further questions or would like to go over our Sewer Enterprise Fund forecast, please feel free to reach out to me.

Sincerely,

Dane E. Arnold, Director  
Department of Public Works

PC: John Richard, City Auditor  
Rob Oliva, City Engineer  
Chris Coughlin, Business Manager

RECEIVED  
2024 JUN -6 PM 4:23  
CITY CLERK'S OFFICE

July 1, 2024

Commonwealth of Massachusetts

Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

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

  
\_\_\_\_\_  
Michael J. Nicholson Mayor

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

\_\_\_\_\_  
Titi Siriphan City Clerk

Expires: Permanent

Worcester, ss., \_\_\_\_\_ 2024

Then personally appeared the above named Roger Cormier and made oath that he would bear  
true faith and allegiance to the United States of America and the Commonwealth of Massachusetts and  
would support the Constitution and laws thereof.

Before me,  
\_\_\_\_\_  
City Clerk

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_



RECEIVED

July 1, 2024

2024 JUN -6 PM 4:23

CITY CLERK  
D. WREN

Commonwealth of Massachusetts

Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

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

  
\_\_\_\_\_  
Michael J. Nicholson Mayor

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

\_\_\_\_\_  
Titi Siriphan City Clerk

Expires: Permanent

Worcester, ss., \_\_\_\_\_ 2024

Then personally appeared the above named John Braun and made oath that he would bear  
true faith and allegiance to the United States of America and the Commonwealth of Massachusetts and  
would support the Constitution and laws thereof.

Before me,  
\_\_\_\_\_  
City Clerk

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

RECEIVED

2024 JUN -6 PM 4: 23

July 1, 2024

CITY CLERK OF  
GARDNER

# Commonwealth of Massachusetts

Worcester County

City of Gardner

## CERTIFICATE OF APPOINTMENT

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

  
\_\_\_\_\_  
Michael J. Nicholson Mayor

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

\_\_\_\_\_  
Titi Siriphan City Clerk

Expires: Permanent

Worcester, ss., \_\_\_\_\_ 2024

Then personally appeared the above named John Czasnowski and made oath that he would bear true faith and allegiance to the United States of America and the Commonwealth of Massachusetts and would support the Constitution and laws thereof.

Before me,  
\_\_\_\_\_  
City Clerk

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

RECEIVED

2024 JUN -6 PM 4: 23

July 1, 2024

CITY CLERK  
TITI SIRIPHAN

# Commonwealth of Massachusetts

Worcester County

City of Gardner

## CERTIFICATE OF APPOINTMENT

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



Mayor

Michael J. Nicholson

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

\_\_\_\_\_  
City Clerk

Titi Siriphan

Expires: Permanent

Worcester, ss., \_\_\_\_\_ 2024

Then personally appeared the above named Matthew Arsenault and made oath that he would bear true faith and allegiance to the United States of America and the Commonwealth of Massachusetts and would support the Constitution and laws thereof.

Before me,

\_\_\_\_\_  
City Clerk

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

June 12, 2024

RECEIVED  
2024 JUN 12 PM 3:12  
CLERK'S OFFICE  
Worcester County

# Commonwealth of Massachusetts


Worcester County

City of Gardner

## CERTIFICATE OF APPOINTMENT

I appoint Melory Cornett to the position of Member, Zoning Board, 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.

  
\_\_\_\_\_  
Michael J. Nicholson Mayor

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

\_\_\_\_\_  
Titi Siriphan City Clerk

Expires: June 12, 2026

Worcester, ss., \_\_\_\_\_

Then personally appeared the above named Melory Cornett and made oath that he/she would faithfully and impartially perform the duties of the office of Member, Zoning Board 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 \_\_\_\_\_

RECEIVED

June 12, 2024

2024 JUN 12 PM 3:22

Commonwealth of Massachusetts

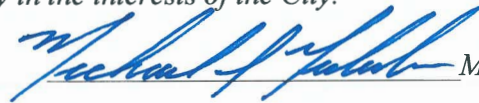
CITY CLERK'S OFFICE  
Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Laurie Wiita to the position of Member, Zoning Board, 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: June 12, 2027

Worcester, ss., \_\_\_\_\_

Then personally appeared the above named Laurie Wiita and made oath that he/she would faithfully and impartially perform the duties of the office of Member, Zoning Board according to law and the best of his/her abilities.

Before me,

\_\_\_\_\_ City Clerk

Chapter 3 B Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_



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

June 6, 2024

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

RE: Vote to Accept Massachusetts General Laws, Chapter 64G, Section 3D(a)

Dear Madam President and Councilors,

At the City Council Meeting of May 6, 2024, the City Council voted to implement a Local Option Rooms/Lodging Tax.

The Massachusetts Department of Revenue then notified the City that this does not apply to any short term rentals within the City and that, in order for this to occur, the City Council would have to vote to accept the provisions of Chapter 64G, Section 3D(a) of the General Laws.

This would implement a three percent (3%) fee on transfer of occupancy for professionally managed units, defined as two or more short-term rental units in the same community but not located within a single, two- or three-family dwelling that includes the owner's primary residence.

The Massachusetts Department of Revenue has informed the City that this should bring in approximately \$2,800 per calendar year, based on current trends in state tax collections for these purposes for properties in Gardner.

While this may seem like a menial amount in the grand scheme of things, every dollar counts when we are looking at ways to make the City more competitive and provide the quality of services that our residents deserve.

While taxation is always something that should be taken seriously, while we weigh out the benefit for the City and the costs imposed on our residents, it is the opinion of the Administration that this is in the best interest of the City. This is a tax that would be paid for, almost completely, by individuals who are not our residents nor usual tax payers.

Respectfully submitted,

Michael J. Nicholson  
 Mayor, City of Gardner

RECEIVED  
 2024 JUN -6 PM 4:04  
 CITY OF GARDNER

Acceptance of Short-Term Rental Impact Fee  
G.L. c. 64G, §3D(a)

***VOTED:***

That the City of Gardner accept GL c. 64G, Sec 3D(a), to impose a community impact fee applying to transfer of occupancy for “professionally-managed units” (one of two or no more short-term rental units in same city operated by the same operator (owner) and not located within a single – or two- or three-family dwelling that includes the operator’s primary residence).



## Adopting local option community impact fee on short-term rentals GL Chapter 64G §3D

### How does a municipality adopt the local option community impact fee on short-term rentals?

Acceptance is by a majority vote of the municipal legislative body, subject to local charter. Unlike other local options, the community impact fee requires two separate votes. The first vote (Option 1 below) applies to professionally managed short-term rental units. If Option 1 is approved, then the municipal legislative body can vote on Option 2.

**Option 1 Community Impact Fee (G.L. c. 64G, §3D(a)):** applies to transfer of occupancy for professionally managed units, defined as two or more short-term rental units in the same community but not located within a single, two- or three-family dwelling that includes the owner's primary residence.

Suggested language for an article to adopt Option 1:

VOTED: That the city/town of \_\_\_\_\_ accept G.L. c. 64G, § 3D(a) to impose a community impact fee applying to transfers of occupancy for "Professionally-managed units" (one of two or more short-term rental units in same city/town operated by the same operator (owner) and not located within a single- or two- or three-family dwelling that includes the operator's primary residence).

**Option 2 Community Impact Fee (G.L. c. 64G, §3D(b)):** applies to transfer of occupancy on short-term rental units located within a two- or three-family dwelling that includes the operator's primary residence

Suggested language for an article to adopt Option 2:

VOTED: That the city/town of \_\_\_\_\_ accept G.L. c. 64G, § 3D(b) to impose a community impact fee applying to transfers of occupancy for short-term rental units located in a two- or three-family dwelling that includes the operator's primary residence.

### My community voted to accept the community impact fee on short-term rentals. What's the next step?

Within 48 hours of the acceptance the city or town clerk must notify DLS by submitting this form: [Notification of Acceptance/Rescission – Local Option Community Impact Fee – Short-term Rentals](#). Email the Notification of Acceptance form to [databank@dor.state.ma.us](mailto:databank@dor.state.ma.us).

### Is there a limitation on the rate we can adopt?

A municipality can choose to adopt a rate of up to 3%.

### Can an adopted rate be amended?

A municipality accepting a community impact fee can choose to amend the rate or even revoke it, but changes to the adopted fee can only happen once a year.

### How will the excise be collected from a local establishment?

Based on the effective date of the excise, DOR will collect the impact fee when they collect the room occupancy tax. The impact fee will only be collected from taxpayers registered as short-term rentals.



**When will DOR start collecting the excise?**

The effective date is dependent on two things:

1. The wording of the article approved by the legislative body
2. The date DLS is notified of the adoption

Notification deadlines:

| <b>FY Quarter</b> | <b>Quarter Start Date</b> | <b>Notify DLS by:</b>    |
|-------------------|---------------------------|--------------------------|
| Quarter 1         | July 1 <sup>st</sup>      | May 31 <sup>st</sup>     |
| Quarter 2         | October 1 <sup>st</sup>   | August 31 <sup>st</sup>  |
| Quarter 3         | January 1 <sup>st</sup>   | December 1 <sup>st</sup> |
| Quarter 4         | April 1 <sup>st</sup>     | March 1 <sup>st</sup>    |

For example, if a municipality votes on May 24<sup>th</sup> to adopt the local option excise effective July 1<sup>st</sup> the notification of acceptance must be received by DLS no later than May 31<sup>st</sup>. Delays in notifying DLS timely will push the effective date to the next quarter. Using the same example: if a municipality votes on May 24<sup>th</sup> to adopt the local option excise effective July 1<sup>st</sup> but DLS is notified on June 5<sup>th</sup>, the effective date would be pushed to October 1<sup>st</sup>.

**Can I request a list of all establishments registered with DOR as short-term rentals?**

Yes. DLS can provide local officials with a list of registrations in their municipality. Email your request to [databank@dor.state.ma.us](mailto:databank@dor.state.ma.us).

**When will we receive the local option excise collected?**

DOR issues these payments quarterly. Quarterly payments are based on the taxes collected by DOR in the previous three months. For example, the September 30<sup>th</sup> local option excise distribution will be based on excise revenues received by DOR in June, July and August.

**Can we request the amount of tax collected from a specific establishment?**

Unfortunately, we can't provide that detail due to DOR policy on taxpayer confidentiality.

Additional guidance is available from these sources:

[DLS FAQs Short Term Rentals – Room Occupancy Amendments.](#)

<https://www.mass.gov/info-details/room-occupancy-excise-tax>

**Massachusetts Department of Revenue  
Division of Local Services  
Municipal Databank**

\_\_\_\_\_  
(City/Town)

**Notification of Acceptance/Rescission  
General Laws Chapter 64G, § 3D  
(Local Option Community Impact Fee – Short-term Rentals)**

The Commissioner of Revenue is hereby notified that the City/Town of \_\_\_\_\_,  
by vote(s) of its legislative body on \_\_\_\_\_, \_\_\_\_\_, has accepted\_\_\_ or  
rescinded\_\_\_ the provisions of General Laws Chapter 64G, § 3D to impose a local option community  
impact fee at the rate of \_\_\_\_\_ percent, effective \_\_\_\_\_, and applying to  
transfers of occupancy of:

“Professionally-managed units” (one of two or more short-term rental units in  
same city/town operated by the same operator (owner) and not located within a single- or two- or three-  
family dwelling that includes the operator’s primary residence)

Short-term rental units located in a two- or three-family dwelling that includes the  
operator’s primary residence (separate vote required)

(City/Town Clerk) \_\_\_\_\_

\_\_\_\_\_  
(Date)

Please email this form to:

[databank@dor.state.ma.us](mailto:databank@dor.state.ma.us)



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

June 6, 2024

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

RE: Vote to Accept Massachusetts General Laws, Chapter 64G, Section 3D(b)

Dear Madam President and Councilors,

At the City Council Meeting of May 6, 2024, the City Council voted to implement a Local Option Rooms/Lodging Tax.

The Massachusetts Department of Revenue then notified the City that this does not apply to any short term rentals within the City and that, in order for this to occur, the City Council would have to vote to accept the provisions of Chapter 64G, Section 3D(b) of the General Laws. This can only be done following an acceptance vote of Section 3D(a) of this same chapter.

This would implement a three percent (3%) fee on transfer of occupancy on short-term rental units located within a two-or three-family dwelling that includes the operator's primary residence.

The Massachusetts Department of Revenue has informed the City that this should bring in approximately \$1,7000 to \$2,800 per calendar year, based on current trends in state tax collections for these purposes for properties in Gardner.

While this may seem like a menial amount in the grand scheme of things, every dollar counts when we are looking at ways to make the City more competitive and provide the quality of services that our residents deserve.

While taxation is always something that should be taken seriously, while we weigh out the benefit for the City and the costs imposed on our residents, it is the opinion of the Administration that this is in the best interest of the City. This is a tax that would be paid for, almost completely, by individuals who are not our residents nor usual tax payers.

Respectfully submitted,

Michael J. Nicholson  
Mayor, City of Gardner

CITY OF GARDNER  
RECEIVED

2024 JUN -6 PM 4:04

RECEIVED

Acceptance of Short-Term Rental Impact Fee  
G.L. c. 64G, §3D(b)

***VOTED:***

That the City of Gardner accept GL c. 64G, Sec 3D(b), to impose a community impact fee apply to transfers of occupancy for short-term rental units located in a two- or three- family dwelling that includes the operator's primary residence.



## Adopting local option community impact fee on short-term rentals GL Chapter 64G §3D

### How does a municipality adopt the local option community impact fee on short-term rentals?

Acceptance is by a majority vote of the municipal legislative body, subject to local charter. Unlike other local options, the community impact fee requires **two separate votes**. The first vote (Option 1 below) applies to professionally managed short-term rental units. **If Option 1 is approved, then the municipal legislative body can vote on Option 2.**

Option 1 Community Impact Fee (G.L. c. 64G, §3D(a)): applies to transfer of occupancy for professionally managed units, defined as two or more short-term rental units in the same community but not located within a single, two- or three-family dwelling that includes the owner's primary residence.

Suggested language for an article to adopt Option 1:

VOTED: That the city/town of \_\_\_\_\_ accept G.L. c. 64G, § 3D(a) to impose a community impact fee applying to transfers of occupancy for "Professionally-managed units" (one of two or more short-term rental units in same city/town operated by the same operator (owner) and not located within a single- or two- or three-family dwelling that includes the operator's primary residence).

**Option 2 Community Impact Fee (G.L. c. 64G, §3D(b)):** applies to transfer of occupancy on short-term rental units located within a two- or three-family dwelling that includes the operator's primary residence

Suggested language for an article to adopt Option 2:

VOTED: That the city/town of \_\_\_\_\_ accept G.L. c. 64G, § 3D(b) to impose a community impact fee applying to transfers of occupancy for short-term rental units located in a two- or three-family dwelling that includes the operator's primary residence.

### My community voted to accept the community impact fee on short-term rentals. What's the next step?

Within 48 hours of the acceptance the city or town clerk must notify DLS by submitting this form: [Notification of Acceptance/Rescission – Local Option Community Impact Fee – Short-term Rentals](#). Email the Notification of Acceptance form to [databank@dor.state.ma.us](mailto:databank@dor.state.ma.us).

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| Quarter 2         | October 1 <sup>st</sup>   | August 31 <sup>st</sup>  |
| Quarter 3         | January 1 <sup>st</sup>   | December 1 <sup>st</sup> |
| Quarter 4         | April 1 <sup>st</sup>     | March 1 <sup>st</sup>    |

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[DLS FAQs Short Term Rentals – Room Occupancy Amendments.](#)

<https://www.mass.gov/info-details/room-occupancy-excise-tax>

**Massachusetts Department of Revenue  
Division of Local Services  
Municipal Databank**

\_\_\_\_\_  
(City/Town)

**Notification of Acceptance/Rescission  
General Laws Chapter 64G, § 3D  
(Local Option Community Impact Fee – Short-term Rentals)**

The Commissioner of Revenue is hereby notified that the City/Town of \_\_\_\_\_,  
by vote(s) of its legislative body on \_\_\_\_\_, \_\_\_\_\_, has accepted\_\_\_ or  
rescinded\_\_\_ the provisions of General Laws Chapter 64G, § 3D to impose a local option community  
impact fee at the rate of \_\_\_\_\_ percent, effective \_\_\_\_\_, and applying to  
transfers of occupancy of:

“Professionally-managed units” (one of two or more short-term rental units in  
same city/town operated by the same operator (owner) and not located within a single- or two- or three-  
family dwelling that includes the operator’s primary residence)

Short-term rental units located in a two- or three-family dwelling that includes the  
operator’s primary residence (separate vote required)

(City/Town Clerk) \_\_\_\_\_

\_\_\_\_\_  
(Date)

Please email this form to:

[databank@dor.state.ma.us](mailto:databank@dor.state.ma.us)



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

---

June 13, 2024

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

RE: A Vote to Authorize the Mayor to Enter into a Host Community Agreement between the City of Gardner and Bay State Racing, LLC

Dear Madam President and Councilors,

On May 6, 2024, the Administration received a request from Bay State Racing, LLC to enter into a host community agreement (HCA) for the siting of a race track at 827 Green Street (commonly referred to as the Carl Dahl House, Andrews Park, LeBlanc Farm, Evergreen Grove, etc.).

This matter relates to Item #11317, currently on the City Council Agenda, and the final product can only be entered into if Item #11317 is adopted.

Upon receiving the May 6, 2024 request, I forwarded this matter to our Assistant City Solicitor, Atty Vincient Pusateri, who has overseen the process since then and assisted in the negotiations between my office and the applicant.

This document shows the current standing of where the City and Bay State Racing have gotten to in the negotiation process.

I respectfully request that the City Council vote to authorize the Mayor to enter into the Host Community Agreement on behalf of the City. However, I also wish to note that since the document has not been entered into yet, any suggestions on what could be added to the agreement are welcome for consideration as well.

Respectfully submitted,

Michael J. Nicholson  
Mayor, City of Gardner



## ORDERED – THAT

WHEREAS, Baystate Racing, LLC (“Baystate”) proposes to locate and operate an Equine Center consistent with Massachusetts General Laws Chapters, 128, 128A, and 128C, as such licenses, permits and approvals may be issued by the Commonwealth of Massachusetts; and

WHEREAS, Baystate anticipates that as a result of the Equine Center’s operation, the local economy will create additional business for local farms, restaurants and local businesses; and

WHEREAS, the City and Baystate want to ensure any and all impacts to the City are compensated by way of a Host Community Agreement; and

WHEREFORE, in consideration of the foregoing, the Company and the City wish to enter into a Host Community Agreement.

NOW THEREFORE IT IS ORDERED that the Honorable Mayor Michael J. Nicholson be hereby authorized for and on behalf of said City to execute and deliver any and all documents and take any and all acts necessary, convenient, and helpful to facilitate and execute the Agreement as attached or in form substantially similar thereto.

## HOST COMMUNITY AGREEMENT

FOR THE SITING OF A RACETRACK IN THE CITY OF GARDNER

**By and Between the City of Gardner, Massachusetts  
and  
Baystate Racing, LLC**

This Host Community Agreement (“Agreement”) is made and entered into as of July \_\_, 2024 (the “Effective Date”), by and between the City of Gardner, Massachusetts, acting by and through its Mayor, in reliance upon all of the representations made herein, a Massachusetts municipal corporation with a principal address of City Hall, 95 Pleasant Street, Gardner, MA 01440, (the “City” or “Gardner”), and Baystate Racing, LLC, a Massachusetts limited liability company, with a business address at Post Office Box 2311, Framingham, MA 01703 (“Baystate” and, collectively with the City, the “Parties”).

### RECITALS

WHEREAS, Baystate wishes to locate and operate an Equine Center providing for the breeding, housing, riding, showing, studying, treatment, training, retirement, and racing of horses and other equestrian- and agricultural-related uses, which also includes wagering on live and simulcast horse racing as authorized by Massachusetts General Laws 128A and 128C the Commonwealth of Massachusetts (the “Equine Center”) at the former 117-acre Andrews Park (827 Green Street in Gardner) (the “Site”) in accordance with and pursuant to Massachusetts General Laws Chapters, 128, 128A, and 128C, as such licenses, permits and approvals may be issued by the Commonwealth of Massachusetts (the “Commonwealth”) in accordance with its laws and regulations and by the City in accordance with its Zoning Bylaws and other applicable local statutes, bylaws and regulations; and

WHEREAS, Baystate anticipates that as a result of the Equine Center’s operation, the local economy will create additional business for local farms, restaurants and local businesses; and

WHEREAS, the City and Baystate want to ensure ongoing collaboration and communication amongst the parties, Baystate will establish an Oversight Committee and agrees to report to the Mayor and Council before June 1 of each year on the operation of the Equine Center the year before and plans for operations for the year ahead, including the number of race days, non-racing operations, parking, marketing, and hiring of vendors and employees.

WHEREAS, the City recognizes the development of the Equine Center at the Site will benefit the City and its citizens through increased economic development, additional employment opportunities for residents, bringing in an estimated \$460,000 per year in new revenue and benefits when fully operational, and further that the Equine Center operation will enhance and protect the agricultural designation of the site, accordingly the City desires to support Baystate in the development of the Equine Center at the Site; and

WHEREAS, Baystate recognizes that 3,093 residents of the City, according to the most recent U.S. Census reports, live at or below the poverty line and will work to employ and assist these individual and families as permitted by law to reduce the number of individuals and families below the poverty level in City; and

WHEREAS, Baystate anticipates that as a result of the Equine Center's operation, the City will incur additional expenses and impacts on the City's roads and other infrastructure systems, law enforcement, fire protection services, inspectional services, permitting and consulting services, as well as unforeseen impacts, both quantifiable and unquantifiable on the City; and provided further that Baystate is committed to paying the cost of such expenses and impacts; and

WHEREAS, Baystate intends to provide certain benefits to the City in the event that (a) the City issues applicable licenses, permits and approvals for the operation of the Equine Center, (b) Baystate or its affiliates receives all necessary licenses, permits and approvals from the Massachusetts Gaming Commission to operate the live and simulcast horse racing with wagering; and (c) Baystate or its affiliates receives all other necessary licenses, permits and approvals from the Commonwealth and the City to construct and operate the Equine Center; and

WHEREAS, Baystate commits to never seek or apply for so-called casino or Class III gaming in the City of Gardner; and

WHEREAS, Baystate stipulates that the Site is located in a zoning district that prohibits operating under a licensed issued pursuant to the Massachusetts Sports Wagering Act. G.L. c. 23N and 23K.

WHEREAS, a majority of the registered voters of Worcester County voting on the question described in Massachusetts General Laws, Chapter 128A, Section 14 regarding horse racing meetings, voted in the November general election in 1974 in the affirmative when said question was last submitted to them, and therefore Worcester County has authorized the licensing of horse racing therein at which the pari-mutuel system of betting shall be permitted; and

WHEREAS, the City Council, after a public hearing held after seven days' notice had been given by posting on the City website and publishing in Gardner News, has approved the location of a racetrack at the Site such that the Massachusetts Gaming Commission may issue a license for racing meetings at the Equine Center pursuant to Massachusetts General Laws, Chapter 128A, Section 13A.

NOW THEREFORE, in consideration of the mutual promises and covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged, the Parties agree as follows:

**1. Recitals**

The above Recitals are true and accurate and are incorporated herein and made a part of this Agreement.

**2. Payments to the City, Support of the City**

In the event that Baystate or its affiliates obtains the requisite licenses and/or approvals as may be required for the operation of the Equine Center from the Massachusetts Gaming Commission, and receives any and all other licenses, permits and approvals necessary for the construction and operation of the Equine Center from the Commonwealth and the City, and at the expiration of any final appeal period related thereto, such licenses, permits and approvals allow Baystate and its affiliates to locate, occupy and operate the Equine Center in the City, then Baystate agrees to provide the following "Annual Payments" each municipal fiscal year that it conducts live racing and so licensed to fully operate to the City (expected to commence July 1, 2025):

A. Annual Community Impact Fee

Baystate anticipates that the City will incur additional expenses and impacts on the City's road and other infrastructure systems, law enforcement, fire protection

services, inspectional services, and permitting and consulting services, as well as unforeseen impacts, both quantifiable and unquantifiable, on the City. Accordingly, in order to mitigate the financial impact on the City and use of City resources, Baystate agrees to pay an “Annual Community Impact Fee” to the City, in the amount and under the terms as follows:

1. Baystate shall make monthly payments to the Commonwealth in the amount of one and one-half percent (1.5%) of simulcast revenue as provided for in Massachusetts General Laws Chapter 128C, Section 4. Said amount to be collected by the Commonwealth and paid to the City along with its local aid disbursements. It is estimated that said fee, when fully operational, will be approximately \$240,000 per year.
2. The City shall use the Annual Community Impact Fee as it deems appropriate in its sole discretion.

B. Additional Costs, Payments and Reimbursements

1. Initial Community Benefit Payment: Within thirty (30) days after receipt of all licenses and permits necessary to operate the Equine Center but in any event before undertaking any horse racing wagering operations, Baystate shall pay to the City an initial community benefit payment in the amount of Fifty thousand dollars (\$50,000).
2. Permit and Connection Fees: Baystate hereby acknowledges and accepts, and waives all rights to challenge, contest or appeal, the City’s building permit application fees and all other local charges and fees generally applicable to other commercial developments in the City and the PILOT payment except as provided for herein.
3. Equine Center Consulting Fees and Costs: In addition to the Annual Community Impact Fee, Baystate shall reimburse the City for any and all reasonable consulting costs and fees related to any land use applications concerning the Equine Center, negotiation of this Agreement and any other related agreements, and any reviews concerning the Equine Center, including planning, engineering, legal and/or environmental professional consultants and any related reasonable disbursements at standard rates charged by the above-referenced consultants in relation to the Equine Center not otherwise covered by this agreement.
4. Other Costs: Baystate shall reimburse the City for the actual costs incurred by the City in connection with holding public meetings and forums substantially devoted to discussing the Equine Center and/or reviewing the Equine Center and for any and all reasonable consulting costs and fees related to the monitoring and enforcement of the terms of this Agreement, including, but not limited to independent financial auditors and legal fees.
5. Meals Tax Revenues: Baystate shall be responsible to collect and remit to the Commonwealth on behalf of the City any local meals taxes with respect to the Equine Center in accordance with applicable law. It is estimated that said tax will be approximately \$10,000 per year from increased sales in local restaurants, food trucks and concessions.

6. Motor Vehicle Excise Taxes: Baystate shall principally garage all vehicles owned by it or its affiliates and used in connection with the Equine Center in the City, so that excise taxes shall be paid to the City consistent with applicable law.
7. Late Payment Penalty: Baystate acknowledges that time is of the essence with respect to its timely payment of all funds required under Section 2 of this Agreement. In the event that any such payments are not fully made with thirty (30) days of the date they are due, Baystate shall be required to pay the City a late payment penalty equal to five percent (5%) of such required payment. Baystate shall pay an additional penalty equal to five percent (5%) of the required payment to be made directly to City for each thirty days that accrues without full payment.
8. Real & Personal Property Taxes: Baystate understands and accepts that its property will be assessed and taxed in accordance with state law and will pay all such tax bills in a timely fashion. Provided, however, that in lieu of said payment, Baystate shall, as a Payment In Lieu Of Taxes, be at least \$230,000 per municipal fiscal year.  
 This amount shall increase, after the first five years, each year thereafter by the percent increase to the real estate tax levy, not including new growth, up to two and one half (2.5%) percent per year.  
 Every five (5) years the City may appraise the value of the property. After the appraisal the PILOT fee will be adjusted to the higher of either, 1) the new appraised amount multiplied by the then tax rate per \$1,000.00 or 2) the amount as provided for herein. Should the product of the new appraisal multiplied by the tax rate per thousand be greater than the PILOT amount calculated pursuant to the terms of this agreement and if the applicant disagrees with the City's appraisal, then Baystate shall obtain its own appraisal for the property. Thereafter, if the parties are unable to agree on the amount of the PILOT the appraiser for the City and the appraiser for the Baystate shall select a third appraiser, by mutual agreement, who shall resolve the dispute.

C. Public Amenities

The Baystate shall complete, as components of its project, a series of infrastructure and public improvements in connection with the project, including, without limitation:

1. Community Events: Baystate shall work with the community to host at least one event per year at the Equine Center for the benefit of the community, such as fundraisers for local charities, athletic teams, and schools, and for celebration of community.
2. Local Preference: Baystate shall develop a program for preferential access to at Festivals conducted at the Equine Center for Gardner residents.
3. Education & Mentoring Program: Baystate shall work with local schools to develop an "Ag in the Classroom" program for students and a mentoring program to provide jobs for local graduates of agricultural schools.
4. North Central Pathway: Baystate shall provide easy access from the trail to the Equine Center.

5. Tree Replacement Program: Baystate shall cause 500 trees to be planted throughout Gardner consistent with a program approved by the Mayor.
6. Infrastructure: Baystate shall be solely responsible for any necessary cost incurred in connection with improvements to the public works infrastructure of the public ways, water supply and city sewer system which are incurred in connection with developing the Equine Center and the operation of the equine Center on race days

D. Annual Charitable/Non-Profit Contributions

In addition to any funds specified herein, Baystate shall annually contribute to public local charities/non-profit organizations in the City, or a regional non-profit organization that directly benefits residents of the City, in an amount no less than twenty thousand dollars (\$20,000), said charities/non-profit organizations to be determined by Baystate upon recommendation of the City in its reasonable discretion. The charitable/non-profit contribution shall be made annually beginning

on the first anniversary following the Commencement of Operations at the Equine Center, and shall continue for the term of this Agreement. This amount shall increase after the first five years by an amount equal to one (1%) percent of the previous year's payment each year thereafter.

E. Commencement of Baystate Payments to City

Not including one-time payments to the City, annual payments to the City shall commence in the fiscal year in which Baystate first conducts live racing in accordance with M.G.L. c. 128A at the Equine Center. For example, this is expected to occur on October of 2025, so annual payments to the City would commence in fiscal year commencing on July 1, 2025.

3. Vehicular Access To and From the Project

A. Traffic Plan & Improvements

Baystate, as part of its project review by the Planning Board, at its sole expense shall study the local traffic impacts of the proposed project and present a plan to mitigate any such impacts to the City. Baystate shall fund and cause the permitting, design, and construction, in coordination with federal, state and municipal regulations, of any said improvements to the project as outlined in the foregoing plan.

B. Transportation, Marketing & Parking Management Plans

Baystate shall develop, in coordination with state and municipal officials, a transportation and parking management plan for all Race days at the Equine Center to ensure that impacts from said events are properly managed. Said plan will be formulated with the input of the police chief, fire chief, and planning board chair, and then presented to the Mayor for his approval at least thirty (30) days in advance of the first Race day and will be updated on an annual basis to both reaffirm the original plan and improve operations, as identified, and needed.

C. Traffic Peer Reviewer

If asked, Baystate will reimburse the City for the cost incurred in connection with hiring an independent traffic/transportation engineering consultant to review Baystate's proposed transportation and parking plan, and provide commentary, recommendations, and general advice to the City during the review of the Traffic and Parking Plan.

D. Setup, Removal & Cleanup

Baystate shall, at its sole expense, pay for the setup, removal and cleanup of the site and surrounding area after each racing day. In addition, Baystate shall pay for all necessary police and fire details, DPW personnel, or other related municipal cost associated with the operations of the race day. Baystate shall commence setup of the site no sooner than seven days before the start of a race, shall cleanup the site and surrounding area within one day of the conclusion of a race, and shall remove all temporary facilities within seven days of the close of each race.

4. Local Permit Review

Baystate acknowledges that, in accordance with the City's Zoning Bylaws, the operation of the Equine Center is subject to the issuance of a permit and or decision(s) by city agencies. Nothing in this Agreement is intended to or shall have the effect of binding or otherwise



limiting the discretion of the local officials to conduct such reviews and impose such conditions as it deems appropriate in connection with its review of Baystate's application for a permit and or a decision(s). Any permit, decision(s) or license required for the Equine Center and issued by any City board, committee, commission or official, including any amendments or changes to said City permits, decision(s) or licenses approved by any such board, committee, commission or official, shall be enforceable by the City consistent with any regulatory or administrative enforcement remedies that may be available to the City.

Notwithstanding the Zoning Ordinance, the Applicant agrees to submit to the Planning Board for a site plan review including but not limited to the traffic plan.

## 5. **Operational Issues**

### A. Limitation on Race Days

Baystate agrees that no more than twenty (20) Race days shall be held at the Equine Center per calendar year. Further, Baystate agrees, prior to filing its annual application for a Racing Meeting License, to review the number of live race days it will request with the City. The parties recognize that the number of race days are subject to approval by the Massachusetts Gaming Commission.

Subject to the approval of the Massachusetts Gaming Commission, over the next five years, Baystate shall seek approval to race only on the following number of weekends (days) each year:

- 2025: One Weekend (three days)
- 2026: Two Weekends (six days)
- 2027: Two Weekends (six days)
- 2028: Three Weekends (nine days)
- 2029: Three Weekends (nine days)

Baystate shall work with the City to select dates that minimize conflicts with other local events, subject to the approval of the Massachusetts Gaming Commission.

## 6. **Treatment of Horses**

Baystate has emphasized the importance of the care and treatment of horses in connection with the Equine Center. To this end, Baystate shall establish and implement best in trade management practices to ensure the highest possible level of care, treatment and protection of horses kept, trained and/or raced at the Equine Center. Baystate shall establish a Racing Oversight Board, which shall be charged with establishing and ensuring compliance with these best in trade management practices. Baystate shall at least annually report to the City on the steps it has taken to ensure compliance with this provision. Baystate shall include one individual appointed by the Mayor of the City of Gardner on Baystate's Racing Oversight Board. Upon request, the Racing Oversight Board or its chair shall attend a meeting of the Council to review and discuss Baystate's compliance with this section.

Baystate shall forthwith advise the City of the initiation of any investigation by the Massachusetts Gaming Commission (MGC) or any other state or federal regulatory body into the poor treatment of horses by Baystate or at the Equine Center and, upon completion of such investigation, shall forthwith advise the City of the results thereof.

Baystate shall collect all horse manure, store it in a covered container or facility, and dispose of it off site. In addition, Baystate shall strictly follow all related regulations.

7. **Responsible Gaming in Gardner**

Baystate recognizes that, while gaming is an enjoyable leisure and entertaining activity for most, there is a percentage of the population that cannot game responsibly. Therefore, Baystate will implement a “Responsible Gaming Plan” at the Equine Center on Race days, the goal of which shall be to ensure that those people who cannot game responsibly get the help they need.

Baystate will accomplish the Responsible Gaming Plan goals by: (1) educating its employees and providing information to patrons about the odds of betting and how to make responsible gaming decisions; (2) promoting responsible gaming at Race day operations; (3) supporting public awareness of responsible gaming; and (4) prominently displaying and providing educational materials at the Equine Center on Race days to educate customers regarding the risk of problem gambling and available services to obtain treatment.

8. **Local Vendors and Employment**

Prior to the Commencement of Operations at the Site, Baystate shall organize and conduct two separate information sessions and job fairs for veterans and City residents, and shall publicize both events through local City website and newspapers, social media and by posting notice of the same at various locations in the City. Baystate shall also use good faith efforts to offer job skills assessments and provide guidance for interested persons to receive training to qualify for certain positions at the Equine Center.

To the extent such practice and its implementation are consistent with federal, state, and local statutes, bylaws and regulations, Baystate will make every effort, in a legal and non-discriminatory manner, to give priority to local businesses, suppliers, contractors, builders and vendors in the provision of goods and services for the “non-initial” construction, maintenance and continued operation of the Equine Center when such contractors and suppliers are properly qualified and price competitive and shall use best faith efforts to hire City residents and utilize women-owned, minority-owned, and veteran-owned vendors within the City. Baystate also shall use best faith efforts to offer job skills assessments and provide guidance for interested persons to receive training to qualify for certain positions at the Equine Center.

In addition to the information sessions and job fairs mentioned above, Baystate’s efforts shall include actively soliciting bids from vendors through local advertisements and direct contact, advertising any job expansion or hiring of new permanent full-time employees first to City residents a minimum of two (2) weeks before advertising through all typical regional employment advertising outlet coordination with the local Chamber of Commerce and such other reasonable measures as the City may from time to time request.

Baystate’s annual report to the Mayor and City Council in accordance with Section 14 of this Agreement shall include information concerning the number of City residents employed at the Equine Center.

In coordination with Gardner businesses, Baystate shall actively promote Gardner farms, restaurants, businesses and other attractions, both on its website and in prominent locations within the Equine Center.

**9. Local Taxes**

At all times during the term of this Agreement, property, both real and personal, owned, leased or operated by Baystate or its affiliates shall be treated as taxable, and all applicable real estate and personal property taxes for that property shall be paid either directly by Baystate or its affiliates and Baystate shall not object or otherwise challenge the taxability of such property with respect to such taxes.

**10. Security and Safety**

To the extent requested by the City's Police Department, and subject to the requirements of state and local authorities, Baystate shall work with the City's Police Department in reviewing and approving security plans prior to the Commencement of Operations, including determining the placement of security cameras. Unless prohibited by the Massachusetts Gaming Commission or Massachusetts State Police, the City's Police Department shall be given access to video feeds from all security cameras.

Baystate agrees to cooperate with the City's Police Department, including but not limited to periodic meetings to review operational concerns, security, cooperation in investigations, and communications with the City's Police Department of any suspicious activities at or in the immediate vicinity of the Equine Center.

Baystate shall pay for police and fire details to staff Race days as deemed appropriate by the Fire Chief and Police Chief. The Equine Center shall be open to the Police Department for inspection at any time, with or without notice.

Baystate agrees and acknowledges that annual inspections of the Equine Center by the City's Police Department, Fire Department, Building Department and Board of Health shall be a condition of continued operation in City and agrees to cooperate with the City's Police Department, Fire Department, Building Department and Board of Health in providing access for scheduled inspections of the Equine Center.

**11. Nature of Baystate's Obligations**

The obligations of Baystate set forth in this Agreement are specifically contingent upon (a) Baystate or its affiliates receiving all necessary licenses, permits and approvals from the Massachusetts Gaming Commission to operate the live and simulcast horse racing with wagering aspects of the Equine Center; and (b) Baystate or its affiliates receiving all other necessary licenses, permits and approvals from the Commonwealth and the City to construct and operate the Equine Center. If, for any reason, Baystate and its affiliates have not received all such local and state licenses, permits and approvals necessary to construct and operate said Equine Center within 48 months after the date of this Agreement, not including months with an intervening force majeure event, then either party may, in its sole discretion, upon notice to the other, terminate this Agreement, whereupon neither the City nor Baystate shall have any further obligations or liabilities hereunder, provided, however, that Baystate shall be required to pay any consulting or other costs incurred by the City prior to such notice in connection with the Equine Center. If Baystate does so terminate this Agreement, then the City shall not be responsible for the return of any funds provided to it by Baystate.

This Agreement does not affect, limit, or control the authority of City boards, commissions, and departments to carry out their respective powers and duties to decide upon and to issue,

or deny, applicable licenses, permits and other approvals under the statutes and regulations of the Commonwealth, the General Bylaws and Zoning Bylaws of the City, or applicable regulations of those boards, commissions, and departments or to enforce said statutes, bylaws and regulations. The City, by entering into this Agreement, is not hereby required or obligated to issue such licenses, permits and approvals as may be necessary for the Equine Center to operate in the City, or to refrain from enforcement action against Baystate and/or the Equine Center for violation of the terms of said licenses, permits and approvals or said statutes, bylaws, and regulations.

**12. Support**

The City agrees to support the adoption of the requisite licenses, permits and approvals for the operation of the Equine Center. The City further agrees to submit to the Massachusetts Gaming Commission, or such other state licensing, registering or monitoring authority, as the case may be, the required certifications relating to Baystate's (or its affiliate's) application for a license or certificate of registration to operate the Equine Center where such compliance has been properly met, but makes no representation or promise that it will act on any other license, permit or approval request, including, but not limited to any zoning application submitted for the Equine Center, in any particular way other than by the City's normal and regular course of conduct and in accordance with its rules and regulations and any statutory guidelines governing them.

**13. Term**

Except as expressly provided herein, this Agreement shall take effect on the date set forth above, and shall be applicable for as long as Baystate, its affiliates, their successors or their assigns operates the Equine Center at the Site and is licensed by the Massachusetts Gaming Commission to operate the live and simulcast horse racing with wagering aspects of the Equine Center.

**14. Annual Reporting**

Baystate shall file an annual written report with the City Council each year, on or before June 1, for the purpose of reporting on compliance with each of the terms of this Agreement during the preceding calendar year and shall, at the request of the City Council, appear at a regularly or specially scheduled meeting to discuss such annual report.

**15. Successors/Assigns**

This Agreement is binding upon the Parties hereto, their successors, assigns and legal representatives. Baystate shall not transfer or assign its rights or obligations under this Agreement without prior written authorization of the City, which will not unreasonably be withheld, delayed or conditioned. Baystate shall provide the City with information relating to any such successor in advance of any such transaction, including any information required by the Massachusetts Gaming Commission. Any assignee of or successor in interest to Baystate shall be bound by the terms of this Agreement to the fullest extent allowed by law. The provisions of this paragraph shall also apply to any transfer, sale or conveyance of Baystate of a controlling interest therein. The City may consider a prospective owner's documented violations by regulators owing to its failing to protect the health and wellbeing of horses and financial condition when considering to give its approval.

**16. Notices**

Any and all notices, consents, demands, requests, approvals or other communications required or permitted under this Agreement, shall be in writing and delivered by hand or by other reputable delivery service, and shall be deemed given when so delivered.

To City: Mayor, City of Gardner  
 City Hall  
 95 Pleasant Street  
 Gardner, MA 01440

Copy to:

To Baystate: Brian Falk  
 Mirick, O'Connell, DeMallie & Lougee, LLP  
 1800 West Park Drive, Suite 400  
 Westborough, MA 01581-3926

Copy to:

John Stefanini  
 Baystate Racing, llc  
 Post Office Box 2311  
 Framingham, MA 01703

**17. Severability**

If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless the City or Baystate would be substantially or materially prejudiced. Further, Baystate agrees that it will not challenge, in any jurisdiction, the enforceability of any provision included in this Agreement; and to the extent the validity of this Agreement is challenged by Baystate in a court of competent jurisdiction, Baystate shall pay for all reasonable fees and costs incurred by the City in enforcing this Agreement.

**18. Governing Law**

This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts, and the Parties submit to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.

19. **Indemnification**

Excluding any Claims (as herein defined) caused by the gross negligence or intentional misconduct of the City, Baystate shall indemnify, defend, and hold the City harmless from and against any and all claims, demands, liabilities, actions, causes of actions, defenses, proceedings, subpoenas, document requests and/or costs and expenses, including attorney's fees (collectively, the "Claims"), brought against or initiated as to the City, its agents, departments, officials, employees, insurers and/or successors, by any party, including any private or public entity, arising from or relating to the Equine Center. Such indemnification shall include, but shall not be limited to, all reasonable fees and reasonable costs of attorneys and consultants of the City's choosing incurred in defending or responding to such Claims. Baystate agrees, within thirty (30) days of written notice by the City, to reimburse the City for any and all costs and fees incurred in defending itself from or responding to such Claims. To the extent that any of the City's insurance policies provide coverage for any Claim to which indemnity is being sought hereunder alleging negligence or intentional misconduct of the City, the City shall first submit the Claim to its insurance carrier before seeking indemnity from Baystate, and Baystate shall only be required to indemnify the City to the extent there is no coverage or insufficient coverage.

20. **Entire Agreement**

This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between Baystate and the City with respect to the matters described herein. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the Parties hereto.

21. **Amendments/Waiver**

The failure of any party to exercise any right under this Agreement shall not, unless otherwise provided or agreed to in writing, be deemed a waiver thereof; nor shall a waiver by any party of any provisions hereof be deemed a waiver of any future compliance therewith, and such provisions shall remain in full force and effect.

22. **Headings**

The article, section, and/or paragraph headings in this Agreement are for convenience of reference only, and shall in no way affect, modify, define or be used in interpreting the text of this Agreement. Where the context requires, all singular words in the Agreement shall be construed to include their plural and all words of neuter gender shall be construed to include the masculine and feminine forms of such words.

23. **Counterparts**

This Agreement may be signed in any number of counterparts all of which taken together, shall constitute one and the same instrument, and any party hereto may execute this Agreement by signing one or more counterparts.

24. **Signatures**

Each party hereto, and their respective successors and assigns agree that the execution of this Agreement by electronic means (including by use of DocuSign (or similar) and/or by use of digital signatures) and/or the delivery of an executed copy of this Agreement by e-

mail shall be legal and binding and shall have the same full force and effect as if an original executed copy of this Agreement had been delivered.

**25. No Joint Venture**

The Parties hereto agree that nothing contained in this Agreement or any other documents executed in connection herewith is intended or shall be construed to establish the City and Baystate, or the City and any other successor, affiliate or corporate entity as joint ventures or partners.

**26. Nullity**

This Agreement shall be null and void in the event that Baystate does not construct the Equine Center in the City or relocates the Equine Center out of the City. Further, in the case of any relocation out of the City, Baystate agrees that an adjustment of annual Payments due to the City hereunder shall be calculated based upon the period of occupation of the Equine Center within the City, but in no event shall the City be responsible for the return of any funds provided to it by Baystate.

**27. Third-Parties**

Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the City or Baystate.

**28. Representation of Authority**

Each person signing this Agreement hereby represents and warrants that he or she has the full authority and is duly authorized and empowered to execute this Agreement on behalf of the party for which he or she signs.

**29. Force Majeure**

Baystate shall not be considered to be in default in the performance of its obligations under this Agreement to the extent that performance of any such obligation is prevented or delayed by a "Force Majeure Event" (as defined below). If Baystate is prevented or delayed in the performance of any such obligation by a Force Majeure Event, it shall provide reasonable notice to the City of the circumstances preventing or delaying performance and the expected duration thereof, if known. For the purposes of this Agreement, a "Force Majeure Event" is any circumstance not within the reasonable control, directly or indirectly, of the Party affected and includes, but is not limited to, the following: strikes or other significant labor disputes; significant supply shortages; pandemics, adverse weather conditions and other acts of nature; acts of God, fire, other substantial property damage or any condition that prevents or significantly interferes with the operations of the Equine Center; significant subsurface conditions; riot or civil unrest; the forced closure of all gaming establishments by the Commonwealth of Massachusetts or the Massachusetts Gaming Commission; and actions or failures to act of any governmental authority or agency. A Force Majeure Event may justify delay of performance of one or more payment obligations hereunder but shall not justify excusal of performance.

**30. Enforcement.**

It is expressly understood and agreed, by and between Baystate and City, that if Baystate shall neglect, fail or refuse to substantially comply with any nonpayment term herein, then Baystate does hereby agree, as a part of consideration for the City's execution of this Agreement, after 30 days written notice from the City Council specifying in detail said lack of substantial compliance and the resolution sought by City, and if after another 30 days written notice outlining reasons for the continued lack of substantial compliance and a public hearing by the City Council, then to pay to the City one thousand dollars (\$1,000) per day per violation, not as a penalty but as liquidated damages for such breach of contract, for each and every calendar day that Baystate shall be in default after receipt of the initial notice of such default from the City. The said amount is fixed and agreed upon by and between Baystate and the City because of the impracticability of fixing and ascertaining the actual damages the City would in such event sustain, and said amount is agreed to be the amount of damages which the City would sustain and said amount shall be deducted by the City from periodic payments. Nothing herein shall limit the City's ability to pursue injunctive relief, specific performance or any other remedy available at law or in equity.

{ INTENTIONALLY BLANK }



IN WITNESS WHEREOF, the Parties hereto have executed this Agreement under seal on the day and year first written above.

CITY OF GARDNER

BAYSTATE RACING LLC

\_\_\_\_\_  
By: Michael J. Nicholson  
Title: Mayor

\_\_\_\_\_  
By: Sagi Genger  
Title: Manager

True Copy attested by

\_\_\_\_\_  
By: Titi Siriphan  
Title: City Clerk

**VOTE**

Shall a track of land located within the limits of the City of Gardner, now owned by the GAAMHA, Inc., located at 827 Green Street, comprising approximately 114 acres also identified as assessors lot number R42/21/1// and more particularly described in Worcester Registry of Deeds Book 63792 and Page 211 and situated on the easterly side of Route 140, otherwise called Green Street, be approved as the location of a running horse racing track where race meetings laid out and conducted by licensees under M.G.L c. 128A will be held or conducted?

# *Exhibit 1*

***Exhibit 1(a)***



April 30, 2024

Council President Elizabeth Kazinskas  
 City of Gardner  
 City Hall, 95 Pleasant Street, Room 121  
 Gardner, Massachusetts 01440

Dear Madam President and Honorable Councilors:

On behalf of Baystate Racing llc, I write to express our interest in what we believe to be an exciting project for Gardner.

Gardner is known as the Chair City. But nearly 150 years ago, Gardner started to emerge as the premier destination for horse breeding, training, and racing in the state. Local physician Dr. Robert Foster Andrews created what was then called Andrews Park on the site currently managed by GAAHMA, Inc. on Route 140. The first horse race was on September 26, 1875 with more than 600 attendees. Over the course of the next several decades, the site also became the location of the Mid-State Fair, and the Agricultural Fair sponsored by the Gardner Agricultural Society and the Gardner Chamber of Commerce. In later years, Leonard LeBlanc, one of the top trainers in New England, bought the farm to raise and train his horses.

More recently, under the guidance of GAAMHA, the location has become a place for those with substance user disorder and mental health needs find therapy and recovery while taking care of the farm and its animals.

Bay State Park is a natural continuation of Gardner's agricultural legacy. Our proposal is developed by horse and agricultural enthusiasts. It is strongly supported by the Massachusetts Thoroughbred Breeders Association and the New England Horsemen's Benevolent and Protective Association. Bay State Park will be the location for thoroughbred breeding and off-track retirement programs, training, and racing facilities, while preserving open space for future generations. Additionally, we are collaborating with GAAMHA on equestrian training for clients and providing retired horses for therapeutic programs and partnering with Mount Wachusett Community College Pathway for Jobs around agricultural and veterinarian tech training.

We respectfully request that you schedule a public hearing with seven days notice in the Gardner News in accordance with MGL c. 128A, s. 13A to consider Andrews Park as a location for a Race Meet License.

We will submit a draft Host Community Agreement (HCA) to Mayor Michael J. Nicholson. The HCA is our contract with the City of Gardner. Highlights of our proposal include an annual review of operations with the Mayor and Council, estimated new revenue of \$500,000 a year, cover any costs related to police, fire, and EMS details on festival days, create local jobs, and \$10,000 upfront for the cost of any reviews during the approval process.

We look forward to working with you, your colleagues, and partners in government in the months ahead on this project and be part of Gardner's great agricultural legacy.

Sincerely,

John A. Stefanini

CC: Mayor Michael J. Nicholson

***Exhibit 1(b)***



**BAY STATE PARK**  
— Gardner, Massachusetts —

A place for breeding, training, and  
racing of horses since 1875

JUNE 17, 2024

# Gardner: A Destination for Horse Racing in the Region

Gardner's legacy of horses and racing dates back to the 1870s. Local physician Dr. Robert Foster Andrews created what was then called Andrews Park on the current site of GAAHMA on Route 140. The first horse race was held on Saturday, September 26, 1875 with more than 600 attendees. Andrews Park was the site of the Mid-State Fair held every year through the 1920s.

After the Mid-State Fair, the Gardner Agricultural Society and the Gardner Chamber of Commerce started the Agricultural Fair over Columbus Day Weekend, featuring livestock shows featuring cattle, horses and poultry, agricultural and horticultural exhibits, horse pulls, track and field events, and horse racings.

Gardner Raceways held an eight race matinee with 1,000 attendees in 1953. One hundred years after the creation of Andrews Park, Leonard LeBlanc began housing horses that he trained and raced at the track. He was one of the top trainers in New England at the time.

Gardner Equestrian Center brings the legacy of this location full circle by providing thoroughbred horses a place to breed, train, race and retire.



## FIRST CATTLE SHOW AND FAIR IS BIG SUCCESS

Over 12,000 Attend Gardner Event; Horse Show Attracts Many—Races Provide Thrilling Finishes

Ground in Fine Condition—Automobile, Fruit and Flower Displays Are Features—Food Vendors Sold Out Before Mid-Afternoon—Boy and Girl Scouts Give Exhibition

GARDNER, Oct. 12.—The first annual cattle show and fair under the auspices of the Gardner Agricultural Society was held at Andrews' Driving Park today with ideal weather conditions and the largest crowd attending a fair in Worcester county this year. The unexpectedly large attendance was one of the features of the day, and was estimated by fair officials that over 12,000 people passed through the gates. Ticket officials were overwhelmed with the interest in the food and novelties were completely sold out before mid-afternoon. The fine autumn weather with its crisp tang of the season was ideal when and state troops under Corporal Richard Toppin of the Fairbush Troop, Thirty-Five, Boy Scouts from the local troops also assisted in handling traffic and assisting people. Vaudeville Entertainment During the afternoon a high class program of vaudeville was presented. Vocal selections, band music, rope stunts and other attractions were presented. Tomorrow the entire program will be repeated with an excellent program of entries in the horse show. Three fast races in the trot or pace feature are anticipated. Among the more conspicuous winners...

HORSE SHOW MAY 25 ONE O'CLOCK ANDREWS TROTTING PARK GARDNER, MASS. RAIN DATE JUNE

## MID-STATE FAIR AT GARDNER DRAWS 4000

Horse Races, Vaudeville Show, Dynamometer Pulling Contests, Among First-Day Attractions—Dog Show And Fireworks Display, With Big Bonfire Will Be Features Today and Tonight

GARDNER, Aug. 26.—With perfect weather conditions, today the Gardner Agricultural association conducted the first day of its annual two-day Mid-State fair at the grounds in North Gardner, with an attendance of more than 4000. The gay spirit of carnival was in evidence throughout the day and evening and much keen interest was shown in the horse races.

The Chair City band, under David Stiles, leader, furnished music for the gala vaudeville show, staged in front of the grandstand, both afternoon and evening. The final day features of the seventh annual fair of the association will comprise the first sanctioned dog show in this vicinity, a gigantic fireworks display and a huge bonfire. For the latter a mound of bales of salvaging boxes and inflammable material of all kinds has been erected, tied on top, to the height of more than 50 feet, while the base measures 100 by 100 feet. The Chair City band, under David Stiles, leader, furnished music for the gala vaudeville show, staged in front of the grandstand, both afternoon and evening. The final day features of the seventh annual fair of the association will comprise the first sanctioned dog show in this vicinity, a gigantic fireworks display and a huge bonfire. For the latter a mound of bales of salvaging boxes and inflammable material of all kinds has been erected, tied on top, to the height of more than 50 feet, while the base measures 100 by 100 feet.

## FAIR MAID IS WINNER OF RACE AT GARDNER

GARDNER, July 16.—Fair Maid, driven by Fred Harper, Westminster; Mary Jane Etta, driven by William Larose, Gardner; and Little Boy, driven by W. Edward Reilly, Gardner, were winners in the races conducted...

## Harness Races Held At Gardner

GARDNER — The Gardner Horsemen's Association conducted a 10-race trotters and pacematsinee at the Gardner Raceway yesterday afternoon. About 1000 persons attended.

Winners were: 1st race—Half & Half, owned Alfred Vorce and Raymond Price, Winchendon, driven by Raymond Price. Time 2 minutes 38 seconds race—Cherry Arden, owned by City Stables, driven by R. Mar...

## RAIN FAILS TO HALT MID-STATE FAIR AT GARDNER

2000 Throng Grounds During Second Day's Program—Hound Show, Dynamometer Contest and Horse Racing Feature Day's Events





# Our Vision

Continuing the tradition of using this site as a horse farm and racing facility for thoroughbred and standard horses. A year-round equestrian facility for all to learn about and enjoy farming and horses:

- Breeding program
- Training facilities
- Off-track retirement
- Agricultural and equestrian festivals
- Agricultural programs for local students
- Thoroughbred racing
- Therapy programs for individuals in recovery
- Hayfields and vegetable gardens, and livestock such as chickens and pigs

# Initial Site Concept Plan (subject to local & state review)



**CONCEPTUAL SITE PLAN**  
 BAY STATE RACING - GARDNER, MA





# Massachusetts' Challenge

- 8 acres of farmland is lost every day.
- According to the United State Department of Agriculture, Massachusetts ranks 6<sup>th</sup> for disappearing open space.
- Due to the lack of breeding programs in Massachusetts, only one stallion and 20 foals were born over the last five years.
- Bay State Park will help sustain the activities that will occur during the rest of the year, such as breeding, haying and other farm activities. These activities go hand-in-hand.

# Equine Facility

- Our facility will be the premier facility for thoroughbreds to breed, train, race, and retire.
  - Thoroughbred breeding program
  - Therapy programs for individuals
  - Place for off-track thoroughbreds to live in a safe, healthy and nurturing environment
  - Training facilities for thoroughbred owners and trainers



# Breeding Program

- We will have a robust breeding program to increase the thoroughbred horse population.
- The cost associated raising a foal is at a minimum between \$35-50,000.
- Not every thoroughbred horse will participate in racing. Other career options include eventing, dressage, jumping, polo, or on local farms for riding and therapeutic riding.



# Retirement

- Incorporate a retirement facility for retired Massachusetts bred thoroughbred horses to start their second careers.
- Working with the New England HPBA, a percentage of all race purses will be dedicated towards thoroughbred aftercare and rescue.



# Thoroughbred Festival Racing

- Competitive horse racing events supported by thoroughbred owners, breeders and trainers from Massachusetts and the surrounding regions.
- City receives state funding.
- Onsite wagering only at thoroughbred race meets at temporary kiosk. 93% of gaming occurs online off-site.
- Track eligible for state funding through the Race Horse Development Fund.





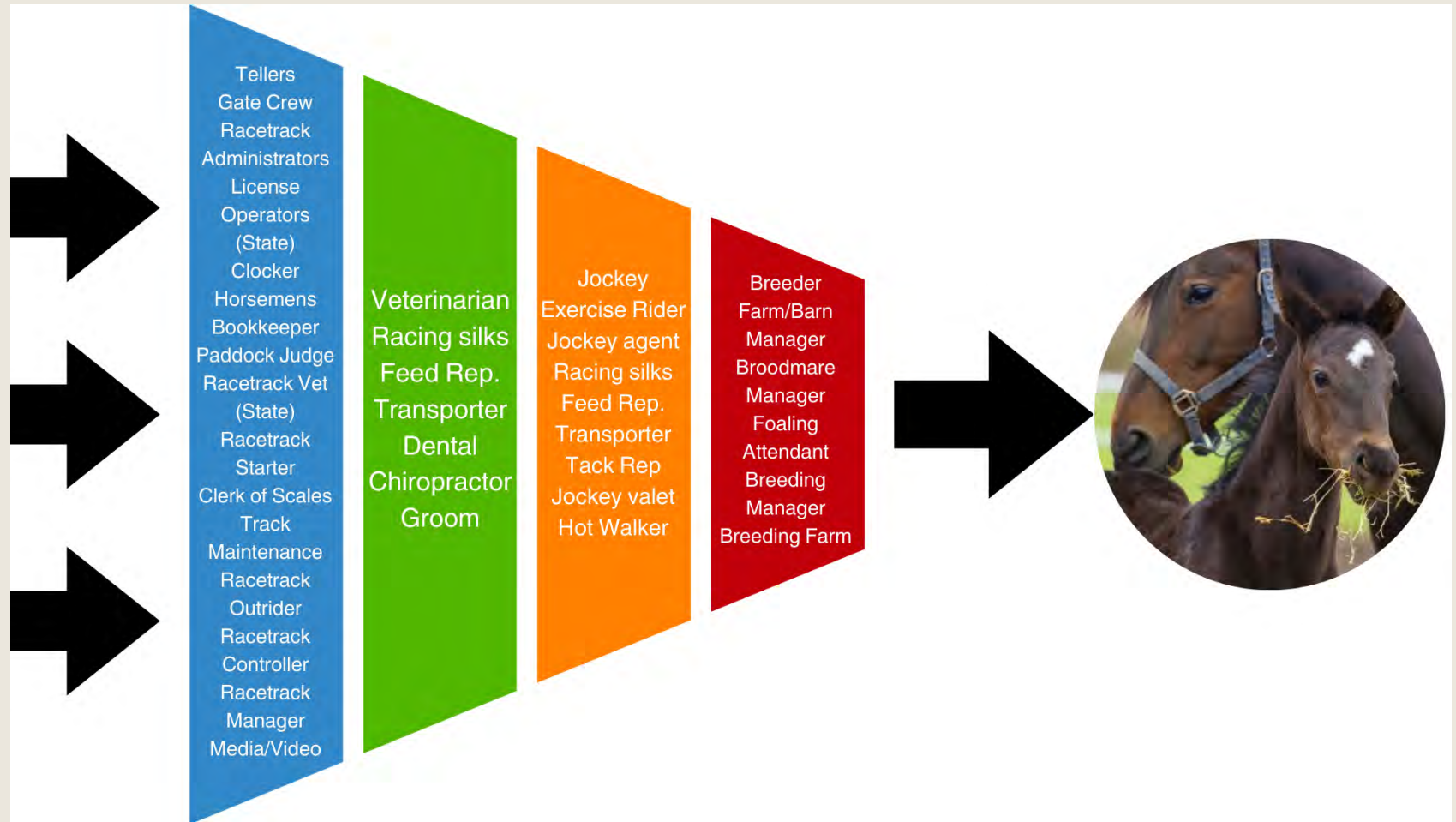
# Supporting Local Agriculture

- Preserve and protect 1,200 horse and hay farms around Massachusetts.
- Collaborate with surrounding farms while supporting local breeders, horse owners, farriers and veterinarians to encourage economic activity and strengthen local agricultural economy.
- Every horse that races preserves a farm and requires a minimum of seven jobs.
- Revenues from racing assist in preserving the land, breeding thoroughbreds, and operating the race meet.
- Brings new local and statewide revenue to Gardner, providing new benefits for the city and agricultural community.

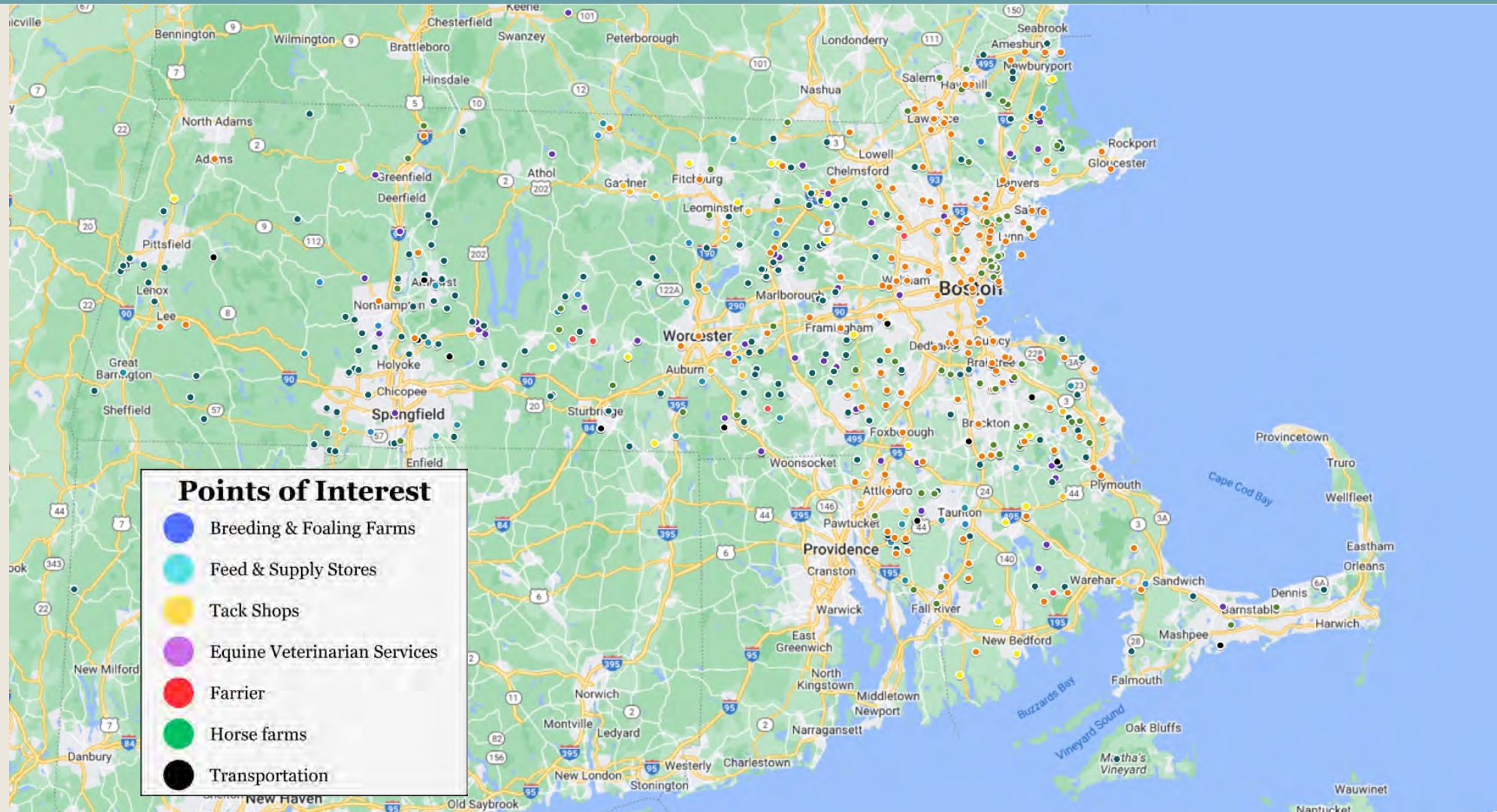


# The Massachusetts Equine Economy

The equine industry and family farming contributes thousands of jobs in Massachusetts for breeding, racing, and sporting events, particularly in our most economically challenged rural communities.



# Current View of the Massachusetts Equine Economy



# The Massachusetts Model

“...the development of a Massachusetts Model horse park represents a significant economic opportunity for the Commonwealth...The annual economic impact is expected to approach \$99 million and lead to the creation of more than 950 jobs throughout Massachusetts.

Economic activity resulting from the facility’s development would also generate an additional \$5 million in state and local tax revenues per year.”

*Dr. John Mullin, Emeritus Professor  
Regional Planning at the  
University of Massachusetts Amherst*



“From 2012 to 2021, according to the Massachusetts Department of Agricultural Resources (MDAR), new foals born in Massachusetts dropped from 34 to just 2 in 2021.

The negative birth rates of thoroughbred foals were entirely borne by Massachusetts thoroughbred breeders and owners and that decline has contributed to the financial peril of Massachusetts breeding farms.

The Massachusetts Thoroughbred Breeder’s Association supports the establishment of thoroughbred racing in Gardner because we understand that connection between racing and breeding and haying farms.”



*Arlene Brown, Secretary*

**MASSACHUSETTS THOROUGHBRED BREEDERS ASSOCIATION**  
FOUNDED 1981



“Gardner is about preserving our rural economy, our farms and a way of life that will disappear forever if we don’t protect it and act now. Gardner Equestrian Center helps protect 1,200 horse farms around Massachusetts.

This project has wide support among horse owners, breeders, and enthusiasts as a catalyst to sustain and grow farms and horse operations across the Commonwealth.”



*Anthony Spadea, Jr., President*

**NEW ENGLAND HBPA**  
Horsemen Helping Horsemen

# Protecting the health and safety of our horses

## Massachusetts leads the nation for the health and safety of horses:

- Any owner/trainer who violated anti-doping rules is permanently banned from racing in Massachusetts.
- Working with the NE HBPA, it is our goal that every retired horse finds a second career or an after-care home for after its racing career.
- Any owner or trainer who sells their horse for slaughter is banned for life.



# Protecting the health and safety of our horses

Here are the measures that will further protect the health and safety of these racehorses:

- Before every race, horses will be medically examined by a qualified and independent vet who is under the control of the state. If the vet has any concern about the ability of the horse to run safely or has reason to believe they have received any banned substance, they alone can disqualify that horse;
- If that horse has been disqualified for receiving a banned substance, under our rules that the trainer will be permanently banned from racing at our track (and in Massachusetts);
- We will build a surface to ensure greater safety for the horses as it is well known that turf is safer and gentler for the horse and results in fewer racing injuries.

# Protecting the health and safety of our horses

- Thoroughbred racing in Massachusetts is highly regulated under the Massachusetts Gaming Commission and its Horse Racing Committee;
- We will build into our engineering design a 24/7 video monitoring system that will capture all our barns and stalls to detect any violation of anti-doping rules. This monitoring will also include additional undisclosed security measures;
- We will take proceeds from our race day purses and put it towards the aftercare and wellbeing of our racehorses;
- We will work with HISA (Horseracing Integrity and Safety Authority) which was just established in July of 2022 that is working to set a standard for all tracks to follow.

# Community Partnerships

- Collaborating with GAAMHA on equestrian training for clients and providing retired racehorses for therapeutic programs.
- Partnering with Mount Wachusett Community College Pathway for Jobs, and around agricultural and veterinarian tech training modules.





# Benefits for Gardner

- Helps drive ongoing economic revitalization in the city bringing in new patrons for local restaurants and small businesses.
- Agricultural collaborations and programs with Mount Wachusett Community College and GAAMHA.
- Creates a venue for functions and events.
- \$25 million in new capital investment.
- Creates 15-25 permanent and more than 100 temporary jobs in the community.
- Millions of dollars in new revenue from the sale of property, real estate and gaming taxes, and community benefits to the City of Gardner.
- Preserves open space and connects with the North Central Pathway.





# Community Process

- Community meetings and public input
- Approval of site for thoroughbred racing
- Execution of Host Community Agreement
- Application to Massachusetts Gaming Commission (MGC)
- Hearing by MGC in Gardner on application
- Adjudicatory Hearing & Suitability by MGC
- MGC vote on application
- Gardner permitting process, including the Conservation Commission
- Application for a building permit
- Annual report to Mayor and Council on facility operations



# Thank you

Baystate Racing, LLC

[marykate@baystateracingllc.com](mailto:marykate@baystateracingllc.com)

[www.baystateracingllc.com](http://www.baystateracingllc.com)

***Exhibit 1(c)***



## Bay State Park Frequently Asked Questions

### Why Gardner and this location on Route 140?

Gardner is known as the Chair City. But nearly 150 years ago, Gardner started to emerge as the premier destination for horse breeding, training, and racing in the state. Local physician Dr. Robert Foster Andrews created what was then called Andrews Park on the site currently managed by GAAHMA, Inc. on Route 140. The first horse race was on September 26, 1875 with more than 600 attendees. Over the course of the next several decades, the site also became the location of the Mid-State Fair, and the Agricultural Fair sponsored by the Gardner Agricultural Society and the Gardner Chamber of Commerce. The fairs featured featuring livestock shows featuring cattle, horses and poultry, agricultural and horticultural exhibits, horse pulls, track and field events, and horse racings.

In later years, Leonard LeBlanc, one of the top trainers in New England, bought the farm to raise and train his horses. More recently, under the guidance of GAAMHA, the location has become a place for those with substance user disorder and mental health needs to find therapy and recovery while taking care of the farm and its animals.

Bay State Park brings the legacy of this location full circle by providing thoroughbred horses a place to breed, train, race and retire.

### What activities are planned for Bay State Park?

Our proposal continues the tradition of using this site as a horse farm and racing facility. It will be a year-round equestrian facility for all to learn about and enjoy farming and horses, with activities including:

- Breeding program
- Training facilities
- Off-track retirement
- Agricultural and equestrian festivals
- Agricultural programs for local students
- Thoroughbred racing and wagering
- Therapy programs for individuals in recovery
- Hayfields and vegetable gardens, and livestock such as chickens and pigs

GAAHMA has two pregnant mares currently on their farm. Breeding on this site is not a thing of the past – it is happening today, and we plan on continuing for the future. Not every thoroughbred horse will participate in racing. Other career options include eventing, dressage, jumping, polo, or on local farms for riding and therapeutic riding.

After a racing career, horses start their “second career”, which can be in therapy, riding lessons, for example. Our retirement facility for retired Massachusetts bred thoroughbred horses will train them for this next stage of their lives in a healthy and nurturing environment. Working with the New England HPBA, a percentage of all race purses will be dedicated towards thoroughbred aftercare and rescue.

As the property is a neighbor of the North Central Pathway, we will do our part in preserving and maintaining the open space around the trail.



**Where will the jockeys, trainers and groomers stay during race days?**

Jockeys and trainers will stay at local hotels and inns. Groomers will be staying on project in temporary quarters in close proximity to the horses.

**Will there be housing at the facility?**

We will use the existing house on site for a caretaker home for on-site, round the clock, staff and veterinarian use for the care of stabled horses and grounds. These individuals are the only ones who are living on site to ensure the health and safety of the horses, and the safety of Bay State Park.

**How many days will there be festival racing?**

We will race up to 20 days a year. While the Legislature has set an aspirational goal of 20 days of live racing per year, it recognized the practical challenges in achieving this goal and gave the Massachusetts Gaming Commission clear authority to “waive this requirement as necessary and appropriate to ensure the financial ability of the licensee to develop and operate a race track.”

Further, we commit to include in the Host Community Agreement an annual review of the number of days and specific dates of racing prior to filing our annual application for a Racing Meeting License, including your approval of plans for non-racing operations, parking, marketing, and hiring of workers.



Live wagering will only occur on festival days. However, more than 93% of wagering takes place on people's cell phones. Gardner will benefit through those revenues even without the overwhelming majority of wagers not taking place at Bay State Park.

**I have heard stories about the health and safety of horses. How will you keep them safe?**

Our proposal is developed by horse and agricultural enthusiasts. The proposal is focused on preserving this beautiful open space for future generations and includes thoroughbred breeding and off-track thoroughbred retirement programs, training and racing facilities for thoroughbreds, an agricultural program for local students.

We will work with the Horseracing Integrity and Safety Authority (HISA). HISA was established by the federal government in July 2022 to bring independent oversight and ensuring a consistent level of care for horses across the entire sport.

Our focus is ensuring Bay State Park is an ecosystem of care – from birth to careers to retirement. Working with local veterinarians and animal medical schools, we will keep our horses healthy, safe and fit to run. Members of our team are top experts in the horse industry in Massachusetts and the country. With their guidance and insight on the latest technology and best practices, we will maintain optimal racing and training surface conditions.

Our project has the full backing of the New England Horsemen’s Benevolent and Protective Association (NEBPA) and the Massachusetts Horse Breeders Association (MHBA).



Massachusetts leads the national for the health and safety of horses with strong anti-doping and anti-slaughter rules. At Bay State Park, any owner or trainer who violates anti-doping rules is permanently banned from racing in Massachusetts. Any owner or trainer who sells their horse for slaughter is banned for life.

Working with the NEBPA, it is our goal that every retired horse finds a second career or an after-care home for after its racing career. Proceeds from our race day purses will be put towards the aftercare and wellbeing of our horses.

Thoroughbred racing in Massachusetts is highly regulated under the Massachusetts Gaming Commission and its Horse Racing Committee.

Before every race, horses will be medically examined by a qualified and independent veterinarian, who is under the authority of the state. If the veterinarian has any concern about the ability of the horse to run safely or has reason to believe they have received any banned substance, they alone can disqualify that horse.

We will build into our engineering design a 24/7 video monitoring system that will capture all our barns and stalls to detect any violation of anti-doping rules. This monitoring will also include additional undisclosed security measures.

We want Bay State Park to be the place for horses to breed, train, race, and retire. That is our mission.



### **Is horse racing even viable anymore?**

Thoroughbred racing is at the center of a horse and farming ecosystem that is fast disappearing because our hay and breeding farms are being swallowed up by housing developers.

Even for two or more weekends of festival racing each year, keeps breeding and hay farmers employed and successful and it supports local stores like lumber yards, tack shops, hardware stores, restaurants, and local veterinarians. Bay State Park will help preserve and protect 1,200 horse and hay farms in Massachusetts.

Do you know that from 2007-2017 the USDA reported that land across this country has been consumed by developers at the rate of 25 square miles? Massachusetts ranked 6th for disappearing open space.

That's the equivalent of 2 cities the size of Waltham and we know in the last 5 years it's increased even at a higher rate. Running an equine center on this site will help lower the sale of farms to developers.

Additionally, with the gaming legislation passed by the legislature a few years ago, online wagering is now legal in Massachusetts. More than 93% of wagering will take place on people's cell phones throughout the state.

### **How do we know you won't sell this to someone else?**

We are 100% committed to Bay State Park and the City of Gardner. Our proposal is developed by horse and agricultural enthusiasts. We are focused on providing a place for thoroughbred horses and their owners, and look



forward to the rebirth of thoroughbred breeding, training and racing in the Commonwealth. Furthermore, any sale or transfer would require going through a similar review process that the community and state are now going through.

### **What are the benefits for Gardner?**

Bay State Park is a natural continuation of Gardner's agricultural legacy. This project creates 10-25 permanent and more than 100 temporary jobs in the community, estimated new revenue of approximately \$500,000 a year, and helps drive ongoing economic revitalization in the city bringing in new patrons for local restaurants and small businesses. Additionally, we are collaborating with GAAMHA on equestrian training for clients and providing retired horses for therapeutic programs and partnering with Mount Wachusett Community College Pathway for Jobs around agricultural and veterinarian tech training.

The Center of Economic Development at University of Massachusetts Amherst [wrote a study about the economic benefits of a facility like Bay State Park.](#)

### **Will this strain our city's infrastructure?**

We submitted a Host Community Agreement ("HCA") to the Mayor addressing the safety of horses, residents, patrons, and employees, and key issues like traffic and parking, and public infrastructure.

If we require police, fire, and EMS on site for our festivals, we will 100% cover those costs. We will cover all the costs associated with setting up, operating and cleanup after events (e.g., police and fire details, DPW crew, etc.). We also commit to providing \$10,000 upfront for the cost of any reviews during the approval process.

### **How will you handle animal waste and the removal of deceased horses? Concerns about animal pollution.**

All animal waste will be disposed of in accordance with state and federal rules and regulations. Horse manure will be collected in an enclosed dumpster and removed from the site.

If there are any deceased horses on site, necropsy will be performed and then the horse will be removed from the site for cremation or burial.

Additionally, the concept design included with our presentation is subject to review after full delineation of wetlands and plans by the Conservation Commission.

### **Where will festival attendees stay during the festival?**

Most festival attendees will arrive and leave the same day. Horse owners and trainers with horses often stay with their horses on site for the duration of the festival.

### **Will your site plan show where parking will be placed? What about traffic?**

Route 140 has more than efficient capacity to handle traffic to and from Bay State Park. In fact, our operations will be a fraction of the daily traffic on 140 and mostly will occur in off-peak commuting times. We will not add to the morning or evening rush hour. Festival days will only be held a few days out of the year, and again, most traffic will occur on off-peak times on Route 140.

A full traffic analysis will occur as part of our permitting process with the city. Elements of the plan will include, but are not limited to, the following:

- Pre- and post-event staging (deliveries, set up, and break down),
- Event timing (to coincide with off-peak commuter traffic),
- Parking management (guests, VIPs, and participants),
- Shuttle bus routes (to remote parking areas),





- Signage and wayfinding,
- Temporary intersection control (police details and signage),
- Media and digital content outreach, and
- Identification of police/medical emergency access/egress

The proposed Host Community Agreement (HCA) requires us to have an approved parking plan each year prior to the festival. Our parking plans include on and off-site locations. There will be an annual review of parking and traffic with the city and state. We will pay for peer review by the city.

**What is simulcast betting? How does it work? Does the city benefit? Do people come to the farm to bet?**

Simulcast betting is a simultaneous live video transmission of a race to other tracks or other outlets for the purpose of wagering, most likely on a mobile device, around the state and the country. More than 93% of all wagering takes place on a person's cell phone and not in person. The city will receive a share of revenue from simulcasting races. According to Spectrum Gaming Group, "Where both retail and digital wagering are allowed, digital wagering is the overwhelming choice for bettors."

There will be wagering on site during only during live race festivals.

**What would be the expected capacity of visitors on Race Days? Grandstand capacity? Standing?**

Crowds at horse races can vary greatly. It depends on the time and day of a race, the weather and who is racing. We would expect crowds of 50-100 at races that occur during the weekdays, to crowds of 2,000-5,000 for big races on weekends.

Grandstands will be built into terraced earth giving the grounds a park-like feel and honoring the nature and beauty of the property.



**Is a casino being built?**

No. We are not, nor we ever, will build a casino in Gardner. The only wagering that will occur on this site will be at a temporary facility on race days – a few days each year.

**What input and controls does Gardner have?**

The Host Community Agreement (HCA) is our contract with the City of Gardner. Baystate will establish an Oversight Committee and agrees to report to the Mayor and Council before June 1 of each year on the operation of the Equine Center the year before and plans for operations for the year ahead, including the number of race days, non-racing operations, parking, marketing, and hiring of vendors and employees.

We will pay for all traffic impacts, including transportation and parking management plans, and peer review of those plans.

Additionally, we will go through the normal permitting process through city boards, including the Conservation Commission.

# *Exhibit 1(d)*



To: Mr. John Stefanini

Date: May 9, 2024

Memorandum

Project #: 16012.00

From: Robert Nagi, PE  
 Director Transportation Planning and  
 Operations

Re: Preliminary Gardner Equestrian Traffic Assessment

VHB has prepared this technical memorandum to outline transportation elements of the proposed equestrian facility located along Route 140 in Gardner, Massachusetts. The purpose of this memorandum is to both review the current traffic volumes in the vicinity of the Project site and to conceptually outline how the project will function during both the normal 'day-to-day' operations as well as during their Special Event days.

### Current Traffic Operations

The site is currently serviced via an existing driveway along Route 140. Along the entire frontage of the site, Route 140 is under the jurisdiction of the City of Gardner. Immediately to the southeast, Route 140 is under the jurisdiction of MassDOT (including its intersection with Green Street approximately 300 feet south of the site's current driveway).

According to MassDOT, Route 140 just south of the Project site carries approximately 11,200 vehicles per day with about 1,000 vehicles during the peak commuter hours. Weekend traffic is slightly lighter with about 10,000 daily trips, but the peaks are not as significant.

Similarly, Green Street south of the site carries approximately 5,100 vehicles per day with about 400-500+/- vehicles/hour during the commuter peak periods.

The intersection of Green Street at Route 140 operates well during the commuter peak periods with some delays for side street turning traffic. According to MassDOT, there are no notable safety issues within the vicinity of the Project site.

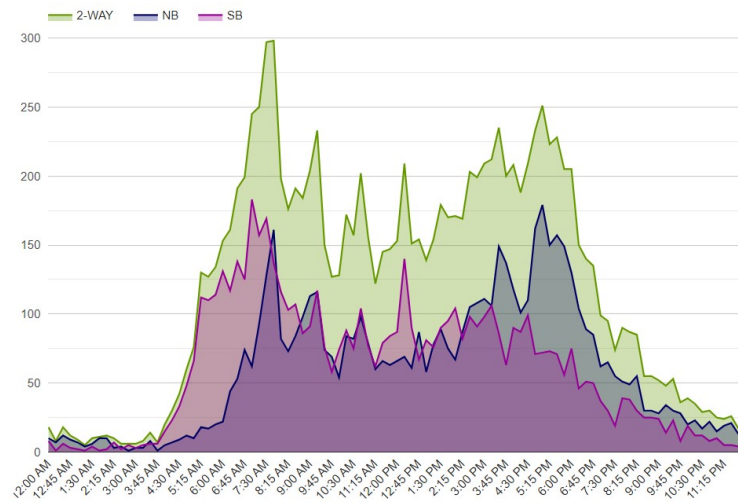


Figure 1 - Route 140 Weekday Daily Traffic Volume 15-minute increments (Source: MassDOT TCDS portal)

### Daily Facility Operations

During normal operations, the facility will provide typical equestrian activities (maintenance, training) of which many of those activities would take place during off-peak periods (mostly on weekends and during the middle of the day on weekdays) with only limited full time staff arriving and departing from the site during typical commuter peak hours. As currently envisioned, access to and from the site would be provided via the existing driveway along Route 140 which will be reviewed during the site plan development to assure it is designed to accommodate a safe and efficient operation.

Engineers | Scientists | Planners | Designers

260 Arsenal Place #2, Watertown, Massachusetts 02472

P 617.924.1770 F 617.924.2286 www.vhb.com

### Traffic Impacts

As noted above, the general day to day operations of the equestrian operations do not generate any significant volume of peak hour traffic – with ranges of about 20-40 employees arriving and departing during these time periods. Over the course of the day, the site would typically see anywhere from 250-350 daily trips arriving/departing the site spread out over the typical daylight hours. These are made up of employees arriving and departing from the facility, deliveries, and visitors to the facility. This would equate to about 2-3 percent additional traffic being added to the Route 140 corridor.

### Special Event Operations

Assuming that the project will host some number of special event days throughout the year (of which the frequency and number of visitors will be determined through discussions with the City), VHB considered that the majority of visitors arriving to the site would likely do so to the Gardner area via Route 2, with some smaller volume of traffic arriving from the north via Route 140.

As is typical with these types of special events, guests will arrive at the site over the course of several hours depending on the schedule of events to take place at the facility. In most cases, there is a surge of visitors who depart the site within the hour of the conclusion of the schedule of events.

For example, a special event that hosts between 2,000 and 5,000 visitors would typically see about 1,000 to 1,600 vehicles arrive over a two- to four-hour window and depart within an hour of the event conclusion. Arriving traffic during the busiest period would represent about 50 percent of the arriving vehicles (~500-800 cars/hour). As noted, the peak hour of the Route 140 corridor sees about 1,000 vehicles per hour with limited congestion near the project site observed – so the volumes are consistent with what the corridor currently carries during the weekday.

In order to address the impact of these surges in traffic associated with the special events, VHB typically works with the City, MassDOT, police (local and state), and other stakeholders to develop a detailed traffic management plan that is developed cooperatively based on the collective experiences of the stakeholders and VHB. This plan is then presented to the City in advance of the event for discussion and implementation. Following the first events, VHB and stakeholders would review what worked well with the TMP and where adjustments could be made to improve the overall experience (which would be integrated into the next TMP for future events).

Elements of the plan will include, but are not limited to, the following:

- Pre- and post-event staging (deliveries, set up, and break down),
- Event timing (to coincide with off-peak commuter traffic),
- Parking management (guests, VIPs, and participants),
- Shuttle bus routes (to remote parking areas),
- Signage and wayfinding,
- Temporary intersection control (police details and signage),
- Media and digital content outreach, and
- Identification of police/medical emergency access/egress

# *Exhibit 1(e)*

# Towards the Creation of a Horse Park in the Commonwealth of Massachusetts: A Feasibility Study

## FINAL REPORT

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The Center for Economic Development  
Department of Landscape Architecture and Regional Planning  
University of Massachusetts Amherst  
109 Hills North  
Amherst, Massachusetts 01002

July 7, 2016

**LA&RP** Landscape Architecture  
& Regional Planning

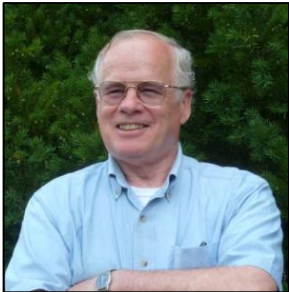
## ABOUT THE AUTHORS

### DR. HENRY RENSKI: DIRECTOR, CENTER FOR ECONOMIC DEVELOPMENT



Dr. Renski is an Associate Professor of Regional Planning at the University of Massachusetts Amherst, Graduate Program Director of the Ph.D. in Regional Planning, and the Associate Director for the Institute for Social Science Research. His research focuses on understanding the technological and social forces driving regional economic competitiveness and transformation, and building upon this knowledge to improve the effectiveness of economic development policy. He has authored or consulted on over two dozen economic impact studies during his career.

### DR. JOHN R. MULLIN, FAICP: ASSOCIATE DIRECTOR, CENTER FOR ECONOMIC DEVELOPMENT



Dr. Mullin is an Emeritus Professor of Regional Planning at the University of Massachusetts Amherst, and former Dean of the Graduate School. His research and professional interests focus upon industrial revitalization, port development and downtown planning. A Senior Fulbright Scholar, Dr. Mullin has written or edited over 100 book chapters, book reviews, technical reports, journal articles, and conference proceedings. He is a retired Brigadier General from the United States Army National Guard.

### JONATHAN G. COOPER: PROJECT ASSOCIATE, CENTER FOR ECONOMIC DEVELOPMENT



Mr. Cooper is an economic and community development planner. He provides research and consulting services to public agencies, nonprofit organizations, and private planning firms across New England. Mr. Cooper assists clients through his affiliation with the CED at UMass Amherst; through his role as Research Director of the Institute for Nuclear Host Communities; and as an independent consultant. He has published and presented research on workforce development, university-community partnerships, and the local impacts of power plant closure.

### ABOUT THE CENTER FOR ECONOMIC DEVELOPMENT

The Center for Economic Development (CED) is a research and community-oriented technical assistance center at the University of Massachusetts Amherst. Housed in the Department of Landscape Architecture and Regional Planning, the CED provides technical assistance, undertakes critical studies, disseminates information, and enhances local and multi-community capacity for strategic planning and development. This approach is designed to relate the concerns and goals of commerce and industry to those of the broader community. The CED works closely with community and business sectors, providing information and assistance needed for growth, management, and public benefit. The CED's clientele reflects that the Center does indeed work well with all sectors: community development corporations, state agencies, municipalities, regional planning agencies, developers, business leaders, chambers of commerce, local officials, public groups, and the managers of firms.

### ACKNOWLEDGEMENTS

CED research assistants Michael Havlin (MRP/MPPA) and Sarah Lang (MRP/MS) assisted Dr. Renski with the economic impacts and case study sections of the report. The Berkshire Design Group provided conceptual renderings and visual materials for use in public presentations.

# EXECUTIVE SUMMARY

## CONCEPT

Numerous social and economic factors have coalesced to present the Commonwealth with an opportunity to create a new model for a multi-use horse park. This model would combine a race track for Thoroughbred horses with a high-end equestrian center and a Thoroughbred horse retirement and retraining farm. This equestrian center, capable of hosting indoor and outdoor dressage, eventing, and hunter/jumper competitions, would be anchored by a large indoor arena with stadium seating and Olympic-sized surfaces. The retirement and retraining farm would enable Thoroughbred horses either to retire comfortably, or to develop new skills for other competitive and non-competitive activities, including hunting/jumping, polo, and therapeutic riding programs for at-risk and higher-needs children. With space for conferences and trade shows, 4-H activities and meets, local community recreation, pleasure riding, agricultural and artisanal markets, and equine health trainings and services, among other uses, the “Massachusetts Model” would create an economic and social hub in the service of the Commonwealth’s equestrian heritage and agricultural economy.

This study finds that the development of a Massachusetts Model horse park represents a significant economic opportunity for the Commonwealth. Capital costs are not expected to exceed \$150 million. The annual economic impact is expected to approach \$99 million and lead to the creation of more than 950 jobs throughout Massachusetts. Economic activity resulting from the facility’s development would also generate an additional \$5 million in state and local tax revenues per year.

## EXISTING ACTIVITY & LOCATION CRITERIA

There are nearly 1,200 equine farms in Massachusetts, making it the most common farm type in the state. A review of commercial equestrian centers and registered Thoroughbred farms found no fewer than 125 facilities hosting various equestrian competitions, providing horse retirement and retraining services, operating riding academies, breeding Thoroughbreds, and a number of other activities. From the Berkshires to the Cape, in towns as geographically and socioeconomically distinct as Orange and Sherborn, these facilities have shown a propensity to cluster in four geographic regions: Essex County; the western suburbs of Boston; southeastern Massachusetts; and the Pioneer Valley. Surprisingly, there are very few equestrian centers west of the Pioneer Valley.

Official dressage and eventing competitions are popular in each region, as are the competitions between the 27 intercollegiate teams and 120 interscholastic teams located in Massachusetts. Since relatively few equestrian centers have the necessary facilities for hosting competitions in the winter, most activity takes place between September and November. The most distinct regional variation is the extensive presence of shows and competitions for non-Thoroughbred horse breeds in the Pioneer Valley, where Arabian and Morgan horses are especially popular.

Based on a review of existing race tracks and equestrian centers across the country, site visits to successful facilities, interviews with industry experts, and an inventory and spatial analysis of the



existing equine activities in Massachusetts, we have identified six criteria for assessing the fitness of any potential location for the proposed horse park, listed on the following page.

- At least 300 to 600 acres of preferably contiguous land, to meet all spatial, social, and logistical needs.
- Slopes of 3 to 8 percent, free from wetlands, streams, and poorly-drained soils. This will provide ease of circulation, ensure appropriate drainage, and prevent erosion.
- Access to an interstate or state route with a high level of service within five miles, to minimize traffic impacts and time lost in transit on event days.
- Open views to appealing landscapes that connect the facility visually, emotionally, and physically to its agricultural milieu.
- One hour's travel time to at least two of New England's largest cities, so that a trip to the facility is not especially burdensome for event participants, spectators, and guests.
- Land use compatibility to underscore the natural partnership between the facility's activities and the character and culture of a potential site's host community.

Although subject to change, there are currently ten sites on the real estate market that meet some or all of the established criteria. These parcels are in Bristol, Essex, Franklin, Hampden, Plymouth, and Worcester counties, in rural and suburban settings of varying density. Nearly all have some equestrian and/or agricultural activity nearby, and many are within 20 minutes of a major road or interstate.

## ECONOMIC IMPACTS

This section used the industry-standard IMPLAN economic modeling program to assess the economic impacts of three of the major components of the horse park: the Thoroughbred race track; the equestrian center; and the Thoroughbred retirement farm. Because these are not the only uses proposed for the site, and the separate modeling of each component does not factor in the cost savings that would likely result from this combination of related uses, what follows is a very conservative estimate.

In 2016 dollars, the proposed facility is expected to bring approximately \$53.7 million per year in new spending to the Massachusetts economy from out-of-state sources. The ripple effects would yield a total annual impact of \$98.9 million across the entire economy, and generate another \$5 million per year in new state and local tax revenues. More than half of this total economic impact will be paid directly to Massachusetts workers as labor income, and is expected to support the creation of 957 full-time equivalent (FTE) year-round jobs in the Commonwealth. Of these, we anticipate more than 300 FTE jobs at the horse park: more than 250 at the track; at least 30 at the equestrian center; and approximately 12 at the retirement farm. In addition, the creation of a new racetrack coupled with recently enacted purse supplements and breeder awards will result in 20 new workers at thoroughbred breeding and training farms across Massachusetts.

### RACE TRACK COMPONENT

Based on our research, we expect the Thoroughbred racing component to yield \$66.3 million in annual output and sales statewide. This level of economic activity would support the creation of nearly 664 FTE jobs, which would add roughly \$38 million of labor income to Massachusetts households. Money spent directly at the track by breeding farms, racing participants and spectators, or spent in-state by the track itself for services and operations, would account for \$36.7 million of the total annual output.

These totals are built on the following assumptions: 75 racing days during a typical season between May and October; 9 races per day; 800 horses in residence throughout the season; an average of 3,000 spectators per race day; and an out-of-state attendance rate of 20 percent. We also assume that the new racetrack, coupled with the purse supplements and breeding awards provided through the Expanded Gaming Act of 2011, will spur the production of 115 new foals per year.

### EQUESTRIAN CENTER COMPONENT

The horse park's other major component is a first-class equestrian center capable of hosting elite national events. Based on our research, we expect the equestrian center to generate \$31.7 million in annual output and sales throughout the Massachusetts economy. This new activity is enough to support the equivalent of 280 full time jobs, and will generate \$14.5 million in new household income across the Commonwealth. Money spent directly at the center by event visitors and participants coming from out-of-state, or by the center itself for its operations, accounts for \$16.7 million. This is slightly more than half of the total output, and the rest is generated downstream.

The analysis assumes that the facility will host 70 equestrian events per year: five major events of a national scale; 40 mid-sized events of a regional/interstate scale; and 25 minor events at state and local levels. In addition, the center will also host 18 non-equestrian events of local interest. Through industry research and consultation, each event type (major, mid-sized, minor, and non-equestrian) was assigned a set of distinguishing characteristics, such as event duration, total attendance, and out-of-state attendance levels. A first-class equestrian center is likely to draw approximately 66 percent of its revenue from out-of-state sources, and we estimate that the proposed facility will result in over 82,500 visits from non-Massachusetts residents per year for all events.

### RETIREMENT FARM COMPONENT

The horse park also includes a retirement/retraining farm for up to 40 Thoroughbred racing horses whose are ready to move on to equestrian careers off the racetrack. A review of existing Thoroughbred retirement facilities indicates that they have the potential to become significant tourist destinations in their own right. The study suggests that such an operation would draw roughly 7,000 out-of-state visitors per year; require annual operational expenditures of approximately \$325,000; provide 11 FTE jobs; and generate a total economic impact of approximately \$800,000 per year.

# I. PROJECT OVERVIEW

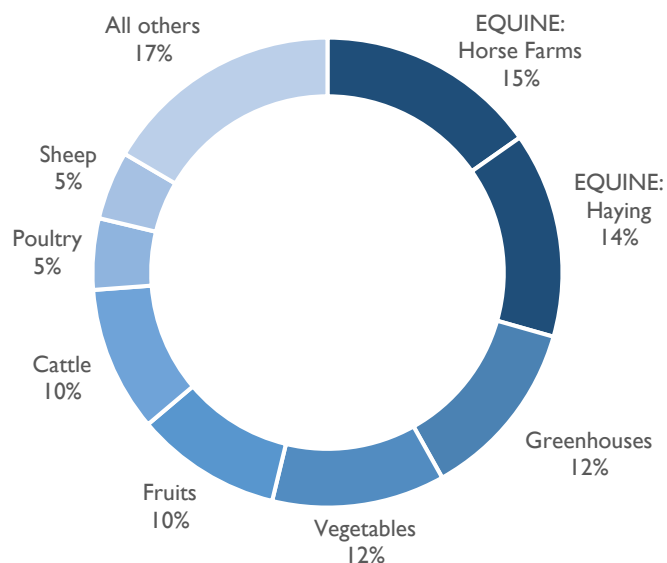
## INTRODUCTION

The Commonwealth of Massachusetts enjoys a deep and varied equestrian presence that can be found in her landscapes, industries, history, and people. Horses have represented the many characteristics of Massachusetts equally well: like the state itself, its relationships with horses are at once agricultural and industrial, urban and rural, sophisticated and functional, and historic and forward-looking.

The turnpikes and Great Roads that proliferated across Massachusetts at the end of the 18<sup>th</sup> century were local successors to the King's Highway and Post Roads of the colonial era. These feats of civil engineering were ideal for the speed and stamina of horses, enabling messengers to speed from Boston to Concord under cover of night, and carriages to ferry mail through the hinterlands of southern New England. The canals that democratized shipping and commerce in the first half of the 19<sup>th</sup> century relied on draft horses to pull barges along miles of towpaths. Later on, after the Industrial Revolution had given rise to the implements that mechanized agriculture along the Great Plains, horses and oxen remained the most sensible choices in Massachusetts. Most suited to the task was the Morgan, bred from a bay stallion named Figure that was born in West Springfield in 1789. The Morgan's compact and powerful build was ideal for the smaller farms and rockier fields that still characterize much of the Commonwealth's agricultural land.

This link between horses and agriculture in Massachusetts is still evident today. The most common farms in Massachusetts are horse farms and haying operations. As Figure 1.1 shows, as of 2012 these categories alone account for over 29 percent of the 7,755 farms in Massachusetts. Furthermore, the combined acreage of these farms accounts for 30 percent of the Commonwealth's agricultural land.

**Figure 1.1: MA Farms by Type, 2012**



*Source: USDA. 2012 Census of Agriculture.*

## PURPOSE & MOTIVATION

The purpose of this report is to present our preliminary findings concerning the feasibility of developing a multi-use Horse Park in the Commonwealth of Massachusetts. This center would be operated as a non-profit entity, dedicated to furthering a wide range of activities that would promote equestrian education, racing events, and Massachusetts agriculture, among other functions. The study, sponsored by the New England Horseman's Benevolent and Protective Society (NEHBPA), is being undertaken by the Center for Economic Development (CED) at the University of Massachusetts Amherst. Research for this project involved site visits to equestrian centers, interviews with equestrian business leaders and academics, and analysis of data related to equestrian activities. The project also included extensive input through a voluntary advisory committee consisting of equestrian experts familiar with equestrian operations throughout the United States.

The motivation for the project is to enhance interest in the sport of horseracing, create a tourist opportunity for the enjoyment of visitors, expand employment opportunities in equestrian activities, develop and maintain agricultural and open spaces, promote the breeding, training, racing and exhibition of Thoroughbred and other horses, and to protect the Thoroughbred racing industry and jobs resulting directly and indirectly from these purposes. The complex is intended to be multi-functional, high end, and to appeal to a wide array of patrons. It will be state of the art and befitting of the image of Massachusetts as a tourist destination. It is further envisioned that the complex will be located in a rural area outside of metropolitan Boston. The property, to be owned by a non-profit corporation, shall be deemed land devoted to agricultural use under MGL Chapter 61A. This corporation will establish relationships with (a) the Massachusetts 4-H and similar organizations to encourage the growth of agricultural products to be used at the facility and (b) Massachusetts schools offering agricultural studies dedicated to creating agricultural career opportunities in the Commonwealth.

Several factors contributed to the current interest in developing a multi-use horse park in Massachusetts. These included the following:

- Consumer preferences for Thoroughbred racing attendance are shifting away from the large urban venues of the early 20<sup>th</sup> century, such as Suffolk Downs.
- Equestrian competition opportunities are increasing across the United States. Massachusetts has very few venues for these events and most are private.
- Recreational interest in equestrian activities is growing across the country and in Massachusetts. It is of considerable interest to Massachusetts 4-H.
- The healthy caring and nurturing of horses is of great interest to those undertaking research on animals including horses. It is an opportunity for the equine studies field.
- There are no state of the art facilities in Massachusetts dedicated to the protection and care of retired and ageing horses.
- Equestrian related conferences, exhibitions, and conventions are growing business opportunities. Relatively few choose Massachusetts as a venue.

- Equestrian activities provide well-paying jobs for vocational school and community college graduates. A center would stimulate the creation of these opportunities.
- A horse park would increase farm production and agricultural land use in Massachusetts.
- A horse park would be a job and tax producer (PILOT) in the region and town where it would be located.
- A horse park would provide the opportunity for Massachusetts retailers to expand their markets.
- A horse park built with a cultural sense of the New England design ethos and complete with a first class hotel, would become a tourist destination.

## VISION

The Horse Park is envisioned to include a wide range of activities that will take place throughout the year. It will be designed to reflect design features common to New England's rural character and be a welcoming place for a wide array of equestrian enthusiasts.

The center will feature a one-mile dirt oval racetrack designed for the safest possible racing of Thoroughbred horses for a 60-90 day season per year. This track could also serve as a venue for Standardbred horse racing if there is interest. Within the oval is a 7/8 mile turf course. Overlooking the track will be a viewing stand capable of seating 4,000 patrons. Within this facility will be restaurants and local wagering areas.

In close proximity to the racing facilities and barns and paddocks will be a series of indoor, outdoor, and covered arenas with rings of varying sizes to meet Olympic-level standards for equestrian training, exercise, and competition. The most substantial of these structures, a large multi-purpose arena, will provide the physical counterpoint to the track and grandstand. Inside the arena, a large natural sand surface of at least 200' x 300' will be designed to house indoor competitions of local and national prominence, surrounded by seating and concessions for upwards of 4,000 spectators. The arena will also include lecture spaces intended for research and educational activities. At other times it would be expected to be used for horse breed shows, 4-H fairs, Future Farmers of America, staff trainings, conferences and exhibitions, commercial expositions, and community college/high school instruction.

As will be noted later, the ability to attract these conferences and exhibitions to Massachusetts will generate extensive new revenues and job opportunities of their own. The racing activities and competition events will be supported by state of the art barns and paddocks that are intended to safely house and protect horses throughout the year. This part of the center will include space that would be available for use by the thousands of Massachusetts horse owners who enjoy equestrian recreational opportunities.

The Equestrian Center might include space for a veterinary facility designed to meet the needs of the horse racing community and equestrian enthusiasts throughout the northeast. It would have a small permanent staff that would expand to meet the needs of the racing season, horse show

season, conference visitors, and those housing their horses on site. Whether in conjunction with one of the veterinary or equine studies programs in Massachusetts, or through a partnership with local large animal veterinarians, it has become clear that such a facility would not only help to maintain the health of a wide range of horses but assist in expanding research opportunities partnering institutions.

The satellite veterinary center would also play an important role in the care and protection of horses, which would be housed in a retirement farm on site. Many local owners have had to ship their ageing horses to retirement homes as far away as Virginia and Kentucky. Not only would such a facility provide great care for the horses, it would create additional jobs for equestrian caregivers in Massachusetts. Furthermore, these equine retirement and retraining programs could be coupled with any number of approaches to equestrian therapy. This arrangement could provide several groups - veterans, urban youth, low-risk offenders, and the physically/developmentally disabled, as examples - with meaningful opportunities for personal and practical skill-building.

All of the above would contribute to creating an expanded market for Massachusetts agriculture. The horse park will operate under local purchasing policies in which the feed for horses would be sourced from local farmers to the greatest possible extent. Furthermore, the Center will provide a space for practical research opportunities intended to improve the health of the horses. Specific opportunities will be offered to the University of Massachusetts Stockbridge School, the Commonwealth's agricultural high schools (i.e.: Essex Agricultural, Norfolk Agricultural, Smith Vocational High School), and nearby community colleges.

Given the increasing interest in recreational equestrian activities, the Center will provide extensive space for community recreational riding. Through trails on-site, it will provide opportunities for riders of a wide range of skills and interests. Moreover, if possible, the Center will be closely linked to nearby state parks and forests, such that riders can experience the unique environments of these special places.

All of the above will be interlaced with retail opportunities. During the racing season, as well as conference, convention and exhibition times, "pop-up" market vendors will be encouraged to participate. In so doing, these local and regional merchants will be able to expand their sales. As the Center matures, there will also be opportunities for lodging. Given that the Center will be located in a rural area, it is expected that local bed and breakfast facilities will expand, and that a four season resort-style hotel will be constructed.

## 2. FACILITY OVERVIEW

This section of the report addresses the presence of existing equestrian centers in Massachusetts; identifies the siting criteria for evaluating potential sites; applies the criteria to currently available sites; and describes a number of best practices to ensure the facility's success in meeting previously articulated goals.

### EXISTING FACILITIES IN MASSACHUSETTS

There are several dozen equestrian centers in Massachusetts, which serve a variety of equestrian activities. For the sake of simplicity, this inventory places the facilities into two categories: those that are hosting at least one sanctioned horse show competition this year, and those that are not. The various regional organizations affiliated with the United States Equestrian Federation (USEF) are responsible for ensuring that competitions take place at equestrian centers with adequate facilities, staffing, experience, and planning. This is not meant to imply that centers not hosting a USEF-sanctioned competition are sub-standard, however; it is merely a useful way to determine which centers function as regional destinations. More information about the facilities described below is available on the following pages, in Figures 2.1 and 2.2, and Table 2.1.

#### USEF-SANCTIONED COMPETITION

In 2016, twenty-five equestrian centers in Massachusetts will host at least one competition sanctioned by regional affiliates of the United States Equestrian Federation. These are some of the most successful equestrian centers in the Commonwealth, and through them the following disciplines are represented at the competitive level: Carriage Pleasure; Dressage (including Para-Equestrian, Seat Medal, and Western dressage); English Pleasure; Eventing; Hunter; Hunter Equitation; Jumping; Roadster; and Saddle Seat Equitation.

These venues are split fairly evenly into four geographic regions: Essex County; the western suburbs of Boston; southeastern Massachusetts; and the Pioneer Valley. Although dressage and eventing competitions are found throughout the state, there appear to be some regional preferences. Most remarkably, competitive jumping is limited to the western suburbs and southeastern Massachusetts. Essex County prefers to host hunter events, and the equestrian centers of the Pioneer Valley are far more likely to host dressage and eventing shows than hunter/jumper competitions. Meanwhile, horse shows for non-Thoroughbred breeds (Arabians, Friesians, Morgans, and American Saddlebreds) and more specialized disciplines do not stretch beyond West Springfield and Northampton.

Figure 2.1: Locations of USEF-Sanctioned Competitions

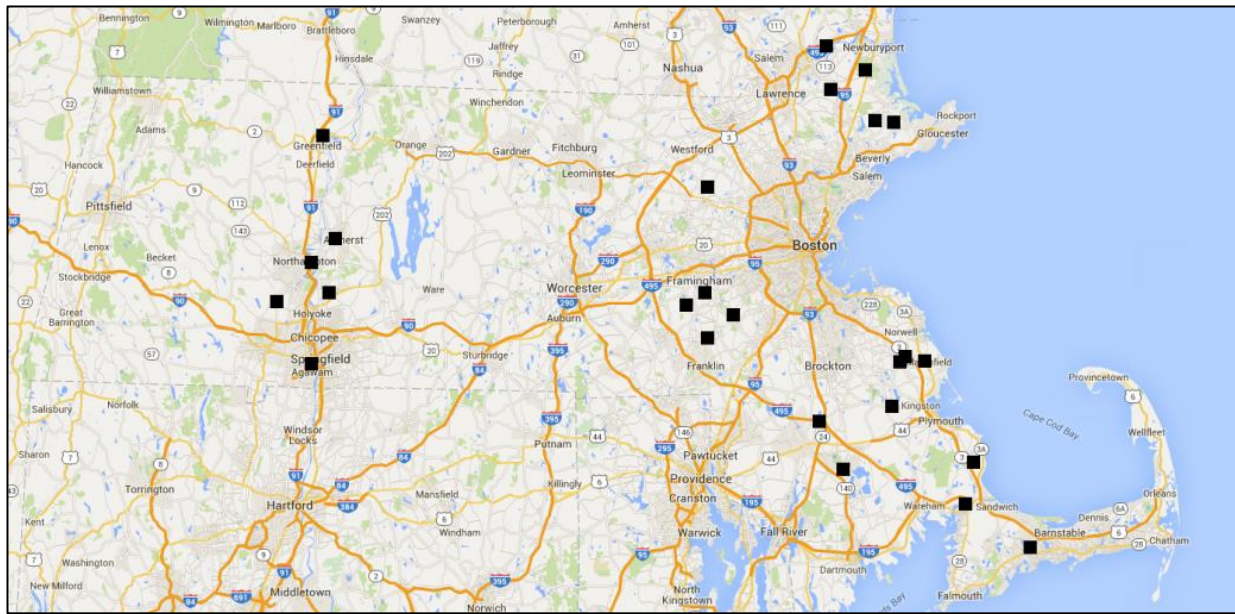
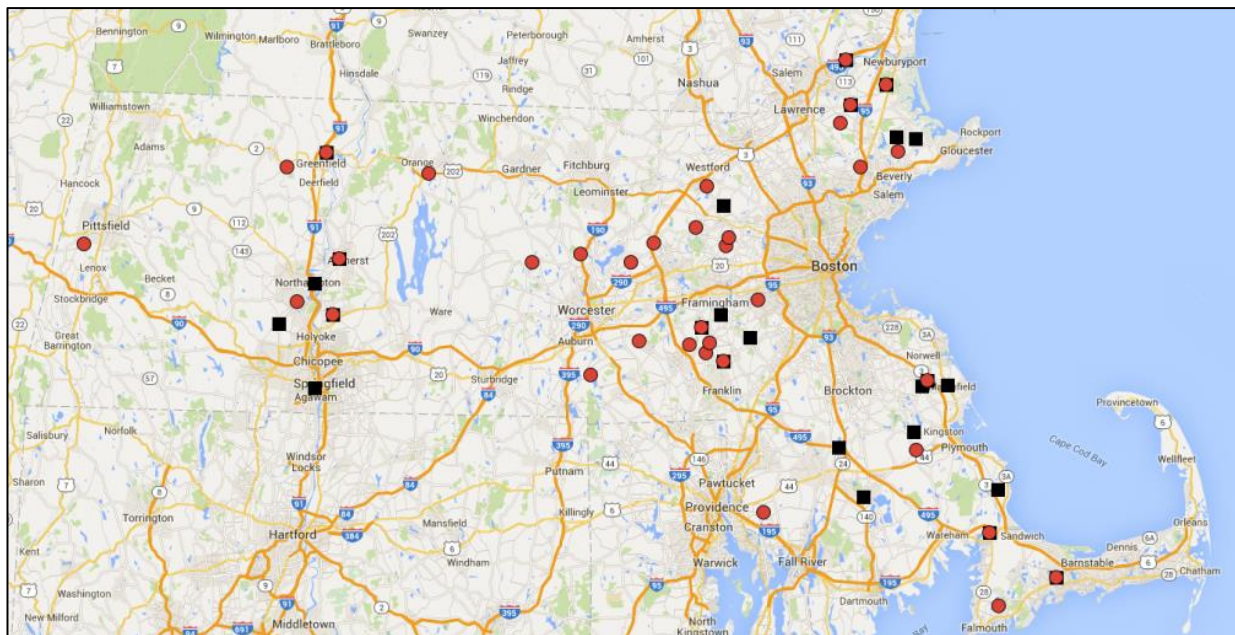


Figure 2.2: Locations of Interscholastic (Red) and USEF-Sanctioned (Black) Competitions





**Table 2.1: Equestrian Center Community Details**

| <b>County</b> | <b>Town</b>   | <b>MA \$/Cap Rank</b> | <b>USEF-Sanctioned</b> | <b>Interscholastic</b> |
|---------------|---------------|-----------------------|------------------------|------------------------|
| Barnstable    | Barnstable    | 160                   | Hunter/Hunt Eq         | Hunt Seat              |
|               | Bourne        | 209                   | Hunter/Hunt Eq/Jump    | Hunt Seat              |
|               | Falmouth      | 110                   |                        | Western                |
| Berkshire     | Richmond      | 34                    |                        | Hunt Seat              |
| Bristol       | Raynham       | 185                   | Hunter/Hunt Eq/Jump    |                        |
|               | Rehoboth      | 139                   |                        | Hunt Seat              |
| Essex         | Boxford       | 11                    |                        | Hunt Seat              |
|               | Danvers       | 128                   |                        | Hunt Seat              |
|               | Georgetown    | 76                    | Dressage               | Hunt Seat              |
|               | Hamilton      | 71                    | Eventing               | Hunt Seat              |
|               | Haverhill     | 284                   | Hunter/Hunter Eq       | Hunt Seat              |
|               | Ipswich       | 80                    | Hunter/Hunter Eq       |                        |
|               | Newbury       | 91                    | Hunter/Hunter Eq       | Hunt Seat              |
| Franklin      | Greenfield    | 313                   | Eventing               | Hunt Seat              |
|               | Orange        | 345                   |                        | Western                |
|               | Shelburne     | 255                   |                        | Hunt Seat              |
| Hampden       | W Springfield | 308                   | Western Dressage       |                        |
| Hampshire     | Easthampton   | 261                   |                        | Hunt Seat              |
|               | Hadley        | 146                   | Dressage/Seat Medal    | Hunt Seat              |
|               | Northampton   | 198                   | Hunter Equitation      |                        |
|               | South Hadley  | 270                   | Dressage               | Hunt Seat              |
|               | Southampton   | 207                   | Eventing               |                        |
| Middlesex     | Concord       | 12                    | Dressage               | Hunt Seat              |
|               | Holliston     | 40                    | Hunter/Hunter Eq       | Hunt Seat              |
|               | Sherborn      | 4                     | Eventing               |                        |
|               | Stow          | 50                    |                        | Hunt Seat              |
|               | Sudbury       | 5                     |                        | Hunt Seat              |
|               | Westford      | 42                    |                        | Hunt Seat              |
| Norfolk       | Medfield      | 18                    | Hunter/Hunt Eq/Jump    |                        |
|               | Medway        | 75                    | Hunter/Hunt Eq/Jump    | Hunt Seat              |
|               | Wellesley     | 6                     |                        | Hunt Seat              |
| Plymouth      | Halifax       | 221                   | Jumper                 |                        |
|               | Lakeville     | 163                   | Dressage               |                        |
|               | Marshfield    | 77                    | Dressage/Seat Medal    |                        |
|               | Pembroke      | 140                   | Hunter/Hunt Eq/Jump    | Hunt Seat              |
|               | Plymouth      | 172                   | Eventing               |                        |
|               | Plympton      | 121                   |                        | Hunt Seat              |
| Worcester     | Berlin        | 72                    |                        | Hunt Seat              |
|               | Bolton        | 27                    |                        | Hunt Seat              |
|               | Grafton       | 106                   |                        | Western & Hunt Seat    |
|               | Holden        | 99                    |                        | Hunt Seat              |
|               | Rutland       | 218                   |                        | Hunt Seat              |
|               | Sutton        | 87                    |                        | Hunt Seat              |

### ADDITIONAL FACILITIES

There are a number of other equestrian facilities in the state as well, which include breeding farms, stables, and riding academies. Although they are too numerous to review in great detail here, there are at least five facilities for Thoroughbred retraining and retirement; four university-based academic and research programs; and nearly three dozen centers for region-wide interscholastic competitions. The academic programs are located between Greater Boston and the Pioneer Valley, with educational options ranging from associate's degrees in equine studies at junior colleges to large-animal surgical concentrations at world-renowned veterinary schools.

In addition to these academic programs, intercollegiate equestrian teams operate at 27 colleges and universities in the Commonwealth. At the primary and secondary school levels, several hundred teams across New England (hailing from country day schools, riding academies, and private stables) participate in interscholastic competitions, with over 120 teams based in Massachusetts alone. As Figure 2.2 shows, the 35 venues hosting interscholastic competitions this year largely follow the four-region location pattern described above (nine equestrian centers are hosting both USEF-sanctioned and interscholastic competitions). In New England, the bulk of these events will take place in October and November; with nine facilities hosting competitions in the winter months of December, January, and February (see Best Practices, below).

### ANALYSIS

First, the relatively low level of equestrian centers west of the Connecticut River Valley suggests that it may be difficult to establish a viable facility in the Berkshires. Despite the outstanding visual resources, exceptional rural character, and extensive park and trail access, the area has not found a natural fit with equestrian activities. Interestingly, much of the same could be said of the area east of the Connecticut River Valley, as well, from the Quabbin Reservoir to as far east as Worcester.

Second, although this is an incomplete list of equestrian centers in Massachusetts, there is a remarkable range of host communities. The 43 municipalities in Table 2.1 include some of the wealthiest towns in the Commonwealth (Sherborn and Sudbury), and some of the poorest (Greenfield and Orange). Although equestrian centers provide services to upscale consumers, more than one-third of the host communities have per capita income levels below the state median.

Finally, it is unclear whether the subtle differences in horse show tendencies of the four in-state regions is merely a coincidence, or points to something more significant. The advisory board may wish to consider ways to ensure a good match between the host region and the types of equestrian competition envisioned for the facility, especially where staffing and event planning experience is concerned.

## CRITERIA FOR FACILITY LOCATION

A horse park incorporating the range of showing, racing, veterinary, adoption, agricultural, and recreational uses described in the vision will require a site with desirable characteristics in six categories, each of which is examined in the following sections. The first three pertain to the site itself, and the latter half pertain to the host community.

- **Substantial acreage:** to meet all spatial, social, and logistical needs.
- **Workable terrain:** to provide ease of circulation, ensure appropriate drainage, and prevent erosion.
- **Streamlined access:** to minimize traffic impacts on event days and time lost in transit.
- **Appealing landscapes:** to connect the facility visually, emotionally, and physically to its agricultural milieu.
- **Useful location:** so a trip to the facility is not especially burdensome for event participants, spectators, and guests, especially when compared to journeys to other facilities.
- **Land use compatibility:** to demonstrate a natural partnership between the facility's activities and the character and culture of a potential site's host community.

### SUBSTANTIAL ACREAGE

At a minimum, a Thoroughbred racing park will need approximately 150 acres to meet its facility requirements, and a number of tracks have upwards of 300 acres at their disposal. However, bigger is not automatically better in the industry, primarily because the oval that is the main attraction is often a fairly consistent size from one track to the next. For equestrian centers, however, site requirements can change significantly based on the anticipated events: shows that gather hundreds of horses require hundreds of stalls and adequate space for trailers, RVs, and other equipment, while more exclusive eventing and endurance competitions bring comparatively fewer horses, but require miles of trail and open space. As an example, the Virginia Horse Park is a 600-acre facility, but approximately half of the total land is for cross country and combined driving courses, while the rest is allocated to barns, arenas, campgrounds, parking, and other structures.

The Massachusetts Horse Park is intended as a high-end equestrian center and race track. Since races and horse shows will not take place on the same days, there is the opportunity for shared facilities to reduce the total overall footprint. The ideal site is approximately 600 acres of contiguous land, with a potential reduction if the site has access to adjacent trails and parkland.

### WORKABLE TERRAIN

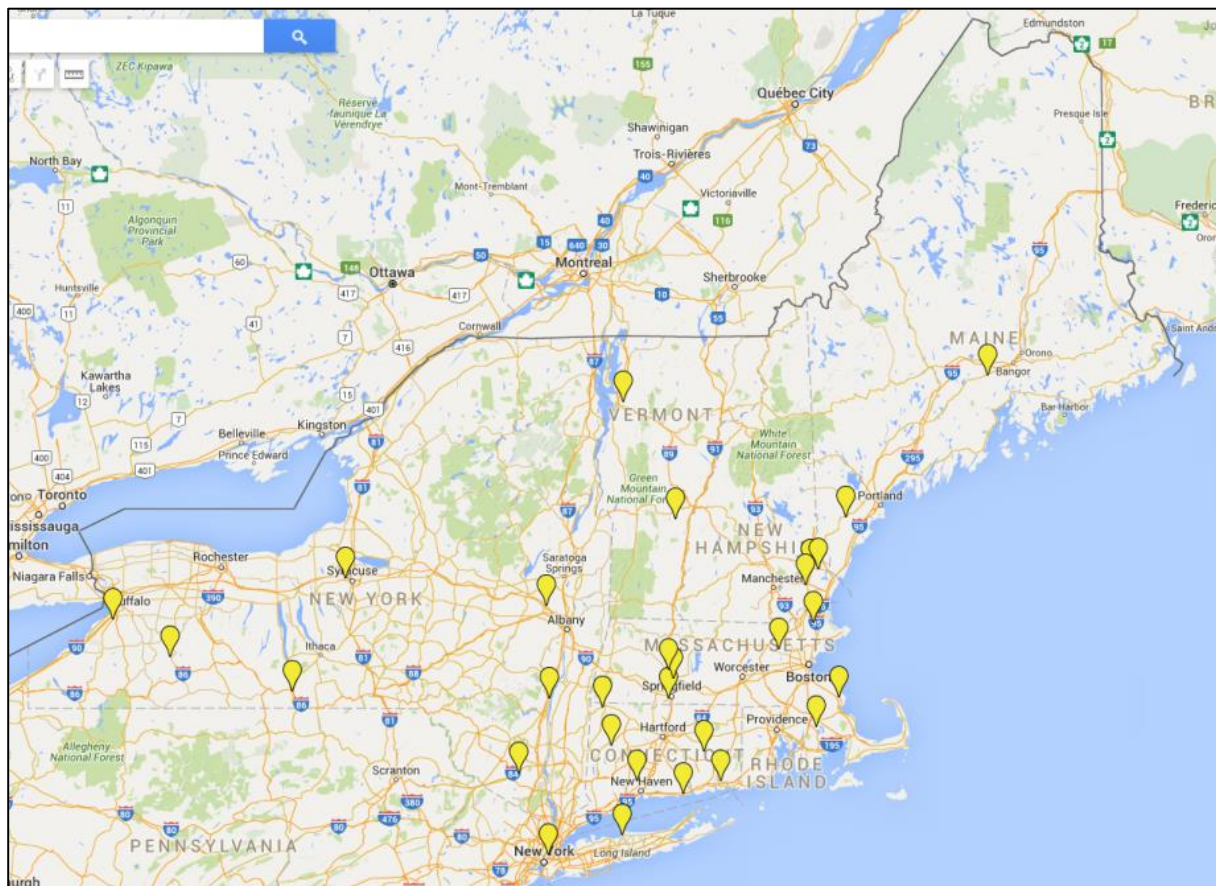
Due to the robust environmental protections in Massachusetts, the ideal site will be free from wetlands, streams, and poorly-drained soils. Slopes of 3 percent to 8 percent allow for adequate site drainage, and low-impact site engineering. Sites free from agricultural protections under Chapter 61 and 61A are preferable, but not essential. Section 3 of Chapter 40A of the Massachusetts General Laws protects commercial agriculture from over-regulation by town zoning bylaws. The law relies on a definition of agriculture found in Chapter 128, which includes both the

raising of horses and the keeping of horses as a commercial enterprise. On parcels five acres or greater, such uses are allowed by-right, meaning that no special permit is needed for such uses.

### STREAMLINED ACCESS

Thoroughbred race tracks are rarely more than three miles from an interstate exit, and show a significantly higher tolerance for urbanized contexts than equestrian centers do. Equestrian centers, meanwhile, are far more tolerant of non-highway driving, but are rarely more than five miles from a state route. Figure 2.3 shows the location of the 29 facilities hosting a US Dressage Federation-recognized competition in Region 8 (New York and New England). Clearly, very few are any appreciable distance from a major transportation route. This same tendency could be observed in Figures 2.1 and 2.2, as well.

**Figure 2.3: Region 8 Equestrian Centers hosting USEF-Sanctioned Dressage Competitions**



### APPEALING LANDSCAPES

The exacting aesthetics of competitive horse shows underscores the importance of appearance and presentation to this key user group. Massachusetts is home to some very well-regarded equestrian centers, and some legendary polo and hunting grounds. The equine community is highly discerning, and national-level event coordinators are accustomed to top-of-the-line facilities and services. This eye for detail extends to the surrounding landscape. The facility must be located in a pastoral context, with a preference for open views to natural and visually appealing landscapes. Satisfying this “country estate” aesthetic is essential for demonstrating that the facility makes a meaningful and thorough contribution to equestrian culture.

### USEFUL LOCATION

Although equestrian activities are by definition mileage-heavy pursuits, the facility is meant to strengthen and promote the connections horses have to the culture, history, and economy of rural Massachusetts. An exceptionally remote location reduces the potential audience for this message, and increases the transportation costs of the in-state suppliers and vendors that would do business at the facility. Therefore, sites within an hour’s drive of New England’s largest cities - Boston, Worcester, Providence, and Springfield - provide riders, spectators, and vendors with increased availability and exposure.

### LAND USE COMPATIBILITY

Because the horse park envisions an unprecedented variety of equestrian uses, the facility is likely to have a noteworthy impact on whichever community hosts it. It is essential, therefore, that the equestrian nature of the facility be congruent with existing local land uses. For example, rural communities with active equestrian activities - stables, horse farms, or agricultural haying, for example - are highly likely to view the proposed horse park as an appropriate use of locally available open space.

## CURRENT SITE OPTIONS

Table 2.2 includes the characteristics of ten sites that most nearly meet the established criteria. It is important to bear in mind that this selection reflects currently-available real estate. As such, it does not identify optimal sites (those not currently for sale, but otherwise meeting all siting criteria), and it is subject to change. Identifying features have been obscured.

**Table 2.2: Potential Sites and Criteria Matches**

|     | Acres                       | Terrain                             | Access     | Landscape                     | Location                | Compatibility                    |
|-----|-----------------------------|-------------------------------------|------------|-------------------------------|-------------------------|----------------------------------|
| 001 | 225-250; near state forest. | Rolling; partially cleared. Stream. | 10-15 min. | Rural, low density.           | 1 under 60; 1 under 90. | No equestrian activity nearby.   |
| 002 | 550-575; trails near.       | Flat; partially cleared.            | 20-30 min. | Strong pastoral scenic.       | 1 under 60; 1 under 90. | Active outdoor and farming.      |
| 003 | 250-300; town land adj.     | Hilltop. Ponds.                     | 20-30 min. | Rural decline.                | 1 under 60; 1 under 90. | No equestrian activity nearby.   |
| 004 | 200-250 ac.                 | Flat; partially cleared. Pond.      | 5-10 min.  | Suburban, mid-density.        | 3 under 90.             | Some equestrian activity nearby. |
| 005 | 475-500 ac.                 | Rolling, forested. Stream. 61A.     | 10-15 min. | Rural, low-density.           | 2 under 60; 2 under 90. | Equestrian and farming nearby.   |
| 006 | 400-415 ac.                 | Rocky, forested. Pond.              | 5-10 min.  | Rural, mid-density            | 1 under 60; 2 under 90. | High equestrian activity nearby. |
| 007 | 200-250 ac; near parks.     | Non-contiguous, forested. Stream.   | 5-10 min.  | Mid-density suburb.           | 3 under 60.             | High equestrian activity nearby. |
| 008 | 175-200 ac; trails, 4H adj. | Rolling; partially cleared. 61A.    | 20-30 min. | Strong pastoral.              | 2 under 60; 2 under 90. | Equestrian and farming nearby.   |
| 009 | 275-300 ac; parks adj.      | Rolling, forested. No restrictions. | 15-20 min. | Forested, low visual element. | 2 under 60; 2 under 90  | Some equestrian nearby.          |
| 010 | 500 ac.                     | Hilly; forested.                    | 5-10 min.  | Strong scenic components.     | 1 under 60.             | Some equestrian activity nearby. |

## BEST PRACTICES

In recent years, researchers and designers have begun to incorporate sustainability indicators and other markers of social and environmental well-being into the best management practices of equestrian facilities. Some principles, such as siting and designing barn and indoor arenas to maximize solar aspect, are natural extensions of existing practices. Others, such as the use of native plantings for grazing, horticultural identity, and invasive species management purposes, address

industry-specific environmental concerns. Meanwhile, the management of manure for haying and other crop-planting purposes addresses the equine-agriculture linkages this project attempts to develop. Two issues - shared services and intra-state partnerships - are described in greater detail here.

### SHARED SERVICES

The parking lot of Lone Star Park, a racing track outside of Dallas, is approximately 60 acres. By comparison, in Massachusetts the average farm is just 68 acres, with a median value of 23 acres. It is therefore relatively uncommon for more than 300 acres of agricultural land in Massachusetts to come onto the market. Since it may be impractical to wait for the ideal parcel to become available, it is essential that the advisory board work closely with architectural and engineering firms to think creatively about the most efficient use of available land. Whether it be parking, RV hookups, paddocks, exercise tracks, or loading areas, every duplicative function that can be reduced, or site use that can be shared, will provide additional acreage for other programmatic elements.

### PARTNERSHIPS WITH OTHER FACILITIES

Across the Commonwealth, dozens of facilities host horse shows for numerous equestrian communities. Anticipating how the facility could benefit these entities, rather than compete with them, could help generate industry-wide support. As an example, of the 35 equestrian centers currently hosting interscholastic shows, only nine do so between December and February: Mount Holyoke, Silverstone Stables, Stoneleigh-Burnham School, Saddle Rowe, Rising Star, Volo Farm, Dana Hall School, Willow Brook, and Hillside Meadows. These centers have the facilities necessary to host indoor scholastic events, and three of these (Mount Holyoke, Stoneleigh-Burnham, and Saddle Rowe) currently host USEF-sanctioned events, as well. With the addition of the horse park to the state's equestrian center mix, there is the possibility that these four equestrian centers, and perhaps others, would be able to gain approval for a series of sanctioned wintertime competitions in Massachusetts. As the largest dressage region in the country, there are many families in the northeast that might prefer participating in a competitive series around the holidays that is closer to home than Florida or Texas.

### COST ESTIMATE

To date, no integrated equestrian facilities have been developed. The truly unique nature of the Massachusetts Model - thoroughbred racing, showing, riding, and retirement - means that there is no "industry standard" for estimating development costs. Accordingly, we have consulted with racetrack developers and equestrian center developers to estimate project costs for the proposed horse park. We estimate that total development costs of a world-class horse park would not exceed \$150 million. Of this, \$90 million is allocated for all land acquisition and infrastructure development, along with the construction of the equestrian center. The remaining \$60 million is the expected cost for the development of the race track's oval, rail, grandstand, stables, and other necessary structures.

The \$150 million estimate is meant to describe the upper bounds of development: it does not factor in any of the anticipated cost savings resulting from shared services, materials, or facilities.

### 3. ECONOMIC IMPACT ANALYSIS

#### CHAPTER SUMMARY

This chapter considers the potential economic impacts of the proposed horse park on the Commonwealth of Massachusetts. Because we are estimating the impacts of a facility that does not yet exist, our estimates were developed by looking at the expenditures and existing facilities in other locations coupled with insights from our advisory board and other industry experts.

We provide preliminary estimates of the economic impact of the three major components of the proposed horse park. These include:

- A Thoroughbred race track with 75 race-days of activity during a full season.
- An equestrian center that will be capable of hosting a variety of equestrian events (e.g. dressage, 3-day eventing, hunting/jumping competitions, etc.) at a national scale. We anticipate 70 equestrian and 18 non-equestrian events per year.
- A horse retirement and retraining farm, capable of the housing, retraining, and care of 40 former Thoroughbred racehorses.

To our knowledge, no other facility in the nation includes all three components together at a single site. The proposed “Massachusetts Model” is truly unique. However, this creates a challenge for estimating the prospective impacts of such a facility, because there is no appropriate template to guide us. Therefore, we model each of the three components independently, and then combine their separate impacts to produce an overall estimate of the overall impact. In other words, we assume that the race track will operate as a distinct entity from the horse center and the retirement facility. Because we are treating each separately, we are not able to account for possible cost-savings in terms of shared facilities, staff, or discounts through bulk purchasing.

**Table 3.1: Combined Economic Impacts: Thoroughbred Racing, Equestrian Center, and Retirement Farm**

|                     | FTE<br>EMPLOYMENT | LABOR<br>INCOME*    | OUTPUT<br>(SALES)*  |
|---------------------|-------------------|---------------------|---------------------|
| DIRECT EFFECT       | 651.7             | \$34,905,383        | \$53,785,565        |
| INDIRECT EFFECT     | 98.4              | \$6,011,609         | \$13,503,183        |
| INDUCED EFFECT      | 207.0             | \$12,216,334        | \$31,569,240        |
| <b>TOTAL EFFECT</b> | <b>957.0</b>      | <b>\$53,133,324</b> | <b>\$98,857,986</b> |

\*Reported in 2016 dollars

Table 3.1 reports the combined economic impacts from the three major components of the proposed facility. We estimate that a multi-purpose horse park will bring \$53.8 million in direct new spending to Massachusetts from out-of-state sources. These new dollars will have ripple effects throughout the entire economy, resulting in a total annual output impact of nearly \$100 million.



This is enough to support the creation of 957 new full-time equivalent (FTE) year-round jobs in the state. Slightly more than half of the new sales will make its way into the pockets of Massachusetts workers and households in the form of additional income.

The ratio of total to direct effects is known as the multiplier. For these three components combined, our output multiplier is 1.83. That means for each dollar spent at the new facility—whether by visitors, participants, or via facility operations—we predict an additional 83 cents will flow to other area businesses and workers.

**Table 3.2: Combined State and Local Tax Revenue Impacts: Thoroughbred Racing, Equestrian Center, and Retirement Farm**

|                               | STATE AND LOCAL<br>TAX REVENUES* |
|-------------------------------|----------------------------------|
| EMPLOYEE COMPENSATION         | \$78,244                         |
| TAX ON PRODUCTION AND IMPORTS | \$3,125,820                      |
| HOUSEHOLDS                    | \$1,678,505                      |
| CORPORATIONS                  | \$188,253                        |
| <b>TOTAL</b>                  | <b>\$5,070,822</b>               |

\*Reported in 2016 dollars

According to IMPLAN-based estimates, the combination of direct, indirect, and induced impacts will generate roughly \$5 million in new state and local tax revenues per year (Table 3.2). The majority of the increased tax revenues will come from taxes on production and imports (62 percent), namely sales tax revenues. Because we only include impacts from out-of-state visitors and participants, these sales taxes will almost entirely be borne by non-Massachusetts residents. The second largest source of tax revenues is household tax revenue, specifically the portion of personal income taxes paid on the additional earnings of workers directly and indirectly benefiting from the center. Corporate taxes (taxes on profits and dividends) are a distant third source of new tax revenue. Much of the anticipated revenue from increased corporate taxes will be from indirect sources, as we assume that the Horse Center and Retirement Farm portion of the project will operate as a non-profit entity.

## STUDY LIMITATIONS

We believe that these are extremely conservative estimates of the actual impacts for several reasons. For one, we do not model economic impacts related to land acquisition costs or the construction of the facility – only operational costs. While construction impacts only last for a few years, they can often be substantial. However, construction impacts also depend heavily on site-specific features, as well as design and architectural decisions. It is rather premature to estimate these impacts before site is selected, designs for the facility have been drawn up, and there have been some preliminary engineering and architectural estimates.

Second, we only count impacts that are attributable to “new money” flowing into the state. More specifically, we exclude the anticipated spending by in-state patrons of the race track, as well as spending by Massachusetts residents and participants attending equestrian shows and competitions. We have to assume they would have spent this money within the state even if the proposed facility did not exist. This is a standard assumption of most economic impact studies, although a rather conservative one. Clearly, if there were better facilities available within the state, then more Massachusetts riders and tourists would choose to recreate closer to home, rather than spend their money elsewhere.

Third, we do not model the impacts of every aspect of the horse park: only the race track, the equestrian center events, and the retirement farm. The current plans also leave room for an on-site

large-animal veterinary clinic and research center that will be operated by a university-affiliated partner institution. To the extent that this facility serves the needs of racing and event participants, its economic impacts are included. Our cost estimates for racing and event participants cover expenses on veterinary care that we assume will be provided at the on-site veterinary clinic. However, the clinic will have additional impacts that are not counted in this study if it is able to attract other (non-participant) patients of research grants from outside of the Commonwealth.

## WHAT IS ECONOMIC IMPACT ANALYSIS?

**Economic impact analysis** is a technique for measuring the net effects of new spending and investment on a regional economy’s employment, wages and business output (i.e. sales). This is done by estimating the amount of net new spending in the region as a direct result of a project (i.e. the direct effects). In the case of the proposed horse park, the direct economic impacts come from numerous sources. These include additional spending by event participants and horse owners required for the stabling, feeding, care and maintenance of their horses; the spending by out-of-state visitors at area retailers, restaurants, lodging establishments and other services; and the operational expenditures of the facility, of which wages and salaries are usually the largest portion.

Beyond the initial influx of new funds, new direct spending in the region then goes on to have secondary (or indirect) economic impacts. Indirect impacts are generated from the exchange of these additional revenues among area businesses and their workers. For example, a portion of the increased visitor spending on area hotels is used to pay the employees of the hotel, and another portion goes toward the purchase of products and services from other local businesses. These local workers and businesses, in turn, use some of their increased revenues to buy other goods and services from other local businesses. Some of these funds are also spent outside the study region. This is considered “leakage” and does not continue to generate additional economic activity within the region. The direct investment combined with the exchange of money among local vendors and workers make up the total economic impact. The ratio of the direct to total economic impact is referred to as the multiplier effect. The total economic impacts and multipliers were generated using the IMPLAN economic modeling system.

Similarly, the facility also calls for an RV Park. On the one hand, the RV Park is expected to cater to people attending one or more of the Center's many events, in which case they are included under our impacts of visitor spending on lodging. On the other hand, other visitors may also reserve space at the RV Park. The spending impacts from this group of visitors are not included. At this early stage we lack the information to know how widely the facility will be used by non-center related visitors. Lastly, current plans call for an extensive system of recreational trails for the general enjoyment of the public. We assume that these recreational trails will primarily attract users from within Massachusetts. However, the trails may draw visitors from neighboring states as well, depending on its proximity, the quality of the trails, and the availability of other, similar recreational trail facilities. But without knowing more about the specific site and the plans for recreational trails, it is difficult to predict the number of out-of-state visitors.

It is important to bear in mind that economic impact analysis is capable only of estimating impacts that are directly quantifiable in dollars. It is not capable of estimating impacts from less tangible benefits, such as helping to preserve Massachusetts's agricultural heritage and open space; offering a venue for outdoor recreation that improves the wellness of area residents; and helping to ensure the continued vitality of the larger equestrian industry in the state. Local and statewide horse shows and competitions are integral to the long-term growth of the equestrian industry. They fuel the enthusiasm of young and established equestrians, and imbue them with a sense of belonging to a larger community. Sponsoring and showing support for local competitions and shows is also an important prerequisite for attracting national and regional events. Yet these types of events have little impact in this type of study, because they draw almost entirely from within the state. While we adhere to the conservative assumptions of the economic impact framework, we offer several case studies of actual equestrian competition to help illustrate some of these less tangible benefits.

Our final limitation is simply a warning regarding the inherent uncertainty involved when forecasting economic impacts. This is a very early-stage assessment, and as the project develops the magnitude and distribution of the impacts will likely change. Furthermore, while the construction of a world-class facility is necessary for attracting top racing talent and sponsoring national and international caliber horse shows and competitions, it is not sufficient. The horse park must also be well-designed, well-managed, and able to successfully market itself to event organizers if it is to attract the full spectrum of events and attendance described in this report.

The remainder of this chapter provides more detail on the assumptions that are the foundation for our estimates, as well as a breakdown of the impacts by each component (race track, equestrian center and retirement farm) as well as by sub-component (e.g. racing operations, racing participants, and racing spectators).

## THOROUGHBRED HORSE RACING EXPENDITURES & IMPACTS

### SUMMARY & ASSUMPTIONS

The direct effects that determine the total economic impacts can be modeled either by estimating revenues or by estimating spending (i.e. expenditures). We model spending, because it allows us to more clearly identify economic transactions that take place within Massachusetts. A portion of the proceeds from racing never reaches the pockets of Massachusetts businesses or residents: the payouts to bets made over the internet or through off-site simulcast venues.

The direct effects of the Thoroughbred racing facility come from numerous sources. First, there are expenditures associated with race track operations. Much of the funds used to support operations comes from betting revenues (the handle), although portions also come from on-site purchases of spectators, and payments made to the facility by racing participants. The spending of racing participants is the second primary source of direct impact. This includes the spending of Thoroughbred race horse owners who pay for training costs, jockeying fees, veterinary care, feed and bedding, tack and equipment, and the other miscellaneous costs incurred during the racing season. The final source of direct impact is the off-track spending of out-of-state visitors and spectators. This spending has an immediate benefit to area businesses, especially hotels, restaurants, gas stations, and other retail outlets. As previously mentioned, we only consider the spending of visitors that come from out-of-state, and exclude spending by Massachusetts residents under the standard assumption that it would have occurred within the state even if a new race track had never been built.

Modeling the economic impacts of a prospective facility requires making some assumptions regarding the length of the racing season, the number of participants, and the number of out-of-state visitors.

#### Key Assumptions:

- There will be 75 days of racing during a typical season.
- The racing season will last for 150 days (mid-May through mid-October).
- There will be an average of 9 races per race day, or 675 races during a typical season.
- There will be a daily average of 800 horses in residence over the entire season.
- The facility will average 3,000 spectators per race day, which accounts for typical racing events and one marquee special event, such as the MassCap.
- Twenty percent of all spectators will be come from outside of Massachusetts.
- The expansion of thoroughbred racing will spur the increased production of 115 new foals per year by Massachusetts breeders.

We base these assumptions on our discussions with the client regarding their anticipated plans for race track, a review of existing Thoroughbred race tracks around the county, and through interviews with Thoroughbred racing experts.

Based on these assumptions, we expect the new race track to yield \$36.7 million in direct additional economic activity in the state (Table 3.3). These direct effects include the actual money spent in state by the race track, breeding farms, as well as by racing participants and spectators. This “new” money in the Massachusetts economy will change hands among workers and other area businesses, to generate a total of \$66.3 million in annual output and sales, and support the creation of 664 new jobs and put over \$38.2 million in the pockets of Massachusetts households each year. Our output multiplier for the race track component is 1.81. Thus, for every dollar spent directly at the race track, spectators or breeding/training farms, we expect an additional 81 cents to flow to other businesses in the state.

**Table 3.3: Summary Economic Impacts: Race Track Component**

|                 | FTE<br>EMPLOYMENT | LABOR<br>INCOME* | OUTPUT<br>(SALES)* |
|-----------------|-------------------|------------------|--------------------|
| DIRECT EFFECT   | 465.2             | \$26,212,516     | \$36,662,266       |
| INDIRECT EFFECT | 49.8              | \$3,229,778      | \$6,914,236        |
| INDUCED EFFECT  | 149.0             | \$8,792,345      | \$22,720,396       |
| TOTAL EFFECT    | 663.9             | \$38,234,638     | \$66,296,898       |

\*Reported in 2016 dollars

The remainder of this section reports the economic impacts of each of the three racing components (operations, participants and visitors) separately, and discusses the key assumptions the yield our estimates.

#### IMPACTS FROM RACING OPERATIONS

The first component of our analysis of the proposed race track’s impacts is the impact generated from race track operations. We assume that the race track will generate \$13 million per year in operational expenditures. We arrived at our estimates by examining other studies of Thoroughbred racing facilities around the county and consulting with racing industry experts, considering the preliminary design of the facility, and the expected length of the racing season. This amount is slightly less that what we found for other Thoroughbred race tracks. On average, our sample of other race tracks cost roughly \$136 dollars per horse day, or just over \$16 million per year. By contrast, our industry advisors estimate operational expenses in the order of \$12 to \$14 million per year for a racing facility of this size. Given its smaller footprint and more economical use of space, it is not surprising that the horse park will cost less to operate than many existing facilities.

Assuming \$13 million figure as the direct effects, our economic impact model estimates a total economic impact of just over \$23.2 million per year in 2016 dollars (Table 3.4). At this level of output, we expect the facility will produce for roughly 338 jobs full-time equivalent (FTE) in the state economy, and contribute \$14.4 million in income for Massachusetts households. Seventy of these new jobs (indirect + induced) will be created by other businesses in the state.

**Table 3.4: Summary Economic Impacts: Race track Operations**

|                     | FTE<br>EMPLOYMENT | LABOR<br>INCOME*    | OUTPUT<br>(SALES)*  |
|---------------------|-------------------|---------------------|---------------------|
| DIRECT EFFECT       | 267.8             | \$10,371,093        | \$13,000,000        |
| INDIRECT EFFECT     | 14.0              | \$742,727           | \$1,609,959         |
| INDUCED EFFECT      | 56.3              | \$3,324,200         | \$8,588,390         |
| <b>TOTAL EFFECT</b> | <b>338.1</b>      | <b>\$14,438,020</b> | <b>\$23,198,350</b> |

\*Reported in 2016 dollars

**IMPACTS FROM RACING PARTICIPANTS**

We estimate the direct impacts of race participants based on the average amount spent on each horse per day over the racing season (horse-days). With an estimated average of 800 horses on site per day over a 150-day season, we estimate 120,000 horse-days per year. Based on interviews with industry experts and a review of past studies, we estimate that it costs roughly \$90 per day to train, feed, and provide for the general care of each horse during the racing season.<sup>1</sup> This includes trainer fees and other costs paid direct by the owners, but not payments made by horse owners directly to the racetrack. Direct payments from owners to the racetrack are already included under racetrack operations. In addition, we do not consider the earnings from the horse owners' takeout (or payments from betting revenues) beyond that amount that they spend on the training and care of their horses. This is likely to be negligible, as interviews with racing experts suggest that Thoroughbred racehorse owners often have very thin profit margins, and that many owners live out-of-state.

It is important to note that we only consider the impacts of horse-related expenditures during the racing season. Although some of these will be Massachusetts Thoroughbreds and will reside in-state during the off-season, we assume that Massachusetts horses would still be stabled in the Commonwealth during the off-season (even if there were no Thoroughbred racing facility), and that out-of-state horses would reside elsewhere. Likewise, we assume that both Massachusetts- and out-of-state horses would spend the racing season outside of Massachusetts if there were no racetrack. Therefore, all horse-related expenditures during the season are included as direct effects.

Based on these calculations, we estimate \$10.8 million per year in direct spending pertaining to the care, training and feeding of Thoroughbred racehorses at the horse park (Table 3.5). This direct spending will result in a total of \$19.7 million in additional sales revenues for the state. This level of additional output can support the creation of roughly 138 FTE jobs and provide an additional \$11.3 million in income to Massachusetts households.

<sup>1</sup> The \$90 per horse-day cost estimate is somewhat lower than what is typically reported in other studies of thoroughbred racetracks, which average in the range of \$120 to \$130 per horse-day. However, our industry advisors anticipate that training and related costs will be less in Massachusetts and that our averages are upwardly skewed by the inclusion of premier racetracks in our sample.

**Table 3.5: Summary Economic Impacts: Racing Participants**

|                     | FTE<br>EMPLOYMENT | LABOR<br>INCOME*    | OUTPUT<br>(SALES)*  |
|---------------------|-------------------|---------------------|---------------------|
| DIRECT EFFECT       | 77.3              | \$7,664,557         | \$10,800,000        |
| INDIRECT EFFECT     | 16.0              | \$1,102,041         | \$2,218,360         |
| INDUCED EFFECT      | 44.3              | \$2,615,851         | \$6,760,334         |
| <b>TOTAL EFFECT</b> | <b>137.5</b>      | <b>\$11,382,448</b> | <b>\$19,778,693</b> |

\*Reported in 2016 dollars

**IMPACTS FROM SPECTATOR SPENDING OFF-SITE**

We estimate that the new facility will attract 225,000 spectators per year. While our review of other studies produced an average daily attendance of 4,500, our advisory board and industry experts felt this number was too high, given the New England market, the relatively smaller grandstand, and industry wide trends of less foot traffic, but more remote forms of wagering. They suggested that a typical racing day will draw somewhere between 2,000 and 3,000 visitors, while special events (such as the MassCap) can draw up to 10,000. We settled on a daily average of 3,000 to account for attendance on both typical race days as well as for a handful of special racing events, across 75 days of racing.

We only count the spending of out-of-state visitors as direct effects, under the assumption that Massachusetts residents would have spent this money in the state anyway, even without the new racetrack. This is a rather conservative assumption, as some Massachusetts racing enthusiasts would travel to out-of-state venues or engage in remote forms of betting. We estimate that 20 percent of all spectators will be from out-of-state. This equates to 45,000 expected out-of-state visitors per year. The percentage of out-of-state spectators is difficult to predict, however. It depends greatly on the specific location of the facility in relation to major out-of-state population centers, highway access, the prestige of the racing events, as well as the availability of other competition venues. This variability is reflected in studies of other racetracks, which estimate the share of out-of-state visitors to be anywhere from 10 percent to 60 percent. We chose the estimate of 20 percent after consulting with advisory board members and other industry experts who understand the Massachusetts racing landscape.

Compiling data from multiple studies, we estimate that each out-of-state visitor spends roughly \$113 per day outside of the racetrack. This figure does not include money spent at the track, including wagers, food and souvenirs, which was already accounted for in our measurement of Center operational expenditures. Nearly 40 percent of all off-track spending is on lodging, with another 22 percent spent on food and drink. The remainder is near evenly split between entertainment, retail and travel expenses.

Given these assumptions, the total spending of out-of-state visitors will be \$5,089,050. We adjust this figure to account for travel-related expenses that may occur outside of Massachusetts. The adjusted direct effect from racing visitors is \$4.1 million per year (Table 3.6). An increase of \$4.1

million in direct spending will produce a total impact of \$7.2 million in additional sales and output per year. This is enough to support the creation of 76.5 new FTE jobs. It is important to note that because we only consider off-site spending, the entirety these 76.5 jobs will be generated by other businesses, and not at the track.

**Table 3.6: Summary Economic Impacts: Racing Spectators (Off-Site Only)**

|                     | FTE<br>EMPLOYMENT | LABOR<br>INCOME*   | OUTPUT<br>(SALES)* |
|---------------------|-------------------|--------------------|--------------------|
| DIRECT EFFECT       | 57.29             | \$1,943,647        | \$4,079,141        |
| INDIRECT EFFECT     | 6.89              | \$488,773          | \$1,281,831        |
| INDUCED EFFECT      | 12.28             | \$724,947          | \$1,873,815        |
| <b>TOTAL EFFECT</b> | <b>76.46</b>      | <b>\$3,157,368</b> | <b>\$7,234,787</b> |

\*Reported in 2016 dollars

#### IMPACTS FROM THE THOROUGHBRED BREEDING INDUSTRY

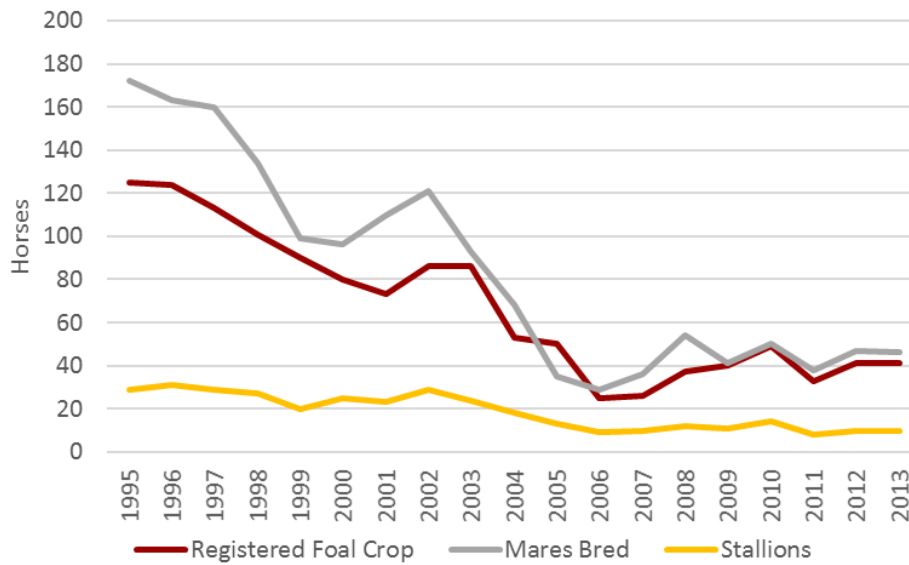
Thoroughbred racehorse breeding is an import component of the Massachusetts Equine Industry, whose vitality is directly tied to the availability of racing opportunities within the Commonwealth. A Study of the Thoroughbred Equine Industry by Salem State University reported 62 thoroughbred breeding farms in Massachusetts as of 2013, with 71 additional farms that are somehow affiliated with Thoroughbred racing. According to that study, these farms accounted for \$15,086,483 in direct annual revenue and contributed 356 direct jobs to the state economy.

The Massachusetts breeding industry has fallen on hard times in recent years. Between 1995 and 2013, the Massachusetts foal crop has declined by 67 percent: dropping from 125 registered foals in 1995 to 41 in 2013 (Figure 3.1). We have seen a similar decline in the number of Mares bred by Massachusetts Stallions (down 73 percent) and the number of Massachusetts Stallions (down 67 percent).

In part, the decline of Massachusetts Thoroughbred breeding reflects a broader, national decline driven by increased competition from expanded casinos and on-line wagering. As the handle to horse racing declines, so do the returns to breeders. However, the decline of the Massachusetts breeding industry far outpaces national trends. Figure 3.2, below, shows the relative decline in foal production since 1995.

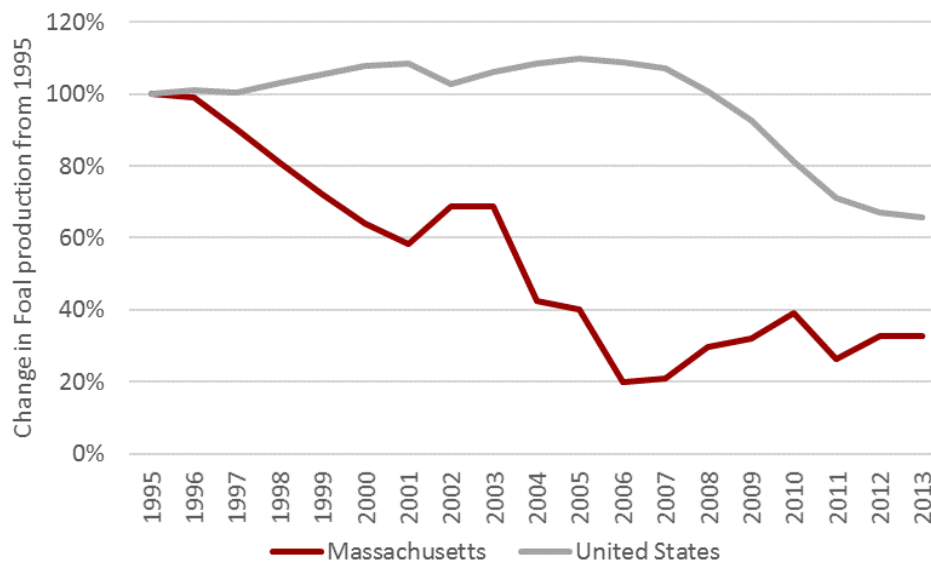


**Figure 3.1: Thoroughbred Horse Breeding in Massachusetts, 1995 to 2013**



*Source: The Jockey Club. 2016. Massachusetts Fact Book.*

**Figure 3.2: Foal Production, Massachusetts compared to the US, 1995 to 2013**

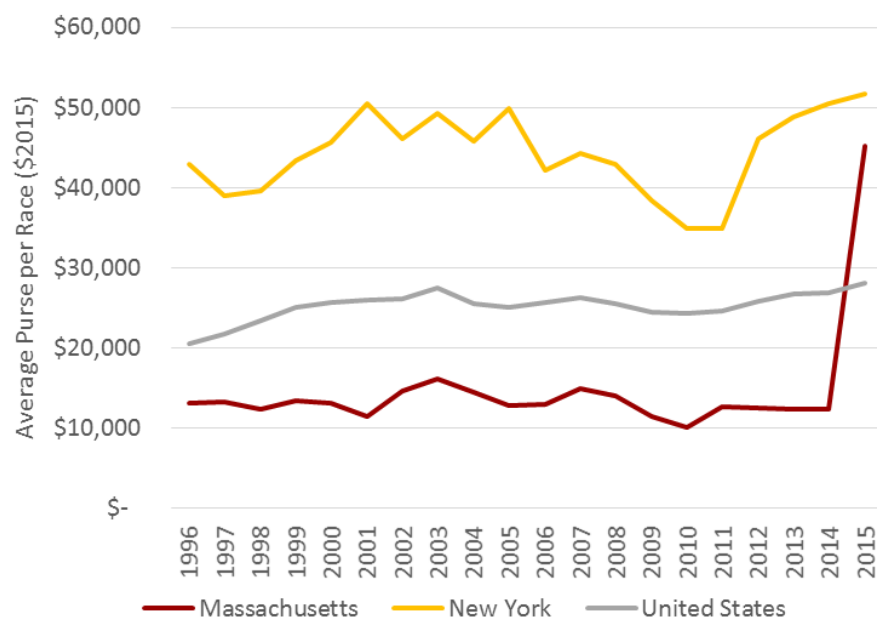


*Sources: The Jockey Club. 2016. Massachusetts and National Fact Books.*

Beyond national trends, the decline of the Massachusetts breeding industry is attributable to two primary factors: (1) low purses relative to other states, and (2) shrinking racing opportunities in the Commonwealth. Low relative purses reduce the potential returns to breeders and attract lower quality horses to racetracks in the state. This, in turn, leads to fewer bettors and smaller wagers,

which erode purses even further. The vicious cycle of falling purses depresses the value of Massachusetts equine breeding farms, which discourages investment in thoroughbred breeding, and threatens the open space the farms preserve. Over the past two decades, Massachusetts purses have typically fallen short of the national average, and have been well below our neighboring state of New York (Figure 3.3). That has changed following the passage of the Expanded Gaming Act of 2011, which dedicates a portion of casino revenues to supplement purses, making them more competitive with tracks in other states. The state's first licensed slots parlor opened in 2015, at Plainridge Park Casino, resulting in the dramatic rise in purses from 2014 to 2015 (Figure 3.3.) The Act also dedicates a portion of casino revenues to breeder awards, which provides additional incentives to Massachusetts-based breeders.<sup>2</sup>

**Figure 3.3: Thoroughbred Purses per Race, Massachusetts vs. New York and the US**



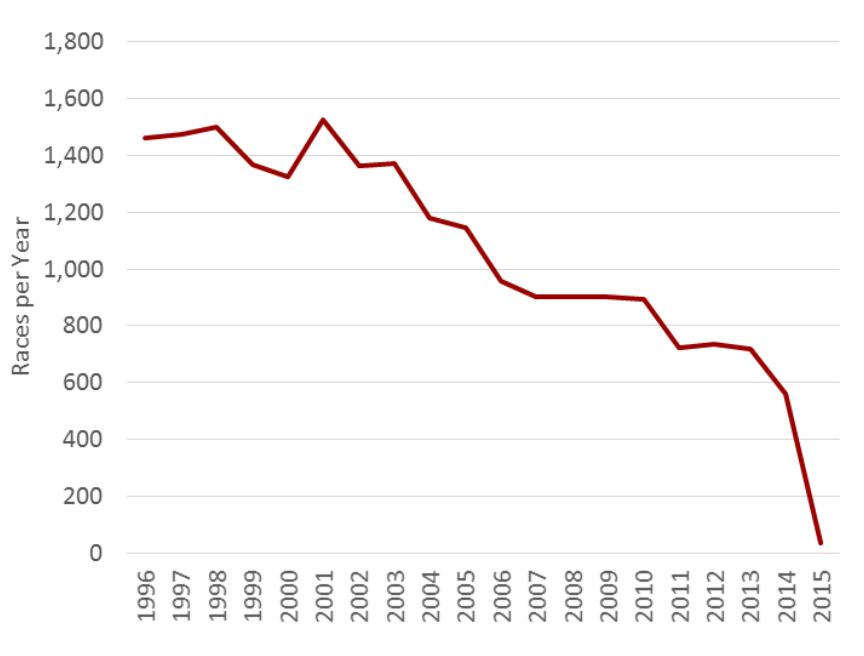
Sources: *The Jockey Club. 2016. Massachusetts, New York, and National Fact Books.*

The second critical component to a healthy thoroughbred breeding industry is access to ample in-state racing opportunities. Even with the competitive purse and breeding award programs codified in the Expanded Gaming Act, Thoroughbred breeding in Massachusetts will likely continue to struggle until there is more racing in Massachusetts. While the current rules permit bonuses paid to MA bred horses that race elsewhere, the major financial rewards are reserved for races taking

<sup>2</sup> It is worth noting that in 2011, New York began allocating a portion of the revenues from Video Lottery Terminals (VLTs) into the purse supports and breeder awards. As a result, the average purse per race rose from \$34,956 in 2011 to \$46,042 in 2012 (reported in 2015 equivalent dollars), according to data from the Jockey Club. These purse supplements and breeder awards had an immediate impact on foal production in New York, which increased by nearly 250 registered foals in a single year.

place within Massachusetts. Simply put, fewer races provide fewer opportunities to earn revenue. There were only 36 Thoroughbred races held in Massachusetts last year at Suffolk Downs (Figure 3.4). Without a racetrack of sufficient quality to attract top-level racing, the future of the Thoroughbred industry in Massachusetts remains uncertain. This uncertainty sends a negative market signal to breeders and owners that discourages long-term investments in horses, capital equipment, land acquisition and other infrastructure. Breeders and owners also have a strong preference to locate near where their horses are racing. This is, in part, due to costs associated with travel and related expenses, but it reflects the fact that owners and breeders simply love to see their horses compete.

**Figure 3.4: The Number of Thoroughbred Races held in Massachusetts, 1996 to 2015**



*Source: The Jockey Club. 2016. Massachusetts Fact Book.*

It is clear from the preceding discussion that the establishment of a new thoroughbred racetrack will have a direct impact on the state's horse breeding industry. We focus on the expenditures associated with a reasonable expansion in the number of foals bred and housed in Massachusetts. We assume that the present purse subsidies and breeding program established under the Expanded Gaming Act of 2011 will continue in their present form. The discontinuation or restructuring of these incentives would certainly have a direct impact on the relative returns to breeding, and thus the possible expansion of the industry or the expected impacts of the program.

It is difficult to predict how many new foals we can reasonably expect following the opening of a new thoroughbred track with 75 days of racing. Our discussions with breeding industry experts suggests that it is reasonable to expect an increase in the Massachusetts foal crop to something

slightly above the 1995 level of production. Therefore, we assume an increase of 115 foals per year over current levels. This is a rather conservative assumption. The ultimate size of the foal crop may well be much larger as additional casinos open and purses and breeding awards continue to rise. Breeders typically raise their foals for two years prior to sale and the start of their training. Therefore, we estimate the number of additional foals residing in Massachusetts at 230: twice the expected number of foals born each year. The mother of the foals (mares) must also be cared for during the nearly year-long gestation period. We assume 115 additional Massachusetts mares will reside in Massachusetts per year (one mare per foal).

Breeding, raising and training thoroughbred racehorses is a rather expensive business. Based upon our discussions with several Massachusetts breeders, we estimate that it costs roughly \$10,000 per year to care for a foal or mare. This estimate corresponds with those from a 2013 study of a racetrack in Saratoga, NY that estimated costs between \$6,000 and \$12,000 per year to care for a mare or foal in New York. At \$10,000 per horse for 345 foals and mares, we estimate the equestrian racing complex will result in just under \$3.5 million per year in total annual new spending by Massachusetts breeders.

Foals typically begin their formal training for racing in their third year. A young racehorse typically spends a year in training before their first start, and continues training throughout their career. According to industry experts, 90 percent of Massachusetts-bred foals will likely train and race in state (assuming the construction of a new racetrack and the current purse and award supplements). The yearly costs of training, stabling, and feeding a thoroughbred racehorse is estimated at \$25,000 per year, for a total annual expenditure bill of nearly \$2.6 million. We assume the remaining 10 percent of foals are sold out-of-state at the national average auction price. Over the past three years, the average sale price from two-year old horses was approximately \$70,000 per horse according to statistics from the U.S. Jockey Club. Thus, we include an addition \$805,000 per year for expanded out-of-state horse sales.

Our estimates of racing participant impacts already include the costs associated with active racehorses during the racing season. There, we estimated that it costs roughly \$13,500 to train and care for each horse during the season. Some of these active horses will remain in Massachusetts off-season, while others will return to their home states or move on to events in other states. For example, a 2012 study of racing at Suffolk Downs reports that over 80 percent of all Suffolk Thoroughbreds are from out-of-state. However, the purse and breeder incentives enacted through the 2011 Expanded Gaming Act greatly improve the expected returns to Massachusetts-bred horses and thus will likely increase the share of Massachusetts horses racing at the new track. We use the conservative estimate that 400 active horses (or half of the assumed 800 horses on-site) will be from Massachusetts. In time, we expect an even larger share of horses racing at the new racetrack will be from in state, although it will take a few years for the Massachusetts-bred horses to work their way into the racing circuit. Given the average care and training costs of \$25,000 per horse and the racing season expenses of \$13,500, we estimate off-season expenditures of \$11,500 per horse, or \$4.6 million in total.

Expenditures for horse breeding, care, and training typically include veterinary fees, farrier (shoeing) care, bedding, feed, and labor costs. Breeding and training farms also make periodic investments in materials, new equipment, and other infrastructure. Most of this spending will go to workers living in Massachusetts or in-state vendors. Assuming that 75 percent of all direct expenditures stay in state, we estimate a combined direct effect of just under \$8.0 million in additional direct purchases to Massachusetts businesses/workers per year. With the \$805,000 in exports from out-of-state horse sales, the total direct effect approaches \$8.8 million per year, and a total economic impact of just over \$16 million per year in 2016 dollars (Table 3.7). This level of additional output is enough to sustain 112 full-time equivalent (FTE) jobs, and contribute over \$9 million in additional income for Massachusetts households.

**Table 3.7: Summary Economic Impacts: Expansion of the MA Breeding Industry**

|                     | FTE<br>EMPLOYMENT | LABOR<br>INCOME*   | OUTPUT<br>(SALES)*  |
|---------------------|-------------------|--------------------|---------------------|
| DIRECT EFFECT       | 62.9              | \$6,233,219        | \$8,783,125         |
| INDIRECT EFFECT     | 13.0              | \$896,237          | \$1,804,086         |
| INDUCED EFFECT      | 36.0              | \$2,127,347        | \$5,497,857         |
| <b>TOTAL EFFECT</b> | <b>111.9</b>      | <b>\$9,256,802</b> | <b>\$16,085,068</b> |

\*Reported in 2016 dollars

## EQUESTRIAN CENTER HORSE SHOWS & COMPETITIONS

### SUMMARY & ASSUMPTIONS

The economic impact of the equestrian center component of the horse park will also come from three primary sources: (1) center operations; (2) horse-related spending by out-of-state participants; and (3) people-related spending by out-of-state visitors and participants. As before, we are careful not to double count spending across categories, such as event and entry fees, paid by participants, which fund facility operations. We also only consider spending that comes from out-of-state sources.

Our approach is to model a hypothetical “calendar” of equestrian events that could be expected at the facility once it is in full operation and has had sufficient time to establish itself as a premier destination among event organizers and horse enthusiasts. The economic impact of the proposed Equestrian Center relies greatly on the number and prestige of the events held at the facility. Generally, the more events there are, the greater the impact becomes. This is especially true when those events are international and national in scope, as they draw a greater number of visitors from outside of the state.

We assume that the proposed Center will be a first-class facility, with the potential of hosting major national events. Our estimates of the number of events and presumptive attendance figures are

based on a thorough review of existing equestrian centers and horse parks around the nation, with a particular focus on the Virginia Horse Center, in Lexington VA, and the Kentucky Horse Park, in Lexington KY. Both are considered first-class equestrian facilities, and both regularly host national and international grade events.

Using the activity at other centers as a guide, we developed a set of initial assumptions regarding the usage of the facility. We then adjusted these initial estimates based on interviews with industry experts, such as directors of similar Centers in other parts of the country. Given the inherent uncertainty, we tend to err on the side of offering more conservative, yet realistic, attendance and participation estimates.

#### Key Assumptions:

- There will be 70 equestrian events held throughout the year. The calendar will include five major events (national scale such as division championship), 40 mid-sized events (multi-state such as a regional division championship), and 25 minor events (within state, or local).
- The facility will also host 18 non-equestrian events, predominantly catering to a local and regional audience.
- A typical major equestrian event will last for four days. Moderate and minor events will last for 4.5 and 1.5 days, respectively. Non-equine events will last for 2 days, on average.
- The average equine event will attract roughly 2,221 unique visitors. The average non-equine event will attract 1,211 unique visitors per event.
- Eighty percent of the visitors and participants at major events will come from out-of-state. The typical moderate-scale event will draw 45 percent of its visitors from neighboring states. A minor event will only draw 5 percent from out-of-state. Finally, 20 percent of the attendees of non-equine events will be from outside Massachusetts.

The key assumption of 70 equestrian events per year falls within the range of other major equestrian centers, such as in Virginia and Kentucky, which host between 70 and 90 equestrian events per year. Our assumption of 18 non-equestrian events is also in keeping with other centers, which typically host between three to four equine events for every non-equine event.

Based on these assumptions, we expect the new facility to attract \$16.7 million in direct additional economic activity in the state each year (Table 3.8). The largest portion of this comes from event visitors and participants who make purchases at the event and at area businesses. As this \$16.7 million in new money trickles through the Massachusetts economy, it will generate a combined total of \$31.8 million in annual output and sales: enough to support the creation of 280 new FTE jobs and generate \$14.5 million in new household income. The statewide output multiplier for the Equestrian Center component is 1.9. Thus for every dollar spend directly at or by the center, we expect an additional 90 cents to flow to other businesses in the state.

**Table 3.8:** Summary Economic Impacts: Equestrian Center Component

|                     | FTE<br>EMPLOYMENT | LABOR<br>INCOME     | OUTPUT<br>(SALES)   |
|---------------------|-------------------|---------------------|---------------------|
| DIRECT EFFECT       | 175.0             | \$8,427,085         | \$16,658,893        |
| INDIRECT EFFECT     | 48.1              | \$2,745,964         | \$6,497,418         |
| INDUCED EFFECT      | 56.5              | \$3,333,705         | \$8,615,606         |
| <b>TOTAL EFFECT</b> | <b>279.5</b>      | <b>\$14,506,754</b> | <b>\$31,771,916</b> |

### IMPACTS FROM CENTER OPERATIONS

We estimate that the proposed equestrian center will spend roughly \$5.6 million per year in operations. We developed this estimate by dividing the total annual operational expenditures at other equestrian centers by the number of days those facilities were hosting events (i.e. event-days). The average operational costs for existing centers run close to \$35,600 per event-day. As we expect 157.5 total event days at the proposed Massachusetts facility, the resulting annual operations budget is estimated to be roughly \$5.6 million. This compares well with other existing centers. The Virginia Horse Center's operational budget is closer to \$4 million per year. The Kentucky Horse Park has annual operational expenditures of roughly \$12 million per year, but has extensive facilities, including a horse museum and the offices of national equestrian associations, complemented by numerous revenue streams.

Not all of the operational spending can be counted as direct effects, however. Unlike a race track, which generates a separate revenue stream through the handle, a large share of an equestrian center's operational costs are financed through fees charged to event organizers, participants, spectators, and on-site sales of products and services. Some of these individuals will be from Massachusetts. As before, we can only attribute the portion of the operational expenditures that come from out-of-state sources as direct effects. A 2007 study of the Kentucky Horse Park estimates that roughly 66 percent of all revenues originate from out-of-state.

Assuming a similar percentage, we estimate that Center operations will add \$3.7 million in new spending to the Massachusetts economy per year (Table 3.9). According to IMPLAN, this level of output is enough to sustain 32 FTE employees at the facility. The actual center may actually hire more workers than this, especially at peak season. However, our model only reports the portion of employment that is supported by new outside funds, and does not consider workers that are paid for by in-state proceeds.

We estimate the total economic impact due to operations at \$8.5 million per year. This is equivalent to 70 new FTE jobs and \$2.9 million in additional labor income.

**Table 3.9:** Summary Economic Impacts: Center Operations

|                     | FTE<br>EMPLOYMENT | LABOR<br>INCOME    | OUTPUT<br>(SALES)  |
|---------------------|-------------------|--------------------|--------------------|
| DIRECT EFFECT       | 31.72             | \$912,007          | \$3,703,346        |
| INDIRECT EFFECT     | 27.43             | \$1,295,161        | \$3,046,032        |
| INDUCED EFFECT      | 11.18             | \$659,908          | \$1,705,022        |
| <b>TOTAL EFFECT</b> | <b>70.32</b>      | <b>\$2,867,076</b> | <b>\$8,454,400</b> |

#### EVENT PARTICIPANT/HORSE-RELATED EXPENDITURES

As with racehorses, participants at equestrian competitions and shows spend a considerable amount of money on the feeding and care of their horses during shows and competitions. They also make purchases of horse-related supplies and equipment at these events. Our hypothetical calendar includes 70 equestrian related events per season, divided into 5 major, 40 moderate, and 25 minor events per season. In this scenario, we model participant spending on a per horse-day basis. Based on an analysis of other studies, we assume that the typical major event hosts 500 horses per day over a four-day event. Moderate events are expected to last for 2.5 days, on average, and host 300 horses. We assume that minor events host 150 horses per day and last for 1.5 days, on average. We also make different assumptions regarding the origin of the participants, based on the scale of the event. There is no solid data on where the horses come from, but there is for the human participants. We assume that major events draw 80 percent of participants from out-of-state, moderate events draw 45 percent, and minor events only 5 percent. This is in keeping with the fact that, by definition, minor events are almost always local events that primarily draw participants from within the state.

Over a typical year of 70 events, we expect there will be just over 40,000 horse-days spent at the facility by out-of-state participants. Based upon data provide by studies of other centers, we estimate an average of \$141 of spending per horse per event day. This includes event fees, feed, bedding, veterinary care, and other direct horse expenditures while at the event. It also includes the purchase of horse-related equipment and supplies, which are typically for sale at shows by specialty retailers. It does not include spending pertaining to the lodging, care, and feeding of the human participants. The next section on visitor impacts covers the impacts of their spending.

The \$141 in daily purchases, made by out-of-state participants across 40,281 horse-days, produces a total direct effect of \$5.7 million per year (Table 3.10). This additional revenue will produce a total impact of over \$10.4 million on the Massachusetts economy, primarily through increases to household income and household spending. Over \$6 million will go to Massachusetts workers, and the additional spending of these workers alone (the induced effect) will generate \$3.6 million in new sales in the Commonwealth.



**Table 3.10:** Summary Economic Impacts: Center Participants

|                     | FTE<br>EMPLOYMENT | LABOR<br>INCOME    | OUTPUT<br>(SALES)   |
|---------------------|-------------------|--------------------|---------------------|
| DIRECT EFFECT       | 40.76             | \$4,042,180        | \$5,695,769         |
| INDIRECT EFFECT     | 8.41              | \$581,201          | \$1,169,932         |
| INDUCED EFFECT      | 23.37             | \$1,379,563        | \$3,565,305         |
| <b>TOTAL EFFECT</b> | <b>72.53</b>      | <b>\$6,002,944</b> | <b>\$10,431,006</b> |

Note that while we provide these estimates for participants at equestrian events, we do not provide a comparable analysis of spending of participants at other events. The non-equine events held at equestrian facilities vary greatly: dog-shows, tractor-pulls, and agricultural fairs, just to name a few of the possibilities. There are simply far too many options to develop an accurate spending profile for participants at these venues. This means that our figures will be underestimates, but by how much we do not know. The downward bias may end-up being rather small considering that there are relatively few non-equestrian events on the hypothetical calendar. It is also likely that participants of horse shows and competitions spend far more money than other event participants, who do not normally have to cover the cost of feeding and care of a large animal.

#### IMPACTS FROM CENTER VISITOR SPENDING

The final component is the spending on the (human) participants and other event spectators. For the sake of brevity, we will refer to these as visitor impacts. We developed a profile of the typical spending patterns of equestrian center visitors, based on a review of studies of existing centers elsewhere in the county. Overall, the expenditure patterns of horse park visitors look a lot like the non-wager spending of racing spectators. Horse park visitors spend an average of \$109 per day, with lodging, food/restaurants, retail purchases, and travel services being the largest expenditure categories. We were not able to develop separate estimates for non-equestrian event visitors, but assume they follow a similar expenditure profile as those attending equestrian events.

We also used these studies to develop daily attendance rates for both equestrian and non-equestrian events. The average daily attendance for equestrian events was 2,221 visitors (including event participants). The average daily attendance for non-equestrian events held at existing centers was 1,211. Considering the number of hypothetical event days, we estimate the total annual out-of-state attendance at equestrian events (of all types) at 78,287 unique visitors per year. To put this in context, a recent study of the economic impact of the Kentucky Horse Park estimated the number of unique equine event visitors at 93,992. Attendance of roughly 80,000 visitors per year seems reasonable, given that we assuming fewer events at our prospective facility (70 equestrian events for MA, and roughly 90 for Kentucky). We also assume that larger events draw a relatively larger share of its visitors from out-of-state. Based on studies that use both license plate and visitor surveys at other centers, we assume that major events draw 80 percent of participants from out-of-state, moderate events draw 45 percent, and minor events only 5 percent. We assume that 20 percent of the visitors for non-equestrian events are from out-of-state, a number reported in a 2001 study of

the Virginia Horse Center. We estimate that there will be 21,201 attendees at non-equestrian events throughout the year, 4,240 of whom will be from out-of-state.

Multiplying our estimates of daily expenditures with our estimate of 82,527 daily event attendees produces an estimate of just over \$9 million in total visitor expenditures per year. Some of this spending will take place outside of Massachusetts. Using standard local spending averages provided within IMPLAN, we estimate that out-of-state visitors will spend roughly \$7.3 million per year in Massachusetts while attending events at the equestrian center. This additional revenue will produce roughly \$12.9 million in total new spending and 137 new FTE jobs in the Commonwealth each year (Table 3.11).

**Table 3.11:** Summary Economic Impacts: Center Visitor Spending

|                     | FTE<br>EMPLOYMENT | LABOR<br>INCOME    | OUTPUT<br>(SALES)   |
|---------------------|-------------------|--------------------|---------------------|
| DIRECT EFFECT       | 102.47            | \$3,472,898        | \$7,259,778         |
| INDIRECT EFFECT     | 12.26             | \$869,602          | \$2,281,454         |
| INDUCED EFFECT      | 21.92             | \$1,294,234        | \$3,345,279         |
| <b>TOTAL EFFECT</b> | <b>136.65</b>     | <b>\$5,636,734</b> | <b>\$12,886,510</b> |

### THOROUGHBRED HORSE RETIREMENT FARM

The third and final component of our economic impact model considers impacts from the operations of a retirement and retraining farm for Thoroughbred racehorses. Although there are no formal studies of the economic impact of such farms to use as a guide, we were able consult with the founder and current president of Old Friends Thoroughbred Retirement Farms. We used financial and operational data from Old Friends to estimate the economic impacts of a similar type of facility in Massachusetts.

Old Friends is a 501(c)(3) non-profit organization that operates two Thoroughbred retirement centers: one in Georgetown, KY and a second, smaller, facility in Saratoga, NY. In 2015, Old Friends also acquired a satellite facility along the Kentucky/Tennessee border. Together these facilities are home to roughly 150 rescued and retired Thoroughbreds. Revenues come entirely from donations, grants, sales at its gift shop, and private support. The larger Kentucky facility has also become a popular tourist destination, attracting roughly 20,000 visitors per year.

We assume that the proposed Massachusetts retirement farm will follow a similar revenue model where operational costs come entirely from out-of-state contributions. We further assume that the facility will house 40 Thoroughbreds on site, although the actual number will depend upon site-specific considerations that are yet to be determined. A 40-horse farm is considerably smaller than the Kentucky farm, with roughly 120 horses in residence, but it is larger than that of Saratoga, which has closer to 20. We cannot predict how many of these horses will be from out-of-state, but

it is a fair assumption that without such a facility in the state, these horses would have to be cared for elsewhere.

At this level, we estimate that the Massachusetts facility will spend slightly more than \$325,000 on operations, including all horse-related expenditures (Table 3.12). We also assume that the Massachusetts Farm will draw roughly 7,000 visitors per year, of which 20 percent will be from outside of the state. The spending profile of these out-of-state visitors will mirror that of other types of tourists who spend roughly \$96 per day on lodging, food and other purchases.

**Table 3.12:** Summary Economic Impacts, 40 Horse Retirement Farm

|                     | FTE<br>EMPLOYMENT | LABOR<br>INCOME  | OUTPUT<br>(SALES) |
|---------------------|-------------------|------------------|-------------------|
| DIRECT EFFECT       | 11.53             | \$265,782        | \$464,406         |
| INDIRECT EFFECT     | 0.49              | \$35,867         | \$91,529          |
| INDUCED EFFECT      | 1.53              | \$90,284         | \$233,238         |
| <b>TOTAL EFFECT</b> | <b>13.55</b>      | <b>\$391,932</b> | <b>\$789,172</b>  |

The combined spending of the Center and its out-of-state visitors is expected to generate roughly \$464,000 dollars in additional sales in the Commonwealth per year. This is enough to provide 11 FTE jobs at industry standard salaries. However, as this type of facility relies greatly on volunteer labor, the actual employment count at the farm may be smaller. Accounting for leakage and multiplier effects, the total economic impact of the retirement farm will be just under \$800,000 per year, enough to sustain 13.5 FTE year-round jobs.

## 4. CONCLUSION

Based on our analysis, it is our conclusion that the creation of a multi-use horse park would provide a significant economic opportunity for the Commonwealth. The following factors were critical in forming this conclusion.

- The creation of a horse park will result in the capture of a significant amount of tourist, recreational, educational, exhibition and service activity not presently found in the Commonwealth. The Massachusetts Horse Park would be far more than a race track: it would be an all-season venue attractive to a wide array of visitors across New England. Indeed, there is no such facility in New England.
- Massachusetts residents, despite a lack of local opportunities, have maintained a significant interest in horse wagering. The horse park would help to capture these funds within the Commonwealth.
- The horse park would capture conference and trade show events that, despite our significant interest in equestrian activities, is largely bypassing the Commonwealth and New England.
- The horse park would expand retail sales for a wide array of Massachusetts based merchants who focus on the sale of equestrian goods and services.
- The horse park would expand our academic research and training in equestrian activities through the potential involvement of equine programs at universities, community colleges, and agricultural vocational high schools.
- Through a local purchasing policy, local farmers would have increased opportunities to sell their produce. It would also bring more acreage, now unproductive, in to active use.
- Through involvement with 4-H and other organizations helping to educate our youth, the horse park would have a first rate facility to meet their needs and interests.
- Through the creation of a retirement home, the owners of older horses will be able to find a caring facility close enough for visiting, and retrain their animals for second and third careers in competitive or therapeutic pursuits.
- Through the creation of riding, hiking and cross country skiing trails, the horse park would stimulate a healthy recreational involvement of its citizens and job opportunities in a multi-season venue.
- The local community would capture additional income through a “Payments in Lieu of Taxes” (PILOT) agreement.
- The creation of a year round Farmer’s Market/Artisanal Market venue would provide the potential for the sale of local produce and products.
- Through the use of modern lodging networks, local homes could gain revenue through boarding opportunities for tourists.
- The horse park will employ green energy principles in order to save costs and reduce its carbon footprint. Its open character suggests extensive opportunities for solar power.
- With the creation of a high end hotel, it will become a destination for weddings and banquets far beyond the racing season.
- It will bring job opportunities to an area in need of economic development.

## 5. COMMUNITY IMPACT CASE STUDIES

In this section of the report, we profile three case studies to help illustrate the types of events that could be offered at a Massachusetts Horse Park. The first, the Rolex Kentucky Three Day Event, is a major national scale competition, one of a handful of premier events on the U.S. equestrian calendar. The second, the New England Dressage Association Fall Festival is more typical of a regional-scale event, primarily drawing participants from the Northeastern United States. The third, the Massachusetts 4-H horse-show, is a statewide event. While it may draw few visitors from outside of the Commonwealth, we include it as a case study to help illustrate how these types of events support agricultural education and heritage.

### ROLEX KENTUCKY THREE-DAY EVENT | LEXINGTON, KY

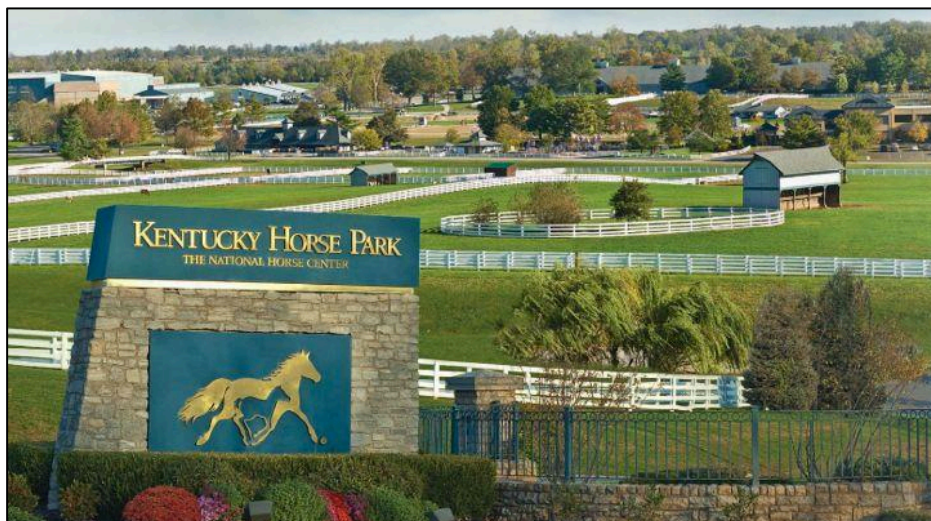
#### HISTORY

The Rolex Kentucky Three-Day Event (RK3DE) is held annually at the Kentucky Horse Park in Lexington, KY (Figure C1, below). The 1,224-acre facility is dedicated to “man’s relationships to horse.” The Kentucky Horse Park opened in 1978; the first World Championships were held there the same year. The event attracted 170,000 spectators, and brought \$4 million to the local economy. It was also broadcast worldwide on



CBS, putting Lexington on the map. The success convinced the American Horse Show Association to ask the event organizers to hold the event annually. In 1979 it was termed the “Kentucky Horse Trials” which was later changed to its current title in 1982, when it was chosen as the initial sponsorship recipient by Rolex Watch U.S.A. The RK3DE held many levels of events in its first decade of operation, including intermediate and preliminary competitions. In the equestrian eventing world, the highest event level rating is CCI\*\*\*\* (the Concours Complet International four-star), as determined by the International Federation for Equestrian Sports (FEI). The RK3DE became the country’s first and the world’s third CCI\*\*\*\* competition in 1998. In 2000, the CCI\*\*\*\* is the event’s only competition, and RK3DE no longer offers any lower level competitions.

**Figure C1:** Kentucky Horse Park (source: kyforward.com)



### EVENTING ACTIVITIES

Although the competition title states “three-day,” the eventing happens over a four-day span. Dressage encompasses the first two days, and focuses on equestrian control, and is considered the most aesthetically pleasing of the disciplines. The cross-country phase is held on the third day, testing equestrian stamina with 30-40 obstacles along an outdoor course, made to simulate the surrounding countryside. The final phase, jumping, tests equestrian fitness on the final day, and is held entirely within an indoor stadium ring (Figure C2). These three events, in combination, extensively test the partnership between the horse and its rider.

**Figure C2:** Stadium Jumping at RK3DE (source: kentuckyworlddequestriangames.com)



## COMMUNITY IMPACT

Lexington is Kentucky's second-largest city, with an estimated population of 310,797 as of 2014, according to the U.S. Census Bureau. Lexington is the center of Kentucky's Bluegrass Region, an area characterized by fertile soil, open pasture land, and active farms. It was the first city in the United States to enact an Urban Growth Boundary, which restricts development and helps to preserve farmlands. Known as the "Horse Capital of the World," it is easy to see that horses and farms are a central part of this community.

Lexington's economy is among the most stable in the country, with a 4.4 percent unemployment rate as of January 2016. Its largest employer is the University of Kentucky, and the city is home to many large corporations, including Xerox, Lexmark International, Lockheed-Martin, IBM, and the J.M. Smucker Company. Unsurprisingly, Lexington is one of the ten well-educated cities in the nation: nearly 40 percent of its residents possess at least a bachelor's degree. The city also hosts many cultural events and fairs, such as the Mayfest Arts Fair, the Festival of the Bluegrass, Festival Latino de Lexington, and "Southern Lights: Spectacular Sights on Holiday Nights" held at the Kentucky Horse Park.

Even a single massive event like the RK3DE can have considerable impact on the community. The RK3DE brings in people from all over the world, who spend a considerable amount of money at area businesses. A 2013 study estimated that the RK3DE's total economic impact on the local economy was \$14.2 million in a four-day span: over \$3.5 million per day. The major impact driver was the money spent by the estimated 35,991 visitors from outside the region, who accounted for 10,600 paid lodging room-nights during the event. Remarkably, approximately 25 percent of visitors enjoyed annual household incomes exceeding \$150,000 per year. Visitors spent an average of \$243.74 per day per person in the local economy. Almost \$4 million of the new money flowing into the region went to area businesses outside of the horse-park, for food transportation, lodging, and equestrian needs.

The Kentucky Horse Park, where RK3DE is held, is about 10 miles outside of Lexington and about 8 miles outside of Georgetown. There were plans in 2010 to put in a hotel on the same I-75 exit as the Kentucky Horse Park, but this has yet to come to fruition. However, the lack of lodging near the horse park has been to the benefit of downtown Lexington, where many RK3DE visitors stay, shop, eat and drink.

**Figure C3:** A view of Lexington in the distance (source: visitlex.com)



Horses are an integral part of Lexington’s social fabric, woven into its, economy, culture, and identity. The RK3DE provides many benefits for people who live within the vicinity, namely the chance to see national and international equestrian celebrities. Tom Elben, a columnist for the *Lexington Herald-Leader*, describes the RK3DE as a bonus of living in Lexington. “It’s a good excuse to get out and walk around on a beautiful day in a beautiful place and see some of the world’s best horses and riders do amazing things” (Elben, 2009). This event is an inspiration for beginner riders who are looking to improve their riding and eventing skills. The possibility to see world-class riders and experience a world class event gives the community an opportunity to display their Kentucky pride and love of all things equestrian. “A major Rolex demographic is little girls who love horses and older girls who are getting good at riding them. They are accompanied by camera-toting fathers, and mothers, many of whom used to be those little girls” (Elben, 2009). The RK3DE is a symbol of the community’s legacy and tradition. It not only brings world-class riders to the community, it also brings the community to the riders.



## FALL FESTIVAL OF DRESSAGE | SAUGERTIES, NY

### HISTORY

The United States Dressage Federation (USDF) was founded in the early 1970s, in order to advance “education, recognition of achievement, and promotion of dressage.” The USDF is divided into nine regions with affiliated local dressage clubs as group member organizations, or GMOs (Figure C4, below). Each region hosts its own annual championship, and the largest of these is in Region 8, which comprises GMOs in New York and New England. Every year, the New England Dressage Association (NEDA) hosts the championship, the Fall Festival of Dressage, at the HITS-on-the-Hudson event center in Saugerties, NY.



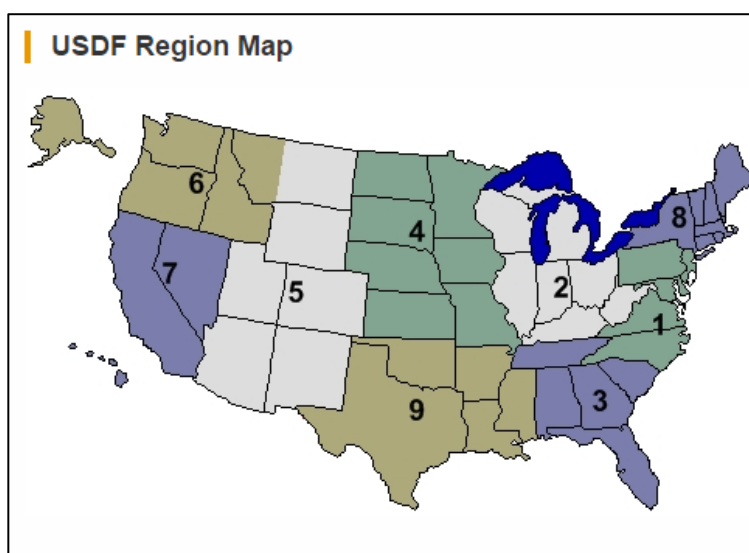
Figure C4: USDF Region Map (Source: [www.usdf.org](http://www.usdf.org))

### THE EVENT

The Fall Festival is held in late September. It is a four-day event, with multiple competitions in skill classes ranging from the Training Level to the Grand Prix. There are about 700 horses competing for the chance to move on to national competitions. The purse for the Fall Festival is \$49,000, and spectator admission is free.

The Region 8 Championship gives the winning riders the chance to compete at the National Dressage Finals at the Kentucky Horse Park in November. This event also supports a National Competition in which many rider levels compete. The NEDA sponsors the Fall Festival Dressage Sweepstakes, the NEDA Adult Amateur Championships, and the NEDA Juniors/Young Rider Championships. The CDI-W Y/J Saugerties International Competition is also held during the Fall Festival, an event recognized by the International Federation for Equestrian Sport (FEI). During this competition, riders and their horse can earn points towards representing their country at the World Games.

The Fall Festival also hosts a major competition for horse breeders and a major equestrian trade fair. The Sport Horse Breed Show is held on Thursday and Friday and offers the New England Sport Horse Breeder’s Futurity Award (\$5,400) to recognize quality sport horse breeders in the



New England area (Figure C5, below). This competition serves as the regional finals of the USDF Breeders Championship New England Series. Lastly, the Equestrian Trade Fair is held all four days of the Fall Festival, supporting artists, horse suppliers, boutiques, and trailers.

### COMMUNITY IMPACT

Saugerties is located in southeastern New York, sandwiched between the Catskill Mountains and the Hudson River. As of the 2010 U.S. Census, its population was 19,482. Although it is a small town, it boasts a colorful history. The town was originally purchased from the Esopus Sachem Tribe in 1677 for a piece of cloth, a shirt, a loaf of bread, and maize.

**Figure C5:** DonarShaun ggf [sic], winner of the 2015 Futurity

The community is extremely proud of its heritage, evident through the preservation of many historical and cultural landmarks, such as the Saugerties Lighthouse, the 1727 Kiersted House, and the Opus 40 environmental sculpture (Figures C6 and C7, below). Industry still has an important role, but there has been substantial growth in tourism in recent years, attracting people from the New York City area and beyond.



Traditionally, Saugerties is not a horse town but rather a blue-collar community that has suffered under a number of major plant closings in the past decades—such as the 1994 closure of a 1,500 job IBM plant in the nearby city of Kingston. The influx of equestrian visitors has been a welcome change. HITS Inc. developed its \$15 million equestrian center along the Hudson River in 2003. HITS-on-the-Hudson now supports about 3,000 horses and 2,200 riders every year between May and September. This center has had a major impact on the economy of Saugerties and its character. A 2011 article in the *New York Times* quotes an area resident and business owner as stating, “When we first came to town, there were a lot of empty stores...and now it feels really vibrant. It’s like having the Hamptons in your backyard.”

It took some trial and error from the local businesses to figure out how best to capture the money of competitors and spectators at the equestrian center. One of the biggest changes to businesses over the summer is the extension of operating hours, in order to utilize the time after competitions end for the day.

**Figure C6:** Downtown Saugerties, NY (Source: discoversaugerties.com)

The last weekend of the dressage season is dedicated to the NEDA Fall Festival. The competition brings in about 700 horses and their riders along with another two to five individuals, often trainers and family members. The biggest effect the Fall Festival has is through the competitors and their retinue, who utilize the hotels, bed and breakfasts, and restaurants. Most of the spectators and participants come from no fewer than 15 to 20 miles outside Saugerties. Economically, for the town, this is an ideal situation. Money is brought in from outside the community, spent at local businesses, and then the people who brought the money leave after the competition. An owner of a local restaurant stated in the NY Times article, “People will say, ‘ugh, the restaurants are so crowded when they’re here...’ but I say, ‘yes, but we get to have that restaurant all year round.’ And if they weren’t here, I don’t know if we would or not.”

**Figure C7:** Saugerties Lighthouse (Source: www.tripadvisor.com)

It is rare for any single event, even one as well attended as the Fall Festival, to have a transformative impact on a community. Rather, it is the cumulative impact from the entire calendar of events that has helped to revive the Saugerties economy. Just about every week or weekend from May to September, there is something happening at HITS-on-the-Hudson,

drawing new visitors to the community. Beyond its immediate impact on Saugerties, the Fall Festival and regional events like it also play an important role in supporting the New England equestrian community. The Fall Festival supports all levels of dressage, from beginner classes to classes that include competitors who have also competed in the Olympics or World Games. The Fall Festival is a time for the entire NEDA community to come together and support their discipline. For them, boosting the town’s economy is a secondary benefit.

## MASSACHUSETTS STATE 4-H HORSE SHOW | NORTHAMPTON, MA

### HISTORY AND BACKGROUND

4-H is the youth development arm of the federal Cooperative Extension Service of 110 land-grant universities utilizing 611,800 volunteers, 3,500 professionals, and 25 million alumni. Its mission is “engaging youth to reach their fullest potential while advancing the field of youth development,” with over 90,000 clubs across the country empowering over six million young people across the country.

The Massachusetts 4-H chapter was founded in 1908 and incorporated in 1956. This year also marked the birth of the 4-H horse project in Massachusetts. It was different from 4-H’s many other livestock programs because it was the first large-scale approach with a recreational intent rather than an economic one.



**Figure C8:** 4-H fosters love and appreciation for other living beings (Source: manukahoneyusa.com)

The programs offered through the Massachusetts 4-H are animal science, which features the horse program; science, engineering, and technology; communications; community service; leadership; as well as other infrequent and smaller programs and projects. The animal science programs focus on companion animals, livestock, poultry, and heritage breeds; a popular

project animal is the horse.

The 4-H horse program is for horse owners as well as horse lovers who do not own a horse. It’s primarily focus is horse care and education. Members compete in areas such as horse judging, hippology, and public speaking. It does not provide in-depth riding instruction; however, 4-H members will sometimes ride their horse as part of the activities. 4-H also sponsors horse shows around the Commonwealth where members of the horse projects can display their riding skills.

### THE EVENT

The annual Massachusetts 4-H State Horse Show is held on the second weekend in September at the Three County Fairgrounds in Northampton, Massachusetts. This fall will be the 38<sup>th</sup> annual show. The show consists of the Horse Lover Division, Model Horse Show, Drill Team Performance, Hunter/Jumper Classes, Showmanship, and more.



**Figure C9:** 4-H member at horse show  
(Source: extension.usu.edu)

This two-day event allows all Massachusetts 4-H members who participate in the horse project to display the talents and skills they have learned throughout the year. It also fosters the connection between peers who share the same interest in horses. By choosing the divisions or classes they wish to participate in, the members are able to highlight their strongest attributes.

Although this show is only open to 4-H members, 4-H hosts other types of horse shows, some of which are open to non-members. Communities and clubs are also able to put on their own horse shows, using a horse show-planning guide developed by 4-H that covers all the aspects of a horse show, from judges to performance rings to prizes.

### COMMUNITY IMPACT

Due to its focus on local talent, events such as the 4-H State Horse Show tend to draw few out-of-state participants. As a result, from a narrow economic impact perspective, they bring little new money into the Commonwealth. However, they play a critically important role in building the equestrian community, which has spillover benefits on entire equine industry in the Commonwealth. A 2013 study by Christiansen Capital Advisors estimates that the thoroughbred equine industry alone contributes \$107 million in revenue to the Massachusetts economy each year, and is directly and indirectly responsible for nearly 1,500 full-time equivalent jobs. But this industry cannot thrive without a community of horse-lovers to support it, and a new generation of enthusiasts to take the mantle in the years ahead. The state horse show is the culmination of the stewardship of the local horse community.

The Massachusetts 4-H State Horse Show also supports an even more important educational mission. Through the horse project, participants learn responsibility and commitment to the project and horse and learn important life and work skills, such as respect for a schedule, fulfilling the needs of others, selflessness, and accountability. In fact, a recent study conducted by researchers at Tufts University's Institute for Applied Research and Development found that 4-H members were more likely to contribute to their communities, become civically active, and more likely to participate in Science, Engineering and Computer Technology programs<sup>3</sup>.

<sup>3</sup> Lerner, RM at al. "The Positive Development of Youth: Comprehensive Findings from the 4-H Study of Positive Youth Development." National 4-H Council. Chevy Chase, MD: 2013.

# *Exhibit 1(f)*

April 23, 2024

Shawn Hayden, Acting President  
GAAMHA, Inc.  
208 Coleman Street  
Gardner, MA 01440

Re: **Letter of Intent – 827 Green Street, Gardner, Massachusetts**

Dear Shawn:

This letter of intent (this “**Letter**”) sets forth the terms upon which Baystate Racing LLC, a Massachusetts limited liability company (“**Buyer**”), is prepared to purchase the fee simple interest in the property described on **Exhibit A** (the “**Property**”) from GAAMHA, Inc., a Massachusetts non-profit corporation (“**Seller**”).

1. **Legal Fees:** Buyer shall assist in defraying Seller’s legal fees in negotiating this potential transaction by paying Seller the non-refundable amount of \$15,000.00 upon the execution of this Letter of Intent.
2. **Purchase Price and Deposit:** The purchase price (the “**Purchase Price**”) for the Property shall be One Million Six Hundred and Seventy-Five Thousand Dollars (\$1,675,000), payable in immediately available funds as follows:
  - (a) \$81,250 shall be paid to the attorney for the Seller as escrow agent (the “**Deposit**”), upon execution of a mutually acceptable Agreement (as defined below); and
  - (b) The balance of the Purchase Price, subject to adjustment as provided in the Agreement, shall be paid to Seller at the Closing (as defined below).
3. **Assignment and Transfer of Rights:** Buyer has or will enter into a Purchase and Sale Agreement (the “**Suitable Property Agreement**”) for the purchase of property located in Gardner, Massachusetts, on to which Seller shall relocate its operations from the Property (the “**Suitable Property**”). Buyer and Seller shall agree on the identification of the Suitable Property (and the terms of the Suitable Property Agreement) within thirty (30) days of the date of the Agreement. At the closing for Buyer’s purchase of the Suitable Property (the “**Suitable Property Closing**”), Seller, or a nominee designated by Seller, shall acquire title to the Suitable Property. Buyer shall assign the Suitable Property Agreement to Seller so that Seller may benefit from any post-closing obligations benefitting Buyer under the Suitable Property Agreement. The Purchase Price paid by Buyer for the Property shall be applied to the purchase of the Suitable Property. Seller shall pay any excess.
4. **Permitting Expenses:** Buyer shall reimburse Seller for up to \$100,000 for services of

architects, engineers, lawyers, and land use professionals to obtain the permits and approvals required for Seller to use the Suitable Property for Seller's intended use. Said sum will be held in escrow by Seller's counsel and released without undue delay to Seller upon submission of professionals' receipts to Buyer and notice by Buyer to Seller's counsel that the funds may be released.

5. **Purchase and Sale Agreement:** The obligation of Buyer and Seller to proceed is subject to the full execution of a mutually acceptable Purchase and Sale Agreement (the "**Agreement**"). Buyer and Seller agree to negotiate in good faith and to execute the Agreement within twenty-one business (21) days following the execution of this Letter. Buyer shall prepare the initial draft of the Agreement. If the parties do not execute an Agreement within such time, this Letter shall terminate and be of no further force or effect, unless the parties agree to an extension in writing. Buyer may assign Buyer's rights in the Agreement without Seller's consent, so long as such assignee uses the Property in a manner not inimical to Buyer's mission, but the right of Seller to acquire the Suitable Property at the Closing shall not be affected. The Agreement and all other requisite documents will incorporate the terms and conditions of this Letter and such other terms and conditions as the parties agree.

The Agreement shall specifically emphasize the importance of the care and treatment of horses in connection with the Equine Center by Buyer.

6. **Inspection Period:**

- (a) **Election to Proceed.** Buyer shall have a period of thirty (30) days (the "**Inspection Period**") to evaluate the legal, title, financial, and physical condition of the Property. The Inspection Period shall commence upon execution of the Agreement. At any time during the Inspection Period, Buyer may, in its sole and absolute discretion, and for any or no reason, elect to proceed or to not proceed with the purchase of the Property by giving written notice to Seller. If Buyer elects not to proceed, or fails to notify Seller that Buyer elects to proceed, then the Agreement shall terminate and the entire Deposit shall be refunded to Buyer. Both parties shall then be released from all further rights, obligations, and liabilities under the Agreement other than any indemnities which expressly state that they survive the termination of the Agreement.

Seller shall have a period of thirty (30) days (the "**Seller Inspection Period**") to evaluate the legal, title, financial, and physical condition of the Suitable Property. The Seller Inspection Period shall commence upon execution of the Agreement. At any time during the Seller Inspection Period, Seller may, in its sole and absolute discretion, and for any or no reason, elect to proceed or to not proceed with the purchase of the Suitable Property by giving written notice to Buyer. If Seller elects



not to proceed, or fails to notify Buyer that Seller elects to proceed, then the Agreement shall terminate and the entire Deposit shall be refunded to Buyer. Both parties shall then be released from all further rights, obligations, and liabilities under the Agreement other than any indemnities which expressly state that they survive the termination of the Agreement.

- (b) **Investigations.** Buyer shall have the right, at Buyer's sole cost and expense, to (i) perform an environmental site assessment of the Property, which may include testing of soil and groundwater for the presence of hazardous materials, (ii) review the title to and survey of the Property, (iii) perform a property condition assessment, and (iv) perform such other due diligence activities as Buyer deems necessary or advisable.
  - (c) **Due Diligence Materials.** Seller shall deliver or cause to be delivered to Buyer within three (3) business days of the execution of the Agreement all due diligence materials requested in writing by Buyer as set forth in the Agreement.
  - (d) **Right of Entry.** During the Inspection Period, and thereafter until the Closing, Buyer and/or its representatives and agents, shall have the right, in coordination with and upon prior notice to Seller, to enter upon the Property at all times deemed reasonable by Seller to conduct surveys, appraisals, engineering tests, inspections, and for such other purposes as Buyer deems reasonably necessary to evaluate the Property.
  - (e) **Suitable Property Investigations.** To the greatest extent possible, Seller shall be afforded the same rights with respect to the Suitable Property as Buyer has with the Property in connection with items (b), (c), and (d) above.
7. **Closing:** The closing (the "**Closing**") shall occur within 30 days after the later to occur of (i) the date Buyer receives a Race Meet License from the Commonwealth of Massachusetts for the Property, and (ii) Seller receives final approval from the Gardner Planning Board for development of the Suitable Property for Seller's intended use of the Suitable Property (the "**Approvals**"). The Closing shall occur prior to, or simultaneously with, the Suitable Property Closing. Seller shall convey to Buyer at the Closing, good and marketable title to the Property subject to no monetary liens or encumbrances of any kind and subject to such non-monetary exceptions as approved in writing by Buyer during the Inspection Period. Seller shall pay (a) the cost of releasing all liens, judgments and other encumbrances that are to be released and for the recording of such releases, and (b) transfer taxes. Each party shall bear its own attorney's fees and other costs shall be apportioned among the parties in a manner customary in Worcester County.
8. **Permitting of Properties:** Buyer's obligation to close on the sale of the Property is contingent on Buyer obtaining a Race Meet License from the Commonwealth of Massachusetts. Buyer agrees to apply for a Race Meet License within sixty (60) days of execution of the Agreement. Seller's obligation to close on the purchase of the Suitable

Property is contingent on Seller final approval from the Gardner Planning Board. Seller agrees to apply for said approval within sixty (60) days of execution of the Agreement.

9. **Representations and Warranties:** The Agreement shall include commercially standard representations and warranties of Seller and Buyer.
10. **Brokerage:** Seller and Buyer represent to each other that they have not dealt with any real estate brokers in connection this transaction.
11. **No Solicitation:** Between the execution of this Letter, and the earlier of (i) the termination of this Letter, (ii) the termination of the Agreement, or (iii) the date of the Closing, Seller agrees that it shall not, nor shall it authorize or permit any of its agents, to offer or seek to offer or entertain or discuss any offer to sell the Property or deal in such regard with any party other than Buyer. In addition, neither Seller nor its representatives shall enter into any agreement or understanding, whether oral or written, that would prevent the consummation of the transaction contemplated by this Letter.
12. **Lease:** At the Closing, Seller shall lease from Buyer the structures located on the Property for the conduct of Seller's current business (the "**Lease**"). The Lease shall (i) have a term of no less than twelve (12) months from the Closing, (ii) obligate Seller to pay all operating expenses, taxes, utilities and repairs associated with said structures, (iii) provide that Buyer shall have no obligations to repair or maintain any portion of said structures, (iv) provide that Seller shall not be required to pay any rent during the term, and (v) provide that Seller shall not interfere with Buyer's use of the Property to design, permit, and construct an equestrian facility to breed, train, race, and retire thoroughbred horses so long as Buyer's use does not unreasonably interfere with Seller's rights under the Lease.
13. **Expiration of Proposal:** The proposal contained in this Letter will expire at 5:00 p.m. on April 26, 2024. Acceptance by Seller shall be evidenced by the signature of an authorized representative on this Letter and provided to Buyer before such expiration. This Letter may be signed in counterparts, all of which taken together shall constitute one document.


[SIGNATURE PAGE FOLLOWS]

**Exhibit A**

Approximately 115 acres of land and the improvements thereon located off of Green Street in Gardner, Massachusetts and designated as tax parcel R42-21-1. The Property is more particularly described in a Deed recorded with the Worcester District Registry of Deeds in Book 63792, Page 211.

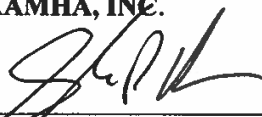
Please indicate Seller's acceptance of the terms and conditions of this Letter by signing in the space provided below.

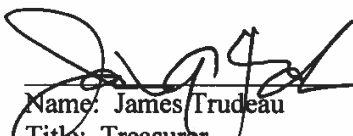
**BAYSTATE RACING, LLC**

BY:   
Name: Sagi A. Genger  
Title: Manager

Agreed to and accepted by:

**GAAMHA, INC.**

  
Name: Shawn P. Hayden  
Title: Acting CEO/President

  
Name: James Trudeau  
Title: Treasurer

Date: April 27, 2024

# *Exhibit 2*

208 Coleman Street  
 Gardner, MA 01440  
 P: 978-632-0934  
 F: 978-630-3337



I/DD Services  
 SUD Services  
 Transit Services  
[www.gaamha.org](http://www.gaamha.org)

May 14, 2024

Elizabeth J. Kazinskas  
 Council President  
 Gardner City Council  
 95 Pleasant St. Room 121  
 Gardner, MA 01440

Dear Madam President,

I am writing to you today in support of the application submitted to the City Council by Bay State Racing, and to provide additional context around GAAMHA's interest in this matter.

As you are likely aware, Bay State Racing's proposal includes their intent to acquire the property owned by GAAMHA located at 827 Green St. This farm property is currently home to The Carl E. Dahl House at Evergreen Grove and R.O.O.T.S. at Evergreen Grove, both of which are programs operated by our agency. Both Dahl House and ROOTS represent incredibly unique and successful programs that are without peers in the world of substance use and mental health due to their innovative approach, and because they are both specifically designed to serve people with financial barriers to the quality of care that we offer. Since the day we opened in November of 2021, not one participant in our care has paid a single penny to take part. GAAMHA's ability to sustain this industry leading care relies heavily on fundraising through donations, grants, and a dedicated team of passionate individuals who are employed within these programs and throughout our agency. Over 50 rescued and endangered livestock animals also call our farm home, and the costs to feed and care for these amazing creatures continue to increase each year.

For the past three years I have been inspired by calls from around the country from clinical professionals looking at our work here in Gardner as a model they wish to replicate in their own regions. At this moment, providers in both Oregon and Ohio are planning to visit our farm in Gardner in 2024 to study and learn from our groundbreaking work. Evergreen Grove has been used as the site for clinical research projects for graduate students from Fitchburg State University and from the University of Pennsylvania School of Veterinary Medicine. We've even played host to Jim Wahlberg and Wahl St. Productions who have captured interviews and footage of families impacted by substance use. Later this month, a team of academic professionals from the University of Denver, University of New Hampshire, Tufts Veterinary School, Green Chimneys School in NY, and The Land at Hillside Farms in PA will be visiting the farm to study our work. In August of this year, we expect to make global news in the equine world with the birth of two Newfoundland Ponies. This critically endangered breed typically only sees an average of 10 births each year worldwide, and our farm is home to the largest herd of Newfoundland Ponies in the United States. To have two births occur on one small farm is virtually unprecedented. As proud as we are of the accolades our work gets, and the attention it brings to the Greater Gardner Community, I am equally concerned as I look to the future.

The demand for our unique approach to care is overwhelming. Wait lists to enroll in our programs continue to expand beyond our grasp, and the prospect of being able to generate enough revenue to expand our facilities and programming is daunting.

GAAMHA is a 501(c)3 Non-Profit Charitable Organization  
 We are proud to be W/NPO (Woman Non-Profit Organization) certified agency.

208 Coleman Street  
 Gardner, MA 01440  
 P: 978-632-0934  
 F: 978-630-3337



I/DD Services  
 SUD Services  
 Transit Services  
[www.gaamha.org](http://www.gaamha.org)

This is where GAAMHA's goals of expansion and sustainability, and Bay State Racing's plan intersect. Bay State and GAAMHA have signed a Letter of Intent that would allow us to move our program just a short distance down Route 140 and build the facility of our dreams. The agreement includes not only the sale of our property to Bay State, but also a multi-million-dollar donation to our organization to facilitate the construction of a larger farm program. Our plan would be to expand the Carl E. Dahl House residential program from 16 to 24 beds and increase capacity by 50%. The new residence would also include a community meeting space where we could host training and other events to share our work with more members of the local community, and welcome visitors from all over to our great city. The ROOTS program, which currently operates out of a tiny modular trailer, would now be housed in a large and permanent facility that would create space to work with our animals in an indoor arena and remove our current barrier to serving more local youth. We currently perform all this work outside, which means for most of the year daylight and weather severely limit the hours available to host sessions with young people starving for a way to address mental health and substance use challenges in a setting that the genuinely enjoy and look forward to attending.

This letter is by no means a wholesale endorsement of horse racing, or the horse racing industry, which has had many challenges in its past. However, I can tell you that Bay State Racing has committed to adhering to the highest standards of animal ethics in their industry. Bay State has made this commitment not only verbally, but in writing as part of our agreement. GAAMHA's Board of Directors has met extensively with representatives from Bay State and insisted that this caveat be a part of our as part of our overarching agreement. To their credit, Bay State did not hesitate to make this commitment.

While Bay State's proposed operation would have obvious financial benefits to Gardner, so too would GAAMHA's expanded programming that would result. Over 50 clinical, support, and agricultural employees would come to Gardner each day to work, eat, and shop. Visitors from around Massachusetts and the entire country would get to enjoy all that Gardner has to offer when they travel to visit family in our programs or collaborate professionally with our teams.

Most importantly, this rare opportunity would increase the scope and quality of impact we have on the people we serve and help sustain our organization for decades to come. It is my sincere hope that you, and the entire City Council, will include these factors as you consider the proposal before you from Bay State Racing. Please feel free to contact me should you have any questions or would like any additional information.

Sincerely,

Shawn P. Hayden, LADC-II  
 President/CEO  
[shayden@gaamha.org](mailto:shayden@gaamha.org)

GAAMHA is a 501(c)3 Non-Profit Charitable Organization  
 We are proud to be W/NPO (Woman Non-Profit Organization) certified agency.

# *Exhibit 3*





City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

June 13, 2024

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

RE: Letter of Support and Mayoral Approval – Request by Bay State Racing to Site a Track for the Purposes of Racing at 827 Green Street

Dear Madam President and Councilors,

On April 30<sup>th</sup>, 2024, my office received notification that GAAMHA, Inc. had entered into a letter of intent with Bay State Racing, LLC to sell the land located at 827 Green Street (commonly referred to as the Carl Dahl House, Andrews Park, LeBlanc Farm, Evergreen Grove, etc.). Included in this notification was a request to site a thoroughbred horse racing track at the site.

Under the General Laws of the Commonwealth, in order for this to occur, **both** the City Council and the Mayor must agree and approve of the measure. There are very few items within the General Laws that prohibit the City Council from overriding a mayoral veto of an item (“mayoral disapproval” as listed in Section 30 of the City Charter of the City of Gardner).

In order to determine whether mayoral approval was merited on this matter, I forwarded this item to the Law Department for review, for which Attorney Vincent Pusateri, Assistant City Solicitor, took charge of.

Based on a review of the legal analysis and research performed by Attorney Pusateri (which has been included in the packet of information for the City Council) and the following reasons, I am writing to inform you that I will **not** be issuing a Mayoral Veto/Mayoral Disapproval on this measure if passed by the City Council, and will sign the measure, pursuant to Section 30 of the City Charter of the City of Gardner.

**Referral to the Law Department:**

Attorney Pusateri conducted an extremely thorough analysis into the matter and concluded the following:

Under the General Laws of the Commonwealth the proposed use is exempt from Zoning requirements. As such, the only oversight that the City would have before any work is done at the site is this vote by the City Council- and site plan reviews by the Conservation Commission and the Planning Board. However, the work done by the Planning Board and the Conservation Commission are not items that can “stop” or prohibit the project from happening but only layout approvals based on their respective jurisdictions.

Letter Re: Item #11317

Page 1 of 4

Since the General Laws of the Commonwealth exempt this use from Zoning – negating any requirements for special permits, zoning relief, approval hearings before the Planning Board or Zoning Board of Appeals, etc. – the only real authority that the Executive Branch agencies, departments, or commissions can do is regulate the layout of the facility, but not its existence in the City.

**Continued Oversight:**

While our initial oversight jurisdiction is very limited due to these statutory exemptions, there are still many ways in which this business would be regulated and public input annually obtained to ensure that the business is operating to **best industry standards** in the City.

If this vote is approved by the City Council, following mayoral signature, the application then moves to the Commonwealth’s Gaming Commission. The Gaming Commission is then statutorily required to conduct their own public hearing within the City to determine whether or not to issue final approval for the **annual** gaming license for this business.

Since this is an **annual** license, the Gaming Commission would then be required, by law, to conduct a public hearing within the City each and every year that the track would be in continued operation within the City. This gives the City and its residents a yearly opportunity to address any concerns or questions regarding the track and its operations.

Additionally, while the General Laws prohibit the City from placing any conditions on the approval to race at the site, the Gaming Commission has full authority to issue any conditions, regulations, restrictions, etc. that they chose to, based on the input and evidence received at their public hearing.

As such, it is the opinion of the Administration that this annual public hearing best protects the City moving forward and allows the City to voice any concerns directly to the regulatory agency overseeing this operation.

Furthermore, per the Host Community Agreement (HCA) that would have to be entered into between Bay State Racing and the City, the mayor would also have one (1) appointee to the business’s oversight committee. This is similar to how the Mayor currently has an appointment to members of the Boards of Directors of the Gardner Community Action Committee (CAC), Golden Agers Club, and Gardner Square Two, Inc., based on the bylaws of these various organizations. This provides additional oversight by the City throughout the year, before and after the Gaming Commission hearings take place.

Lastly, the business would also be required to annually submit reports on their operations to the City Council and the Mayor to ensure that the City is fully aware of everything going on with this location.

**Protection and Proper Treatment of Horses:**

Similar to the way the General Laws remove local jurisdiction from the initial approvals for this application, Federal and State Laws also remove jurisdiction of the care of the animals housed on site from the City's Animal Control Officers to a larger series of regulations to protect the animals.

In 2020, President Biden signed the Horseracing Integrity and Safety Act (HISA) into law. This federal law severely regulates the keeping of thoroughbred horses and horse racing tracks under the United States Department of Agriculture and the Federal Trade Commission (FTC).

Additionally, the General Laws of the Commonwealth give the American Society for the Prevention of Cruelty to Animals (ASPCA) the authority to inspect the facility at any moment in order to ensure the proper treatment and care of the animals is being performed on a daily basis.

Lastly, the Gaming Commission has their own set of regulations regarding the treatment and care of the horses on site, that must be proven to be met as a condition of the annual license application that must be submitted by the business, in order to continue operations as a horse track.

Due to all of these reasons, it is the opinion of the Administration that the animals kept on site would be kept to a healthy and safe standard with several layers of severe regulations to ensure that this standard is maintained.

**Financial Benefit:**

The City also has a large financial benefit from this operation if approved as well.

When the City Council voted to adopt the local option meals and hotels taxes in May of 2024, I stated the following:

*"The FY2025 Budget proposal had \$13,088,995.23 cut from what department heads had requested due to the City's financial constraints. While there is no way these proposals would cover that difference, it does help increase the City's revenue streams in a way that does not overly burden the taxpayers in the City of Gardner. We continue to increase property taxes every fiscal year, but there is only so much that can be done with this with the financial constraints our residents are already paying and dealing with."*  
(City Council Informal Meeting, May 6, 2024, Items #11232 & 11233)

This is the opinion of the Administration with this item as well. If we do not continue to find ways to grow the City's revenue streams, we simply will be left behind in a place where we just cannot afford to continue to provide the services that our residents require at the quality that they deserve.

This proposal would provide approximately **\$500,000** a year to the city in new revenue. This is an amount almost equivalent to the new meals tax revenue the City is projected to receive.

To further illustrate this, the FY2025 Budget that was adopted by the City Council as their meeting of June 3, 2024, included a full two and one half percent (2.5%) increase in property taxes as allowed under the provisions of Proposition 2 ½. This increase in property taxes to fund the FY2025 budget equated to \$820,677.88.

This proposal would almost bring in new revenue in an amount **almost equal to a full year of new taxes**, thus further alleviating the property tax burden we place on our residents and businesses in the City.

In addition to this anticipated annual revenue, the Host Community Agreement would also require that the business to reimburse the City for all costs associated with Police, Fire, and Emergency Medical Services associated with the site.

**Economic Benefit:**

This proposal also furthers the continued business growth and investment that the City has been seeing over the course of the last four (4) years.

The applicant has informed the City that this project, if approved, would create **twenty-five (25) full-time jobs** and **over one hundred (100+) seasonal jobs** when races are held.

With Gardner's population growing by over ten percent (10%) in recent years, we need jobs that our residents can work and live in our community.

**Notification of Approval:**

As such, due to all of the above and the full legal analysis on the proposal that as done by the Law Department, it is the opinion of the Administration that this proposal is in the best interest of the City.

As such, it is my intention as Mayor to sign and approve the vote, if passed by the City Council, to allow this project to move forward.

Respectfully submitted,



Michael J. Nicholson  
Mayor, City of Gardner

# *Exhibit 4*

# CITY OF GARDNER LAW DEPARTMENT

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City Solicitor

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Solicitor



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June 13, 2024

**VIA EMAIL: [ekazinskas@gardner-ma.gov](mailto:ekazinskas@gardner-ma.gov)**

President Elizabeth J. Kazinskas  
City Council  
95 Pleasant Street  
Gardner, MA 01440

**RE: 827 Green Street, Gardner, MA 01440  
Bay State Application for Horse Racetrack**

Dear Council President Kazinskas,

I have been requested to render an opinion as to whether the City Council has jurisdiction to vote on Baystate Racing, LLC's (hereinafter "Baystate") application to site a racetrack for pari-mutuel betting at the property located at 827 Green Street, Gardner, MA 01440. I have also been requested to provide an opinion as to whether the City Council must take a vote on the matter. Finally, I have been requested to evaluate the proposed location and identify what, if any, legal impediments make it impossible to site a racetrack at the location and discuss legal issues with this use. I have concluded that the City Council does have jurisdiction, must hear the application and there are no legal impediments that may make it impossible to site a racetrack.

### **FACTS AND PROCEDURAL HISTORY**

On December 6, 1954, Matter #1001 appeared on the City Council Agenda. Exhibit A. Matter #1001 concerned an application made by Gardner Raceway, Inc., which sought permission to establish a “harness racing track” in accordance with the provisions of M.G.L. c. 128A. This proposed harness racing track was sought to be located at Route 140 (Green Steet) on the site of Andrews Park. At that time, City Council voted to refer this to the City Solicitor and to hold a public meeting if the City Solicitor deemed it “necessary.”

On December 20, 1954, Matter #1001 appeared before the City Council for a public hearing. Exhibit B. At that time the applicant was represented by Attorney J. Philip Howard of 60 Pleasant St. in Gardner Massachusetts. Attorney Howard expressed his understanding of the statute by indicating that the only question before the City Council was approval of the location. *Id.*

At the close of the public hearing, a motion was made to grant the application for the location on Route 140, Green Street, on the site of Andrews Park, for so-called “harness racing.” This measure passed by a rollcall vote with six yeas and five nays. *Id.*

On January 3, 1955, Matter #1001 appeared on the agenda when a correspondence from the Mayor was placed on file. The correspondence provided that the Mayor could neither “approve nor disapprove” of the relative location of the track for harness racing. Exhibit C.

On July 18, 1955, Matter #1290 appeared on the City Council agenda. This matter sought to refer to the City Solicitor an opinion after the City received a request by Gardner Raceway, Inc. Gardner Raceway, Inc. sought to place on the next regular City election ballot, approval of a location on the easterly side of Route 140 on Green Street for a pari-mutuel betting for licensed horse racing. Matter #1290 sought an opinion from the City Solicitor as to the proper procedural process of the same. Exhibit D.

On August 15, 1955, Matter #1290 was before the City Council. There was a motion to have a letter from Gardner Raceway, Inc. be read. That motion did not carry as the vote was tied, 5 to 5, and therefore defeated. After this motion was defeated, a motion was made for the City Solicitor's opinion be accepted. This motion passed 8 to 2. Exhibit E.

The City Solicitor indicated that Section 49 of the City Charter may not be used to propose this measure to the voting public, for various reasons.<sup>1</sup> The City Council voted to reject the opinion of the City Solicitor and then voted 8 to 2, to place the question on the ballot at the next regular City election. *Id.*

On October 3, 1955, Matter #1384 was before the City Council to place the aforementioned question on the ballot for the City election occurring on November 8, 1955. Exhibit F.

On November 8, 1955, the election occurred, and the measure did not pass. There was a total of 10,082 registered voters. 2,185 people voted in favor of the measure and 5,609 people voted against. 587 people did not vote either way. A total of 8,381 people appeared at the election to cast ballots. Exhibit G.

### THE LAW

In Massachusetts, the Court has held that, with respect to racing authorized by G.L. 128A, the legislature in enacting this section intended to take away from cities and towns most of

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<sup>1</sup> SECTION 49. The city council may of its own motion, and shall upon request of the school committee in case of a measure originating with that committee and pertaining to the affairs under its administration, submit to a vote of the registered voters of the city for adoption or rejection at a regular or special city election any proposed measure, or a proposition for the annulment, repeal or amendment of any measure, in the same manner and with the same force and effect as are hereby provided for submission on petition. ("such measure or part thereof shall forthwith become null and void unless a majority of the qualified voters voting on the same at such election shall vote in favor thereof." City Charter § 46.)

SECTION 51. The ballots used in voting upon such proposed measure shall state the nature of the measure in terms sufficient to show the substance thereof. No measure shall go into effect unless it receives the affirmative votes of at least a third of the whole number of registered voters.



authority which they formerly had possessed under G.L. c. 271, § 33<sup>2</sup>, *which thereafter was applicable only so far as it provided for approval of location of track. North Shore Corp. v. Selectmen of Topsfield*, 322 Mass. 413, 77 N.E.2d 774, (1948). *Emphasis supplied*. The Court went on to hold that G.L. c. 128 A § 13A<sup>3</sup> “must be construed to mean that when the location of a racetrack has been ‘once approved’ by the local authorities their jurisdiction is exhausted.” *Id.* at 417. Further, the Court held that “[i]t is not reasonable to suppose that the Legislature intended that, once there had been an approval by the local authorities, they were to have the power to revoke their approval and thereby deprive the commission of its jurisdiction.” *Id.* at 417-418.

Neither the 1954 nor the 1955 vote has any legal effect. The Solicitor at the time was correct that the vote of December 20, 1954 was not approved by the Mayor and therefore, the measure did not pass. This is because the statutory criteria requires both approval by the City Council and the Mayor.

The vote of November 8, 1955 has no binding effect on the current Council and Mayor either. The issue is one of jurisdiction. (Subsequent votes were invalid because “once approved”

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<sup>2</sup> G.L. c. 271 § 33 provided and continues to provide, in pertinent part:

“No land within a town shall be laid out or used as a race ground or trotting park without the previous consent of and location by the mayor and city council, the town council in a town having a town council or the selectmen in any other town, who may regulate and alter the terms and conditions under which the same shall be laid out, used or continued in use and may discontinue the same when in their judgment the public good so requires; ...” G.L. c. 271, § 33. Exhibit H.

<sup>3</sup> M.G.L. c. 128A, § 13A provided in 1954, in pertinent part that: “[N]o license shall be granted by the commission for a racing meeting unless the location of the racetrack where such meeting is to be held or conducted has been once approved by the mayor and alderman ... as provided by [G.L. c. 271 §33]. G.L. c. 128A, § 13A Acts 1935, 454, § 8. *Emphasis supplied*. See the attached collection of Acts and Resolves amending predating 1954. G.L. 128 A § 13A. Exhibit H.

G.L. c. 128A § 13A currently provides:

“The provisions of ... sections ... thirty-three...of chapter two hundred and seventy-one...shall not apply to race tracks or racing meetings laid out and conducted by licensees under this chapter or to animals eligible to race at such meetings; except that no license shall be granted by the commission for a racing meeting in any city...unless the location of the race track where such meeting is to be held or conducted has been once approved by the mayor and city council ... as provided by said section thirty-three of said chapter two hundred and seventy-one, after a public hearing, seven days’ notice of the time and place of which hearing shall have been given by posting in a conspicuous public place in such city or town and by publication in a newspaper published in such city or town, if there is any published therein...” G.L. c. 128A, § 13A.

the City would exhaust its jurisdiction. *North Shore Corp. v. Selectmen of Topsfield*, 322 Mass. 413, 416 (1948)). There is no provision that I have located that would support the proposition that once a location was rejected, a parcel could not be presented again for the consideration as to the location of a track.

### **CURRENT PROPOSAL**

On April 30, 2024, Bay State Park submitted a request to the City Council to schedule a public hearing in accordance with M.G.L c. 128A, § 13A to consider 827 Green Street, Gardner MA as the location for a racetrack meet license. Exhibit I.<sup>4</sup>

During my review of this matter, I have been advised that the proposal is to open as an “Equine Center” providing for the breeding, housing, riding, showing, studying, treatment, training, retirement, and racing of horses and other equestrian and agricultural related uses such as wagering on horse races. These races will be broadcasted so that others not on the site may wager on the races occurring at the Equine Center.

The applicant plans to construct a one-mile-long grass track and grandstand in the northwest portion of the property. The proposal includes paddocks and facilities for training and riding. The existing track will not be altered, or in the alternative, will be torn up so that the area it occupies can be put to a different use. The current parking area and any new parking areas will be made of pervious material. There will be residence for a grounds keeper and an assistant grounds keeper. There are currently two barns that have 43 stalls which will be renovated. Other activities will be occurring on the site, including educational programs in partnership with Mount

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<sup>4</sup> PowerPoint enclosed in the letter was not included in Exhibit I as it was revised.

Wachusett Community College, farmers' markets, and fairs. All waste material will be stored in covered containers and removed via trucks from the site.

### **ANALYSIS**

I have found no provision in the law that would directly command that an application made pursuant to M.G.L. c. 128 A § 13A, be required to be placed on the City Council Agenda. For example, § 606-2 of the City Code provides “the City Council shall consider the issuance of the license requested” when setting out the procedure to obtain a Class 3 License. City Code § 606-2. M.G.L. c 128 A § 13A does not contain such a command. However, the request submitted on April 30, 2024, was addressed to the City Council pursuant to a specific statutory grant of jurisdiction. Therefore, the April 30, 2024 letter requesting a hearing by the applicant would present a “question coming before” the Council and thereby giving each Councilor the right to vote on the same. City Charter Section 24.<sup>5</sup>

It is therefore my conclusion that the City Council does have the jurisdiction to hear Baystate’s application as to the location of a track for licensed horse race, and that each Councilor would have the right to vote on 1) whether or not there would be a hearing pursuant to M.G.L c. 128A §13A and if so scheduled; and 2) whether 827 Green Street is an appropriate location for horseracing pursuant to M.G.L. c. 128A.

### **NO KNOWN LEGAL IMPEDIMENT**

I have examined the title of the property and the history of the property. Exhibit J. The property has a documented history of being used as a horse racing track. The property is not owned

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<sup>5</sup> SECTION 24. Except as provided in this section, the legislative powers of the city council may be exercised as provided by ordinance or rule adopted by it.

1. Except as otherwise provided in this act, every member of the council shall have the right to vote on any question coming before it. A majority of the council shall constitute a quorum, and the affirmative vote of a majority of all the members of the council shall be necessary to adopt any motion, resolution or ordinance.

by the applicant, but the applicant has submitted a letter of intent to purchase the property from the owner. There is a Letter of Intent confirming the intention of the parties to enter into a transaction wherein GAAMHA would sell to Baystate the property located at 827 Green Street. I have reviewed a letter by GAAMHA in support of this application. The applicant advises that they are in the process of negotiating a conditional Purchase and Sale Agreement. I am convinced that both parties are committed to this transaction.

The Building Commissioner, the Conservation Agent, and the Commissioner of Public Works have reviewed this proposal. There are no known impediments to the proposed use that cannot be addressed by the applicant.

The Building Commissioner and I have reviewed the agricultural use and determined that the wagging on the site would be permitted, as either an Exempt Agricultural Use, or as a use incidental to an Exempt Agricultural Use.

Title XIX of the Massachusetts General Laws, entitled “Agriculture and Conservation” is set forth in Chapters 128-132B. This is a comprehensive statutory scheme intended to promote agriculture throughout the Commonwealth. The intent of M.G.L. c. 128 is to in part, empower the Department of Agricultural Resource to “promote, develop and encourage ... the breeding of thoroughbred horses in the commonwealth by offering cash prizes ... in the following manner: ... set the percentages for bonuses to be awarded ... of the purse monies won by said thoroughbred horse.” M.G.L. c. 128 § 2(g). According to the Department’s website, the purpose of the Department is to “keep Massachusetts agriculture economically and environmentally sound.”<sup>6</sup>

To this end, the Commonwealth set out to prevent the mischief of cities and towns from interfering with the agricultural economy. In order to do so, the Commonwealth passed an Act

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<sup>6</sup> <https://www.mass.gov/orgs/massachusetts-department-of-agricultural-resources>.

entitled “Protecting Massachusetts Farming Operations” in the Acts and Resolves of 1989 Chapter 590. This amended M.G.L. c. 40 A § 3 to protect these preferred agricultural uses from local zoning control. Currently, M.G.L. c. 40 A § 3 provides:

“nor shall any ... ordinance ... prohibit, unreasonably regulate, or require a special permit for the use of land for the primary purpose of *commercial agriculture*, ... nor prohibit, unreasonably regulate or require a special permit for the use, expansion, reconstruction or construction of structures thereon for the primary purpose of *commercial agriculture*, ... For the purposes of this section, the term “agriculture” shall be as defined in section 1A of chapter 128, ...”

*Id.* Emphasis supplied.

Agriculture is defined in Title XIX to include “the raising of livestock including horses, the keeping of horses as a commercial enterprise.” M.G.L. c. 128, § 1A. The commercial enterprise contemplated by the definition of agriculture includes wagering on horse races as the provision of the commercial activity is specifically addressed in the next succeeding section, M.G.L. c. 128 § 2. The statute empowers the Department of Agriculture to promote, develop, and encourage Massachusetts Thoroughbred Breeding Program through the payment of purses to breeders of horses under certain terms and condition that contemplate wagering. The relevant section of the

statute is set out in the margin.<sup>7</sup> These conditions include the registration of horses in the Jockey Club.<sup>8</sup>

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<sup>7</sup> [p]romote, develop and encourage through the Massachusetts Thoroughbred Breeding Program, the breeding of thoroughbred horses in the commonwealth by offering cash prizes to breeders of such horses in the following manner: the Massachusetts Thoroughbred Breeders Association, Inc. shall from time to time in consultation with the chairman of the racing commission and the program manager for the equine division in the department of agriculture set the percentages for bonuses to be awarded to the breeder of a Massachusetts bred thoroughbred horse, of the purse monies won by said thoroughbred horse in any pari-mutuel running horse race if said horse finishes first, second or third; the percentage for a cash prize to the owner of the stallion, at the time of service to the dam of such purse winner; provided, however, that (i) the stallion stood the breeding season of February through June in the commonwealth, (ii) the horse finishes first, second or third, and (iii) said stallion is registered with the department of food and agriculture; the percentage for a cash prize for the purse monies won by said thoroughbred horse in any unrestricted or restricted pari-mutuel running horse race held within or outside of the commonwealth to the owner of a Massachusetts bred horse if said horse finishes first, second, or third.

The Massachusetts Thoroughbred Breeders Association, Inc. is further authorized to pay cash purses for stakes races to be limited to Massachusetts bred thoroughbred racehorses from the Massachusetts thoroughbred breeding program at licensed pari-mutuel race meetings authorized by the state racing commission. Such races may be betting or non-betting races and may or may not be scheduled races by the licensee conducting the racing meeting. Purse monies paid by the association under this section may be in such amounts as the association shall determine and may be the sole cash purse for such races or may be supplemental to the cash purses established by the licensee; provided, however, that no person, partnership, corporation or group of persons may receive more than five thousand dollars as a cash prize breeder's award from the association for an individual horse race within the commonwealth.

No person shall be eligible for the prizes provided herein unless the following standards are met:

(1) The foal of a thoroughbred mare that drops said foal in the commonwealth and is bred back to the Massachusetts registered stallion shall be Massachusetts bred; or

(2) The foal of a thoroughbred mare who resides in the commonwealth from the fifteenth day of October of the year prior to foaling and continues such residence until foaling and foals in the commonwealth shall be Massachusetts bred.

(3) In either the case of subparagraph (1) or (2) each thoroughbred foal dropped in the commonwealth shall be registered with the Jockey Club and the department of food and agriculture.

(4) Prior to the first day of September of each year, each person standing a thoroughbred stallion in the commonwealth at either private or public service shall file with the department of food and agriculture: (a) a list of all thoroughbred mares bred to such stallion in that year; and (b) a verified statement representing that said stallion stood the entire breeding season in the commonwealth.

The Massachusetts Thoroughbred Breeders Association, Inc. is hereby further authorized to expend up to eight percent of the amount received each fiscal year for said program for advertising, marketing, promotion, and administration of the thoroughbred breeding program in the commonwealth.

The state auditor shall audit the books of the Massachusetts Thoroughbred Breeders Association, Inc., to ensure compliance with this section, in accordance with generally accepted government auditing standards, as often as the state auditor determines is necessary. M.G.L. c. 128 Sec. 2 (g), emphasis added.

<sup>8</sup> The Jockey Club is the breed registry for Thoroughbred horses in the United States and Canada. It is dedicated to the improvement of Thoroughbred breeding and racing and fulfills that mandate by serving many segments of the industry through its subsidiary companies and by supporting numerous industry initiatives. [https://en.wikipedia.org/wiki/Jockey\\_Club\\_\(United\\_States\)](https://en.wikipedia.org/wiki/Jockey_Club_(United_States)).

The Jockey Clubs purpose is to not only to encourage the development of the thoroughbred horse, but to establish racing on such a footing that it may command the interests as well as the confidence and favorable opinion of the public." <https://www.jockeyclub.com/Default.asp?section=About&area=0> The Jockey Club's primary responsibility, then and now, is the maintenance of The American Stud Book in a manner that ensures integrity of the breed in the United States, Canada and Puerto Rico. *Id.*

The Department of Agriculture confirms its partnership with the Gaming Commission on the Thoroughbred Horse Breeding Program's website. "The Division of Animal Health administers the racehorse breeding registration programs in conjunction with the Massachusetts State Gaming Commission and the representative breed organizations." Exhibit K.<sup>9</sup> It is for these reasons that wagering is either an Exempt Agricultural Use or at a minimum, incidental to an Exempt Agricultural Use.

The fact that wagering would be occurring on the site does not classify the site as a Sports Betting Facility. The ordinance defines Sports Betting Facility as "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. This Act deals with licensing and M.G.L. c. 23N, which is titled Massachusetts Sports Wagering Act."<sup>10</sup> The proposal described above only includes a license pursuant to M.G.L. 128A and 128C. Obtaining a license under M.G.L. c 128A would provide Baystate standing to seek a license under M.G.L. c. 128C for simulcast betting.

Therefore, this proposal is permitted by the Gardner Zoning Ordinance as an Exempt Agricultural Use or incidental to that use. The issue of residential use is still under review as of the drafting of this memorandum. If zoning relief is required for this use, the use can be allowed by a special permit. Other potential uses would include operating a restaurant or lounge which would require additional zoning relief. A more complete review has not been made, as a restaurant has not been presented by this proposal.

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<sup>9</sup> <https://www.mass.gov/info-details/thoroughbred-breeding-program>.

<sup>10</sup> SECTION 6 of the Act amends M.G.L c. 128C to require a mandatory minimum of 20 days and the ability of the Commission to waive the same. The Act does not create or amend the licensing scheme.

There is an expired conservation permit issued in connection with an addition to a home and septic system constructed within the buffer zone of the property. The submission is file number 160-0642. *See Energy & Environmental Affairs Data Portal (state.ma.us). Exhibit L.* It is likely that the Department of Environmental Protection will be unable to act on any new requests that are made until the Order of Conditions is resolved. However, this can be addressed by the current owner or Baystate. Other than this, there are no restrictions in the title that would prevent the use of the land as a racetrack. Conservation is currently being reviewed by the applicant's engineers and wetland delineations have already begun. Baystate has met with the Conservation Agent for the City and advises it plans to meet with the Conservation Commission at their earliest meeting following the City Council's approval of the location of the track.

#### **PROCEDURE**

#### **THE VOTE**

The current draft of the vote is as follows:

“Shall a track of land located within the limits of the City of Gardner, now owned by the GAAMHA, Inc., located at 827 Green Street, comprising approximately 114 acres also identified as assessors lot number R42-21-1 and more particularly described in Worcester Registry of Deeds Book 63792 and Page 211 and situated on the easterly side of Route 140, otherwise called Green Street, be approved as the location of a running horse racing track where race meetings laid out and conducted by licensees under M.G.L c. 128A will be held or conducted?” Exhibit M.



It is important to note that the City may not condition its vote in any way, as this would intrude on the Gaming Commission's jurisdiction. Once approved, the vote cannot be rescinded. A simple majority vote would be required for the measure to pass.<sup>11</sup>

This vote would need to be placed on the agenda and then referred to a public hearing at a time and place determined by the Council. Once a date is set for the hearing, it will be important to place an advertisement in the Gardner News containing the notice of the public hearing no less than seven (7) days in advance of the hearing.<sup>12</sup> M.G.L. c. 128A § 13A. The applicant will be responsible to place the ad and paying all fees. In addition, the Clerk must post the notice on the City's website and conspicuously at City Hall.

#### **ADVERTISEMENT FOR PUBLIC HEARING**

The advertisement for public hearing as described above, would provide as follows:

“Pursuant to G.L. c. 128A, § 13A, the City of Gardner City Council will hold a PUBLIC HEARING on \_\_\_\_\_ at \_\_\_\_\_ PM at Gardner City Hall, 95 Pleasant Street, Gardner, MA 01440 to hear the matter of Baystate Racing, LLC's application for horse racing operation at 827 Green Street and specifically the following Vote. ‘Shall a track of land located within the limits of the City of Gardner, now owned by the GAAMHA, Inc., located at 827 Green Street, comprising approximately 114 acres also identified as assessors lot number R42-21-1 and more particularly described in Worcester Registry of Deeds Book 63792 and Page 211 and situated on the easterly side of Route 140, otherwise called Green Street, be approved as the location of a running horse racing track where race

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<sup>11</sup> A majority of the council shall constitute a quorum, and the affirmative vote of a majority of all the members of the council shall be necessary to adopt any motion, resolution or ordinance. Section 24

<sup>12</sup> For example, if the hearing is on July 1, 2024, then the ad will be placed on Saturday, June 22, 2024 as the Gardner News does not run on Mondays.

meetings laid out and conducted by licensees under M.G.L c. 128A will be held or conducted?’ Anyone wishing to be heard should appear at the time and place designated above. Please refer to Gardner City Council’s Rules for public hearings.”

A copy of the rules will be attached to the advertisement.

### **GAMING COMMISSION**

An application for a license pursuant to M.G.L. c. 128A shall be filed with the Gaming Commission on or before October 1<sup>st</sup>, in order for Baystate to race in 2025. If an application is filed, the Gaming Commission shall act on the application no later than November 15, 2024. M.G.L. 128, § 2.

Baystate advises that should the City approve the location by July 1, 2024, the applicant would file an application with the Gaming Commission by August 1, 2024. The applicant advises that their expectation is to complete the permitting process with the City by the end of the calendar year and complete construction of the Equine Center, in time to race by 2025. The permitting process with the City would primarily focus on the Conservation Commission and Site Plan Review with the Planning Board.

According to this plan, the Gaming Commission will notice a public hearing in the City to determine if they will issue a license. If the foregoing timeline is met, it is anticipated the hearing will happen at the end of September or the beginning of October. This hearing will be an adjudicatory hearing and if held, will proceed with sworn witness and authenticated documentation. The Gaming Commission would then determine whether the license would be issued and if so, what conditions would be placed upon the license.

If a license is issued, Baystate will be required to race at least 20 days per year. This minimum may be lowered if the applicant seeks and obtains a waiver from the Gaming Commission. The Host Community Agreement will require the applicant to seek this waiver over the next 5 years.<sup>13</sup> One should note that the statute permits up to 200 days in any 1 year at all running horse racing meetings combined throughout the Commonwealth, not including Suffolk County.

Hours of operation can be only between the hours of 10:00 A.M. and 12:00 A.M. The Gaming Commission shall grant authorized dates at such times that are consistent with the best interests of racing and the public. M.G.L. 128A § 3.

If the Gaming Commission issues a license, an annual public hearing within the City of Gardner will occur, during which time the community will be able to raise concerns with the Gaming Commission. This will also be an adjudicatory hearing where witnesses are sworn, and documents are authenticated. This will be an opportunity each year to request the Gaming Commission place, alter or amend conditions of the license.

### **HOST COMMUNITY AGREEMENT**

The order to authorize the Mayor to Sign a Host Community Agreement (“HCA”) should be filed contemporaneously with Baystate’s application. There is no specific requirement that an order be obtained, but due to the novel nature of the agreement and use, it is advisable. We have substantially completed the negotiations. The current draft will be filed with the City Council in connection with the order. Additional comments regarding the HCA are welcomed. Currently, the material provisions of the HCA are as follows:

1. Annual payments of approximately \$460,000.00 to \$500,000.00.

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<sup>13</sup> 2025: One Weekend (three days) 2026: Two Weekends (six days) 2027: Two Weekends (six days) 2028: Three Weekends (nine days) 2029: Three Weekends (nine days)

- a. This is broken down as follows: 1.5% of all simulcast fees collected by Baystate. The applicant has estimated this amount to be \$240,000.00. (I am scheduling an appointment with the Gaming Commission personnel to better understand the calculation of the City's funds.);
  - b. There will be a PILOT payment in the amount of \$230,000.00 per year subject to an escalation clause; and
  - c. Baystate will donate \$20,000.00, annually, to a local or regional non-profit/charity that directly benefits Gardner residents.
2. Payment for all police, fire and EMS details on festival days, and any other impacts on the City;
  3. Reimbursement of professional services such a legal and engineering services in connection with siting;
  4. Creates a Racing Oversight Committee to review and make recommendations to the Mayor and Council each year on the operations of Bay State Park; and
  5. Annual review on previous and future operations with the Mayor and Council.

#### **CARE OF THE HORSES**

The issues surrounding the care of horses are controlled by the state and federal government. In 2022, the federal government implemented the Horse Integrity and Safety Act which established the Horseracing Integrity and Safety Authority (HISA). The Horseracing Integrity and Safety Authority is responsible for drafting and enforcing uniform safety and integrity rules. A summary of the law is attached hereto. Exhibit N. Suffice it to say, the law establishes a new regulatory scheme intended to control abuses in the industry and punish those who would violate the standard of care. The bill sets forth other provisions regarding (1) funding,

conflicts of interest, and jurisdiction; (2) registration with the authority; (3) program enforcement; (4) rule violations and civil sanctions; (5) testing laboratories; (6) review of final decisions of the authority by an administrative law judge; (7) unfair or deceptive acts or practices; and (8) agreements with state racing commissions.<sup>14</sup>

Issues and concerns of the care of the horses can also be addressed by the Massachusetts Gaming Commission. The forward to the regulation notes the right to public participation.<sup>15</sup> Massachusetts Society for the Prevention of Cruelty to Animals is authorized by M.G.L. c. 129, § 9 to visit “any stable where horses are kept for hire, or boarded for a fee, for the purpose of preventing violations of any law and of detecting and punishing the same and such agents shall have the power to prosecute any such violation coming to their notice.” M.G.L. c. 129, § 9. The Department of Agriculture and Resources and Baystate Racing’s Oversight Committee will be additional avenues to pursue the protection of horses. In addition, Baystate will be subjected to various inspections. Pursuant to the terms of the HCA Baystate must report the fact of an inspection and the results to the City.

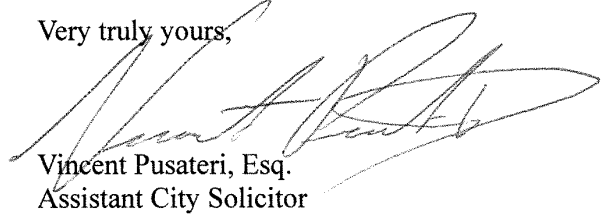
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<sup>14</sup> H.R.1754 - 116th Congress (2019-2020): Horseracing Integrity and Safety Act of 2020 | Congress.gov | Library of Congress; <https://www.congress.gov/bills/116/house-bills/1754/text>.

<sup>15</sup> “Under M.G.L. c. 30A any interested party has the right to attend all hearings conducted by the Commission for the purpose of the adoption or amendment of any rule or regulation. The Commission shall afford any interested person an opportunity to present data, views or arguments in regard to any proposed rule change. Upon written notice to the Commission, a person may request the adoption, amendment or repeal of any regulation with an opportunity to present data, views or arguments in support of such request. If a dispute should arise concerning a ruling by a steward or other racing official, any party affected by such ruling has a right to an appeal to the Commission in accordance with the provisions of 205 CMR 101.02”. 205 CMR 4:01.

This is not an exhaustive review of the proposal. For additional information please see the City Council packet. Thank you for providing me with the opportunity to investigate this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Vincent Pusateri", written over a horizontal line.

Vincent Pusateri, Esq.  
Assistant City Solicitor

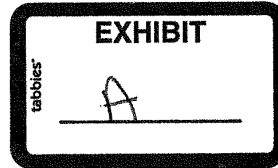
VPP/dam  
cc: Mayor Michael J. Nicholson  
Encl.

# EXHIBIT A

EXHIBIT

63

CITY OF GARDNER  
December 6, 1954  
IN CITY COUNCIL



|                                                                                                                                                                                                                                                                                                 |                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| <p>Monday evening, December 6, 1954. Regular meeting of the City Council held in the Council Chamber, City Hall. Meeting called to order at 7:30 o'clock p. m. by President Walsh.</p>                                                                                                          | <p>Regular meeting</p>                                                            |
| <p>Roll call taken--All members present.</p>                                                                                                                                                                                                                                                    | <p>Roll call</p>                                                                  |
| <p>The opening prayer was said in unison.</p>                                                                                                                                                                                                                                                   | <p>Opening Prayer</p>                                                             |
| <p>On motion made by Councillor Sauter, seconded by Councillor Reponen, it was voted to dispense with the reading of the regular meeting of November 17, 1954.</p>                                                                                                                              | <p>Dispense with reading of minutes</p>                                           |
| <p>#993<br/>On motion made by Councillor LeBlanc, seconded by Councillor Robicheud, it was voted on roll call vote, 10 yeas and 1 nay, (Councillor Landry) to pass the following order:</p>                                                                                                     | <p>Motion to pass money order</p>                                                 |
| <p>AN ORDER TRANSFERRING A SUM OF MONEY FROM THE SCHOOL DEPARTMENT, OTHER THAN ORDINARY MAINTENANCE, SCHOOL STREET SCHOOL ADDITION ACCOUNT TO THE SCHOOL DEPARTMENT, OTHER THAN ORDINARY MAINTENANCE, NEW CONSOLIDATED SCHOOL ACCOUNT.</p>                                                      | <p>\$15,000.00 to School Dept., O.T.O.W., New Consolidated School Account</p>     |
| <p>ORDERED:</p>                                                                                                                                                                                                                                                                                 |                                                                                   |
| <p>That there be and is hereby transferred the sum of Fifteen thousand dollars (\$15,000.00) from the School Department, Other Than Ordinary Maintenance, School Street School Addition Account to the School Department, Other Than Ordinary Maintenance, New Consolidated School Account.</p> |                                                                                   |
| <p>Presented to Mayor for approval Dec. 7, 1954<br/>Approved December 7, 1954<br/>ULRIC O. FREDETTE, Mayor.</p>                                                                                                                                                                                 | <p>Approved by Mayor</p>                                                          |
| <p>#994<br/>On motion made by Councillor Cilley, seconded by Councillor Sauter, it was voted unanimously on roll call vote to pass the following order:</p>                                                                                                                                     | <p>Motion to pass money order</p>                                                 |
| <p>AN ORDER TRANSFERRING A SUM OF MONEY FROM THE LEVI HEYWOOD MEMORIAL LIBRARY DEPARTMENT, PERSONAL SERVICE ACCOUNT TO THE LEVI HEYWOOD MEMORIAL LIBRARY DEPARTMENT, ORDINARY MAINTENANCE ACCOUNT.</p>                                                                                          | <p>\$500.00 to Levi Heywood Memorial Library Department, Ordinary Maintenance</p> |
| <p>ORDERED:</p>                                                                                                                                                                                                                                                                                 |                                                                                   |
| <p>That there be and is hereby transferred the sum of Five hundred dollars (\$500.00) from the Levi Heywood Memorial Library Department, Personal Service Account to the Levi Heywood Memorial Library Department, Ordinary Maintenance Account.</p>                                            |                                                                                   |
| <p>Presented to Mayor for approval December 7, 1954<br/>Approved December 7, 1954<br/>ULRIC O. FREDETTE, Mayor</p>                                                                                                                                                                              | <p>Approved by Mayor</p>                                                          |



joint pole relocation on School Street, notherly from Cross Street (one present joint pole location to be abandoned) which is necessary to satisfy the regulations. Councillor Sauter reported that some people mean to do things properly and some people like things done with expediency. The public hearing is set according to regulation but the pole has already been installed without the approval of the Public Service Committee or City Council. This is beginning to happen too often. Councillor Sauter was informed by the Supervisor of Planning of the Worcester County Electric Company that through illness instructions were given through error to erect this pole. Councillor Sauter, hearing this petetion was to be presented called the City Clerk's Office every day and it did not arrive until Thursday, December 2, 1954 at 2:30 p.m.

Objection to placing of pole prior to public hearing or permission of City Council

1001  
On motion made by Councillor Cilley, seconded by Councillor Sauter, it was voted to refer item 1001 - Application from Gardner Raceway, Inc., for permission to establish a harness racing track on Route 140 (Green Street) on the site of the Andrews Park, so called in accordance with provisions of Chapter 128A of the General Laws to the City Solicitor so that he may inform the Council as to the proper action to take under Chapter 128 of the General Laws and that he be present at our next Council meeting so that he may answer any questions that might arise at that time.

Refer application to establish harness racing track to City Solicitor

1001  
On motion made by Councillor Sauter, seconded by Councillor Tamulen, it was voted (Councillors Cilley and Landry voting in the negative) that the Council President be given authority to call a public hearing for the next regular meeting if the City Solicitor says it is necessary for the Council to hold a public hearing concerning the application for permission to establish a harness racing track in accordance with the provisions of Chapter 128A of the General Laws.

Permission to hold public hearing on application for harness racing track if City Solicitor recommends it

1002  
Councillor Sauter made a motion, seconded by Councillor Robichaud, that the Council is represented by Councillor Lison at the DPU 11163 hearing at room 166, State House, Boston on Wednesday, December 15, 1954 at 10 a.m. on petition of New England Telephone and Telegraph Company for increase in rates and charges for telephone service. Councillor Lison declined and suggested that the City Solicitor as being the proper person to represent the city in such matters. It was pointed out that the City Solicitor did not need the experience and unless he was advised to oppose or favor the increase it was needless to send him to Boston.

Motion to have Councillor Lison represent the City at DPU public hearing on request of New England Telephone to raise rates

# **EXHIBIT B**



On motion made by Councillor Sullivan, seconded by Councillor Reponen, it was voted to adjourn at 7:45 o'clock p.m.

A true copy, Attest:  
*Frank C. Bourgeois*  
City Clerk

CITY OF GARDNER  
December 20, 1954  
IN CITY COUNCIL

Monday evening, December 20, 1954. Regular meeting of the City Council held in the Council Chamber, City Hall. Meeting called to order at 7:30 o'clock p.m. by President Walsh.

Roll call taken-- All members present.

The opening prayer was said in unison.

On motion made by Councillor Sauter, seconded by Councillor Sullivan, it was voted to dispense with the reading of the regular meeting of December 6, 1954 and Special meeting of December 10, 1954.

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President Walsh announced that as the Council Chamber was too small to take care of the crowd the hearing would be adjourned to the City Hall Auditorium so that every one will have ample room and will be heard under more favorable circumstances.

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Hearing opened in the City Hall Auditorium at 7:45 o'clock p.m. to consider the application of the Gardner Raceway for approval of the location on Route 140, Green Street on the site of Andrews Park so-called for harness racing. Before anyone spoke on the subject President Walsh read three letters, two in favor and one against approving the location. The Church Council of the First Congregational Church at its regular monthly business meeting last evening voted unanimously to go on record as being opposed to a pari mutuel race track in the City of Gardner. It was also voted that this

Adjourn

Regular meeting

Roll call

Opening Prayer

Dispense with reading of minutes

Public hearing moved to City Hall Auditorium to accommodate large crowd

Public Hearing on Gardner Raceway application for harness racing

Letters read in favor and in opposition

Letters (cont)

opposition be communicated to each member of the City Council. In his communication Elliot S. Ryan, Owner-Manager of the Colonial Hotel, Gardner, Massachusetts wished, before the final vote on the Pari-Mutuel Racetrack to go on record as being very much in favor of this new business. He further stated that when industries were running to full capacity the Colonial Hotel was able to operate without a loss, but with the decline in business, such as the removal of the executive and Sales Office of the Florence Stove Company to Chicago, together with manufacturers running on a small scale, and the increased Motel competition, the business was in the red, but he felt to bring racing into Gardner would create new business activity, not only for the Hotel but for the benefit of the Merchants and others as well, and he asked for favorable consideration.

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The Third letter President Walsh read was from L. W. Smith, Executive Vice President of the National Bank of Vernon, Vernon, N. Y. In his opinion during the past two and one half years the assets of the bank increased from \$1,700,000 to \$2,200,000 about 70% of this increase was due to the accounts which the track carries, increase in merchants accounts due to additional business and horsemen who have opened accounts and continued them after the season is closed. In checking with over 90% of the merchants it was found that they were unanimously in stating that their business during the three summer months was comparable to the Christmas Holiday business. Gas Stations, bars, restaurants and motels reported a 100% increase over a comparable period in past years. The two clothing stores in town claim that their high sales occurred, during the racing season rather than the holiday season. The drug store does a heavy volume of business in veterinary supplies. The track purchases large lumber supplies and hardware for improvements and repairs which is purchased locally, The two local feed stores service the track and are very happy with the business. There are 700 to 800 horses on the grounds during the season and the hay and grain sales were very profitable. During the season there is approximately 100 trailers in the park provided by the racing association all of which use bottled gas which it purchases locally. There are approximately 300 tenants in the trailers who buy all their groceries, clothing etc. in town. Approximately 75 owners, trainers, judges, etc. rent rooms from local residents. In addition it is estimated there are 700 people employed as trainers, drivers, grooms, stable hands, maintenance men, guards and waiters. Vernon has a normal population of about 1200 and the increase of 900 to 1100 would tend to double business while they are here. Many of the towns people who were de-

initely opposed to the track two years ago have been employed by them since opening on part-time jobs as ticket sellers, guards and cashiers and they are frank in stating that they had the wrong impression of a harness track and its employees. The directors of the Downs were very cooperative in setting up their police system. They hired a local man who was an ex-trooper to head it and they have done an excellent job. There have been a few traffic violations and several cases on intoxication amongst the stable hands which were handled by the police force on the grounds. To Mr. Smith's knowledge there have been no moral violations, gambling, dice games or slot machines. There has been no increase in juvenile delinquency which could be attributed to the track. They averaged well over 3000 per night attendance last year.

Public hearing (cont)  
on Gardner Raceway  
application for  
harness racing

Speaking in favor

1001  
Atty. J. Philip Howard, with an office at the Post Office Square Building, 60 Pleasant Street, Gardner, Mass., speaking on behalf of the Gardner Raceway, Inc. stated that according to Chapter 128A, Section 14 of the General Laws every four years at the State Election the following question appears on the ballot: "Shall the pari-mutuel system of betting on licensed horse races be permitted in the county?" That question was duly submitted at the last State Election on November 2, 1954 and the results in this county were 102,000 in favor to 87,000 against. In other words, pari-mutuel betting on horse racing was endorsed in Worcester County by a substantial number of voters. The results in this city were 4190 votes in favor and 2071 against. In other words, the voters in this city by a margin of greater than two to one indicated their desire for pari-mutuel betting on horse racing. The vote in every one of the five wards in the city was in favor of it, as follows:

|        |     |             |    |             |
|--------|-----|-------------|----|-------------|
| Ward 1 | yes | 623         | No | 464         |
| Ward 2 | "   | 1006        | "  | 442         |
| Ward 3 | "   | 1003        | "  | 355         |
| Ward 4 | "   | 658         | "  | 341         |
| Ward 5 | "   | 900         | "  | 469         |
|        |     | <u>4190</u> |    | <u>2071</u> |

In other words, in all but one of the five wards the results were at least two to one and even in Ward I the voter was three to two in favor of pari-mutuel betting on licensed horse racing. The will of the voters it seems is very clear. They have indicated not only in Worcester County but in the City of Gardner they desire pari-mutuel betting on horse racing. He further stated that he was a member of the Great and General Court and every one knows that it is the will of the majority of the voters that governs. Section 13A of the same chapter 128 of the General Laws provides,

GARDNER \$20.50

Public hearing (cont)  
on application of  
Gardner Raceway for  
harness racing

Speaking in favor

" No license shall be granted by the Commission (State Racing Commission) for a racing meeting in any city...unless the location of the racetrack where such meeting is to be held or conducted has been once approved by the Mayor and Alderman (Councillors) as provided by Chapter 271, Section 33 of the General Laws, after a public hearing, 7 days notice of the time and place of the hearing shall have been given by posting in a conspicuous public place in the city...and by publication in a newspaper published in such city..."

1001  
Atty. Howard asked this question, "Am I to understand that in view of the language of this statute that the only question before your board is the question of approval of the location?" "If you do or do not wish to hear arguments on the merits of a race track?" President Walsh replied, " I am going to let this public hearing be run as open as possible both for and against. We are to hear all arguments, pro and con, but action will be taken on the location".

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Atty. Howard resumed and stated that Gardner Raceway, Inc. is a Massachusetts corporation which has been in existence for several years, whose officers, directors and stockholders are in every instance residents of this city, people of good reputation, citizens of the City of Gardner, One of the owners is Nathan Gewandter, a man who has lived in this city much of his life, a substantial tax payer in this city, a man everybody knows and respects. In other words, this concern is comprised of Gardner residents, not some one coming in from outside of Gardner but a local enterprise, made up by local people, financed with local money. At the present time Gardner Raceway, Inc. owns the site of what was formerly called Andrews Park. They have a tract of 60 to 100 acres in area, located  $1\frac{1}{2}$  miles from Gardner Center on route 140, with one half mile dirt track, also some barn and stable facilities. Now if this location is approved and if a racing license is secured from the State Racing Commission, Gardner Raceway, Inc. plans to have a track to be entirely rebuilt and relocated. There would be a grand stand of a minimum of 25000 people. There would be barn and stable facilities adequate to take care of 300 horses, an administration building, a building for concessions, a parking lot and a club house. This would entail approximately one half million dollars. It would give additional employment, giving Gardner a new enterprise, and also during the racing meeting which may be limited to perhaps 30 days, more money would be left in Gardner, such as at the restaurants, eating places, hotels, lodging houses, filling stations and markets, and the Gardner people would benefit by it. Some of the people will live in trailers during this time

and their supplies will be purchased in Gardner. He stated that the matter of ascertaining if the track would be near the Gardner water system had been gone into carefully with two engineers and it was found that the proposed location for both the track and barns would be 2500 feet from Perley Brook which is part of the water system and it was found there would be no possibility of pollution from this location.

1001 Cont.

Atty. Howard stated, in conclusion, that the Gardner Raceway, Inc. is a local enterprise, made up of local people, controlled by local people, and financed locally. It comes here seeking to bring to Gardner a legitimate business, which is honestly felt will be of distinct advantage to the City of Gardner, a substantial revenue to the city, which will mean a great increase in Gardner, to Gardner merchants. It would attract people from central and western Massachusetts and southern New Hampshire, who now have to travel to Foxboro, which is 70 or 80 miles from Gardner. It will mean more taxes for the City of Gardner. The Gardner Raceway, Inc. does not want to do anything that is going to harm Gardner or its reputation but want it to be a credit to the city of Gardner and they will keep it that way and he hoped for favorable consideration and presented a group of petitions which has been circulated, bearing a total of 617 signatures, petitioning that approval be given to the application of Gardner Raceway, Inc. for a harness racing track to be established in Gardner.

1001 Cont.

Bennett North, Stone Street an abuttor, stated that he had no objection to the location of the track.

Charles Keresey, Stone Street, an abuttor, stated that he had no objection to the location of the track.

Fred E. Perry, former Mayor, 36 Travers Street, stated he practically agreed with every word Atty. Howard said. Once it has been voted that the location is approved it is out of the hands of the Council. The State Racing Commission will have to approve it. The Commission will have another hearing. He did not believe that the race track would hurt the water. He had previously recommended several times that the brook from "Mam Johns" through the water shed land should be piped but it never was seen fit to do so. The city could have bought this land for \$1900. If it was harmful to the water, why did the city not buy it? He stated he did not see why any of the Councillors would oppose it when the majority of the voters voted for it.

Public hearing on  
application of  
Gardner Raceway for  
harness racing (cont)

Speaking in Favor

Galaxy 820 50

Public hearing on  
application of  
Gardner Raceway for  
harness racing (cont)

Speaking in favor

He suggested that all water shed land be posted, no trespassing. He further stated that there were several septic tanks right on the water shed. He pointed out that there exists presently on the city's watershed property besides the septic tanks, the municipal golf course, the Crystal Lake Cemetery, radio station location, and the building at the old Heywood Farm property which had not endangered the water supply and thought there would be no danger caused by the race track, and stated he was in favor of it. Those opposed <sup>to</sup> the race track were then heard.

Speaking in opposition

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Rev. Ben Bradford, 197 Woodland Avenue, Gardner, Mass., Pastor of the First Congregational Church and representing the Gardner and Vicinity Ministerial Association stated that he was opposed to this on moral grounds, in the very particular grounds, without going into full relationship where there is a danger of pollution. He stated that we have heard a very glowing account of what it does. He stated that we have <sup>not</sup> heard from the little people who are hurt and do not have a chance. There are many more people in the long run who are deeply hurt because of the pari-mutuel betting, Many people, who came to him, said they voted in favor without thinking it would be in Gardner, which was stupid. It would give temporary employment but much more money would go out of the city than stay in Gardner. He stated that they were not in opposition to the race track but in opposition to the pari-mutuel betting, and hoped the Council would be guided by its opening prayer and vote against approving the application.

1001  
Curtis G. Watkins, 141 Chestnut Street, a home owner and President of the Simplex Time Recorder, stated he was interested in the City of Gardner, for a community fit to live in and for the development of that community and gambling is wrong if it hurts people. Gardner needs new industries. With strikes and labor problems there is no extra money floating around, We need new industries but we need money to stay in Gardner. He stated further that he had checked on the population in Vernon, N. Y. and found there were 754 people, with only one bank and two stores. This was after he had read the misleading advertising in the Gardner News in which a favorable and impressive account of the racetrack at Vernon, N. Y. was presented. He stated that the track at Vernon employed only 40 full time workers, half of which were employees of the State of New York who travelled the track circuit during the regular season.



Mr. Watkins read a lengthy transcript of a telephone conversation he had earlier in the day with W. E. Booth of the town of Foxboro, in which he stated that an employee of the bank also worked at the race track and got away with \$3000.00. He left the bank before it was discovered. Since then there were three cases of forgery and there had never been a case before. One of the Tax Assessors worked for the track when it first opened in 1947. You can draw your own conclusion. Later on one of the selectmen left town, a lawyer lost his practice. Two of them have since died an early death, brought on by connections with the track. It was said that the town would get \$40,000 a year in taxes as the track would be assessed for about one million dollars and the Foxboro taxes would go down on account of this. The track was assessed for \$261,000 and the tax is \$16,500. Mr Watkins further stated that if the raceway is permitted to become established here he will do everything in his power with all his resources to dig out scandal and corruption that might be directly attributable to the track.

Councillor Lison speaking as a City Councillor, wished to ask a few questions of Mr. Watkins regarding the papers he had just read. Mr. Watkins refrained from so doing and Councillor Lison said he felt that if a person was not in a position to answer his questions it made his position pretty weak as it was not too clear in Councillor Lison's mind as to some of the suggestions and reflections which were read.

Raymond LeBlanc, 208 Stone Street an abutter representing his wife Irene LeBlanc and two other abutters, Lucien and Rita Duhalme, 240 Stone Street and Oscar and Lydia Maki, 280 Stone Street, stated that they were all opposed to having the race track, which is about five hundred feet away.

Atty. Gould H. Coleman, 93 Prospect Street, President of the Gardner Chamber of Commerce stated that the Council had heard one of the members (Curtis G. Watkins) of the Chamber of Commerce state his personal views. Mr. Watkins, who is one of the most community civic minded in Gardner. A brief and certainly hurried survey of the opinions of the members of the Board of Directors of the Chamber of Commerce. These members are responsible business men here in Gardner and out of 18 members of the Board of Directors are opposed to the erection of a race track here in Gardner. One has expressed his approval of the race track. Two have expressed no opinion either way. The Secretary-Manager, Forrest C. Knight conducted a survey of the Mercantile Division in the square and they certainly do not want a race track here. One word of caution, this being the personal

Public hearing on  
application of  
Gardner Raceway for  
harness racing (cont)

Speaking in opposition

Public hearing on  
application of  
Gardner Raceway for  
harness racing (cont)

Speaking in opposition

opinion of Atty. Coleman, we are going to solve our financial problems with easy money. It would be easy as in Las Vegas or some other place, but that is not the way we want to face our problem here in Gardner. Mr. Watkins has pointed out fully to you all the sordid evils that will come with a race track in Gardner. Let us face our facts honestly, raise our money legitimately. Let us have a good clean community in Gardner now and in the future. Atty. Coleman explained to Councillor Lison that the Board of Directors is the governing Board of the Chamber of Commerce.

Raymond Barker, a representative of the Gardner Gospel Tabernacle stated that he was opposed to having the race track here and wondered why they stopped racing. Evidently it did not pay or it would be going today.

Richard N. Greenwood, 45 Green Street, President of the Heywood-Wakefield Company, stated that while people of Gardner have voted in favor of pari-mutuel horse racing they did not necessarily mean voting to have a track located in Gardner. He stated he was against it and that it was unfortunate from the view of the welfare of the City of Gardner to have a race track located in the City of Gardner.

George A. Keyworth, 42 Cross Street, stated that he had been very much interested in the comments made here tonight, both for and against. He said that he had had previous knowledge of horse racing and dog racing and it is a gambling business. He did not think Gardner was going to be improved in any sense of the word by having a gambling business in pari-mutuel racing. He was concerned more particularly for the welfare of the working people. We are an industrial community, he stated. It is a great temptation to bet on races if you go to a race track. Occasionally you win,

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Only a few win. Many families will be deprived of needs if we have pari-mutuel racing here in Gardner. People have just so much money to spend and if it is spent at the race track and not on the families that type of people need the consideration of this Council as to whether or not it is for the welfare of Gardner to have these races.

Howard D. Ferguson, 14 Edgell Street, Chairman of the Mayor's Industrial Committee and President of the Gardner Trust Company and want to get new business here. He stated that he knew about horse racing and dog racing, it was a lot of grief and we want no part of it. During the past several months there has been a slowing up of payments on mortgages and loans, due to strikes, less working hours, etc. If money is lost at the race track other obligations can not be fulfilled. It is a very unpleasant thing to foreclose mortgages at any time.

Rev. Ralph Bailey, 119 Edgell Street, of the First Unitarian Church, stated that the backers of this proposition make it appear very rosy, with the argument of the money that is going to be brought into the community. Those who have experienced this have reason to doubt this. There are the question of where the money comes from, what kind of people, what kind of homes, how many people lose for one who gains. Most of the people who will come in to Gardner will be people coming in not to work, but to see what they can take out of Gardner, not what they put in to it. He wished to be recorded as opposed to it.

Public hearing on  
application of  
Gardner Raceway for  
harness racing (cont)

Speaking in opposition

Rev. Emmett Russell, 53 Elizabeth Street, of Gardner Gospel Tabernacle spoke in opposition to the racing track.

C. Harry Kuniholm, 186 Elm Street, residing on Route 140, pointed out that the location was a very serious automobile hazard in that it would bring heavy traffic through a residential section of the city, with three churches, a high school and a hospital enroute. He stated that in cases of liquor licenses we use discretion where we allow liquor to be sold. He thought the same discretion and consideration should be used for the location of a track and he was opposed to it entirely as being the wrong location. Further in reply to questioning by Councillor Lison, Mr. Kuniholm stated that as before he lives on Route 140 and did not discuss the merits or demerits of racing or betting, but on the location, and wanted neither a saloon nor a race track on Route 140 which runs through one of the better residential parts of our city.

President Walsh allowed fifteen minutes for each side to be heard for rebuttal.

Rebuttals

Atty. Howard was reminded of the story of President Calvin Coolidge who came home from church and when Mrs. Coolidge inquired as to the text of the preacher's sermon replied that it was on sin and that he was "ag'n it. That is the attitude of most of the people on gambling and they are ag'n" it.

It has been pointed out that gambling is immoral and the little man, the average citizen or man in the factory must be protected against it. One particular man who spoke has in his particular factory three bookies right now which is true in a good many of the factories in the city. Any one in the city interested in gambling can do so through bookies operating in Worcester County and who also operate in this city. Over 4000 people in Gardner, a majority of 2 to 1, voted for pari-mutuel racing and he hoped this application would

GARDNER 1934

82

Public hearing on  
application of  
Gardner Raceway for  
harness racing (cont)

Rebuttals

Motion to grant  
application for  
harness racing

Rev. Ben Bradford stated that there would be more evil, than good and for that reason he was "ag'n" it.

Forrest Knight, 65 Maple Street, Secretary- Manager of the Chamber of Commerce, stated he was the one that made the survey and he corroborated the statements made by Atty. Coleman.  
The Public hearing was closed.

Councillor Robichaud made a motion, seconded by Councillor Lison, that the application of Gardner Raceway for approval of the location on Route 140, Green Street on the site of Andrews Park so-called for harness racing be granted.

Councillor Kraskouskas stated that she knew nothing about race tracks and gambling, had received several telephone calls for and against racing, and that she was interested in juvenile delinquency and could not make up her mind to make a fair vote so she contacted people in Foxboro who had had experience with pari-mutuel racing. She asked Chief of Police Dolan if there had been an increase in crime or juvenile delinquency and the type of persons that participate in races and class of people attending races. Chief Dolan replied that two arrests were made last year for drunkenness. Two police officers and two plain clothes men were on duty at the tracks with all salaries paid by the owners of the track. Firemen having a day off also worked getting additional revenue. Most of the men, participating were from the ages of 55 to 70 and are retired. They come in trailers, which are nicer than some of the homes. The population of Foxboro is 6000, 2000 of which are at the State Hospital. The largest crowd was 12,000. The land where the track is was formerly assessed for \$125.00 being a swamp and woods. Now the town of Foxboro is collecting \$16,500.00. The track is putting up a club house and one other building for a million dollars, which will mean increased revenue for the town. It employs from 75 to 120 from Foxboro when it is in session. The last election the people voted for it 3 to 1. The track has been in existence for 7 years. When she asked Mr. Cornish if he felt that they would like to rid themselves of the track he said he felt that the election returns spoke for themselves. Councillor Kraskouskas further stated that she could not just make a just decision but rather than hold it up would vote in the affirmative with the intention that it would be held up later by the State Racing Commission.

Councillor Reponen, in view of the fact that there seems to be so much controversy for and against the location made a motion, seconded by Councillor Tamulen, to table the motion on the floor to be considered at a special meeting. On roll call vote taken, Councillors Gilley, Kraskouskas, Landry, LeBlanc, Reponen, Sauter and Tamulen (7) voting in the affirmative and Councillors Lison, Robichaud, Sullivan and President Walsh (4) voting in the negative the motion was not carried as it required a two-thirds vote for passage.

Councillor Gilley gave his reasons for opposing and stated that when the races are over those people who have been cleaned out, if they can afford it well and good. If they can not that is where the tragedy comes in.

Councillor Sullivan complimented President Walsh on conducting the hearing and stated that the Council at the present time was only concerned with the approval of the location and not with the moral aspects of pari-mutuel betting. He stated that another public hearing would be held to determine if harness racing will be permitted, and that final approval would have to come from the State Racing Commission.

Councillor Sauter spoke as a Councillor in his capacity as Chairman of the Public Works Commission. He stated that before his committee comes various things as Highway, Sewer and Water system of the city. Many dollars have been spent in the last twenty-five years, some of them questioned but nevertheless spent to protect the water supply. To protect the water shed in that area which is the Perley Brook area \$38,711.00 has been spent. Proponents of the track have stated that they would build their buildings far enough away, 2500 feet from the present brook. They intend to build a wall to keep people from getting near the brook. They propose to have the parking area adjacent to this wall. If they put in hard top surface the water has got to go some place. The only outlet from the horse stables, parking lot and club house, as water seeks its own level, would be to run into Perley Brook which runs down to the dam on Clark Street. We may find we are short of water and have to dam it during the summer season. It would take considerable money to develop the sewage system to take care of the track. If as at Vernon Downs 100 trailers came here there would be approximately 300 people for from one to three months at the track quite a considerable amount of sewage would have to be taken care of. In 1951 a sum of money was spent for a survey for improvements to the water supply. It is gradually approaching the time when we may need

Discussion on  
motion to grant  
Gardner Raceway  
application for  
harness racing (cont)

Motion to table issue  
until special meeting  
did not pass

Discussion on motion  
to grant application  
of Gardner Raceway for  
horse racing (cont)

additional water for the city. A report was made in March of 1953 with various recommendations. This area would eventually have to be used, flooding land from the Perley Brook to the road near Route 140, the entrance to the trotting park. If that was insufficient it would be necessary to take one of the tributaries and dam that up, dam up the Poor Farm Brook and that entire area would become part of the Gardner Water supply. Although the population has not increased much more water is being used with the advent of modern appliances, automobile washers, etc. Councillor Sauter further stated that if we are going to have a racing track a majority of 90% of the people would travel over Route 140 or over Parker Street to the center of Gardner over Green Street or Woodland Avenue. This intersection is in front of the hospital. In the day time people are used to noise but in the evening there would be a great deal more and the traffic and noise would become a problem. He could not favor a racing track on this location.

Councillor Robichaud stated that he would be in favor of the location.

Councillor Lison stated that the Council was merely approving the site and had nothing to do with pari-mutuel betting. The State Racing Commission will rule on that as that commission has the full responsibility to allow horse racing in Gardner.

Councillor Landry stated that he had been in the City Council for the last five years and had consistently opposed any type of construction on or near the city watershed and would vote against this location for racing.

Councillor Reponen stated that in view of the fact that his motion was defeated and he was definitely going to vote against this location for racing.

Councillor LeBlanc stated that he had been a Councillor in Ward 3 for six years before he became Councillor-at-Large. He said that he investigated. He did not go to the banks nor to anybody in the money but he went to the people direct at their homes and found out what was the result of horse racing in Pawtucket and Narragansett. Women told him that their husbands instead of working in the factories were at the race tracks. After the racing radios, televisions and other articles of furniture were taken from their homes. He stated he was going to vote against this location for racing in Gardner.

President Walsh announced that the question on which the Council is to take action is on the application of Gardner Raceway for approval of the location on Route 140, Green Street on the site of Andrews Park so-called for harness racing.

On roll call vote, taken, Councillors Kraskouskas, Lison, Robichaud, Sullivan and Tamulen (5) voting in the affirmative, Councillors Cilley, Landry, LeBlanc, Reponen and Sauter (5) voted in the negative. Before voting President Walsh said that he sympathized with the petitioners and he also sympathized with the objectors but he believed that at the time the question, "Shall the pari-mutuel system of betting on licensed horse races be permitted in this country?" appeared on the ballot at the State Election this Fall that it was the time to make your objections. He further stated that he thought we had sat back and said "there is nothing to worry about, they always voted against it in Worcester County", but this year they voted for it. Now, we are trying to tell the people of the City of Gardner that they did not know what they were doing. I do not feel it is my prerogative to tell the people that what they did when they voted 4090 in favor and 2071 against is not right, as all voters in all wards of the City voted in favor. That fact can not be forgotten. In view of the vote of the people, no matter how many other arguments may be, no matter where their sympathies lay, I will vote in favor, and the result of the roll call vote was six yeas and five nays and the motion was carried to approve the petition.

Motion to grant application of Gardner Raceway for harness racing passed

At 10:40 o'clock p.m. the meeting adjourned to the Council Chamber, City Hall to consider the rest of the regular Council Business.

Meeting adjourned to Council Chambers

1919-1020-1021

Motion made by Councillor Sullivan, seconded by Councillor Cilley, was voted to suspend the Council Rule in regard to appointments.

Vote to suspend Council rules in regards to appointments

1919-102011021

Motion made by Councillor Landry, Seconded by Councillor Robichaud, was voted to confirm the following appointments received from the

Motion to confirm appointments

- CHARLES F. SAUNDERS as Airport Commissionner for term expiring November 18, 1957
- JAMES F CASAVANT as Forest Warden for term expiring December 31, 1955
- OMER H. LAROCHE as Moth Superintendent for term expiring December 31, 1955
- THOMAS H. BINALL as Member, Planning Board for term expiring December 31, 1955.

- Charles F. Saunders, Airport Commissionner
- James F. Casavant Forest Warden
- Omer H. Laroche Moth Superintendent
- Thomas H. Binall Member, Planning Board

# EXHIBIT C



City of Gardner

JANUARY 3, 1955  
IN CITY COUNCIL

EXHIBIT

tabbies

C

Monday evening, January 3, 1955, Regular meeting of the City Council held in the Council Chamber, City Hall. Meeting called to order at 7:30 o'clock p.m. by City Clerk Sarah E. Bourgeois who announced that nominations for the election of a President of the City Council for the year 1955 would be in order immediately after roll call.

Regular meeting

Roll call taken-Ten members present, 1 absent (Councillor Cilley).

Roll Call

Councillor Landry nominated Councillor Martin H. Walsh for president, duly seconded by Councillor LeBlanc.

Nomination for  
President of Council

On motion made by Councillor Reponen, seconded by Councillor Sauter, it was voted to close nominations.

Motion to close  
nominations

On roll call vote taken Councillor Martin H. Walsh was unanimously elected president of the City Council for the year 1955.

Councillor Walsh,  
unanimously elected  
Council President

President Walsh thanked the members of the City Council for electing him President for the year 1955.

Thank you and address  
by President Walsh

He said that the City Council, during the year 1954, has worked hard and sincerely to attain the type of City Government the people wish for the city. We have been hamstrung, he said, at time by indecision and fear on the part of the top echelon, of our City Government, which tends to make our whole structure look weak and indecisive.

The members of the City Council, however, have proven in the past year that their decisions are based on their own judgment according to facts and their individual votes have been accepted within the council, without rancor, by the opposition. There has been an attempt to break up this good democratic process, by trying to inject into our ranks a feeling of indecision and fear by swaying public opinion through high powered and expensive paid advertisement. This type of powerful influence and energy should not be allowed to go to waste in our community. We have a place where this type of influence and ability to organize can be used to great advantage.

Continuing, he said, a year ago the Mayor set up an Industrial Committee in the City for the purpose of bringing new and diversified industry into the community. This committee, he was sorry to say, has not been successful for one reason or another. "I am certain now that we need new industry more than ever." In 1954 another of our industries has left the city. This time one of our oldest and best paying industries, the stove business. Something must be done to replace this loss to the community.

The best men in my opinion, he said to bring industries in to the community are these same men with influence who can band together and get what they go after. With their business minds and connections in industry, I am certain that they could do the community a real service and prevent it from going backward any further, but instead go forward by leaps and bounds.

I therefore, challenge this powerful group of industrialists and members of the Chamber of Commerce to start in 1955 to protect and improve the city, by using their talents to bring new industry to Gardner, in order to keep our position as an industrial community.

We members of the City Council have proven in 1954 that we are officials with a sense of duty to the electorate who put us in office.

Let us look forward to 1955 with the same independent feeling of free men in a free community.

Opening Prayer

The opening prayer was then said in unison.

Motion to delay reading of minutes until next meeting

On motion made by Councillor Sauter, seconded by Councillor Lison, it was voted to delay action on the reading of the minutes of the regular meeting of December 20 until the next regular meeting of the City Council,

Motion to place on file Mayor's comm. relative to Harness Racing in Gardner

1001  
On motion made by Councillor Sauter, seconded by Councillor Reponen, it was voted to place on file the Mayor's communication with attached photostatic copies of a letter from the Department of Public Health signed by Clarence I. Sterling, Jr., Deputy Commissioner, and also a press release given by the Mayor on December 24, stating the reasons why it was impossible for him to either approve or disapprove the vote taken on December 20 relative to the location of a track for harness racing on a tract of land now owned by Gardner Raceway, Inc. on Route 140 and why he returned the vote to the City Council without his signature.

According to City Solicitor because Mayor does not sign application it does not pass

1001  
In answer to Councillor Lison as to what would happen now to the vote taken December 20 the City Solicitor replied that according to the statute both the City Council and the Mayor must approve the site. If either one does not sign, it does not pass.

City Solicitor explained lease between City of Gardner and Comm. of Mass. Div. of Employment Security

1044  
The City Solicitor explained the lease between the City of Gardner and the Commonwealth of Massachusetts Division of Employment Security. He said the lease is one in usual form for a five year term from the first day of May 1955 or from the day the entire area is available and the alterations specified have been completed, with the privilege on the part of the Commonwealth of extending this lease for a further period of five year for approximately 1800 square feet of space in the building known as the Connors Street School, said space consisting of approximately 1400 square feet in two adjacent classrooms on the second floor in the westerly side of the building and approximately 400 square feet of the second floor partitioned lobby with access stairways to the rear exit of the building. This space is to be used by the Division of Employment Security as a Public Employment Office and for other business of the Division of Employment Security. The annual rental will be \$1200.00 a year or \$100.00 a month plus \$4020.00 which is the bid made on repairs for that part of the school that the Division of Employment Security would occupy. \$100.00 would represent the proportionate cost of heat, water, janitor service and nominal repairs to plumbing and electrical service and office maintenance plus \$67.00 which would take care of interest light and that part of the total cost of repairs and alterations agreed to.

# EXHIBIT D

EXHIBIT

tabbies

D

#1280

On motion made by Councillor Sullivan, seconded by Councillor Gilley, it was voted to hold the regular meetings of the City Council during July and August on the third Monday of each month.

On motion made by Councillor Gilley, seconded by Councillor Sullivan, it was voted to adjourn at 8:45 o'clock p.m. after recitation of the closing prayer.

A true copy, Attest:

CITY OF GARDNER  
July 18, 1955  
IN CITY COUNCIL

*Suzanne Bourgeois* City Clerk

Monday evening, July 18, 1955. Regular meeting of the City Council held in the Council Chamber, City Hall. Meeting called to order at 7:30 o'clock p.m. by President Walsh.

Roll call taken-- Eight Councillors present. Three Councillors absent. (Councillors LeBlanc, Reponen and Sauter absent.)  
Councillors LeBlanc and Reponen present at 7:37 p.m.

The opening prayer was then said in unison.

On motion made by Councillor Tamulen, seconded by Councillor Lison, it was voted to dispense with the reading of the minutes of the regular meeting of June 20, 1955.

#1280

On motion made by Councillor Robichaud, seconded by Councillor Kraskowski, it was voted to confirm the following appointment received from the Mayor:

FRANK K. HIRONS as Special Police Officer  
in and around the City of Gardner, Condition of appointment  
is that Police Uniform and badge shall not be worn off premises  
for which appointed. For term expiring January 15, 1956.

Galaxy S20 5G

Questionnaires were mailed out to the sixty home-owners asking them if they were in favor of having the sewage system installed. The following is the result of the Questionnaires sent out: Planning Board report (cont)

60 Questionnaires mailed out  
35 Returned in favor  
5 Returned opposed  
20 Not returned.

The Planning Board recommends that this project be undertaken for the following reasons:

- a. Majority of the people wish this service.
- b. This area is a menace to health, especially Colby Park area where the land is naturally wet.
- c. The Board feels that if sewage was installed it would encourage home building in this area.

The Planning Board further recommends that this project be started in 1956 and extended over a three - year period as follows:

Project #1 (1956)  
Lennon Street and Temple Street

Project #2 (1957)  
Pearl Street

Project #3 (1958)  
Colby Park

Very truly yours,

(signed) Stanley Michniewicz  
Chairman

#1166  
On motion made by Councillor Sullivan, seconded by Councillor Reponen, it was voted that the following report from the Planning Board be placed on file: Motion to put report from Planning Board on file

July 13, 1955

To His Honor, the Mayor and Members of  
the City Council

Gentlemen:

At the regular meeting of the Planning Board it was voted not to accept the portion of Harvard Street at the top on the hill. Planning Board report

No layout plan was submitted and the street does not comply with the Planning Board's regulations.

Very truly yours,

Stanley Michniewicz  
Chairman.

#1289  
President Walsh announced that an informal meeting of the Council had been called by the President for Wednesday evening, July 20, 1955 at 7 o'clock p.m. at the Furniture Mart, Elm Street School for a meeting with the members of the Gardner Furniture Mart. Announcement of Informal Meeting

#1290  
On motion made by Councillor Tammen, seconded by Councillor Kraskouskas, it was voted to refer the request received from the Gardner Raceway, Inc., to place on the ballot for the next regular city election approval of the location on the easterly side of Ponte 140 on Green Street for the pari-mutuel system of betting on licensed horse races to the City Solicitor for an opinion as to the proper procedure. Refer to City Solicitor request to place on ballot question of pari-mutuel betting to Gardner Raceway

Galaxy S20 5G

to accept the portion of Harvard Street at the top on the hill,  
 No layout plan was submitted and the street does not comply  
 with the Planning Board's regulations.

Very truly yours,  
 Stanley Michniewicz  
 Chairman.

#1289  
 President Welsh announced that an informal meeting of the Council had  
 been called by the President for Wednesday evening, July 20, 1955 at  
 7 o'clock p.m. at the Furniture Mart, Elm Street School for a meeting  
 with the members of the Gardner Furniture Mart.

#1290  
 On motion made by Councillor Tamulen, seconded by Councillor Kraskou-  
 skas, it was voted to refer the request received from the Gardner  
 Raceway, Inc., to place on the ballot for the next regular city  
 election approval of the location on the easterly side of Route 140 on  
 Green Street for the pari-mutuel system of betting on licensed horse

Planning Board  
report

Galaxy S20 5G

Announcement of  
Informal Meeting

Refer to City Solicitor  
request to place on  
ballot question of  
pari-mutuel betting  
to Gardner Raceway

# **EXHIBIT E**

206

Refer to Service Comm. drainage on certain streets

#1306 Councillor Landry also referred to the Public Service Commi drainage in Jean Street area, Monadnock, Oriole and Branch and requested that the Public Works Commission make a survey vise the Council on the size of the pipes going through from Drive to Greenwood Playground.



Request Service Comm. for cost estimate for repairs to Oak Street sidewalk

#1307 Councillor Landry also requested the Public Service Committee to bring in an estimated cost for renewing the sidewalk on the west side of Oak Street from West Street to Richmond Street and on the east side of Oak Street from Richmond Street to Park Street. Councillor Landry stated that he would not want the cost of these repairs to come out of the sidewalk allotment for new sidewalks in Ward 2. There was an item in the budget for street repair and he suggested that sums be set up for sidewalk repair.

Adjourn

On motion made by Councillor Tamulen, seconded by Councillor Lison, it was voted to adjourn at 9:35 p.m. after recitation of the closing prayer.

A true copy, Attest:

CITY OF GARDNER

August 15, 1955

IN CITY COUNCIL

*Sarah C. Pranger*  
City Clerk

Regular meeting

Monday evening, August 15, 1955. Regular meeting of the City Council held in the Council Chamber, City Hall. Meeting called to order at 7:30 o'clock p.m. by President Walsh.

Roll call

Roll call taken-- 10 Councillors present, 1 absent (Councillor Sauter). The opening prayer was then said in unison.

Dispense with reading of minutes

On motion made by Councillor Tamulen, seconded by Councillor Robichaud, it was voted to dispense with the reading of the minutes of the regular meeting of July 18, 1955.

Finance Comm. granted more time on land at corner of Temple St. & Hospital Hill Rd.

#1232 There being no objections the Finance Committee was granted more time to investigate the value of the tract of land at the corner of Temple Street and Hospital Road to ascertain whether or not the City of Gardner would be justified in accepting the bids submitted.

Motion to suspend rule relative to appointments

#1308 On motion made by Councillor Landry, seconded by Councillor Cilley, it was voted to suspend the Council rule in regard to appointments.

Motion to confirm appointments

#1308 On motion made by Councillor Reponen, seconded by Councillor Kraskouskas, it was voted to confirm the following appointment received from the Mayor:

Paul T. Driscoll as Deputy Defense Director

Paul T. Driscoll as Deputy Defense Director for term expiring August 1, 1956.



#1295

The Public Safety Committee and Public Welfare Committee were granted more time to consider a proposed ordinance to forbid people using the pool and any time that lifeguards are not on duty at the Greenwood Memorial Pool.

Accept Safety & Welfare Comm. reports on use of pool when lifeguards are not on duty

#1303

On motion made by Councillor Robichaud, seconded by Councillor Kras-kouskas, it was voted to accept the Public Welfare Committee's report that the Park Commissioners and Tree Warden were going to meet and devise the best method of planting shade trees at Pulaski Playground, possibly in connection with an Arbor Day program in the Spring.

Accept Welfare Comm. report on trees at Pulaski Playground

#1292

The Finance Committee was granted more time to consider a bid of \$1.00 received from Fred E. Perry for land located on the west side of Mill Street called Asaph Wood Meadow.

Finance Comm. granted more time on bid for Asaph Wood Meadow.

#1290

Councillor Lison made a motion, seconded by Councillor Robichaud, that a letter from the Gardner Raceway, Inc., re Track Location be read. Councillor Landry made a substitute motion, seconded by Councillor Cilley, that the City Solicitor's opinion be accepted. On vote taken to consider the substitute motion by a vote of 5 to 5 the motion was not passed and therefore defeated. On vote taken to read the letter it was voted by a show of hands 8 to 2 in favor. The following letter was read.

Motion to read letter from Gardner Raceway, Inc. re: Track Location

#1290

The following opinion from the City Solicitor was read:

July 29, 1955

President & Members of the  
City Council  
Gardner, Massachusetts

Gentlemen:

Responding to your request of July 18, 1955 for a legal opinion as to whether the City Council may submit to the registered voters the following question:

Opinion from City Solicitor read

"Shall a tract of land located within the limits of the City of Gardner, now owned by the Gardner Raceway, Inc., and comprising approximately 100 acres, situated on the easterly side of Route 140, otherwise called Green Street: and approximately 1 1/4 miles from West Gardner Square: be approved as the location of a tract for the pari-mutuel system of betting on licensed horse races", I submit the following answer:

Opinion on putting matter of raceway before the voters

Section 49 of the City Charter states that "the City Council may of its own motion, submit to a vote of the registered voters of the City for adoption or rejection at a regular or special election, any proposed measure."

Section 50 of said Charter, referring to a measure submitted to the voters states, "...shall take effect"; and

Opinion from City Solicitor relative to putting matter of raceway before the voters (cont)

Section 51 says, "...no measure shall go into effect unless it receives ...votes....of the registered voters,...."

In the above sections I have underlined "any proposed measure", "shall take effect", and "shall go into effect", and I have done so to point out the significant and controlling words as they bear on the question here sought to be resolved.

To arrive at a proper legal conclusion, I am compelled to refer to the Chapter and Section of General Laws of this Commonwealth dealing with the question of "Approval of the location for a racetrack." Chapter 128a, Section 13a of said General Laws states, (and I quote that part applicable here) "No license shall be granted by the (State Racing Commission for a racing meeting in any city, ..unless the location of the racetrack where such meeting is to be held or conducted has been once approved by the Mayor and Aldermen (City Council)..."

You will note from the reading of this Chapter and Section of the General Laws that approval by the Mayor and City Council is required. Neither the Mayor nor the City Council can pass this responsibility to the registered voters.

You will note further, that the references to Sections 49, 50, and 51 of the City Charter made in the early part of this analysis, clearly indicate that any "proposed measure" that is submitted to the voters, "shall take effect" or "shall go into effect" upon affirmative vote of the registered voters. This would indicate that any "proposed measure" to be submitted to the voters would upon passage by the voters, have the force and effect of law, and become law on its passage.

The question here presented requesting submission of approval of location of a certain racetrack, is herein treated as a "proposed measure", and since Chapter 128a, Section 13a of the General Laws requires the Mayor and the City Council only to act on racetrack locations, the question therefore cannot be delegated to the registered voters, since affirmative vote by the registered voters on this question could not cause the measure to "take effect".

I therefore rule that the question here proposed may not be placed on the ballot.

Respectfully submitted,

(signed) Eugene O. Turcotte

City Solicitor.

Motion to accept opinion did not pass

#1290

Councillor Landry made a motion, seconded by Councillor Cilley, to accept the opinion of the City Solicitor. On roll call vote taken, Councillors Cilley and Landry (2) voting in the affirmative. Councillors Kraskouskas, LeBlanc, Lison, Reponen, Robichaud, Sullivan, Tamulen and President Walsh(8) voting in the negative and Councillor Sauter (1) absent the motion was defeated.

Motion to place question on ballot at next regular election

#1290

Councillor Lison made a motion seconded by Councillor Robichaud, to place the following question on the ballot at the next regular city election:

"Shall a tract of land located within the limits of the City of Gardner, now owned by the Gardner Raceway, Inc., and comprising approximately 100 acres, situated on the easterly side of Route 140, otherwise called Green Street; and approximately 1 1/4 miles from West Gardner Square; be approved as the location of a tract for the pari-mutuel system of betting on licensed horse races?"

Motion to place question on ballot did pass

On roll call vote taken, Councillors Kraskouskas, LeBlanc, Lison, Reponen, Robichaud, Sullivan, Tamulen and President Walsh (8) voting in the affirmative, Councillors Cilley and Landry (2) voting in the negative and Councillor Sauter (1) absent it was voted to put the question on the ballot.

215

On motion made by Councillor Cilley, seconded by Councillor Tamulen, it was voted to consider new business. New Business

#1323  
On motion made by Councillor LeBlanc, seconded by Councillor Cilley, it was voted on roll call vote, 9 yeas, 1 nay (Councillor Landry) and 1 absent (Councillor Sauter) to pass the following order: Motion to pass money order

AN ORDER TRANSFERRING A SUM OF MONEY FROM THE AVAILABLE FUNDS TREASURY ACCOUNT TO THE UNCLASSIFIED DEPARTMENT, WEST STREET COMFORT STATION, PERSONAL SERVICE ACCOUNT.

ORDERED:

That there be and is hereby transferred the sum of Four hundred dollars (\$400.00) from the Available Funds Treasury Account to the Unclassified Department, West Street Comfort Station, Personal Service Account.

Presented to the Mayor for approval  
August 16, 1955-Approved  
ULRIC O. FREDETTE, Mayor

\$400.00 to Unclassified Dept., West Street Comfort Station, Personal Service Acct.

Approved by Mayor

#1324  
On motion made by Councillor LeBlanc, seconded by Councillor Lison, it was voted on roll call vote, 9 yeas, 1 nay (Councillor Landry) and 1 absent (Councillor Sauter) to pass the following order:

AN ORDER TRANSFERRING A SUM OF MONEY FROM THE AVAILABLE FUNDS TREASURY ACCOUNT TO THE UNCLASSIFIED DEPARTMENT, WEST STREET COMFORT STATION, ORDINARY MAINTENANCE ACCOUNT.

ORDERED:

That there be and is hereby transferred the sum of Two hundred dollars (\$200.00) from the Available Funds Treasury Account to the Unclassified Department, West Street Comfort Station, Ordinary Maintenance Account.

Presented to Mayor for approval August 16, 1955  
Approved August 16, 1955  
ULRIC O. FREDETTE, Mayor

Motion to pass money order

\$200.00 to Unclassified Dept., West Street Comfort Station, Ordinary Main. Acct.

Approved by Mayor

#1325  
On motion made by Councillor Robichaud, seconded by Councillor Lison, it was voted to accept the Public Safety Committee's favorable report and to grant Hackney Operator Licenses to the following:

Joseph N. Brunell  
Raymond E. Nadeau  
Joseph J. Zub.

Accept Safety Comm. report and grant Hackney Operator

#1326  
On motion made by Councillor Robichaud, seconded by Councillor Tamulen, it was voted to accept the Public Safety Committee's favorable report and to grant the American House to erect a sign 14" x 18" over the sidewalk at 38 Parker Street under the supervision of the Building Inspector and with a liability policy that meets the approval of the City Solicitor. Accept Safety Comm. report and grant overhead sign permit on Parker Street

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On motion made by Councillor Cilley, seconded by Councillor Tamulen, it was voted to consider new business.

New Business

#1323

On motion made by Councillor LeBlanc, seconded by Councillor Cilley, it was voted on roll call vote, 9 yeas, 1 nay (Councillor Landry) and 1 absent (Councillor Sauter) to pass the following order:

Motion to pass money order

AN ORDER TRANSFERRING A SUM OF MONEY FROM THE AVAILABLE FUNDS TREASURY ACCOUNT TO THE UNCLASSIFIED DEPARTMENT, WEST STREET COMFORT STATION, PERSONAL SERVICE ACCOUNT.

\$400.00 to Unclassified Dept., West Street Comfort Station, Personal Service Acct.

ORDERED:

That there be and is hereby transferred the sum of Four hundred dollars (\$400.00) from the Available Funds Treasury Account to the Unclassified Department, West Street Comfort Station, Personal Service Account.

Presented to the Mayor for approval  
August 16, 1955-Approved  
ULRIC O. FREDETTE, Mayor

Approved by Mayor

#1324

On motion made by Councillor LeBlanc, seconded by Councillor Lison, it was voted on roll call vote, 9 yeas, 1 nay (Councillor Landry) and 1 absent (Councillor Sauter) to pass the following order:

Motion to pass money order

AN ORDER TRANSFERRING A SUM OF MONEY FROM THE AVAILABLE FUNDS TREASURY ACCOUNT TO THE UNCLASSIFIED DEPARTMENT, WEST STREET COMFORT STATION, ORDINARY MAINTENANCE ACCOUNT.

\$200.00 to Unclassified Dept., West Street Comfort Station, Ordinary Main. Acct.

ORDERED:

That there be and is hereby transferred the sum of Two hundred dollars (\$200.00) from the Available Funds Treasury Account to the Unclassified Department, West Street Comfort Station, Ordinary Maintenance Account.

Presented to Mayor for approval August 16, 1955  
Approved August 16, 1955  
ULRIC O. FREDETTE, Mayor

Approved by Mayor

#1325

On motion made by Councillor Robichaud, seconded by Councillor Lison, it was voted to accept the Public Safety Committee's favorable report and to grant Hackney Operator Licenses to the following:

Accept Safety Comm. report and grant Hackney Operator

Joseph N. Brunell  
Raymond E. Nadeau  
Joseph J. Zub.

#1326

On motion made by Councillor Robichaud, seconded by Councillor Tamulen, it was voted to accept the Public Safety Committee's favorable report and to grant the American House to erect a sign 14" x 18" over the sidewalk at 38 Parker Street under the supervision of the Building Inspector and with a liability policy that meets the approval of the City Solicitor.

Accept Safety Comm. report and grant overhead sign permit on Parker Street

# EXHIBIT F

CITY OF GARDNER

October 3, 1955

IN CITY COUNCIL



Regular meeting

Monday evening, October 3, 1955. Regular meeting of the City Council held in the Council Chamber, City Hall. Meeting called to order at 7:30 o'clock p.m. by President Walsh.

Roll call

Roll call taken-- 8 Councillors present.  
3 " absent (Cilley, Kraskouskas and Sullivan)

Opening Prayer

The opening prayer was then said in unison.

Dispense with reading of minutes

On motion made by Councillor Robichaud, seconded by Councillor Tamulet, it was voted to dispense with the reading of the minutes of the regular meeting of September 19, 1955.

Consideration of item out of order

There being no objection from the Council Item 1355 was considered as the first item on the calendar, to be followed by the drawing of one juror, as requested.

Public hearing Speaking against

#1355  
Public hearing held. Leon Bagdonas, 161 Ryan Street, (not a recorded abutter) objected to the amount of land to be taken from the lawn, with no place for his car and offered to give the city 5 feet of the land and if the post were moved would give another 6 feet of land.

Accept Service Comm. report and approve plan for alteration of Ryan Street

On motion made by Councillor Reponen, seconded by Councillor Robichaud, it was voted to accept the Public Service Committee's favorable report and to approve the plan and layout as submitted for the alteration of Ryan Street for the entire length from West Street to Clark Street, and of a uniform width of 50 feet throughout.

Counc. Landry excused

Councillor Landry was excused at 7:45 o'clock p.m.

Draw Juror

Councillor LeBlanc drew Kazmera Dymek, 3 Chatham Street as a traverser juror for Civil Session of Superior Court to report at Fitchburg, on Monday, November 7, 1955.

Appointments laid on the table

#1336  
The appointments for three election officers, as follows to fill vacancies were laid on the table in accordance with the Council Rule:

John R. Tinker as Inspector, Ward 1, Precinct B  
Origene Dion " Deputy Inspector Ward 2, Prec. A  
James J. Sutherby as " " 5, " A

Galaxy S20 5G

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Hearing held and accept report of Service Comm., City Engineer and Plann. Board to accept Laitinen Drive

Accept portion of General Laws and place question on ballot

Motion to hold public hearing at next meeting on application for underground storage on Chestnut Street

Grant permit to maintain marquee on Parker Street

#1340

Hearing Held. On motion made by Councillor Reponen, seconded by Councillor Robichaud, it was voted to accept the Public Service Committee's favorable report with the recommendations of the Planning Board and City Engineer that the promoter post a bond or certified check to the amount of \$800.00 to guarantee the completion of the street and to accept Laitinen Drive from the easterly line of Halford Street to the easterly line of proposed Pelley Street and of a uniform width of 50 feet.

#1384

On motion made by Councillor Reponen, seconded by Councillor Lison, it was voted that provisions of General Laws of Chapter 54, Sections 55, 56 and 57 shall be suspended and made inapplicable as to the following question to be placed on the ballot at the City Election, November 8, 1955:

"Shall a track of land located within the limits of the City of Gardner, now owned by the Gardner Raceway, Inc., and comprising approximately 100 acres, situated on the easterly side of Route 140, otherwise called Green Street; and approximately  $1\frac{1}{2}$  miles from West Gardner Square; be approved as the location of a tract for the pari-mutuel system of betting on licensed horse races?"

as passed by the City Council at the meeting held on August 15, 1955.

#1385

On motion made by Councillor Robichaud, seconded by Councillor Sauter, it was voted to hold a public hearing in the Council Chamber, City Hall, on Monday evening, October 17, 1955 at 7:30 o'clock p.m. to consider the application of Raoul A. Vallee and Mae H. Vallee for a license to install 5 underground tanks totalling 11,000 gallons for the storage of gasoline, fuel oil and waste oil on their property at 229 Chestnut Street.

#1386

On motion made by Councillor Robichaud, seconded by Councillor Lison, it was voted to accept the Public Safety Committee's favorable report and to grant Fram-Gard Theatres Corporation a permit to maintain a marquee over the sidewalk at 34 Parker Street under the supervision of the Building Inspector and with a liability policy that is subject to the approval of the City Solicitor.

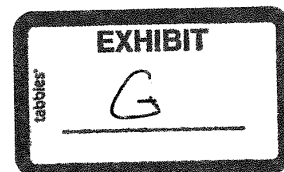






# EXHIBIT G

CITY OF GARDNER  
CITY ELECTION



Tuesday -- November 11, 1955

Polls Open at  
10. o'clock a.m.

(Seal)

Polls Close  
8 o'clock p.m.

City Clerk's Office, October 28, 1955

In accordance with the vote taken by the City Council September 6, 1955 meetings of the citizens of this city qualified to vote for city officers will be held in the several polling places designated by this Board as follows:

|                 |                                            |
|-----------------|--------------------------------------------|
| Ward 1, Prec. A | School Street School Annex                 |
| Ward 1, Prec. B | School Street School Annex                 |
| Ward 2, Prec. A | Motors of Gardner, Inc., 33 West Street    |
| Ward 2, Prec. A | Coleman Street School                      |
| Ward 3, Prec. A | City Hall Auditorium                       |
| Ward 3, Prec. B | Waterford Street School                    |
| Ward 4, Prec. A | Union Hall, 69 Pine Street                 |
| Ward 4, Prec. B | Parker Bros., Auto Co., 231 Main Street    |
| Ward 5, Prec. A | Gardner Auto Co., Inc. 486 Chestnut Street |
| Ward 5, Prec. B | Prospect Street School                     |

On Tuesday, November 8, 1955 for the purpose of giving in their votes for the election of Mayor for two years, six Councillors-at Large for two years, one Ward One Councillor for two years, one Ward Three Councillor for two years, one Ward Four Councillor for two years, one Ward Five Councillor for two years, and two members of the School, Committee for Four years; all terms to begin the first Monday in January, 1956. Also to vote on the approval of a location situated on the easterly side of Route 140, otherwise called Green Street, for the pari-mutuel system of betting on licensed horse races.

It is further ordered that the polls shall be opened at 10 o'clock in the morning and close at 8 o'clock in the evening.

Per order of the City Council  
SARAH E. BOURGEOIS, CITY CLERK

CITY OF GARDNER

Notice

I hereby certify that the following is a list of the candidates to be voted on at the City Election to be held on Tuesday, November 8, 1955 To vote for a person mark a cross (x) in the section at the right of the name.  
SARAH E. BOURGEOIS, City Clerk

Candidates for WARD FIVE COUNCILLOR for TWO Years

Vote for ONE

Edward W. Tamulen, 150 Lovewell Street  
 Wassey S. Szymanski, 19 Glenwood Street

Candidates for SCHOOL COMMITTEE for FOUR Years

Vote for Two

Robert B. Morgan, 152 Oak Street  
 Herve N. Vezina, 131 Graham Street  
 Richard W. Cushing, 24 Jackson Park  
 George C. Lison, 23 West Broadway

To vote on the following question mark a cross (X) at the right of YES or NO

"Shall a tract of land located within the limits of the City of Gardner, now owned by the Gardner Raceway, Inc., and comprising approximately 100 acres, situated on the easterly side of Route 140, otherwise called Green Street: and approximately 1 1/2 miles from West Gardner Square: be approved as the location of a tract for the pari-mutuel system of betting on licensed horse races?"

|     |  |
|-----|--|
| YES |  |
| NO  |  |

Gardner, Mass.  
 October 29, 1955

RETURNS

CITY ELECTION----NOVEMBER 8, 1955

The returns of the City Election were received from the various wards at the City Clerk's Office as follows:

| WARD | TIME             | VOTES       | REGISTRATION | PERCENTAGE  |
|------|------------------|-------------|--------------|-------------|
| 1 A  | Nov. 8, 10.44p.m | 818         | 972          | 84.1        |
| 1 B  | Nov. 8, 10.19p.m | 544         | 670          | 81.1        |
| 2 A  | Nov. 8, 11.08p.m | 972         | 1170         | 83.0        |
| 2 B  | Nov. 8, 12.33a.m | 1082        | 1296         | 83.4        |
| 3 A  | Nov. 8, 1.14a.m  | 1017        | 1218         | 83.4        |
| 3 B  | Nov. 8, 11.48p.m | 858         | 1014         | 84.6        |
| 4 A  | Nov. 8, 11.02p.m | 672         | 816          | 82.3        |
| 4 B  | Nov. 8, 11.07p.m | 644         | 804          | 80.1        |
| 5 A  | Nov. 8, 10.40p.m | 767         | 923          | 83.1        |
| 5 B  | Nov. 8, 10.22p.m | 1007        | 1199         | 83.9        |
|      |                  | <u>8381</u> | <u>10082</u> | <u>82.9</u> |

A true copy, Attest:

*Sarah E. Bourgeois*  
 City Clerk

WARD FIVE COUNCILLOR

|                     |       |       |       |       |     |     |     |     |           |           |       |
|---------------------|-------|-------|-------|-------|-----|-----|-----|-----|-----------|-----------|-------|
|                     | One-A | One-B | Two-A | Two-B | 3-A | 3-B | 4-A | 4-B | 5-A       | 5-B       | Total |
| *Edward W. Tamulen  |       |       |       |       |     |     |     |     | 400       | 766       | 1166  |
| Wassey S. Szymanski |       |       |       |       |     |     |     |     | 323       | 192       | 515   |
| Blanks              |       |       |       |       |     |     |     |     | <u>44</u> | <u>49</u> | 93    |
| Total               |       |       |       |       |     |     |     |     | 767       | 1007      | 1774  |

SCHOOL COMMITTEE

|                    |            |            |            |            |            |            |            |            |            |            |             |
|--------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|
|                    | Total      | 1088       | 1944       | 2164       | 2034       | 1716       | 1344       | 1288       | 1534       | 2014       | 16762       |
| *Robert B. Morgan  | 469        | 316        | 534        | 523        | 541        | 388        | 388        | 388        | 473        | 553        | 4573        |
| Herve N. Vezina    | 178        | 126        | 516        | 489        | 480        | 469        | 246        | 235        | 179        | 240        | 3158        |
| Richard W. Cushing | 456        | 295        | 206        | 292        | 156        | 143        | 241        | 155        | 339        | 513        | 2796        |
| *George C. Lison   | 303        | 210        | 377        | 509        | 530        | 466        | 259        | 297        | 360        | 467        | 3778        |
| Blanks             | <u>230</u> | <u>141</u> | <u>311</u> | <u>351</u> | <u>327</u> | <u>250</u> | <u>210</u> | <u>213</u> | <u>183</u> | <u>241</u> | <u>2457</u> |

RACING QUESTION

|        |           |           |           |           |            |           |           |           |           |           |            |
|--------|-----------|-----------|-----------|-----------|------------|-----------|-----------|-----------|-----------|-----------|------------|
| YES    | 111       | 122       | 238       | 287       | 319        | 247       | 161       | 226       | 205       | 269       | 2185       |
| * No   | 686       | 400       | 654       | 711       | 593        | 542       | 469       | 355       | 514       | 685       | 5609       |
| BLANKS | <u>21</u> | <u>22</u> | <u>80</u> | <u>84</u> | <u>105</u> | <u>69</u> | <u>42</u> | <u>63</u> | <u>48</u> | <u>53</u> | <u>587</u> |
| Total  | 818       | 544       | 972       | 1082      | 1017       | 858       | 672       | 644       | 767       | 1007      | 8381       |

\*Elected

A true copy, Attest:

*Frank D. Ramirez*

City Clerk

# **EXHIBIT H**

Taxation of  
company.

*Section 13.* Every such corporation shall be taxed under the provisions of sections two to seven, inclusive, of chapter sixty-three.

Certain sections of law to apply.

*Section 14.* The provisions of sections eighty-six to one hundred and ten, both inclusive, of chapter one hundred and forty and the provisions of chapter one hundred and ten A and chapter one hundred and seventy-four shall not apply to such corporations. *Approved July 26, 1935.*

*Chap. 453* AN ACT RELATIVE TO THE TERM OF CERTAIN NOTES TO BE ISSUED BY THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

The term of the notes which the state treasurer is authorized to issue under chapter three hundred and ninety-two of the acts of the current year, authorizing temporary borrowings by the commonwealth in anticipation of receipts from federal grants for emergency public works, shall not exceed nine months, as recommended by the governor in a message to the general court dated July twelfth, nineteen hundred and thirty-five, in pursuance of section three of Article LXII of the amendments to the constitution.

*Approved July 26, 1935.*

*Chap. 454* AN ACT MAKING CERTAIN ADJUSTMENTS IN THE LAWS RELATING TO HORSE AND DOG RACES CONDUCTED UNDER THE PARI-MUTUEL OR CERTIFICATE SYSTEM OF BETTING.

Emergency  
preamble.

*Whereas,* The deferred operation of this act would in part defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

G. L. (Ter.  
Ed.), 128A,  
§ 5, etc.  
amended.

SECTION 1. Section five of chapter one hundred and twenty-eight A of the General Laws, as appearing in section three of chapter three hundred and seventy-four of the acts of nineteen hundred and thirty-four, is hereby amended by striking out the first paragraph and inserting in place thereof the following:—

Pari-mutuel  
system of  
wagering  
authorized.

Before holding or conducting a racing meeting, every licensee shall provide a place or places, equipped as hereinafter provided, on the grounds where such meeting is held or conducted or adjacent thereto, but not elsewhere, at which such licensee shall conduct and supervise the pari-mutuel or certificate system of wagering on the speed or ability of horses or dogs performing in the races held or conducted by such licensee at such meeting, and such pari-mutuel or certificate method of wagering upon such races so conducted shall not under any circumstances be held or construed to be unlawful, other statutes of the commonwealth to the contrary notwithstanding. Such place or places shall be equipped with automatic betting machines

capable of accurate and speedy determination of award or dividend to winning patrons, and all such awards or dividends shall be calculated by a totalisator machine or like machine, except at state or county fairs.

SECTION 2. Section three of said chapter one hundred and twenty-eight A, as amended by chapter two hundred and thirty-nine of the acts of the current year, is hereby further amended by striking out the first paragraph, as appearing in said section three of said chapter three hundred and seventy-four, and inserting in place thereof the following: —

G. L. (Ter. Ed.), 128A, § 3, etc., amended.

If any application for a license, filed as provided by section two, shall be in accordance with the provisions of this chapter, the commission, after reasonable notice and a public hearing in the city or town wherein the license is to be exercised, may issue a license to the applicant to conduct a racing meeting, in accordance with the provisions of this chapter, at the race track specified in such application; provided, that if the commission has already taken action on an application in any calendar year, after such notice and public hearing, no other public hearing need be granted on any other application relating to the same premises filed prior to the expiration of said year, unless such other application is for an extension of more than ten days for the racing meeting or for an additional racing meeting.

License to conduct racing meeting. Application for, contents of.

SECTION 3. Said section three is hereby further amended by striking out, in the second line of paragraph (f), as so appearing, the word "seventy" and inserting in place thereof the word: — ninety, — so that said paragraph will read as follows: — (f) No licenses shall be issued for more than an aggregate of ninety racing days in any one year at all running horse race meetings combined, not including running horse racing meetings at state and county fairs.

G. L. (Ter. Ed.), 128A, § 3, etc., further amended.

Number of racing days limited.

SECTION 4. Said section three is hereby further amended by inserting after the word "track" the second time it occurs in the fifth line of paragraph (h), as so appearing, the words: — within the commonwealth, — and by adding at the end thereof the following: — ; provided, that licenses may be issued to permit such meetings to be held or conducted at the same time at not more than two race tracks if such tracks are seventy-five miles apart, — so that said paragraph will read as follows: —

G. L. (Ter. Ed.), 128A, § 3, etc., further amended.

(h) No licenses shall be issued to permit running horse racing meetings to be held or conducted, except in connection with a state or county fair, at the same time at more than one race track within the commonwealth, nor at any time at a race track located within fifty miles of another race track within the commonwealth, one mile or more in circumference; provided, that licenses may be issued to permit such meetings to be held or conducted at the same time at not more than two race tracks if such tracks are seventy-five miles apart.

Number of licensed race tracks limited.

SECTION 5. Section nine of said chapter one hundred

G. L. (Ter. Ed.), 128A,



§ 9, etc.,  
amended.

Penalty.

G. L. (Ter.  
Ed.), 128A,  
new section  
9A, added.  
Rules and  
regulations  
may control  
fees, etc.

G. L. (Ter.  
Ed.), 128A,  
§ 13, etc.,  
amended.

Penalty for  
unlicensed  
wagering.

G. L. (Ter.  
Ed.), 128A,  
new section  
13A, added.  
Approval of  
local authori-  
ties required.

and twenty-eight A, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following: —

Any person violating any such rule or regulation shall, upon a complaint brought by the commission, be punished by a fine not exceeding five thousand dollars or by imprisonment not exceeding one year, or by both.

SECTION 6. Said chapter one hundred and twenty-eight A is hereby amended by inserting after said section nine the following new section: — *Section 9A.* For the purpose of enabling the commission to exercise and maintain a proper control over horse and dog racing conducted under the provisions of this chapter, the rules, regulations and conditions prescribed by the commission under section nine may provide for the licensing and registering at reasonable and uniform fees, of agents, assumed names, colors, partnerships and minor agreements and may provide for the licensing at reasonable and uniform fees of trainers of horses and dogs and of jockeys participating in such racing and also of owners of dogs. Such rules and regulations may also provide for the suspension and revocation of licenses so granted and also for the imposition on persons so licensed of reasonable forfeitures and penalties for the violation of any rule or regulation prescribed by the commission and for the use of the proceeds of such penalties and forfeitures.

SECTION 7. Section thirteen of said chapter one hundred and twenty-eight A, as so appearing, is hereby amended by striking out, in the thirteenth line, the word "shall" and inserting in place thereof the word: — may, — and by inserting after the word "barred" in the same line the words: — or suspended, — so as to read as follows: — *Section 13.* Any person making a handbook, at any race track within the commonwealth, or holding or conducting a gambling pool or managing any other type of wagering or betting on the results of any horse or dog race, or aiding or abetting any of the foregoing types of wagering or betting, except as permitted by this chapter, shall for a first offence be punished by a fine of not more than two thousand dollars and imprisonment for not more than one year, and for a subsequent offence by a fine of not more than ten thousand dollars and imprisonment for not more than two years. Any jockey, trainer or owner of horses participating in horse or dog racing, if found guilty by the commission of unfair riding or crooked tactics, may be barred or suspended from further participation in racing throughout the commonwealth.

SECTION 8. Said chapter one hundred and twenty-eight A, as so appearing, is hereby further amended by inserting after section thirteen the following new section: — *Section 13A.* The provisions of section one hundred and eighty-one of chapter one hundred and forty and of sections thirty-one, thirty-three and thirty-four of chapter two hundred and seventy-one, and of chapter four hundred and ninety-

four of the acts of nineteen hundred and eight, shall not apply to race tracks or racing meetings laid out and conducted by licensees under this chapter; except that no license shall be granted by the commission for a racing meeting unless the location of the race track where such meeting is to be held or conducted has been once approved by the mayor and aldermen or the selectmen as provided by said section thirty-three of said chapter two hundred and seventy-one.

*Approved July 26, 1935.*

---

AN ACT AUTHORIZING THE CITY OF BOSTON TO PROVIDE CERTAIN ADDITIONAL FUNDS NECESSARY TO MEET THE COST OF CERTAIN IMPROVEMENTS IN CONNECTION WITH THE CONSTRUCTION OF THE VEHICULAR TUNNEL BETWEEN BOSTON PROPER AND EAST BOSTON.

*Chap. 455*

*Be it enacted, etc., as follows:*

SECTION 1. Chapter two hundred and ninety-seven of the acts of nineteen hundred and twenty-nine is hereby amended by striking out section eight, as amended by section two of chapter two hundred and eighty-seven of the acts of nineteen hundred and thirty-two, and inserting in place thereof the following: — *Section 8.* For the purpose of meeting the cost of the tunnel, which shall include all expenses incurred in laying out and constructing the same and all facilities and appurtenances incidental thereto, including plazas, street approaches, and additional street and traffic improvements, all as described in section one, and all land damages, expenses of the department, such proportion of the salaries of the department as may in its opinion be properly chargeable thereto and all interest accruing prior to the use of the tunnel on debt incurred for the foregoing, the treasurer of the city shall, from time to time, on request of the department, with the approval of the mayor of the city and without any other authority than that contained in this act, issue and sell at public or private sale the bonds of the city, registered or with interest coupons attached, as he may deem best, to an amount not exceeding nineteen million six hundred thousand dollars. Such bonds shall be designated on their face, Traffic Tunnel Bonds, City of Boston, Act of 1929, sixteen million dollars of which shall be for such terms, not exceeding fifty years, and three million dollars of which shall be for such terms, not exceeding thirty years, and six hundred thousand dollars of which shall be for such terms, not exceeding thirty years, as in each case the mayor and the treasurer of the city may determine, and shall bear such interest, payable semi-annually, as the mayor and the treasurer of the city may determine. Such bonds may be called, retired and cancelled by the city on any date upon which interest is payable on said bonds after twenty years from their respective dates, by payment by the city of the amount of

**Chap.158 AN ACT RELATIVE TO MEMBERSHIP IN COUNTY RETIREMENT SYSTEMS.**

*Be it enacted, etc., as follows:*

G. L. (Ter. Ed.), 32, § 21, etc., amended.

SECTION 1. Section twenty-one of chapter thirty-two of the General Laws, as most recently amended by section two of chapter three hundred and thirty-six of the acts of nineteen hundred and thirty-seven, is hereby amended by striking out paragraph (1) (a), as appearing in section one of chapter four hundred of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following paragraph:—

Employees under fifty-five years of age.

(a) Except as otherwise provided in paragraphs (b) and (d) of this subdivision, any person who, while under age fifty-five, enters the service of the county after the date on which the system becomes operative therein may by written application to the retirement board become a member of the system as of the date of the filing of such application; provided, that, if such application is not filed prior to the date of completion of ninety days of such service, he shall become a member of the system as of said last mentioned date.

G. L. (Ter. Ed.), 32, § 21, further amended.

Employees of hospital districts.

SECTION 2. Said section twenty-one is hereby further amended by inserting at the end of subdivision (1), as amended, the following new paragraph:—

(f) A person who, while under age fifty-five, enters the employ of a hospital district shall become a member of the system after completing nine months of service, unless he shall sooner become a member following an application in writing to the retirement board for such membership.

*Approved April 26, 1939.*

**Chap.159 AN ACT REQUIRING THE HOLDING OF A PUBLIC HEARING PRIOR TO APPROVAL BY MUNICIPAL AUTHORITIES OF THE LOCATION OF A RACE TRACK WHERE IT IS PROPOSED TO HOLD A RACING MEETING AT WHICH THE PARI-MUTUEL SYSTEM OF WAGERING SHALL BE PERMITTED.**

*Be it enacted, etc., as follows:*

G. L. (Ter. Ed.), 128A, § 13A, etc., amended.

Approval of local authorities required.  
Hearings.

Chapter one hundred and twenty-eight A of the General Laws is hereby amended by striking out section thirteen A, inserted by section eight of chapter four hundred and fifty-four of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following:— *Section 13A.* The provisions of section one hundred and eighty-one of chapter one hundred and forty and of sections thirty-one, thirty-three and thirty-four of chapter two hundred and seventy-one, and of chapter four hundred and ninety-four of the acts of nineteen hundred and eight, shall not apply to race tracks or racing meetings laid out and conducted by licensees under this chapter; except that no license shall be

granted by the commission for a racing meeting in any city or town unless the location of the race track where such meeting is to be held or conducted has been once approved by the mayor and aldermen or the selectmen as provided by said section thirty-three of said chapter two hundred and seventy-one, after a public hearing, seven days' notice of the time and place of which hearing shall have been given by posting in a conspicuous public place in such city or town and by publication in a newspaper published in such city or town, if there is any published therein, otherwise in a newspaper published in the county wherein such city or town is situated.

*Approved April 26, 1939.*

AN ACT FURTHER REGULATING THE BUSINESS OF FUNERAL DIRECTING. *Chap. 160*

*Be it enacted, etc., as follows:*

SECTION 1. Section eighty-two of chapter one hundred and twelve of the General Laws, as appearing in section three of chapter four hundred and seven of the acts of nineteen hundred and thirty-six, is hereby amended by striking out the definition of "Funeral directing" and inserting in place thereof the following: —

G. L. (Ter. Ed.), 112, § 82, etc., amended.

"Funeral directing", the business, practice or profession, as commonly practiced, of (a) directing or supervising funerals or providing funeral service; (b) handling or encasing, or providing services for handling or encasing, dead human bodies, and preparation of dead human bodies, otherwise than by embalming, for burial or disposal; (c) providing embalming services; (d) providing transportation, interment and disinterment of dead human bodies; (e) maintaining an establishment so located, constructed and equipped as to permit the decent and sanitary handling of dead human bodies, with suitable equipment in such establishment for such handling.

Definition.

SECTION 2. Section eighty-seven of said chapter one hundred and twelve, as amended by chapter thirteen of the acts of nineteen hundred and thirty-seven, is hereby further amended by adding at the end the following: — ; nor shall said sections prohibit a corporation or partnership, if not engaged in any other business, from engaging in the business of funeral directing, if a duly registered and licensed funeral director is in charge of the business of said corporation or partnership.

G. L. (Ter. Ed.), 112, § 87, etc., amended.

Corporations may engage in business.

SECTION 3. The last paragraph of section forty-nine of chapter one hundred and fourteen of the General Laws, as amended by section four of said chapter four hundred and seven, is hereby further amended by striking out, in the first and second lines, the words "may by a special rule or regulation permit" and inserting in place thereof the words: — shall issue a permit for, — so as to read as follows: —

G. L. (Ter. Ed.), 114, § 49, etc., amended.

The board of health of a town shall issue a permit for the continuance therein, under the active supervision of a per-

Permit to continue business

*Section 36D.* With the approval of the board of directors of any such corporation, at the request of the owner of the equity of redemption and upon a certification of the security committee of such corporation that the then balance of the amount due does not exceed eighty per cent of the value of the mortgaged premises, the amount of the fixed monthly payments called for by any such note and mortgage may be changed; provided, that any such change shall not result in the extension of the term of such loan beyond twenty years from the date of such change; and provided, further, that such change shall be evidenced by an instrument setting forth such change, payments and mortgage extension.

Extension  
of term  
of loan.

SECTION 2. Chapter one hundred and ninety-one of the acts of nineteen hundred and thirty-five, as amended by chapter two hundred and three of the acts of nineteen hundred and thirty-six, chapter two hundred and thirty-three of the acts of nineteen hundred and thirty-seven and chapter one hundred and ninety-nine of the acts of nineteen hundred and thirty-eight, is hereby repealed.

Temporary  
act repealed.

*Approved May 20, 1941.*

AN ACT PROVIDING THAT THE SECTION OF THE NEW STATE HIGHWAY FROM THE BILLERICA-CHELMSFORD LINE TO THE NORTH CHELMSFORD LINE BE KNOWN AS THE LOWELL TURNPIKE HIGHWAY.

*Chap. 294*

*Be it enacted, etc., as follows:*

The section of the new state highway lying between the Billerica-Chelmsford boundary line and the so-called North Chelmsford line shall be known as the Lowell turnpike highway.

*Approved May 20, 1941.*

AN ACT RELATIVE TO THE APPROVAL BY MUNICIPAL AUTHORITIES OF THE LOCATION OF A RACE TRACK WHERE A RACING MEETING AT WHICH THE PARI-MUTUEL SYSTEM OF WAGERING SHALL BE PERMITTED IS PROPOSED TO BE HELD IN CONNECTION WITH A STATE OR COUNTY FAIR.

*Chap. 295*

*Be it enacted, etc., as follows:*

Section thirteen A of chapter one hundred and twenty-eight A of the General Laws, as most recently amended by chapter one hundred and fifty-nine of the acts of nineteen hundred and thirty-nine, is hereby further amended by inserting after the word "town" in the tenth line the words: —, except in connection with a state or county fair, — so as to read as follows: — *Section 13A.* The provisions of section one hundred and eighty-one of chapter one hundred and forty and of sections thirty-one, thirty-three and thirty-four of chapter two hundred and seventy-one, and of chapter four hundred and ninety-four of the acts of nineteen hundred and eight, shall not apply to race tracks or racing

G. L. (Ter.  
Ed.), 128A,  
§ 13A, etc.,  
amended.

Approval of  
location of  
certain race  
tracks  
required.

meetings laid out and conducted by licensees under this chapter; except that no license shall be granted by the commission for a racing meeting in any city or town, except in connection with a state or county fair, unless the location of the race track where such meeting is to be held or conducted has been once approved by the mayor and aldermen or the selectmen as provided by said section thirty-three of said chapter two hundred and seventy-one, after a public hearing, seven days' notice of the time and place of which hearing shall have been given by posting in a conspicuous public place in such city or town and by publication in a newspaper published in such city or town, if there is any published therein, otherwise in a newspaper published in the county wherein such city or town is situated.

*Approved May 20, 1941.*

**Chap. 296** AN ACT AUTHORIZING THE LEASING OF MUNICIPALLY OWNED LANDS FORMERLY HELD UNDER TAX TITLES, AUTHORIZING THE CUSTODIAN OF SUCH LANDS TO EMPLOY ASSISTANTS AND EXTENDING THE PERIOD OF OPERATION OF THE LAW RELATIVE TO THE CARE AND DISPOSAL OF SUCH LANDS.

Emergency  
preamble.

*Whereas*, The provisions of law sought to be extended by this act would, but for this act, shortly cease to be effective, but the circumstances and conditions which made advisable their enactment still continue and it is accordingly desirable that said provisions continue in effect without interruption; therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter three hundred and fifty-eight of the acts of nineteen hundred and thirty-eight, as most recently amended in section one by chapter one hundred and twenty-three of the acts of nineteen hundred and thirty-nine, is hereby further amended by inserting after section two the two following new sections: — *Section 2A.* If the custodian is of the opinion that a sale of any such property is not immediately practicable, the custodian, acting on behalf of the city or town, may, subject to the approval of the mayor or the board of selectmen, notwithstanding any provision of law, ordinance or by-law inconsistent herewith, lease such property for a term not exceeding three years, and may on behalf of the city or town execute and deliver such lease.

*Section 2B.* The custodian, subject to appropriation, may employ one or more assistants as may be necessary for the proper performance of his duties, and such assistants shall receive as compensation such amounts as may be approved by the mayor or by the board of selectmen.

SECTION 2. Section three of said chapter three hundred and fifty-eight is hereby amended by striking out, in the

**Chap.437** AN ACT FURTHER REGULATING THE APPROVAL OF LOCATIONS FOR HOLDING HORSE AND DOG RACING MEETINGS AT WHICH THE PARI-MUTUEL SYSTEM OF WAGERING SHALL BE PERMITTED.

*Be it enacted, etc., as follows:*

G. L. (Ter. Ed.), 128A, § 13A, etc., amended.

Approval of locations for race meetings, regulated.

Section 13A of chapter 128A of the General Laws, as most recently amended by chapter 295 of the acts of 1941, is hereby further amended by adding at the end the following paragraph:—

Provided, nevertheless, that in the case of towns said approval by the selectmen, excepting only the approval of locations where racing meetings have already been held, other than in connection with state and county fairs, prior to May first, nineteen hundred and forty-eight, shall not become effective unless and until it shall be ratified and confirmed by vote, taken by Australian ballot, of a majority of the registered voters of said town voting at the next annual election. In the event that a location of a race track has been disapproved by the town officials or at a town election as aforesaid, no petition for approval of the same location shall be received by town authorities and no hearing shall be held on the question of approving or disapproving of the same location for a period of three years from the date of disapproval. Said approval by the selectmen of the location of a race track, excepting only the approval of locations where racing meetings have already been held, other than in connection with state and county fairs, prior to May first, nineteen hundred and forty-eight, shall be effective for a period of six years at the expiration of which time the location shall again be so approved before the commission shall grant a license for a racing meeting in said town.

*Approved May 28, 1948.*

**Chap.438** AN ACT AUTHORIZING INSPECTORS OF BUILDINGS TO ISSUE CERTAIN PERMITS OR CERTIFICATES UNDER CERTAIN CONDITIONS.

Emergency preamble.

*Whereas*, The deferred operation of this act would tend to defeat its purpose which is in part, in view of the existing housing emergency in the commonwealth, to provide immediately that inspectors of buildings may issue permits or certificates in certain cases for structures used or to be used for dwelling purposes, therefore it is hereby declared to be an emergency law necessary for the immediate preservation of the public health, safety and convenience.

*Be it enacted, etc., as follows:*

G. L. (Ter. Ed.), 143, § 31, etc., amended.

**SECTION 1.** Section 31 of chapter 143 of the General Laws, inserted by section 1 of chapter 631 of the acts of 1947, is hereby amended by striking out, in lines 6, 8 and 27, the words:— demolition, removal,

**Chap.776** AN ACT RELATIVE TO THE SALARY OF THE COMMISSIONER OF INSURANCE.

*Be it enacted, etc., as follows:*

G. L. (Ter. Ed.), 26, § 6, etc., amended.

Salary of commissioner of insurance.

Section 6 of chapter 26 of the General Laws, as most recently amended by section 40 of chapter 591 of the acts of 1946, is hereby further amended by striking out, in line 6, the words "eighty-five hundred" and inserting in place thereof the words: — twelve thousand, — so as to read as follows: — *Section 6.* Upon the expiration of the term of office of a commissioner of insurance, his successor shall be appointed for three years by the governor, with the advice and consent of the council. The commissioner shall receive such salary, not exceeding twelve thousand dollars, as the governor and council determine. He shall give bond with sureties in the sum of ten thousand dollars, to be approved by the state treasurer, for the faithful performance of his duties.

*Approved November 9, 1951.*

**Chap.777** AN ACT RELATIVE TO THE TENURE OF OFFICE OF THE PRESENT INCUMBENT OF THE OFFICE OF DOG OFFICER IN THE CITY OF REVERE AND RELATIVE TO CERTAIN POWERS AND DUTIES OF DOG OFFICERS.

*Be it enacted, etc., as follows:*

SECTION 1. Ralph T. Mele, the present incumbent of the office of dog officer in the city of Revere, is hereby given unlimited tenure of office therein, and shall not be involuntarily separated from his service as such except subject to and in accordance with the provisions of sections forty-three and forty-five of chapter thirty-one of the General Laws.

G. L. (Ter. Ed.), 128A, § 13A, etc., amended.

Powers and duties of dog officers.

SECTION 2. The first paragraph of section 13A of chapter 128A of the General Laws, as appearing in chapter 295 of the acts of 1941, is hereby amended by inserting after the word "forty", in line 3, the words: — and the provisions of said chapter relative to the powers and duties of dog officers, — and by inserting after the word "chapter", in line 8, the words: — or to animals eligible to race at such meetings, — so as to read as follows: — The provisions of section one hundred and eighty-one of chapter one hundred and forty and the provisions of said chapter relative to the powers and duties of dog officers and of sections thirty-one, thirty-three and thirty-four of chapter two hundred and seventy-one, and of chapter four hundred and ninety-four of the acts of nineteen hundred and eight, shall not apply to race tracks or racing meetings laid out and conducted by licensees under this chapter or to animals eligible to race at such meetings; except that no license shall be granted by the commission for a racing meeting in any city or town, except in connection with a state or county fair, unless the location of the race track where such meeting is to be held



or conducted has been once approved by the mayor and aldermen or the selectmen as provided by said section thirty-three of said chapter two hundred and seventy-one, after a public hearing, seven days' notice of the time and place of which hearing shall have been given by posting in a conspicuous public place in such city or town and by publication in a newspaper published in such city or town, if there is any published therein, otherwise in a newspaper published in the county wherein such city or town is situated.

SECTION 3. Section one of this act shall take full effect upon its acceptance during the current year by vote of the city council of the city of Revere, subject to the provisions of its charter, but not otherwise.

*Approved November 14, 1951.*

AN ACT AUTHORIZING THE CITY OF BROCKTON TO APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY A CERTAIN UNPAID BILL.

*Chap. 778*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Brockton is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay an unpaid bill incurred by said city in nineteen hundred and fifty in the amount of twenty-nine hundred and sixty-five dollars for repairs to number one and number two engines of the Silver Lake pumping station, which bill is legally unenforceable against said city by reason of its being incurred in excess of an available appropriation or by reason of the failure of said city to comply with the provisions of its charter.

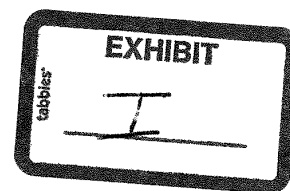
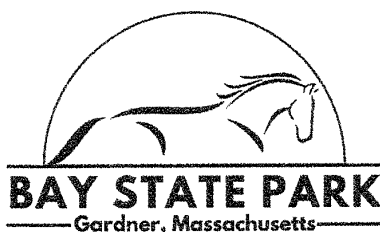
SECTION 2. The bill referred to in section one shall not be approved by the city auditor of said city for payment or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said city auditor, stating under the penalties of perjury that the services for which the bill has been submitted were ordered by an official or employee of said city, and that such services were rendered to said city.

SECTION 3. Any person who knowingly files a certificate required by section two which is false and who thereby receives payment for services which were not rendered to said city shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its passage.

*Approved November 14, 1951.*

# EXHIBIT I



April 30, 2024

Council President Elizabeth Kazinskas  
 City of Gardner  
 City Hall, 95 Pleasant Street, Room 121  
 Gardner, Massachusetts 01440

Dear Madam President and Honorable Councilors:

On behalf of Baystate Racing llc, I write to express our interest in what we believe to be an exciting project for Gardner.

Gardner is known as the Chair City. But nearly 150 years ago, Gardner started to emerge as the premier destination for horse breeding, training, and racing in the state. Local physician Dr. Robert Foster Andrews created what was then called Andrews Park on the site currently managed by GAAHMA, Inc. on Route 140. The first horse race was on September 26, 1875 with more than 600 attendees. Over the course of the next several decades, the site also became the location of the Mid-State Fair, and the Agricultural Fair sponsored by the Gardner Agricultural Society and the Gardner Chamber of Commerce. In later years, Leonard LeBlanc, one of the top trainers in New England, bought the farm to raise and train his horses.

More recently, under the guidance of GAAMHA, the location has become a place for those with substance user disorder and mental health needs find therapy and recovery while taking care of the farm and its animals.

Bay State Park is a natural continuation of Gardner's agricultural legacy. Our proposal is developed by horse and agricultural enthusiasts. It is strongly supported by the Massachusetts Thoroughbred Breeders Association and the New England Horsemen's Benevolent and Protective Association. Bay State Park will be the location for thoroughbred breeding and off-track retirement programs, training, and racing facilities, while preserving open space for future generations. Additionally, we are collaborating with GAAMHA on equestrian training for clients and providing retired horses for therapeutic programs and partnering with Mount Wachusett Community College Pathway for Jobs around agricultural and veterinarian tech training.

We respectfully request that you schedule a public hearing with seven days notice in the Gardner News in accordance with MGL c. 128A, s. 13A to consider Andrews Park as a location for a Race Meet License.

We will submit a draft Host Community Agreement (HCA) to Mayor Michael J. Nicholson. The HCA is our contract with the City of Gardner. Highlights of our proposal include an annual review of operations with the Mayor and Council, estimated new revenue of \$500,000 a year, cover any costs related to police, fire, and EMS details on festival days, create local jobs, and \$10,000 upfront for the cost of any reviews during the approval process.

We look forward to working with you, your colleagues, and partners in government in the months ahead on this project and be part of Gardner's great agricultural legacy.

Sincerely,

John A. Stefanini

CC: Mayor Michael J. Nicholson

# EXHIBIT J



## Gould Title Company, Inc.

Real Estate Title Services

90 Front Street, Suite C202  
 Worcester, MA 01608  
 Tel: (508) 754-1871  
 Fax: (508) 754-7079

### PRELIMINARY TITLE REPORT

Prepared for:

Todd K. Helwig, Esquire

**We have examined the records as indexed in the Registries of Deeds and Probate for the County of Worcester (Worcester District) since October 31, 1950 and March 18, 1954**

**for the Premises described in a Quitclaim Deed**

**from** Deborah M. Rosenblatt, Trustee under the Last Will of Noella M. LeBlanc, Docket #WO132966EA

**to** GAAMHA, Inc.

**dated** November 19, 2020 and recorded in Book 63792, Page 211.

**Title appears to be in** GAAMHA, Inc.\*\*

**and is free from encumbrances of record during the period examined, except:**

Construction Mortgage from GAAMHA, Inc. to Enterprise Bank and Trust Company for \$1,015,000.00, dated November 19, 2020 and recorded in Book 63792, Page 217;

Assignment of Rents from GAAMHA, Inc. to Enterprise Bank and Trust Company dated November 19, 2020 and recorded in Book 63792, Page 233;

Excepting that portion of premises owned by the Boston and Maine Railroad as recited in deed in Book 3299, Page 3 (see Plan Book 135, Plan 22 for possible location);

Subject to pole and wires rights of New England Telephone and Telegraph Company as recited in deed in Book 3299, Page 3;

Order of Taking (easement) for Winchendon Road by the County of Worcester (County Commissioners) vs. Gardner Agricultural Association Inc. et als dated October 16, 1936 and recorded in Book 2679, Page 584 (Parcels 7 and 8 on Plan Book 94, Plan 6);

Order of Taking (easement) for Winchendon Road by the County of Worcester (County Commissioners) vs. Gardner Agricultural Association Inc. et als dated February 3, 1939 and recorded in Book 2739, Page 13 (Parcel 1 on Plan Book 107, Plan 36);

Deed out to Francis R. Cosentino dated February 15, 1957 and recorded in Book 3873, Page 1 (Gould Title Reference No. 15135-A);

Order of Taking for Route 140 by the Commonwealth of Massachusetts (Department of Public Works) vs. Land Corporation of Gardner et als dated May 10, 1972 and recorded in Book 5222, Page 477 (Parcels taken in fee: 7-14, 7-17 and 7-36. Parcels taken for drainage and slope easements: 7-DS-2 and 7-DS-4 on Plan Book 364, Plan 16);

Order of Taking for Route 140 by the Commonwealth of Massachusetts (Department of Public Works) vs. Land Corporation of Gardner et als dated April 9, 1980 and recorded in Book 6960, Page 296 (Parcel 8-R-1 [easement] and Parcel 8-30 [fee] as shown on Plan Book 474, Plan 65);

Terms and provisions of Decision re: Special Permit from the City of Gardner (Zoning Board of Appeals) to Industrial Tower and Wireless, LLC (applicant) and GAAMHA, Inc. (owner) dated October 17, 2023 and recorded in Book 69891, Page 304 (to construct a wireless communication facility);

Possible rights of others in Old Abandoned Road as shown on Plan Book 135, Plan 22;

Provisions of M.G.L. c. 40, Section 54A restriction prohibiting issuance of building permits without approval of the Secretary of Executive Office of Transportation and Construction;

Outstanding charges as shown on Municipal Lien Certificate dated October 28, 2020 and recorded in Book 63792, Page 203;

Possible corporate excise taxes for GAAMHA, Inc. if the contemplated conveyance will be all or substantially all of the assets of said corporation in the Commonwealth of Massachusetts.

**\*\*Note: The Deed recorded in Book 50612, Page 71 raises the question as to whether Noella and Leonard LeBlanc conveyed their full interest or if Leonard was only releasing homestead rights as stated under his signature line. The title being vested in the current owner is subject to interpretation of that deed. A 5B Affidavit may be needed to clarify the chain of title. If the LeBlancs did not effectively convey their full interest in said Deed, then title will be in the Estate of Leonard LeBlanc and be subject to the following:**

Tax Lien by the Commonwealth of Massachusetts vs. Leonard LeBlanc (35 Duval Court, Winchendon xxx-xx-8629) dated April 13, 2018 and recorded in Book 58764, Page 347, if same person;

Possible expenses of administration and Massachusetts and federal estate taxes under the Estate of Leonard LeBlanc, Worcester Probate Case No. 19P2900.

**Note: Agricultural Lien recorded in Book 10272, Page 293 was recently released in Book 70156, Page 133. A property classified under this chapter "shall not be sold for, or converted to, residential, industrial or commercial use while so taxed or within one year after that time unless the city or town in which the land is located has been notified of the intent to sell for, or convert to, that other use." (See M.G.L. c. 61A, sec. 14). A waiver of right of first refusal may be needed for the contemplated transaction.**

**Note: Recreational Lien recorded in Book 53055, Page 211 was recently released in Book 70156, Page 84. A property classified under this chapter "shall not be sold for, or converted to, residential, industrial or commercial use while so taxed or within one year after that time unless the city or town in which the land is located has been notified of the intent to sell for, or convert to, that other use." (See M.G.L. c. 61B, sec. 9). A waiver of right of first refusal may be needed for the contemplated transaction.**

Note: No survey of record to establish accuracy of description.

**Run Through:** March 27, 2024  
**Reference:** #15135  
**Location:** Green Street, aka Route 140 (fka Winchendon Road)  
 Gardner, MA

*Nicole S. Trainor*

\*Bankruptcy indices are no longer available in the Worcester District Registry of Deeds' computer system; therefore this examination does not include possible bankruptcies.

# Gould Title Company, Inc.

Real Estate Title Services

90 Front Street, Suite C202  
Worcester, MA 01608  
Tel: (508) 754-1871  
Fax: (508) 754-7079

## PRELIMINARY TITLE REPORT

Prepared for:

Todd K. Helwig, Esquire

**We have examined the records as indexed in the Registries of Deeds and Probate for the County of Worcester (Worcester District) since April 1, 1966**

**for the Premises described in a Quitclaim Deed**

**from** Thomas R. LeBlanc, Deborah M. Rosenblatt, Joann M. McAvoy and Steven J. LeBlanc

**to** GAAMHA, Inc.

**dated** August 28, 2021 **and recorded in Book** 66317, **Page** 109.

**Title appears to be in** GAAMHA, Inc.

**and is free from encumbrances of record during the period examined, except:**

Order of Taking (easement) for Winchendon Road by the County of Worcester (County Commissioners) vs. Gardner Agricultural Association Inc. et als dated February 3, 1939 and recorded in Book 2739, Page 13 (Parcel 1 on Plan Book 107, Plan 36);

Order of Taking for Route 140 (fee) by the Commonwealth of Massachusetts vs. Aurule E. Charland et als dated May 10, 1972 and recorded in Book 5222, Page 477 (Parcel 7-20 on Plan Book 364, Plan 16);

Possible corporate excise taxes for GAAMHA, Inc. if the contemplated conveyance will be all or substantially all of the assets of said corporation in the Commonwealth of Massachusetts.

Tax Lien by the Commonwealth of Massachusetts vs. Leonard LeBlanc (35 Duval Court, Winchendon xxx-xx-8629) for \$11,668.66 dated April 13, 2018 and recorded in Book 58764, Page 347, if same person;\*\*

Possible expenses of administration and Massachusetts and federal estate taxes under the Estate of Leonard LeBlanc, Worcester Probate Case No. 19P2900.\*\*

\*\*If the Deed recorded in Book 50612, Page 69 is interpreted to convey Noelle and Leonard's LeBlanc's full interest, this encumbrance would not apply.

Note: No survey of record to establish accuracy of description.

**Run Through:** March 27, 2024  
**Reference:** #15135-A  
**Location:** Green Street, aka Route 140  
Gardner, MA



\*Bankruptcy indices are no longer available in the Worcester District Registry of Deeds' computer system; therefore this examination does not include possible bankruptcies.

# EXHIBIT K



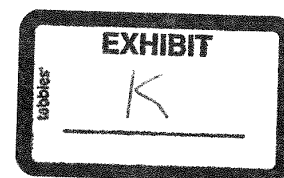
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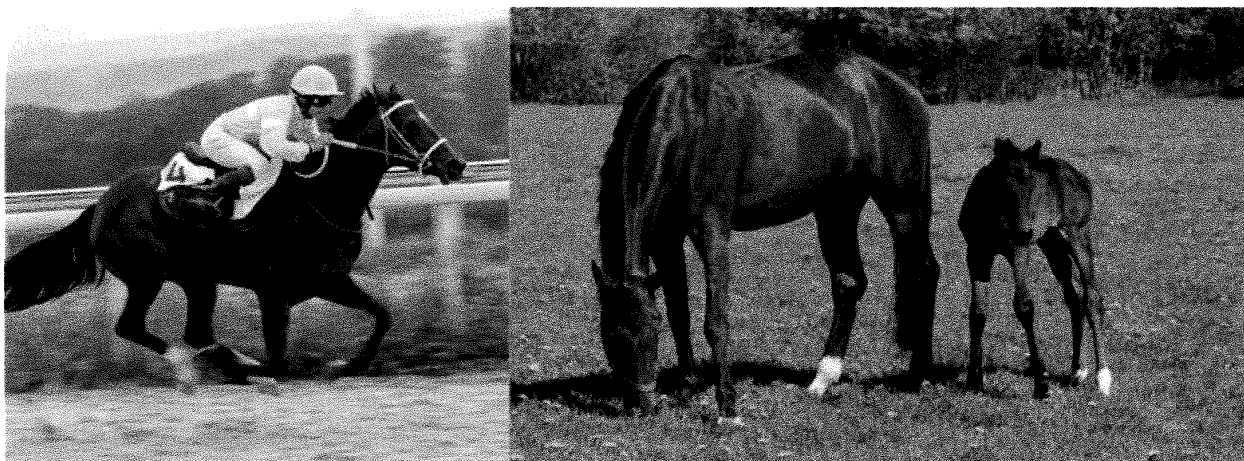
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## Thoroughbred Breeding Program

The Division of Animal Health administers the race horse breeding registration programs in conjunction with the Massachusetts State Gaming Commission and the representative breed organizations.



The Massachusetts Department of Agricultural Resources' Division of Animal Health ("MDAR") is charged with promoting, developing, and encouraging through the Massachusetts Thoroughbred Breeding Program, the breeding of thoroughbred horses in the commonwealth by offering cash prizes to breeders of such horses.

The authorizing statute, Massachusetts General Law Chapter 128, section 2, part (g) (<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXIX/Chapter128/Section2>), describes the specific standards by which horses, and thereby their owners, would be eligible to receive such prizes.

**M.G.L. c. 128, Section 2, states, in part:**

"No person shall be eligible for the prizes provided herein unless the following standards are met:

1. The foal of a thoroughbred mare that drops said foal in the commonwealth and is bred back to the Massachusetts registered stallion shall be Massachusetts bred; or
2. The foal of a thoroughbred mare who resides in the commonwealth from the fifteenth day of October of the year prior to foaling and continues such residence until foaling and foals in the commonwealth shall be Massachusetts bred.
3. In either the case of subparagraph (1) or (2) each thoroughbred foal dropped in the commonwealth shall be registered with the Jockey Club and the department of food and agriculture.”

## Thoroughbred Breeding Registration Forms

### Registration fees:

MDAR does not collect registration fees associated with this program.

### Forms and Critical Dates:

The Thoroughbred breeding season runs from February 1-June 30

- [Thoroughbred Stallion Mares Bred and Declaration Form 2024 – Due September 1, 2024](/doc/thoroughbred-stallion-mares-bred-and-declaration-form-2024/download)  
(/doc/thoroughbred-stallion-mares-bred-and-declaration-form-2024/download)
- [Thoroughbred Resident Broodmare Registration Form 2024 – Due October 15, 2024](/doc/thoroughbred-resident-broodmare-registration-form-2024/download)  
(/doc/thoroughbred-resident-broodmare-registration-form-2024/download)
- [Thoroughbred Resident Broodmare Registration Late Form \(After October 15, 2024\)](/doc/thoroughbred-resident-broodmare-registration-form-late-after-october-15-2024/download) (/doc/thoroughbred-resident-broodmare-registration-form-late-after-october-15-2024/download) – **Due when mare arrives**
- [Thoroughbred Yearling Registration Form 2024 – Due December 31, 2024](/doc/thoroughbred-yearling-registration/download)  
(/doc/thoroughbred-yearling-registration/download)
- [Thoroughbred Stallion Registration Form 2024 – Due February 1, 2024](/doc/thoroughbred-stallion-registration-form-2024/download)  
(/doc/thoroughbred-stallion-registration-form-2024/download)

**Form submissions, program questions, updates, and notifications regarding foal births and emergency situations can be directed to:**

**Linda Harrod**

MDAR Thoroughbred Breeders Program

225 Turnpike Road

Southborough, MA 01772

Phone: 617-872-9956

Fax: 617-626-1736

[linda.harrod@mass.gov](mailto:Linda.harrod@mass.gov) (mailto:Linda.harrod@mass.gov)

## Thoroughbred Broodmare Registration and Foal Eligibility

All Thoroughbred broodmares, whether current Massachusetts residents or recent imports, **MUST** be registered with MDAR.

### **Broodmare registration on or before October 15:**

If a Thoroughbred broodmare arrives and registers on or before October 15 of the year the mare is bred, an MDAR Thoroughbred Resident Broodmare Registration Form must be completed and submitted on or before October 15. This is the October prior to foaling. Registrations that are postmarked after October 15 will be considered late.

Mares shall be present on the farm listed on their registration forms by October 15 and must remain there through foaling. MDAR inspectors may inspect during that time to confirm residency. If a mare needs to be moved to another premises in Massachusetts, MDAR must be notified prior to the movement to maintain eligibility. Movement of the mare to a premises outside of Massachusetts may void their eligibility.

MDAR must be notified within 24 hours of foaling so a final inspection can be scheduled.

### **Broodmare registration after October 15:**

If a Thoroughbred broodmare arrives and/or registers **AFTER** October 15 of the year she was bred, the owner must contact MDAR immediately upon arrival to complete the necessary paperwork. An MDAR Thoroughbred Resident Broodmare Registration Form Late must be completed and submitted when the mare arrives in Massachusetts. MDAR may schedule an inspection of a late arriving mare to ensure that she is present on the farm named on the registration form. This applies to mares being brought into Massachusetts or mares that reside in Massachusetts year-round.

There is **ONLY** one option for the foal of a late arriving/registering Thoroughbred broodmare to become eligible to the Massachusetts Thoroughbred Breeding Program. The mare **MUST** be bred back to a Massachusetts registered Thoroughbred stallion in the year the foal is born. This breeding must take place within the defined breeding season, February 1-June 30.

MDAR must be notified within 24 hours of the foal's birth so that an MDAR inspector may verify that the mare and foal are present on the farm named in the registration form.

The breed back to a Massachusetts registered stallion must be documented on the MDAR Thoroughbred Stallion Mares Bred and Declaration Form in the year of foaling. A date of last cover is required.

### **Broodmares bred to a Massachusetts registered stallion:**

Foals sired by a Massachusetts registered stallion are not eligible for this program unless they are born to mares who have met the requirements listed in the Thoroughbred Broodmare Registration and Foal Eligibility section, above. Mares bred to a Massachusetts registered stallion are required by the statute to register with MDAR on or before the October 15 deadline and their location will be confirmed by MDAR. Should the mare arrive or register after October 15, a breed back to a Massachusetts registered

Thoroughbred stallion will be required for the foal to be eligible for the program. An MDAR Inspector may verify their presence on the registered farm.

MDAR must be notified within 24 hours of the foal's birth to verify that the foal was "dropped in the Commonwealth." These mares must appear on the MDAR Thoroughbred Stallion Mares Bred and Declaration Form for the year prior to foaling."

**Stallions:**

Stallions standing at either private or public service in Massachusetts must be registered with MDAR on or before the start of the breeding season, February 1. Stallions must stand in Massachusetts for the entire breeding season of February 1 - June 30. An MDAR Thoroughbred Stallion Mares Bred and Declaration Form is due to MDAR by September 1 of the year the stallion stood.

**Foals:**

The birth of a foal must be reported within 24 hours to MDAR, prior to the mare leaving the registered farm. MDAR requests that the mare and foal remain on the registered farm for 72 hours following the birth of the foal to allow Animal Health Inspectors the opportunity to confirm the birth of the foal..

**Yearling registration:**

Eligible foals must be registered with the Jockey Club and MDAR. The MDAR Thoroughbred Yearling Registration Form is due to MDAR by December 31 of the yearling year.

**Equines entering Massachusetts – Health Certificate and EIA Test Required:**

Horses entering Massachusetts from another state are required to have a negative Equine Infectious Anemia (EIA) test (sometimes called a Coggins Test) performed no more than 12 months prior to entry and an Official Certificate of Veterinary Inspection (sometimes called a Health Certificate) issued no more than 30 days prior to entry. This includes horses returning to Massachusetts from out of state.

**MDAR inspection:**

For MDAR to verify eligibility to the satisfaction of the Office of the State Auditor, inspections may be completed to confirm residency. All registered stallions, mares and foals are subject to unannounced inspection by MDAR staff at any time during their residency period to confirm their location.

**Emergency situations:**

Should a mare, foal or stallion need to move off the registered farm during their residency period for emergency veterinary care or any other reason, MDAR must be contacted as soon as possible but within 24 hours. Movement off the registered premises without timely notification or movement to a location outside MA may void eligibility.

**Massachusetts Thoroughbred Breeders Association contact information:**

MDAR shares registration information with MTBA on a regular basis. Should you have further questions, MTBA can be contacted here:

#### MTBA

175 Littleton Road, Unit B-10

Chelmsford, MA 01824

[mtba@comcast.net](mailto:mtba@comcast.net) (mailto:mtba@comcast.net)

508-252-3690

[www.massbreds.com](http://www.massbreds.com) (http://www.massbreds.com/)

## Contact

### Linda Harrod

#### Online

[linda.harrod@mass.gov](mailto:linda.harrod@mass.gov) (mailto:linda.harrod@mass.gov)

#### Phone

[617-872-9956](tel:6178729956) (tel:6178729956)

#### Fax

617-626-1736

#### RELATED

### MDAR Policy Statement Thoroughbred Broodmare Registration and Foal

[Eligibility](https://www.mass.gov/doc/policy-on-thoroughbred-broodmare-registration-august-2022/download) (https://www.mass.gov/doc/policy-on-thoroughbred-broodmare-registration-august-2022/download)



All

[Topics \(/topics/massachusetts-topics\)](/topics/massachusetts-topics)

Site

[Policies \(/massgov-site-policies\)](/massgov-site-policies)

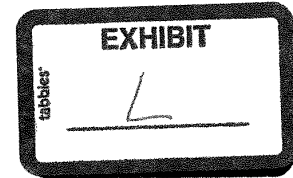
Public Records

[Requests \(/topics/public-records-requests\)](/topics/public-records-requests)

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# EXHIBIT L



## Wetlands NOI Project Information

### Related links

There are no related links for displayed element.

NOI Number ?  
160-0642

Applicant Information  
GAAMHA,  
INC.

Filing Date ?  
01/15/2021

Filing Type ?  
Buffer Zone

Project Type  
Other

Project Address  
827 GREEN STREET

Comments  
ADDITION TO AN EXISTING SFH IN BZ

Technical Comments

### Inland Resource Areas

RESOURCE AREA ALTERED

PROPOSED ALTERATION

PROPOSED REPLACEMENT

**Coastal Resource Areas**

RESOURCE AREA ALTERED

PROPOSED ALTERATION

PROPOSED REPLACEMENT

◀ PREVIOUS

🔍 SEARCH AGAIN

EEA Site Policies (<https://www.mass.gov/site-policies>)

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# EXHIBIT M

**VOTE**

Shall a track of land located within the limits of the City of Gardner, now owned by the GAAMHA, Inc., located at 827 Green Street, comprising approximately 114 acres also identified as assessors lot number R42/21/1// and more particularly described in Worcester Registry of Deeds Book 63792 and Page 211 and situated on the easterly side of Route 140, otherwise called Green Street, be approved as the location of a running horse racing track where race meetings laid out and conducted by licensees under M.G.L c. 128A will be held or conducted?

# EXHIBIT N

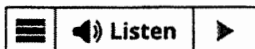


## H.R.1754 - Horseracing Integrity and Safety Act of 2020

116th Congress (2019-2020)

**Sponsor:** [Rep. Tonko, Paul \[D-NY-20\]](#) (Introduced 03/14/2019)  
**Committees:** House - Energy and Commerce  
**Committee Reports:** [H. Rept. 116-554](#)  
**Latest Action:** Senate - 09/30/2020 Received in the Senate. ([All Actions](#))  
**Tracker:** Introduced Passed House

[Summary\(2\)](#) [Text\(4\)](#) [Actions\(13\)](#) [Titles\(5\)](#) [Amendments\(0\)](#) [Cosponsors\(261\)](#) [Committees\(1\)](#) [Related Bills\(3\)](#)



There are 2 summaries for H.R.1754.

[Passed House \(09/29/2020\)](#)

[Bill summaries](#) are authored by [CRS](#).

### Shown Here:

**Passed House (09/29/2020)**

#### Horseracing Integrity and Safety Act of 2020

This bill recognizes the Horseracing Integrity and Safety Authority for purposes of developing and implementing a horseracing anti-doping and medication control program and a racetrack safety program.

The authority shall establish an anti-doping and medication control standing committee and a racetrack safety standing committee to provide guidance to the authority on the development and maintenance of the programs.

The Federal Trade Commission (FTC) shall have oversight over the authority. The authority shall submit to the FTC any proposed rule, standard, or procedure developed by the authority to carry out the horseracing anti-doping and medication control program or the racetrack safety program. The authority shall seek to enter into an agreement with the U.S. Anti-Doping Agency or an entity equal in qualification under which the entity acts as the anti-doping and medication control enforcement agency under this bill.

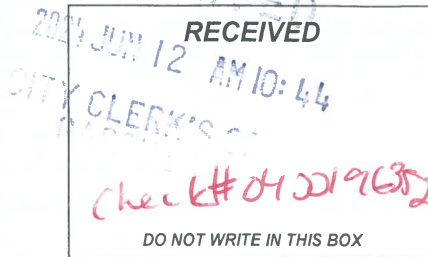
Among the required elements of the horseracing safety program are sets of training and racing safety standards consistent with the humane treatment of horses, a system to maintain track surface quality, programs for injury and fatality analysis, investigation and disciplinary procedures, and an evaluation and accreditation program.

The bill sets forth other provisions regarding (1) funding, conflicts of interest, and jurisdiction; (2) registration with the authority; (3) program enforcement; (4) rule violations and civil sanctions; (5) testing laboratories; (6) review of final decisions of the authority by an administrative law judge; (7) unfair or deceptive acts or practices; and (8) agreements with state racing commissions.



# CITY OF GARDNER MASSACHUSETTS 01440

95 PLEASANT STREET - ROOM 121  
TELEPHONE (978) 630-4058  
FACSIMILE (978) 630-2589



## APPLICATION FOR LICENSE TO COLLECT OR DEAL IN SECOND HAND ARTICLES

New  Renewal  Change of Location

### APPLICANT INFORMATION

Applicant / Licensee Name: GameSto, Inc.  
Applicant / Licensee Address: 625 Westport Pkwy., Grapevine, TX 76051  
Applicant / Licensee phone number(s): 817-424-2000  
Applicant / Licensee E-mail: Licensingandsalestax@gamestop.com  
Social Security number: \_\_\_\_\_ OR Business FID number 41-1609563

### ESTABLISHMENT INFORMATION

Establishment Name: GameStop #3725  
Establishment address (Current): 376 Timany Blvd., Gardner, MA 01440  
Establishment address (New, if applicable): Licensingandsalestax@gamestop.com  
Establishment Phone: 976-630-0282  
On-Site manager / contact person: Tom Clark-Mason  
For which type of license(s) are you applying? SecondHand Dealer License

**Check all that apply to this Application:**

- SECONDHAND COLLECTOR** has the same meaning as the term "junk collector" in MGL c.140, § 56.
- SECONDHAND DEALER** has the same meaning as the term "junk dealer" and "keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles" in MGL c. 140, § 54.

What types of articles will be purchased, stored, and/or sold? \_\_\_\_\_  
Retail Sales of New/Used video games, consoles, electronic device & accessories

Where at the licensed address will the articles be stored, displayed, etc? \_\_\_\_\_  
\_\_\_\_\_

Massachusetts Sales & Use Tax Registration number: 1890082816  
*(Attach a copy of your Massachusetts Sales & Use Tax Registration Certificate)*

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. I FURTHER CERTIFY 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.

I HAVE RECEIVED AND READ THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 140, §§54-56, §§202-205 AND CHAPTER 450 OF THE CODE OF THE CITY OF GARDNER GOVERNING JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES:

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

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

DATE SIGNED 4-2-24

**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 MAY REQUIRE 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.

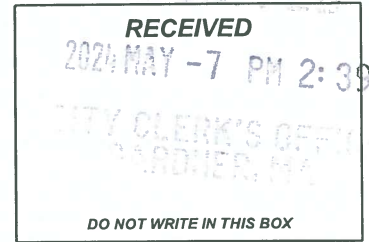
**LICENSE APPLICATION PROCESSING FEE MUST BE SUBMITTED WITH THIS FORM. MAKE CHECK PAYABLE TO CITY OF GARDNER. MAIL COMPLETED APPLICATION FORMS AND THE WORKERS' COMPENSATION AFFIDAVIT AND CHECK TO: CITY CLERK, 95 PLEASANT STREET, ROOM 121, GARDNER, MA 01440-2690.**

**JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES LICENSES  
 EXPIRE ON APRIL 30<sup>TH</sup> ANNUALLY.**



# CITY OF GARDNER MASSACHUSETTS 01440

95 PLEASANT STREET - ROOM 121  
TELEPHONE (978) 630-4058  
FACSIMILE (978) 630-2589



## APPLICATION FOR LICENSE TO COLLECT OR DEAL IN SECOND HAND ARTICLES

New  Renewal  Change of Location

### APPLICANT INFORMATION

Applicant / Licensee Name: Joseph Valardi  
Applicant / Licensee Address: 36 Donovan Rd North Brookfield, MA  
Applicant / Licensee phone number(s): 978-990-0307  
Applicant / Licensee E-mail: gardnercc@yahoo.com  
Social Security number: \_\_\_\_\_ **OR** Business FID number 043073078

### ESTABLISHMENT INFORMATION

Establishment Name: Gardner Coins and Cards Inc  
Establishment address (Current): 18 Parker St, Gardner, MA  
Establishment address (New, if applicable): \_\_\_\_\_  
Establishment Phone: 978-632-7123  
On-Site manager / contact person: Joseph Valardi  
For which type of license(s) are you applying? Second hand dealer

**Check all that apply to this Application:**

- SECONDHAND COLLECTOR** has the same meaning as the term "junk collector" in MGL c.140, § 56.
- SECONDHAND DEALER** has the same meaning as the term "junk dealer" and "keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles" in MGL c. 140, § 54.

What types of articles will be purchased, stored, and/or sold? Gold, silver items  
antiques, sports memorabilia

Where at the licensed address will the articles be stored, displayed, etc? throughout the store

Massachusetts Sales & Use Tax Registration number: SL5-10154194-005  
(Attach a copy of your Massachusetts Sales & Use Tax Registration Certificate)

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. I FURTHER CERTIFY 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.

I HAVE RECEIVED AND READ THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 140, §§54-56, §§202-205 AND CHAPTER 450 OF THE CODE OF THE CITY OF GARDNER GOVERNING JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES:

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY,

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

DATE SIGNED 5/7/24

**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 MAY REQUIRE 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 MUST BE SUBMITTED WITH THIS FORM. MAKE CHECK PAYABLE TO CITY OF GARDNER. MAIL COMPLETED APPLICATION FORMS AND THE WORKERS' COMPENSATION AFFIDAVIT AND CHECK TO: CITY CLERK, 95 PLEASANT STREET, ROOM 121, GARDNER, MA 01440-2690.**

**JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES LICENSES  
 EXPIRE ON APRIL 30<sup>TH</sup> ANNUALLY.**



COLLECTOR LICENSE APPLICATION FEE - \$30.00  
DEALER LICENSE APPLICATION FEE - \$100.00



### CITY OF GARDNER MASSACHUSETTS 01440

95 PLEASANT STREET - ROOM 121  
TELEPHONE (978) 630-4058  
FACSIMILE (978) 630-2589

RECEIVED  
JUN 12 AM 11:04  
DO NOT WRITE IN THIS BOX

#### APPLICATION FOR LICENSE TO COLLECT OR DEAL IN SECOND HAND ARTICLES

New     Renewal     Change of Location

#### APPLICANT INFORMATION

Applicant / Licensee Name: The Salvation Army  
Applicant / Licensee Address: 440 West Nyack Road , West Nyack New York 10994  
Applicant / Licensee phone number(s): 845.732.4100  
Applicant / Licensee E-mail: Reyna.Bartlebaugh@USE.SalvationArmy.Org  
Social Security number: \_\_\_\_\_ OR Business FID number 13-5562351

#### ESTABLISHMENT INFORMATION

Establishment Name: The Salvation Army - Family Store & Donation Center  
Establishment address (Current): 8 Union Square Gardner, MA 01440  
Establishment address (New, if applicable): \_\_\_\_\_  
Establishment Phone: 800 728-7825  
On-Site manager / contact person: Ms. Debra Griffith (Cell: 978-660-6788  
For which type of license(s) are you applying? Second Hand Dealer

**Check all that apply to this Application:**

- SECONDHAND COLLECTOR** has the same meaning as the term "junk collector" in MGL c.140, § 56.
- SECONDHAND DEALER** has the same meaning as the term "junk dealer" and "keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles" in MGL c. 140, § 54.

What types of articles will be purchased, stored, and/or sold? \_\_\_\_\_  
Clothing and household items

Where at the licensed address will the articles be stored, displayed, etc? \_\_\_\_\_  
Sales Floor

Massachusetts Sales & Use Tax Registration number: 11050335  
(Attach a copy of your Massachusetts Sales & Use Tax Registration Certificate)

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. I FURTHER CERTIFY 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.

I HAVE RECEIVED AND READ THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 140, §§54-56, §§202-205 AND CHAPTER 450 OF THE CODE OF THE CITY OF GARDNER GOVERNING JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES:

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

 Ashlee K. Cartwright  
Associate General Counsel DATE SIGNED 5/17/2024  
INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE  
OFFICER OR APPLICANT

**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 MAY REQUIRE 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.

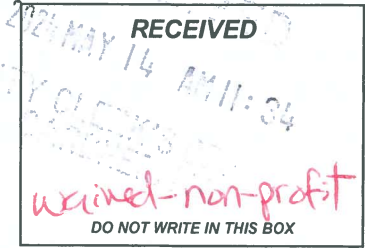
**LICENSE APPLICATION PROCESSING FEE MUST BE SUBMITTED WITH THIS FORM. MAKE CHECK PAYABLE TO CITY OF GARDNER. MAIL COMPLETED APPLICATION FORMS AND THE WORKERS' COMPENSATION AFFIDAVIT AND CHECK TO: CITY CLERK, 95 PLEASANT STREET, ROOM 121, GARDNER, MA 01440-2690.**

**JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES LICENSES  
EXPIRE ON APRIL 30<sup>TH</sup> ANNUALLY.**



# CITY OF GARDNER MASSACHUSETTS 01440

95 PLEASANT STREET - ROOM 121  
TELEPHONE (978) 630-4058  
FACSIMILE (978) 630-2589



## APPLICATION FOR LICENSE TO COLLECT OR DEAL IN SECOND HAND ARTICLES

New     Renewal     Change of Location

### APPLICANT INFORMATION

Applicant / Licensee Name: House of Peace : Education / Hopeful Boutique  
Applicant / Licensee Address: 29 Pleasant St Gardner  
Applicant / Licensee phone number(s): 978-630-4752  
Applicant / Licensee E-mail: jmckinnon@hopegardner.org  
Social Security number: \_\_\_\_\_ **OR** Business FID number 04-3300490

### ESTABLISHMENT INFORMATION

Establishment Name: Hopeful Boutique  
Establishment address (Current): 29 Pleasant St Gardner  
Establishment address (New, if applicable): \_\_\_\_\_  
Establishment Phone: 978 630 4752  
On-Site manager / contact person: Jessica McKinnon  
For which type of license(s) are you applying? \_\_\_\_\_

**Check all that apply to this Application:**

- SECONDHAND COLLECTOR** has the same meaning as the term "junk collector" in MGL c.140, § 56.
- SECONDHAND DEALER** has the same meaning as the term "junk dealer" and "keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles" in MGL c. 140, § 54.

What types of articles will be purchased, stored, and/or sold? Upscale women's work  
athle

Where at the licensed address will the articles be stored, displayed, etc? 29 Pleasant St  
Gardner

Massachusetts Sales & Use Tax Registration number: 11528068  
(Attach a copy of your Massachusetts Sales & Use Tax Registration Certificate)

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. I FURTHER CERTIFY 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.

I HAVE RECEIVED AND READ THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 140, §§54-56, §§202-205 AND CHAPTER 450 OF THE CODE OF THE CITY OF GARDNER GOVERNING JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES:

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

Justica McKinnon DATE SIGNED 5/14/2024  
 INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE  
 OFFICER OR APPLICANT

**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 MAY REQUIRE 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 MUST BE SUBMITTED WITH THIS FORM. MAKE CHECK PAYABLE TO CITY OF GARDNER. MAIL COMPLETED APPLICATION FORMS AND THE WORKERS' COMPENSATION AFFIDAVIT AND CHECK TO: CITY CLERK, 95 PLEASANT STREET, ROOM 121, GARDNER, MA 01440-2690.**

**JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES LICENSES  
 EXPIRE ON APRIL 30<sup>TH</sup> ANNUALLY.**

## Titi Siriphan

---

**From:** George Tyros  
**Sent:** Thursday, June 13, 2024 10:30 AM  
**To:** Titi Siriphan  
**Cc:** Elizabeth Kazinskas; Elizabeth Doiron  
**Subject:** Fw: #11282 - Helen Mae Sauter School Resolution - Legal Opinion  
**Attachments:** 11282 - Helen Mae Communication.pdf

Madam Clerk,

Please add this communication as an item to Mondays agenda as "Council Request for Opinion from the Law Department Follow Up"

Thank You,  
George

---

**From:** Titi Siriphan <tsiriphan@gardner-ma.gov>  
**Sent:** Tuesday, May 28, 2024 11:09 AM  
**To:** John Flick <jflick@flicklawgroup.com>  
**Cc:** Vinny Pusateri, II <vpusateri@pusaterilaw.com>; Elizabeth Kazinskas <ekazinskas@gardner-ma.gov>; George Tyros <gtyros@gardner-ma.gov>; Elizabeth Doiron <edoiron@gardner-ma.gov>  
**Subject:** #11282 - Helen Mae Sauter School Resolution - Legal Opinion

Good Morning John,

At the May 20<sup>th</sup> City Council Meeting, the council voted to have a legal opinion from the Law Department on item #11282 - A Communication from the Mayor Regarding Item #11232, A Resolution Relating to the Future of Helen Mae Sauter School and Item #11279: A Resolution Relating to the Future of Stone Field. See attached.

Questions from Councillor Tyros:

- What departments does the Law Department represent?
- What departments the Law Department does **not** represent?
- An explanation for each question.

Link to 5/20/2024 City Council Meeting: <https://www.youtube.com/watch?v=-i3jM1zTSmQ&t=277s>

The item begins at 3 mins, 45 seconds of the video.

Thank you,

Ti

Titi Siriphan  
City Clerk  
95 Pleasant Street, Room 121  
Gardner, MA 01440  
Tel 978-630-4058  
Fax 978-630-2589



**City of Gardner - Executive Department**

**Mayor Michael J. Nicholson**

May 9, 2024

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

RECEIVED  
2024 MAY -9 PM 4:00  
CITY CLERK'S OFFICE  
GARDNER, MA

RE: A Communication from the Mayor regarding Item #11235: A Resolution relating to the Future of Helen Mae Sauter School and Item #11279: A Resolution Relating to the Future of Stone Field

Dear Madam President and Councilors,

Following the April 4<sup>th</sup>, 2024 vote of the City Council to pass Item #11235, the Administration began working toward a plan relating to the future of Helen Mae Sauter School.

During this review, the Administration hired a surveyor to come up with a plan to subdivide the school from the parcel it currently sits on, as the current parcel includes Helen Mae Sauter School, Stone Field, the Big Chair, and Elm Street School all on one, single, 11.75 acre parcel.



During this review, the surveyor researched the original 1895 deed to the property and found that it stated that "...premises shall be forever used exclusively for school purposes and shall be under the supervision of the School Committee."

After reviewing the deed, the City's Law Department drafted the attached legal opinion, stating that the deed restriction is a valid restriction that the City would be unable to lift, unless we were to conduct a genealogical search for the heirs of the original grantor of the property and have them sign a document to release the restrictions.

This means that the property must remain under the auspices and custodianship of the School Committee for School Purposes.

This would also relate to Stone Field, as it also sits on the same parcel.

I will be sure to keep the City Council informed as further information and study is done in this process, but wanted to be sure to write with this initial update following the recent votes taken by the City Council relating to Helen Mae Sauter School and Stone Field.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael J. Nicholson". The signature is fluid and cursive, with a large initial "M" and "N".

Michael J. Nicholson  
Mayor, City of Gardner

# CITY OF GARDNER LAW DEPARTMENT

John M. Flick  
City Solicitor

~~Ethan Kolodny~~  
Assistant City Solicitor



144 Central Street, Suite 201  
Gardner, MA 01440

Telephone (978) 632-7948  
Fax (978) 630-3703

Writer's Email:

May 3, 2024

## VIA HAND DELIVERY

Michael Nicholson, Mayor  
City of Gardner  
95 Pleasant Street  
Gardner, MA 01440

Re: Helen Mae Sauter School

Dear Mr. Mayor:

I am writing to you in your capacity as the Chair of the City of Gardner School Committee. It is my understanding that the School Committee's Facilities Sub Committee voted on June 13, 2023 to declare Helen Mae Sauter School Building, Stone Field, and the Elm Street School Playground as surplus thereby transferring control to the City. Following this vote, the Law Department questioned the validity of the Sub-committee's actions as the land on which these facilities sit is one contiguous parcel of land which is under the control of the School Department.

It has recently been brought to the Law Department's attention, by the City Engineer, that the deed from Arthur Derby, dated August 1, 1898, conveying the land on which these facilities sit contains a deed restriction which further impacts this vote. Attached is a copy of the deed conveying the land in question to the then Town of Gardner School Committee. The restriction in the deed reads as follows:

"Provided however and this deed is made upon the following conditions. First said premises shall be forever used exclusively for school purposes and shall be under the supervision of the School Committee."

As can plainly be seen, the land on which these facilities sit can only be used for school purposes and are to remain under the supervision of the School Committee in perpetuity. Massachusetts General Laws, c. 184, § 30 governs time limitations on deed restrictions. This statute explicitly excludes restrictions in deeds to municipalities requiring that restriction contained in municipal deeds continue in perpetuity. See *135 Wells Ave., LLC v. Hous. Appeals Comm.*, 478 Mass. 346,

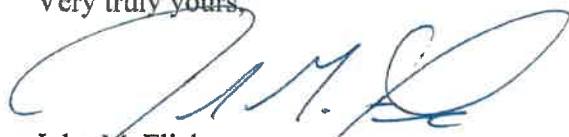


359 (2017) (“municipal deed restrictions are explicitly exempt from the provisions of G.L.c. 184, § 30, and are enforceable in perpetuity.”)

Due to the perpetual nature of the deed restriction, it is the Law Department’s opinion that the vote of the School Committee is of no consequence and that the facilities remain under the care and custody of the School Committee. The School Committee should consult with its own legal counsel if it desires to explore means by which the deed restriction may be changed.

Please let me know if you have any additional questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J.M. Flick", written over a horizontal line.

John M. Flick

Enc.

and profits thereof. And for the consideration aforesaid  
I Minnie A. Burns, wife of the said grantor do hereby  
release unto the said Corporation the granted all rights  
of or to both down and homestead and all rights by  
statute in the granted premises.

In witness whereof in the said William O. Burns  
and Minnie A. Burns hereunto set our hands  
and seals this Third day of August in the year  
one thousand eight hundred and ninety eight  
(1898).

Wm O. Burns. (seal)  
Minnie A. Burns. (seal)

Signed, sealed and delivered in presence of  
Fred J. Barnard, } Commonwealth of Mass.  
Worcester ss. Au-

gust 3<sup>rd</sup> 1898. Then personally appeared the above  
named William O. Burns, and acknowledged  
the foregoing instrument to be his free act and  
deed.

Before me, Fred J. Barnard, Justice of the Peace.  
This Aug 3<sup>rd</sup> 1898 at 12:35 P.M. in the City of  
Worcester, Mass. By Lizzy A. Barker, Not. Pub.

Derby, Arthur P.  
to  
Inhabitants of  
the Town of Gardner  
ms.

Stamp  
6.00  
Cancelled

See Waiver  
of Conditions  
B. 2573, P. 127

Know all men by these presents  
that I Arthur P. Derby of Gardner in the County of  
Worcester, and Commonwealth of Massachusetts,  
in consideration of Six thousand dollars paid  
by the Inhabitants of the Town of Gardner in  
said County, the receipt whereof is hereby acknow-  
ledged do hereby give, grant, bargain, sell, and con-  
vey unto the said Inhabitants of the Town of  
Gardner, a certain tract of land situated in said  
Gardner and bounded and described as follows  
to wit: Beginning at the northwest corner of the  
described premises at the southwest corner of  
land of J. D. Edgell and in the east line of Elm  
St. at an iron pipe in the ground; thence at  
an included angle of 76° 0' 33" with the easterly  
line of Elm St. easterly 393.1 feet by land of J. D. Ed-  
gell to an iron pipe in the ground; thence at  
an included angle of 172° 47' easterly 508.3 feet by  
land of said Edgell and land of G. H. Garland  
and land of Geo. H. Blackwell to an iron pipe in

a rock in the wall; thence at an included angle of  $110^{\circ}36'$  southerly 254.5 feet by land of said Blackwell to an iron pipe in a rock in the wall; thence at an included angle of  $119^{\circ}13'$  southwesterly 250 feet by land of said grantor and said Blackwell to an iron pipe in a rock in the wall; thence at an included angle of  $208^{\circ}2'$  southerly 432.6 feet by land of said grantor and said Blackwell to an iron pipe in a rock in the wall; thence at an included angle of  $109^{\circ}2'$  northerly 100 feet by land of Henry Lawrence to an iron pipe in a rock in the wall; thence at an included angle of  $118^{\circ}30'$  northwesterly 123.4 feet by land of said Lawrence to an iron pipe in a rock in the wall; thence at an included angle of  $174^{\circ}11'$  northwesterly 156.2 feet by land of said Lawrence to an iron pipe in the ground; thence at an included angle of  $278^{\circ}38'$  westerly 169 feet by land of said Lawrence to a mark on a rock under an iron pipe in the wall; thence at an included angle of  $173^{\circ}13'$  westerly 39.9 feet by land of said Lawrence to a mark on a rock under an iron pipe in the wall; thence at an included angle of  $174^{\circ}19'$  westerly 147.9 feet by land of said Lawrence to an iron pipe in the ground in the easterly line of Elm Street; thence at an included angle of  $74^{\circ}$  northerly 394.6 feet to stone monument No. 2 in the easterly line of Elm Street; thence on a curve of a radius of 1166.41 feet left northerly by the easterly line of Elm Street 233.77 feet to stone monument No. 1 in the easterly line of Elm Street; thence on a tangent to said curve northerly 170.15 feet by the easterly line of Elm Street to the place of beginning. Beginning and excepting however as much of the aforesaid tract of land as was conveyed by said grantor to said grantee by deed dated July 15<sup>th</sup> 1897 and recorded with Worcester District Deeds, libes 1550, folio 431, to which deed reference may be had for a more particular description. Provided however.

or and this deed is made upon the following conditions. First. Said premises shall be forever used exclusively for school purposes and shall be under the supervision of the School Committee. Second. The grantee shall appropriate and expend not less than one thousand (\$1,000) dollars annually for five years beginning with the year 1898 for laying out, grading, ornamenting and beautifying said grounds, all of which work shall be in accordance with plans to be furnished by the School Committee and under their direction and supervision.

To have and to hold the granted premises with all the privileges and appurtenances thereto belonging to the said Inhabitants of the Town of Gardner and their successors and assigns to their use and behoof forever, subject to above conditions. And I do hereby for myself and my heirs, executors and administrators covenant with the said grantee and their successors and assigns that I am lawfully seized in fee simple of the granted premises; that they are free from all incumbrances; that I have good right to sell and convey the same as aforesaid; and that I will and my heirs, executors and administrators shall warrant and defend the same to the said grantee and their successors and assigns forever against the lawful claims and demands of all persons. And for the consideration aforesaid, I Lucy A. Derby wife of the said Arthur P. Derby do hereby release unto the said grantee and their successors and assigns all right of or to both dower and homestead in the granted premises.

In witness whereof the said Arthur P. Derby and Lucy A. Derby hereunto set our hands and seals this Twenty third day of July in the year one thousand eight hundred and ninety eight.

Signed, sealed and delivered } Arthur P. Derby. (seal)  
in presence of } Lucy A. Derby. (seal)  
Arthur P. Derby. } Commonwealth of Mass.

chusetts, Worcester, ss. August 1<sup>st</sup> 1898. Then personally appeared the above named Arthur P. Derby and acknowledged the foregoing instrument to be his free act and deed.

Before me, Thatcher B. Dunn, Justice of the Peace.  
Witness my hand and seal of office this 1<sup>st</sup> day of August 1898.  
By Lizzie A. Barker Just. Reg.

Martin Mary & co

to

Mary A. Reardon & co

(Stamp  
\$ 2.00  
Cancelled)

Whereas Mary & Martin wife of Albert F. Martin of Worcester did by mortgage deed dated June 5<sup>th</sup> 1890, and recorded in the Worcester District Registry of Deeds lib 1322 folio 581, convey the premises hereinafter described to Maria & Thayer of said Worcester in the County of Worcester and the Commonwealth of Massachusetts, and whereas in and by said mortgage deed the grantee therein named, her executors administrators or assigns, were authorized and empowered upon any default in the performance or observance of the condition of said mortgage, to sell the said premises with all improvements that might be thereon, at public auction in Worcester, first publishing a notice as therein required, and to convey the same by proper deed or deeds to the purchaser or purchasers absolutely and in fee simple; and whereas there has been such default, and notice has been published, and a sale has been made as will more particularly appear in and by the affidavit hereto to be subjoined. Now therefore know all men, that I the said Maria & Thayer of Worcester by virtue and in execution of the power contained in said mortgage deed as aforesaid, and of every other power me hereto enabling and in consideration of the sum of Fifteen hundred and twenty (1520) dollars to me paid by Mary A. Reardon and Johanna Reardon of Worcester, in the County and Commonwealth aforesaid do hereby grant, bargain, sell, and convey unto the said Mary A. Reardon and Johanna Reardon, all and singular, the premises conveyed

## RESOLUTION

**Whereas** Ronald F. Comrier was the longest serving city councilor in the history of the City of Gardner.

**Whereas** Councilor Ronald F. Cormier served as Ward 3 Councilor for sixteen years, from 1980 to 1996.

**Whereas** Councilor Cormier was serving his tenth consecutive term as Councilor-at-Large, a position he held since 2004 at the time of his unexpected death on January 28, 2024.

**Whereas** he was known affectionately as the "Dean of the Council."

**Whereas** this resolution is submitted to council that the council chambers be named to honor the dedication and commitment of Councilor Ronald F. Comier decades to the city to formally rename the city council chambers "The Ronald F. Cormier Council Chamber."

Respectfully submitted by:

Councilor Judy A. Mack

RECEIVED  
2024 APR 10 PM 2:52  
CITY CLERK'S OFFICE  
GARDNER, MA

11254

11256

**From: Mike Richard**

mikerichard0725.gmail.com@bounces.cloud2  
.em.secureserver.net

**Subject: Fitting Tributes To Former Mayors and  
Politicians**

**Date: May 17, 2024 at 10:48:16 AM**

**To: judy.mack64@gmail.com**

---





## Fitting Tributes To Former Mayors and Politicians

*Portions originally published in "The Gardner Scene," – Mar. 30, 2006*

By Mike Richard

There is a move currently afoot to name the Gardner City Council chambers in memory of longtime City Councilor Ronald Cormier, who passed away suddenly Jan. 28 at the age of 81.

Known by many as the "Dean of the Council," Cormier was serving his 10th consecutive term as a councilor-at-large, a position he'd held since 2004, at his untimely passing. Prior to that, he had been a Ward 3 councilor for 16 years, from 1980 to 1996. During his tenure on the council, Ron served in many capacities, including council president.

This gesture brings to mind a previous notion to name the council chambers after former Mayor and City Councilor Ulric O. Fredette, following his death back in October of 1966.

Brought before the council, it was defeated by a lone vote.

Fredette was a city councilor from 1942-53, serving as its president from 1947-53. He became mayor of Gardner from 1954-57 and then returned to the council from 1960-65.

Read the full column [here](#):



memory of longtime City Councilor Ronald Cormier, who passed away suddenly Jan. 28 at the age of 81.

Known by many as the “Dean of the Council,” Cormier was serving his 10th consecutive term as a councilor-at-large, a position he’d held since 2004, at his untimely passing. Prior to that, he had been a Ward 3 councilor for 16 years, from 1980 to 1996. During his tenure on the council, Ron served in many capacities, including council president.

This gesture brings to mind a previous notion to name the council chambers after former Mayor and City Councilor Ulric O. Fredette, following his death back in October of 1966.

Brought before the council, it was defeated by a lone vote.

Fredette was a city councilor from 1942-53, serving as its president from 1947-53. He became mayor of Gardner from 1954-57 and then returned to the council from 1960-65.

Instead of dedicating the chambers, the council installed a plaque in Fredette’s memory, which continues to hang there. The auditorium at the Fraternal Order of Eagles Home on City Hall Avenue has a plaque for Fredette there, while his name is also noted on the 10 Commandments monument in front of City Hall. He was mayor at the time of its installation in 1955.

Naming buildings and other city landmarks in honor of former mayors and political leaders has become somewhat of an antiquated practice. However, it seems to be a most appropriate way to pay tribute to city officials who have made a difference in Gardner.

Mayors seem to be the first and logical choice for such designation and many past mayors of the city have been immortalized.

**Gabriel G. Morze (1950-54):** Morze Gymnasium at the Waterford Street School.

**Ulric O. Fredette (1954-57):** the auditorium at the Fraternal Order of Eagles Home on City Hall Avenue, as well as a marker in the City Council chamber.

**Cyrille P. Landry (1960-68):** Landry Auditorium, Gardner High School.

**Linus Allain (1969-70):** Linus Allain Avenue, at the East Gardner Industrial Park.

**Charles P. McKean (1982-85):** prior to his term as mayor, he also served as a city councilor for 30 years. A longtime advocate for the senior citizens of Gardner, the senior center on Pleasant Street has a plaque outside denoting his contributions.

Mayors Oscar R. Anderholm (1942-47), Clarke K. Stedman (1971-73), Stephen J. Erickson (1974-77), Gerald St. Hilaire (1978-81, 2004-07), Alan Agnelli (1986-88), John Deveau (1988-89), Daniel J. Kelley (2001-03) Mark Hawke (2008-2020), and current Mayor Michael Nicholson could be considered for future designation, as there is nothing named to honor their years of service to the city.

Some of our better-known city councilors such as Robert Burke, Dr. Thomas Tracy, Henry Ares, Philip Lagrassa, Mimi Canu, Rosaire St. Jean, Joanne Bernard. Neil Janssens and James Walsh, among many, would also be worthy of such future designation.

In addition, state representatives like Martin Walsh, Chet Suhoski, Bob Hawke, Brian Knuuttila and Bob Rice could also be future candidates.

Former State Rep. Fred Blake has a section of Route 2, passing through Gardner, named in his memory. There is also a plaque in his honor at the Gardner National Guard Armory.



Raymond LaFontaine Honored at Mount Wachusett Community College

Another former state representative, Raymond M. LaFontaine, who served from 1965-82, was honored at Mount Wachusett Community College when the Fine Arts Center was named in his honor.

In addition, Wilder Field, was named in 1919 on Waterford Street, for Congressman

to the city and perhaps lead to more honors for these worthy individuals.

*(Comments and suggestions for The Gardner Scene can be sent to Mike Richard at [mikerichard0725@gmail.com](mailto:mikerichard0725@gmail.com) or at Mike Richard 92 Boardley Rd. Sandwich, MA 02563)*

Share this post:

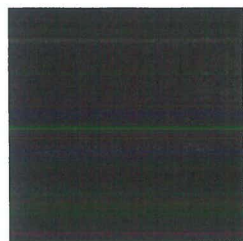


## Recent Posts



Whatever happened to the Class of 1992? - Part 1

Jun 6, 2024



Champion Celtics Made Many Trips to Gardner

May 31, 2024



Gardner Vietnam Heroes Honored 50 Years Ago

May 23, 2024

## DONATIONS, FEEDBACK

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## Mike Richard, covering "The Gardner Scene" since 1978

Mike Richard's first professional byline came on Jan. 30, 1978, when he covered Steve Hancock's Gardner High girls' basketball team in a game at Fitchburg's famed "Brickyard."

Over the next four-plus decades he's had the honor of documenting, reporting on and researching the local sports scene, as well as the Greater Gardner area with hundreds of columns and stories. In 1985, his "The Sporting Goods" column debuted. His "The Gardner Scene" column followed in 2003 and continues here today.

### How to contact Mike Richard

92 Boardley Road, Sandwich, MA 02563

mikerichard0725@gmail.com

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Elizabeth J. Kazinskas, President  
Gardner City Council  
95 Pleasant Street  
Gardner, MA 01440

RECEIVED  
2024 APR 12 PM 12:57  
CITY CLERK'S OFFICE  
GARDNER, MA

Dear Madame President,

Though I have not served on the City Council in more than ten years, I still spend the week prior to your meetings reading the agenda and supporting documents. Given my current role, as the Director of Purchasing and Civil Enforcement, I find it helpful to understand items that may require my input or my department's assistance.

In reviewing the agenda for this upcoming meeting, I immediately noticed Item #1256 (A Resolution to Rename the City Council Chamber "The Ronald F. Cormier Council Chamber") and felt compelled to send this letter. The Resolution does a wonderful job of quantifying the years of service and dedication that Councillor Ronald Cormier provided to this City and his colleagues, on the Council, but there is so much more that could be said about him and his commitment to the City of Gardner.

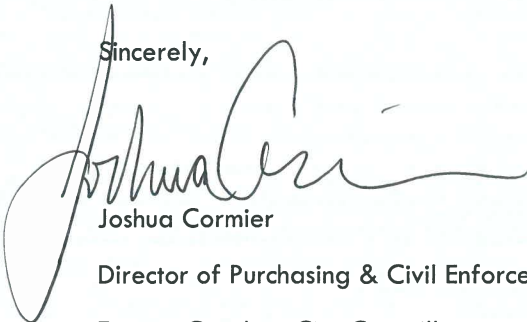
For eight years, I was able to call him my colleague on the Council and he never failed to be anything less than a gentleman who committed his life to making our lives better. In a world that is too often characterized by division, he was able to understand all positions and debate issues with a respect and class that so many of us fail to find at times. He was filled with education, experience, and understanding.

Upon stepping down from the Council, and becoming a full-time employee within the City, our professional relationship changed, and I witnessed a different side of the Councillor's dedication and commitment. Councillor Cormier would visit my office every week or so and always did so with the goal of gaining some knowledge that he needed to serve the community.

Through it all, he was also a wonderful human being. Our conversations always started or ended with a check-in on each other's families because it was about community, but it was also about life. I sincerely miss those visits with him.

I am grateful that Councillor Mack has presented this resolution to recognize and acknowledge a City Councillor that had such an impact on those he served with, those he represented, and those who knew him. I wholeheartedly and strongly support this and only wish I could be amongst you to vote in favor.

Sincerely,



Joshua Cormier

Director of Purchasing & Civil Enforcement

Former Gardner City Councillor

**From:** [Elizabeth Kazinskas](#)  
**To:** [Titi Siriphan](#)  
**Subject:** Fw: Ulric Fredette Plaque  
**Date:** Friday, May 3, 2024 2:33:15 PM  
**Attachments:** [Fredette Plaque Votes.pdf](#)

---

Good afternoon Clerk Siriphan,

Please print and distribute both Councillor Brooks' email and the attachment to the City Councillors at Monday's meeting.

Best,  
Lizzy

Elizabeth Kazinskas  
City Council President  
Finance Committee Chair  
Councillor at-Large  
City of Gardner  
[\(978\) 337-1533](tel:(978)337-1533)  
[ekazinskas@gardner-ma.gov](mailto:ekazinskas@gardner-ma.gov)

---

**From:** Calvin Brooks <[cbrooks@gardner-ma.gov](mailto:cbrooks@gardner-ma.gov)>  
**Sent:** Friday, May 3, 2024 8:52 AM  
**To:** Elizabeth Kazinskas <[ekazinskas@gardner-ma.gov](mailto:ekazinskas@gardner-ma.gov)>; Judy Mack <[jmack@gardner-ma.gov](mailto:jmack@gardner-ma.gov)>  
**Subject:** Ulric Fredette Plaque

Councilors--I did a little research on the plaque honoring Ulric Fredette that hangs in the Council Chamber.

Former City Councilor and Mayor Ulric Fredette died on October 2, 1966.

A committee was subsequently formed to propose a suitable monument in his honor. At the April 16, 1967 City Council meeting, the committee proposed that City Council Chambers be named in his honor and that a plaque be installed. (Item #8124) On June 19, 1967 the item was amended to include a request for an appropriation from the mayor in the amount of \$400 to cover the cost of the plaque. No action having been taken by the mayor, the motion was reaffirmed by City Council on September 5, 1967.

On October 16, 1967, City Council took two votes on the matter. The first motion was to clarify City Council intent in regard to naming Council Chambers. City Council voted to rescind any statement in regard to naming Council Chambers for Mr. Fredette. This motion passed by a show of hands 6 to 5. The second motion was to send a letter to the mayor advising that any statement with reference to naming

Council Chambers for Mr. Fredette had been rescinded and again requesting an order for \$400 for placing a plaque in Mr. Fredette's honor.

The mayor subsequently submitted a money order for \$400, and City Council approved same on November 20, 1967. (Order #4507)

I have attached copies of the appropriate minutes, etc.

I thought this information would be helpful. I don't know why they chose to not name Council Chambers after Mr. Fredette. I was only twelve at the time!

– Calvin



Resolution made by Councillor Scerra, seconded by Councillor Nadeau, it  
Councillor Heywood moved to amend the Rental Schedule for Honorable Fred E. Perry  
to withdraw the Auditorium by striking out paragraph 9 and 10 and substituting the  
Laws, to be as follows:

Amendment of Rental  
Schedule of Hon. Fred  
E. Perry Auditorium.

9. Janitor's fee is \$10.00 when the hall is rented or granted  
free of charge.

10. When rentee desires an additional janitor the fee will be  
\$10.00 .

Resolution made by Councillor Stedman, seconded by Councillor Heywood,  
was voted, Councillor Hunter voting in the negative, to place the  
communication from Robert M. Osier with reference to a proposed  
Ordinance governing mobile homes on file and advise Mr. Osier to again  
bring an ordinance on this matter for council consideration.

Proposed Ordinance  
governing mobile  
homes.

Resolution made by Councillor St. Jean, seconded by Councillor Scerra, to  
accept the recommendation of Councillor Clement Beauregard reporting for  
the Honorable Mayor's Committee appointed to propose a suitable monument in honor of  
the late Mayor Ulric O. Fredette who also served as Councillor, to name  
the City Council Chambers in Honor of Mayor Ulric O. Fredette and  
to have an appropriate plaque in the chambers, to the Council as a  
Committee of the Whole for study and report.

Monument in honor of  
Former Mayor Ulric O.  
Fredette.

Councillor Stedman referred the following requests to the Public Safety  
Committee for study and report:

Requests referred to  
Public Safety Committee

#8125 - Speeding controlled on Green Street and Pearl Street.

#8126 - Clearing of debris on streets.

#8127 - Report on keeping two cruisers on duty all night.

Councillor Stedman withdrew his objections to the following:

Councillor withdrew  
his objections.

#8101 - An Order Appropriating a sum of money (\$4,427.17) to  
Various Departments, Salary and Labor Accounts to cover  
the cost of increases under the Proposed Ordinance Change  
from May 1, to December, 1967, for personnel listed under  
Section 6 of the ordinance.

#8102 - An Order Appropriating a sum of money (\$4,382.04) to Various

Nominations closed.

voted to close nominations for position of City Treasurer.

On Roll Call Vote taken

|                               |            |                        |
|-------------------------------|------------|------------------------|
| Councillor Clement Beauregard | voting for | Wilfred E. Jacques     |
| Councillor Norman Beauregard  | " "        | Wilfred E. Jacques     |
| Councillor Heywood            | " "        | Wilfred E. Jacques     |
| Councillor Hunter             | " "        | Wilfred E. Jacques     |
| Councillor Kraskouskas        | " "        | Lorain E. Wojtukiewicz |
| Councillor Lucas              | " "        | Wilfred E. Jacques     |
| Councillor Nadeau             | " "        | Wilfred E. Jacques     |
| Councillor St. Jean           | " "        | Wilfred E. Jacques     |
| Councillor Scerra             | " "        | Wilfred E. Jacques     |
| Councillor Stedman            | " "        | Lorain E. Wojtukiewicz |
| President McKean              | " "        | Wilfred E. Jacques     |

Wilfred E. Jacques  
unanimously elected  
City Treasurer.

9 votes for Wilfred E. Jacques, 2 votes for Lorain Wojtukiewicz.  
Councillors Stedman and Kraskouskas changed their vote to Wilfred  
making the election of Wilfred E. Jacques as City Treasurer unanimous  
for unexpired term of Joseph W. Goguen, resigned, May 10, 1967.

Worcester, ss.

June 20, 1967

Wilfred E. Jacques  
oath of office.

Wilfred E. Jacques having been elected City Treasurer for the City of  
Gardner for unexpired term of Joseph W. Goguen expiring January 2, 1968,  
personally appeared and made oath that he would faithfully perform  
duties of said office before me.

GENIA J. PACOCHA  
City Clerk.

Purchase of a commemorative plaque.

#8124

On motion made by Councillor Stedman, seconded by Councillor Nadeau,  
was voted to request the Mayor to submit an order for \$400.00 for  
purchase of a commemorative plaque in memory of Former Mayor Ulrich  
Fredette to be placed in the Council Chambers.

Request of Assessors  
for ordinance amend-  
ment.

#8177

On motion made by Councillor Lucas, seconded by Councillor Stedman,  
was voted, Councillor Nadeau voting in the negative, to grant the  
Assessors leave to withdraw the request for an ordinance amendment  
the salary of Chairman of the Board of Assessors from \$1,250.00  
and Third Member from \$1,200.00 to \$1,500.00.

Salaries of Boards  
and Commissions in  
other cities.

#8181

On motion made by Councillor Nadeau, seconded by Councillor Scerra,  
voted by a show of hands 7 in favor, that in compliance with suggestion  
at a Committee of the Whole meeting, that the City Auditor be asked  
salaries of Commissions and Boards in other cities of comparable  
submit the information to the Council.

## Vaccine Developer Marries Again

Dr. Sabin, widowed developer of oral live virus polio vaccine, yesterday married Mrs. Jane Warner in a ceremony in his hospital room at Holmes Hospital. Mrs. Warner is hospitalized with an ankle injury he suffered when his family's pet dog fell on her in a wheelchair during the ceremony performed by Rabbi Murray of 1200 Avenue Temple. This picture, taken before the wedding, shows Dr. Sabin. (AP Wirephoto)

The battle was one of several Monday. A Marine landing force in the northern 1st Corps area reported killing 51 Communists in one fight, and U.S. air cavalrymen said they killed 34 Reds in coastal Binh Dinh Province. Thirteen Americans were reported killed in the two actions.

Heavy air strikes against North Vietnam continued Monday with a concentration of raids on Hanoi's rail supply-lines.

The delta battle brought a mighty array of American fire-power and reinforcements against an estimated 500 entrenched Viet Cong. Artillery and air strikes pounded the muddy battlefield, helicopter gunships swirled down in close support, and Navy Monitors carrying 40mm guns raked the guerrillas on the fortified river banks. Overhead twin-engine Dragon ships dropped a stream of high-intensity parachute flares to light the scene.

The heaviest U.S. casualties came early in the fight when the Viet Cong opened up on a company of 200 infantrymen from concealed bunkers and fortifications dug into the river bank.

The battlefield was grim and muddy terrain for the American soldiers. The area is laced with canals and is only a few inches above sea level. Although close to Saigon, there are no roads and the area is virtually isolated. The Viet Cong control it at night by moving in and out of the canals in shallow-draft sampans. The task force of infantrymen and sailors was put aboard the turtle-like armored Monitor boats to gain similar mobility.

The wounds to U.S. sailors were caused by recoilless rifle rounds blasting into the Monitors.

At times the fighting was so close air strikes could not be called in.

## Council Names Jacques City Treasurer, Approves Funds For Sewer Extensions

(Continued from page 1)

board would be able to use this money to begin the project. He also said he supported the idea of a bond issue to provide money for Banner Road.

Police Chief Joseph J. Renes came in for criticism again at last night's meeting on several counts.

Councilor Clarke Stedman objected to statements attributed to Chief Renes that a lack of manpower prevents him from putting two cruisers on around the clock duty.

Reporting on the situation, Councilor Rosaire St. Jean, chairman of the Public Safety Committee, quoted the chief as saying three men would be needed to put the two cruisers on the road around the clock. He said the chief reminded the committee that a few years ago he had requested the Council to approve appointment of three men but the request was turned down.

However, Councilor Stedman explained that the chief now has a plan and enough reserve men to use both cruisers. He pointed out that in recent years the chief has been putting men on walking beats which had been abandoned ten and fifteen years ago. He indicated if the chief had manpower to do this, he would be able to transfer these men to the cruisers.

The matter was voted referred back to the Public Safety

Commission and Cemetery Works Board and Cemetery Commission to be raised in the tax levy. With the tax rate now set, no additional appropriations can be made.

Mayor Cyrille Landry was requested to provide \$400 to cover preparation and installation of a plaque to be placed in the Council Chambers in memory of the late Ulric O. Fredette, veteran councilor and two-term mayor. Councilor Clement Beauregard, reporting for the special committee set up to arrange the memorial, also proposed the chamber be named in Fredette's honor.

Councilors gave the Board of Assessors leave to withdraw a request for salary increases for the chairman and third member.

Councilors later supported Councilor Louis Scerra's proposal that President McKean name a committee to meet with Mayor Landry to discuss changing the setup of the board and to prepare the enabling ordinance.

On request of President McKean, the Public Safety Committee will ask the PWB to do something about the unsightly condition of the sanitary disposal area, to improve the appearance of the entrance and to consider filling in the artificial pond.

Councilor Hugh Hunter said the Cemetery Commission

Cemeteries.

- #8320 - Removal of large and porous tree on School Street.
- #8344 - Attend to trees at 65 and 101 Maple Street.

#8323

Councillor Lucas made a motion, seconded by Councillor Norman Beauregard, to accept the Public Welfare Committee report that the Cemetery Department is in the process of replacing pipes at the cemeteries and repairing many roads. On vote taken the motion did not pass, the committee was granted more time to report.

Replacing pipes and repairing roads at cemeteries.

#8349

The City Hall Committee was granted more time to report on placement of a Directory of City Officials in the City Hall Lobby.

Directory of City Officials.

#8177

The Special Committee was granted more time to report on an Ordinance change relative to the Assessors' Department.

Assessors' Department.

#8124

On motion made by Councillor Stedman, seconded by Councillor Heywood, it was voted, by a show of hands 6 in favor, 5 opposed, to rescind any statement in regard to naming of the Council Chambers for former Mayor Ulric O. Fredette.

Naming of Council Chambers for former Mayor Fredette rescinded.

#8124

On motion made by Councillor Stedman, seconded by Councillor Lucas, it was voted to send the Mayor a letter advising that any statement with reference to naming of the Council Chambers for former Mayor Ulric O. Fredette has been rescinded and to request an order for \$400.00 for placing of a plaque in honor of former Mayor Fredette in the Council Chambers.

Request \$400.00 order for plaque in honor of former Mayor Fredette.

#8152 & #8325

On motion made by Councillor Stedman, seconded by Councillor Norman Beauregard, it was voted to meet informally on Monday evening, October 23, 1967 at 7 P.M. with the Mayor and members of the Gardner Shopping Plaza Association to discuss the traffic problem at the plaza and with the City Solicitor in regard to correcting the problem at the lumber pile at Coleman and Robillard Streets and in regard to the wooded area at the corner of Jean and Parker Streets.

Traffic problem at Gardner Shopping Plaza meeting.

Lumber pile at Coleman and Robillard Street and wooded area at Jean and Parker Street.

On motion made by Councillor Stedman, seconded by Councillor Hunter, it was voted unanimously to consider new business.

Consider new business.

On motion made by Councillor Stedman, seconded by Councillor Hunter, it was voted to grant Fredette Motor Company a Third Class License to buy, sell, exchange or assemble second hand motor vehicles at 771 West Broadway (north side), on favorable recommendation of the Public Welfare Committee.

Fredette Motor Co. Third Class License.

TGN - October 17, 1967 - Page 10

Rosalre St. Jean, a member of the planning committee for the observance.

The Public Works Board submitted a letter to the Council last night detailing why it was not possible at this time to make any further reduction in water rates.

The board explained that expenses are now close to income and that some funds must be carried over to the surplus account to cover costs of a continuing program of replacing water mains and services, some of which are fifty years old and badly in need of replacement.

Councillors went on record as again requesting Mayor Landry for a \$400 appropriation for the placing of a plaque in the Council Chambers as a memorial to the late Ulric O. Fredette, former Mayor and City Councillor.

The request had been made originally several months ago but had been held up by Mayor Landry because of confusion over whether the Council intended to merely place a plaque in the chamber or to place a plaque and name the room after the former Mayor and Councillor.

Last night, the majority of the Council went on record as favoring only the installation of the plaque.

However, Councillors Hugh Hunter and Clement Beauregard indicated they felt a plaque would be an "empty gesture" and that the chamber should also be named in memory of Fredette.

On the matter of creating a single superintendent for the Parks and Cemetery Departments, Councillor Hunter said the proposal is being investigated with the thought of also combining the Recreation Department into the plan. He said the matter has been referred to City Solicitor John Bohman for study.

Councillor Rosaire St. Jean proposed that at the same time, consideration should be given again to combining all three

Councillors also voted to permit the Golden Age Club use of Perry Auditorium for a fair on Nov. 1, and the Board of Health permission to use the auditorium on Oct. 30 for a food service seminar.

During that portion of last night's session devoted to new business, the Council went on record as requesting the state to provide funds for planning and building Mount Wachusett Community College on the Green Street side donated by the city.

Councillor Scerra proposed that letters go to Governor John A. Volpe, State Senator Joseph D. Ward and State Representative Raymond M. LaFontaine, apprising them of the Council's feeling that money should be made available for these purposes.

Councillor Scerra recalled that the legislature recently cut funds from a supplemental budget earmarked for planning. However, he noted that there were some funds in a building contingency fund which the state might use to begin planning.

The Council also went on record as supporting a bill before the legislature which will allow cities and towns to decide on final approval of bill board locations in their communities. Councillor Clarke Stedman urged that a telegram be sent to the legislative Ways and Means Committee apprising the committee of the Council's feeling.

Councillors also agreed to support the Highway Committee of the Chamber of Commerce which has come out in favor of a proposed route for the north-south toll road proposed for Central Massachusetts.

A request from the Board of Public Welfare for additional office space was referred to the City Hall Committee for study. The board reported that more space is needed because of two additions to the staff, a social worker and a junior clerk.

Kirkman William Mrs. Heliest; M most un Henry Sa Aalto.

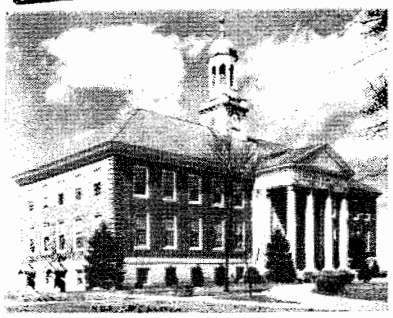
October Kirkman observed and prog of Mrs. Mrs. Kir

Antho and Mrs was gues day part er, at l afternoon gifts from Willhite, James L Bruce N Drouin.

Marlen of Mr. Langlois of honor given by Sunday af of Mr. Langlois.

two, re Guests w and son, I Oren Wh from A Langlois and Mrs. children, Laurie, W father, W the Langl

Steven honor at evening, Stott in men were Royalston ter E. Cla monies; Dominic Langlois, Karl S presented Several m ston also



# CITY OF GARDNER

MASSACHUSETTS 01440

OFFICE OF THE  
CITY COUNCIL



CHAIR CITY OF THE WORLD

**PRESIDENT**

CHARLES P. McKEAN

**COUNCILLORS AT LARGE**

- CLEMENT H. BEAUREGARD, JR.
- HENRY E. HEYWOOD, JR.
- HUGH W. HUNTER
- KATHERINE V. KRASKOWSKAS
- ROSAIRE J. ST. JEAN
- ATTY. LOUIS SCERRA

**WARD COUNCILLORS**

- Ward 1**  
CLARKE K. STEDMAN
- Ward 2**  
NORMAN H. BEAUREGARD
- Ward 3**  
RAYMOND L. NADEAU
- Ward 4**  
CHARLES P. McKEAN
- Ward 5**  
ARNOLD E. LUCAS

October 18, 1967

Honorable Cyrille P. Landry  
Mayor  
Gardner, Massachusetts

Dear Mayor Landry:

The City Council voted to advise that any statement with reference to naming of the Council Chambers for former Mayor Ulric O. Fredette has been rescinded and to request an order for \$400.00 for placing of a plaque in honor of former Mayor Fredette in the Council Chambers.

Very truly yours,  
CITY COUNCIL OF GARDNER

*Genia Pascoe*  
Clerk

AN ORDER TRANSFERRING A SUM OF MONEY FROM AVAILABLE FUNDS  
TREASURY TO CITY COUNCIL DEPARTMENT, O.T.O.M., PURCHASE OF  
A PLACQUE ACCOUNT.

ORDERED:

That there be and is hereby transferred the sum of FOUR  
HUNDRED DOLLARS (\$400.00) from Available Funds Treasury to  
City Council Department, Other Than Ordinary Maintenance,  
Purchase of a Placque Account.

# Order

In City Council

..... NOV 20 1967 ..... 19

Order Passed ..... NOV 20 1967 ..... 19  
Unanimously on roll call vote, 1 absent.

..... *Lenia J. Jacocha* ..... Clerk

Presented to Mayor for approval

..... 19

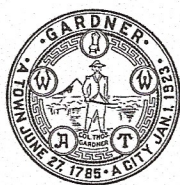
Approved ..... 11-21-1967 ..... 1967

..... *Quintell S. Stanley* ..... Mayor

- Copy to Mayor*
- " " City Auditor*
  - " " City Treasurer*
  - " " Assessors Department*
  - " " City Council*



# DEDICATION PROGRAM



## CITY HALL AND AUDITORIUM

January 20, 1940  
GARDNER, MASSACHUSETTS

## *History*

The beautiful municipal building which Gardner dedicates today was originally conceived by the community, then a town and now the baby city of the Commonwealth, as a memorial to its World War veterans. That was twenty years ago. Then it was only a dream. Now it is a reality.

The first definite step toward the erection of the building was taken March 8, 1919 in formal town meeting when the appointment of a committee to investigate the feasibility of erecting a memorial that would fittingly commemorate the service of Gardner's sons and daughters in the war to end wars was authorized.

A slow but thorough investigation resulted in a report which recommended the combination of the original objective with the practical utilitarian idea of a town hall on the westerly side of Pleasant street which would house all town offices and provide the community with an auditorium ample enough for all proper civic and social affairs of the community — this to be a memorial to those who served in the World War — together with quarters for all veterans' organizations. Filed in town meeting on March 13, 1920, it



**Manca, McKean Dedications Fitting Tributes To Two Former Mayors**  
**The Gardner News - Mar. 30, 2006**  
**By Mike Richard**

Good work by the Gardner City Council to pay tribute to a pair of former mayors by attaching their names for designation on a pair of newly dedicated buildings in the community.

**Charles P. McKean**, who was mayor from 1982-85 and served as a city councilor for 30 years, has been a longtime advocate for the senior citizens of Gardner. The council chose to honor the former mayor by naming the new senior center on Pleasant Street for him at a future dedication.

The council will also commemorate the ten-year term of **Mayor Charles Manca** (1990-2000) by dedicating the City Hall annex in his name. Manca oversaw the transformation of the old Gardner Police Station into the annex during his term of office.

Naming buildings and other city landmarks in honor of former mayors has become somewhat of an antiquated practice. However, it seems to be a most appropriate way to pay tribute to city officials who have made a difference in Gardner. Mayors seem to be the first and logical choice for such designation and many past mayors of the city have been immortalized. Here is a listing of those dedications, in the order that past mayors have served:

**Chester P. Pearson (1923-26)**: Pearson Boulevard, as well as the auditorium of the former Gardner High School (now Elm Street School).

**Albert H. Stone (1927-30)**: Stone Field.

**George C. Sweeney (1931-33)**: A small marker behind the former Worcester County National Bank pays tribute to him.

**James A. Timpany (1933-37)**: Timpany Boulevard / Timpany Plaza.

**Fred E. Perry (1938-41, 48-50, 58-59)**: Perry Auditorium, City Hall.

**Gabriel G. Morze (1950-54)**: Morze Gymnasium at the Waterford Street School.

**Ulric O. Fredette (1954-57)**: the auditorium at the Fraternal Order of Eagles Home on City Hall Avenue, as well as a memorial marker in the City Council chamber.

**Cyrille P. Landry (1960-68)**: Landry Auditorium, Gardner High School.

**Linus Allain (1969-70)**: Linus Allain Avenue, at the East Gardner Industrial Park.

Mayors Oscar R. Anderholm (1942-47), Clarke K. Stedman (1971-73), Stephen J. Erickson (1974-77), Gerald St. Hilaire (1978-81, 2004- ), Alan Agnelli (1986-88), John Deveau (1988-89) and Daniel J. Kelley (2001-03) could be considered for future designation, as there is nothing named to honor their years of service to the city.

Some of our recently departed City Councilors such as Robert Burke, Dr. Thomas Tracy, Philip Lagrassa, Mimi Canu or Rosaire St. Jean would also be worthy of such future designation. State Representatives like Martin Walsh, Chet Suhoski, Bob Hawke and Brian Knuuttila could also be future candidates.

**Former State Representative Fred Blake** has a section of Route 2, passing through Gardner, named in his memory.

*Fredette  
Street*

In 1983, the section of West Gardner Square in front of the Worcester County National Bank at the intersection of Pleasant and Main Streets was in need of a name.

Citizens made such suggestions in honor of Nicholas Rudziak – the longtime head of the Gardner Chamber of Commerce, Howard Ferguson – senior vice president of that very Worcester County Bank, or Clarence B. Quimby – the longtime headmaster of Cushing Academy.

All were quite worthy of such a designation, yet they have been largely forgotten and uncelebrated since their deaths.

Sadly, the locale became known as Bullnose Park, a name lacking notoriety, tradition and substance.

Gardner has created several memorials and official tributes to many local individuals, both living and deceased, which have stood the test of time. Some of them are as follows:

#### **Playgrounds, Parks, Athletic Fields and Facilities**

**Jackson Playground** – Gardner’s first playground, which was created in 1909, was named in honor of Elisha Jackson, Gardner’s first settler, first town moderator and first selectman.

**Greenwood Playground** – built in the lower Greenwood Hill area in 1910, was named in honor of early settlers Aaron and Jonathan Greenwood.

**Wilder Field** – named in 1919 on Waterford Street, for Congressman William H. Wilder who was the only Gardner man elected to the Congress of the United States.

**Bickford Playground** – named in 1923 in honor of South Gardner’s Captain William Bickford, a soldier in the Revolutionary War who was an early resident of the precinct of town.

**Pulaski Playground** – located in Gardner’s “Polish section” off Pleasant Street, was named in 1933 in honor of the famed Polish soldier Casmir Pulaski.

**Ovila Case Playground** – the First World War 1 casualty from Gardner, who hailed from the same district of “Little Canada” where the playground was first established in 1936.

**Stedman Playground** – was not named for Mayor Clarke K. Stedman but, rather, his young daughter Marlene Stedman, when he donated land in that section of town for the playground in 1956.

**Watkins Field** – the high school football field is named in honor of the Watkins family of Simplex Time Recorder notoriety, opening in 1977.

**Atter Field** – at the Gardner Little League field, named in 1995 for the late Sam Atter, a West End businessman who was active in the youth baseball program in the city as a coach and umpire.

**Volney Howe Park** - the small park on the corner of Parker and Graham streets is named for the former vice president and clerk of the Brown, Howe and Robichaud Insurance Agency.

**LaChance Gymnasium** – at Gardner High School, named for businessman Leo LaChance, who donated – acres of land for the development of the present high school.

**Henry Dernalowicz Tennis Courts** – named in memory of the longtime head of the Recreation Department of Gardner, located at Gardner High School.

#### **Schools, College, Buildings**

**Helen Mae Sauter School** – named in honor of the longtime member of the Gardner School Committee from 1950-77.

**Gearan Library** – also at Gardner High School, named in honor of Principal John S. Gearan, who served from 1956-69.

**Russell Academic Wing** – the front entrance to the school near the high school office at Gardner High, named for longtime superintendent David M. Russell (1966-87).

**Snell Conference Room** – is named for former Gardner High principal H. William Snell (1969-78).

**Whittier Memorial Greenhouse** – “A Tribute to Gardner’s First Lady of Biology” reads the plaque near the greenhouse, in honor of longtime biology teacher Helen Whittier (1932-69). She later became a member of the Gardner School Committee.

**Raduazo Medical Wing** – the health office at Gardner High, named for Dr. Rocco Raduazo – who was the school physician for the Gardner Public Schools from 1955-89.

**Smith Auditorium** – the cafeteria and auditorium at the Waterford Street School is named for Roger Smith, a longtime school committeeman who served when the school first became at junior high in 1953.

**Chace Library** – the library at the Waterford Street School was dedicated in memory of former Gardner Superintendent of Schools Frank C. Chace (1946-66).

**Bishop Academic Wing** – dedicated when the Gardner Middle School opened in 1998, in honor of Joseph Bishop who served the Gardner School System for 36 years. He spent 24 of those years as principal of the Gardner Junior High School.

**Raduazo Athletic Wing** – Dr. Rocco Raduazo had a second section of a Gardner School named in his honor when the Athletic wing and medical office was named in his honor.

**Raymond M. LaFontaine Fine Arts Center** – at Mount Wachusett Community College, was named in honor of the Gardner native who served as State Representative from 1965-82.

**Binnall House** – the elderly housing establishment on Connors Street was named for Thomas H. Binnall. He served as vice president of the State Labor Council AFL-CIO and was also a member of the city's Municipal Planning Board for 20 years.

**Leo P. LaChance Center for Nursing and Rehabilitation** – named in honor of one of Gardner’s outstanding philanthropists, at the former Eastwood Pines Nursing Home.

**Boland Room** – located in the Heywood Wakefield Building was named for the late Edward P. Boland, a member of the Massachusetts House of Representatives from 1935-88.

Once again, kudos for the Gardner City Council for honoring former Mayors Manca and McKean in such a fitting way. Let’s hope that in the future, more of Gardner’s outstanding contributors and citizens are honored in such a distinctive way with further designations.

*(Comments and suggestions for The Gardner Scene can be sent to Mike Richard at Rich0725@aol.com. or in writing c/o The Gardner News, 309 Central St. Gardner, MA 01440)*

**Others after Article was written:**

City Councilor **James Minns** – Sullivan – Minns Iron Stairs, Feb 16, 2012

**Rome Family** – Rome Square Intersection of Main St and Willow St, August 3, 2015

Community Development Director **Robert Hubbard** – Hubbard Conference Room- City Hall Annex, May 2, 2016

Superintendent of Schools **Joseph Bishop** – Joseph Bishop Walkway – Catherine Street, May 15, 2017

Police Chief **Neil Erickson** – Erickson Way driveway leading into the Police Cruiser parking lot

Deputy Police Chief **Rock Barrieau** – Barrieau Memorial on South Main Street.

**Failed attempt to name something:**

Measure requested by the American Legion, Post 129 to re-name the Uptown Rotary “the Iraq and Afghanistan Veterans Memorial Circle,” failed on June 16, 2014 after Councilors James Johnson and Marc Morgan pointed out that the rotary had been named the Levi Greenwood Memorial Traffic Circle by vote of the City Council in 1947.

**Others not on the list but named after people:**

Greenwood Memorial Pool – Alvin and Helen Greenwood (Parents of Levi Heywood Greenwood)

Levi Heywood Memorial Library

Dunn Park – named after John Ainsworth Dunn



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

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May 10, 2024

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

RECEIVED  
2024 MAY 10 AM 9:52  
CITY CLERK'S OFFICE  
GARDNER, MA

RE: Free Cash Appropriation Request – S Graves v City Lawsuit Acct.

Dear Madam President and Councilors,

As we approach the end of the fiscal year, the Administration and the City Auditing Department are reviewing final overages that are looking to be covered for the remainder before the new fiscal year begins.

The attached appropriation request is being put forward to cover the costs incurred by the City for the existing lawsuit between the City and Attorney Graves that is currently in Superior Court.

This brings the total appropriated into this account for this purpose to \$84,600.79.

Respectfully submitted,

Michael J. Nicholson  
Mayor, City of Gardner

AN ORDER APPROPRIATING FROM FREE CASH TO THE MAYOR'S UNCLASSIFIED – S. GRAVES VS CITY LAWSUIT EXPENSE ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Thirty Thousand Dollars and No Cents (\$30,000.00) from Free Cash to the Mayor's Unclassified – S. Graves vs City Lawsuit Expense Account.



**P A** PETRINI ASSOCIATES, P.C.  
Counselors at Public Law

372 Union Avenue Framingham, MA 01702

(Tel) 508 665-4310 (Fax) 508-665-4313

Tax ID No. 51-0514595

Gardner, City of  
c/o John M. Flick, Esq.  
Flick Law Group, P.C.  
144 Central Street, Suite 201  
Gardner, MA 01440

September 8, 2021  
Invoice No. 40634

**ATTORNEY-CLIENT PRIVILEGE**

706-01 Graves et al v. Flick et al

Professional Services

|            |     | Rate | Hours |     |
|------------|-----|------|-------|-----|
| 07/23/2021 | CJP |      |       |     |
|            |     |      |       |     |
|            |     |      |       |     |
|            |     |      | 0.60  | n/c |
|            | CJP |      |       |     |
|            |     |      | 1.00  | n/c |
| 07/26/2021 | CJP |      |       |     |
|            |     |      |       |     |
|            |     |      | 0.70  | n/c |
| 07/27/2021 | CJP |      |       |     |
|            |     |      |       |     |
|            |     |      | 0.20  | n/c |
| 07/28/2021 | CJP |      |       |     |
|            |     |      | 0.20  | n/c |
| 08/02/2021 | CJP |      |       |     |
|            |     |      | 0.40  | n/c |
| 08/03/2021 | CLB |      |       |     |
|            |     |      |       |     |

Unpaid balances subject to interest at 1.5% per month after 30 days.

**ATTORNEY-CLIENT PRIVILEGE**

|            |                                                                                                                                                                                                                                                              | Rate   | Hours |        |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|--------|
|            | and B. Durgin [REDACTED]<br>[REDACTED] start review of amended<br>complaint and exhibits; research [REDACTED]<br>email corresponddn                                                                                                                          | 275.00 | 2.90  | 797.50 |
| CJP        | E-mails from/to J. Flick and B. Durgin Attorney for<br>Secretary of State, Public Records Division; conference<br>call with J. Flick; telephone call to C.L. Brown [REDACTED]<br>[REDACTED] e-mails to/from C.L. Brown and J. Flick [REDACTED]<br>[REDACTED] | 325.00 | 1.60  | 520.00 |
| 08/04/2021 |                                                                                                                                                                                                                                                              |        |       |        |
| CLB        | Discussion with C.J. Petrini [REDACTED]<br>[REDACTED]                                                                                                                                                                                                        | 275.00 | 0.40  | 110.00 |
| CJP        | Conference in office with C.L. Brown [REDACTED]<br>[REDACTED]<br>[REDACTED] for more details and better preparing to<br>[REDACTED] to [REDACTED]<br>[REDACTED]                                                                                               | 325.00 | 0.40  | 130.00 |
| 08/05/2021 |                                                                                                                                                                                                                                                              |        |       |        |
| CLB        | Conference call with J. Flick, E. Kolodny and C.J. Petrini<br>[REDACTED]<br>[REDACTED], email correspondence with J. Flick and C.J. Petrini<br>[REDACTED]                                                                                                    | 275.00 | 0.70  | 192.50 |
| CJP        | Conference call with J. Flick, E. Kolodny and C.L. Brown [REDACTED]<br>[REDACTED]<br>[REDACTED]<br>[REDACTED] follow-up e-mails to/from J.<br>Flick [REDACTED]                                                                                               | 325.00 | 0.70  | 227.50 |
| 08/12/2021 |                                                                                                                                                                                                                                                              |        |       |        |
| CLB        | Review background materials provided by J. Flick;<br>research [REDACTED]<br>[REDACTED]                                                                                                                                                                       | 275.00 | 3.20  | 880.00 |
| 08/13/2021 |                                                                                                                                                                                                                                                              |        |       |        |
| CLB        | Start to prepare initial pleadings [REDACTED]<br>[REDACTED], email<br>correspondence with S. Graves, J. Flick, E. Korodny and<br>C.J. Petrini [REDACTED]<br>research/review legal issues [REDACTED]<br>[REDACTED]                                            | 275.00 | 2.40  | 660.00 |
| 08/16/2021 |                                                                                                                                                                                                                                                              |        |       |        |
| CLB        | Email correspondence with J. Flick, E. Kolodny and C.J.<br>Petrini [REDACTED], email correspondence with                                                                                                                                                     |        |       |        |

**ATTORNEY-CLIENT PRIVILEGE**

|            |                                                                                                                                                                                                                                                                                                                 | Rate   | Hours |          |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|----------|
|            | S. Graves, J. Flick and C.J. Petrini [REDACTED]<br>[REDACTED]; finish preparing initial draft of motion for more definite statement; email correspondence with C.J. Petrini and J. Flick [REDACTED]; prepare Rule 9C affidavit; prepare letter to counsel for 9A service of motion for more definite statement. | 275.00 | 1.50  | 412.50   |
| CJP        | E-mails from/to C.L. Brown, J. Flick and Assistant City Solicitor [REDACTED]<br>[REDACTED]<br>[REDACTED]; review e-mail from C.L. Brown to Mr. Graves [REDACTED]<br>[REDACTED]                                                                                                                                  | 325.00 | 0.20  | 65.00    |
| 08/17/2021 |                                                                                                                                                                                                                                                                                                                 |        |       |          |
| CLB        | Email correspondence with J. Flick and C.J. Petrini [REDACTED]<br>[REDACTED] telephone call to and email correspondence with S. Graves and C.J. Petrini [REDACTED]<br>[REDACTED].                                                                                                                               | 275.00 | 0.30  | 82.50    |
| 08/18/2021 |                                                                                                                                                                                                                                                                                                                 |        |       |          |
| CLB        | Email correspondence with J. Flick and C.J. Petrini [REDACTED]<br>[REDACTED].                                                                                                                                                                                                                                   |        | 0.10  | n/c      |
| CJP        | Continue review and annotation of 70+ pages of Amended Complaint with exhibits [REDACTED]<br>[REDACTED]; make notes of substantive research and factual issues [REDACTED].                                                                                                                                      | 325.00 | 3.10  | 1,007.50 |
| 08/19/2021 |                                                                                                                                                                                                                                                                                                                 |        |       |          |
| CLB        | Discussion with C.J. Petrini [REDACTED]<br>[REDACTED]; telephone call to and email correspondence with S. Graves [REDACTED]<br>[REDACTED].                                                                                                                                                                      | 275.00 | 0.50  | 137.50   |
| CJP        | Conference in office with C.L. Brown [REDACTED]<br>[REDACTED].                                                                                                                                                                                                                                                  |        | 0.10  | n/c      |
| 08/20/2021 |                                                                                                                                                                                                                                                                                                                 |        |       |          |
| CLB        | Telephone call and email correspondence with S. Graves and C.J. Petrini [REDACTED]<br>[REDACTED]; discussion with C.J. Petrini [REDACTED]<br>[REDACTED]; telephone call and email correspondence to J. Flick, E. Kolodny and C.J. Petrini [REDACTED]; efile notice of appearance; email correspondence with S.  |        |       |          |

**ATTORNEY-CLIENT PRIVILEGE**

|            |                                                                                                                                                    | Rate   | Hours |          |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|----------|
|            | Graves, J. Flick, E. Kolodny and C.J. Petrini [REDACTED]                                                                                           |        |       |          |
|            | [REDACTED]                                                                                                                                         | 275.00 | 1.20  | 330.00   |
| CJP        | E-mails to/from C.L. Brown [REDACTED]                                                                                                              |        |       |          |
|            | [REDACTED]                                                                                                                                         |        |       |          |
|            | [REDACTED]                                                                                                                                         |        |       |          |
|            | [REDACTED]                                                                                                                                         |        |       |          |
|            | [REDACTED]                                                                                                                                         |        |       |          |
|            | [REDACTED]                                                                                                                                         |        |       |          |
|            | [REDACTED] telephone calls to/from J. Flick and Assistant City Solicitor [REDACTED]                                                                |        |       |          |
|            | [REDACTED]                                                                                                                                         |        |       |          |
|            | [REDACTED]                                                                                                                                         |        |       |          |
|            | [REDACTED]                                                                                                                                         |        |       |          |
|            | [REDACTED]                                                                                                                                         | 325.00 | 0.60  | 195.00   |
| 08/22/2021 |                                                                                                                                                    |        |       |          |
| CJP        | Review e-mail from S. Graves [REDACTED]                                                                                                            |        |       |          |
|            | [REDACTED]                                                                                                                                         |        |       |          |
|            | [REDACTED]                                                                                                                                         |        |       |          |
|            | [REDACTED]                                                                                                                                         |        |       |          |
|            | [REDACTED]                                                                                                                                         | 325.00 | 0.30  | 97.50    |
| 08/23/2021 |                                                                                                                                                    |        |       |          |
| CJP        | Follow-up e-mails from/to City Solicitor [REDACTED]                                                                                                |        |       |          |
|            | [REDACTED]                                                                                                                                         |        | 0.10  | n/c      |
| 08/27/2021 |                                                                                                                                                    |        |       |          |
| CJP        | Review e-mail from Councilor Graves [REDACTED]                                                                                                     |        |       |          |
|            | [REDACTED]                                                                                                                                         |        |       |          |
|            | prepare e-mail to C.L. Brown and J. Flick [REDACTED]                                                                                               |        |       |          |
|            | [REDACTED]                                                                                                                                         |        |       |          |
|            | [REDACTED]                                                                                                                                         | 325.00 | 0.20  | 65.00    |
| 08/30/2021 |                                                                                                                                                    |        |       |          |
| CLB        | Email correspondence with C.J. Petrini, J. Flick and E. Kolodny [REDACTED]                                                                         |        |       |          |
|            | [REDACTED]                                                                                                                                         |        |       |          |
|            | [REDACTED] telephone discussion with C.J. Petrini [REDACTED] email correspondence with S. Graves, J. Flick, E. Kolodny and C.J. Petrini [REDACTED] |        |       |          |
|            | [REDACTED] discussion with J. Flick [REDACTED]                                                                                                     |        |       |          |
|            | [REDACTED]                                                                                                                                         | 275.00 | 1.30  | 357.50   |
| CJP        | Review further e-mails from/to C.L. Brown and J. Flick; [REDACTED]                                                                                 |        |       |          |
|            | [REDACTED]                                                                                                                                         |        |       |          |
|            | telephone call to C.L. Brown [REDACTED], review follow-up response of Attorney Graves.                                                             | 325.00 | 0.30  | 97.50    |
|            | For Professional Services Rendered                                                                                                                 |        | 21.80 | 6,365.00 |
|            | Total Non-billable Hours                                                                                                                           |        | 3.40  |          |

Gardner, City of  
RE: 706-01 Graves et al v. Flick et al

September 8, 2021  
Page No. 5

**ATTORNEY-CLIENT PRIVILEGE**

|                               |                           | Timekeeper Summary |             |                   |
|-------------------------------|---------------------------|--------------------|-------------|-------------------|
| <u>Timekeeper</u>             |                           | <u>Hours</u>       | <u>Rate</u> | <u>Total</u>      |
| Christopher J. Petrini        |                           | 7.40               | \$325.00    | \$2,405.00        |
| Christopher L. Brown          |                           | 14.40              | 275.00      | 3,960.00          |
| <br><u>Additional Charges</u> |                           |                    |             |                   |
| 08/31/2021                    | Photocopies               |                    |             | 30.40             |
|                               | Total Additional Charges  |                    |             | 30.40             |
|                               | Total Amount of This Bill |                    |             | 6,395.40          |
|                               | Balance Due               |                    |             | <u>\$6,395.40</u> |

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Tax ID No. 51-0514595

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c/o John M. Flick, Esq.  
Flick Law Group, P.C.  
144 Central Street, Suite 201  
Gardner, MA 01440

October 12, 2021  
Invoice No. 40777

**ATTORNEY-CLIENT PRIVILEGE**

706-01 Graves et al v. Flick et al

Professional Services

|            |                                                                                                                                                                                                                          | Rate   | Hours |        |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|--------|
| 09/01/2021 |                                                                                                                                                                                                                          |        |       |        |
| CLB        | Discussion with C.J. Petrini [REDACTED]<br>[REDACTED]                                                                                                                                                                    | 275.00 | 0.10  | 27.50  |
| CJP        | Complete review and annotation of Amended Complaint and exhibits; review and edit draft motion for more definite statement and memorandum of law; telephone call to C.L. Brown [REDACTED]                                | 325.00 | 1.60  | 520.00 |
| 09/02/2021 |                                                                                                                                                                                                                          |        |       |        |
| CJP        | Work on memorandum to C.L. Brown and S.J. Petrini<br>[REDACTED]<br>[REDACTED]<br>[REDACTED]                                                                                                                              | 325.00 | 0.50  | 162.50 |
| 09/03/2021 |                                                                                                                                                                                                                          |        |       |        |
| CLB        | Revise and complete motion for more definite statement and assemble motion, memo and supporting exhibits to prepare for service; email correspondence with S. Graves, C.J. Petrini and J. Flick [REDACTED]<br>[REDACTED] | 275.00 | 0.70  | 192.50 |
| 09/07/2021 |                                                                                                                                                                                                                          |        |       |        |
| CLB        | Discussion with S.J. Petrini and C.J. Petrini [REDACTED]<br>[REDACTED], email correspondence with S. Graves, C.J. Petrini, J. Flick, and E. Kolodny [REDACTED]                                                           | 275.00 | 0.60  | 165.00 |
| SJP        | Discussion with C. Brown and C. Petrini [REDACTED]<br>[REDACTED]                                                                                                                                                         |        | 0.20  | n/c    |
| CJP        | Conference in office with C.L. Brown and Law Clerk<br>[REDACTED]<br>[REDACTED] review e-mails from/to S. Graves, J.                                                                                                      |        |       |        |

**Unpaid balances subject to interest at 1.5% per month after 30 days.**

**ATTORNEY-CLIENT PRIVILEGE**

|            |     |                                                                                                                                                                                                                                                                                                                                                                               | Rate   | Hours |        |
|------------|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|--------|
|            |     | Flick and C.L. Brown [REDACTED]<br>[REDACTED]<br>[REDACTED] review draft response prepared by C.L. Brown<br>[REDACTED]                                                                                                                                                                                                                                                        | 325.00 | 0.30  | 97.50  |
| 09/10/2021 | CLB | Email correspondence with J. Flick and C.J. Petrini<br>[REDACTED]<br>review video recording [REDACTED]                                                                                                                                                                                                                                                                        | 275.00 | 0.20  | 55.00  |
|            | CJP | E-mails from/to J. Flick and C.L. Brown; [REDACTED]<br>[REDACTED]                                                                                                                                                                                                                                                                                                             | 325.00 | 0.20  | 65.00  |
| 09/13/2021 | CLB | Email correspondence with S. Graves, J. Flick, E. Kolodny<br>and C.J. Petrini [REDACTED]<br>[REDACTED]                                                                                                                                                                                                                                                                        | 275.00 | 0.10  | 27.50  |
| 09/14/2021 | CLB | Email correspondence with S. Graves, J. Flick, E. Kolodny<br>and C.J. Petrini [REDACTED]<br>[REDACTED]                                                                                                                                                                                                                                                                        | 275.00 | 0.10  | 27.50  |
| 09/16/2021 | CLB | Review plaintiff's opposition to motion for more definite<br>statement; research [REDACTED] email<br>correspondence with C.J. Petrini, J. Flick and E. Kolodny<br>[REDACTED]<br>[REDACTED]; prepare notice of filing and request for<br>hearing; efile motion package; email correspondence with<br>S. Graves, C.J. Petrini, J. Flick and E. Kolodny [REDACTED]<br>[REDACTED] | 275.00 | 1.60  | 440.00 |
| 09/22/2021 | CLB | Email correspondence with B. Durgin, C.J. Petrini and J.<br>Flick [REDACTED]<br>[REDACTED] email correspondence with<br>J. Flick and C.J. Petrini [REDACTED]<br>[REDACTED] request related to PDR retention [REDACTED] review<br>court notice of hearing on motion for more definite<br>statement.                                                                            | 275.00 | 0.40  | 110.00 |
|            | CJP | E-mails from/to SPR attorney [REDACTED]<br>[REDACTED]<br>[REDACTED] review Notice of Hearing<br>on Motion for More Definite Statement scheduled for<br>10/19/21; prepare e-mail to City Solicitor [REDACTED] review S.<br>Graves' latest public records request; telephone call to J.<br>Flick [REDACTED]<br>[REDACTED]<br>[REDACTED]                                         | 325.00 | 0.70  | 227.50 |

Gardner, City of  
 RE: 706-01 Graves et al v. Flick et al

October 12, 2021  
 Page No. 3

### ATTORNEY-CLIENT PRIVILEGE

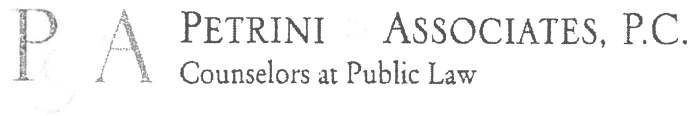
|                                    | Rate | Hours |          |
|------------------------------------|------|-------|----------|
| For Professional Services Rendered |      | 7.10  | 2,117.50 |
| Total Non-billable Hours           |      | 0.20  |          |

|                        |  | Timekeeper Summary |             |              |
|------------------------|--|--------------------|-------------|--------------|
| <u>Timekeeper</u>      |  | <u>Hours</u>       | <u>Rate</u> | <u>Total</u> |
| Christopher J. Petrini |  | 3.30               | \$325.00    | \$1,072.50   |
| Christopher L. Brown   |  | 3.80               | 275.00      | 1,045.00     |

#### Additional Charges

|            |                           |  |  |                   |
|------------|---------------------------|--|--|-------------------|
| 09/30/2021 | Photocopies               |  |  | 8.00              |
|            | Total Additional Charges  |  |  | 8.00              |
|            | Previous Balance          |  |  | \$6,395.40        |
|            | Total Amount of This Bill |  |  | 2,125.50          |
|            | Balance Due               |  |  | <u>\$8,520.90</u> |





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 Gardner, MA 01440

November 3, 2021  
 Invoice No. 40880

**ATTORNEY-CLIENT PRIVILEGE**

706-01 Graves et al v. Flick et al

Professional Services

|            |     |                                                                               | Rate   | Hours |        |
|------------|-----|-------------------------------------------------------------------------------|--------|-------|--------|
| 10/12/2021 | CJP | Telephone call to C.L. Brown [REDACTED]                                       |        |       |        |
|            |     | [REDACTED]                                                                    | 325.00 | 0.10  | 32.50  |
| 10/13/2021 | CLB | Prepare oral argument outline for 10/19 hearing [REDACTED]                    |        |       |        |
|            |     | [REDACTED] email correspondence with C.J. Petrini [REDACTED]                  | 275.00 | 0.90  | 247.50 |
| 10/14/2021 | CJP | Begin preparations for oral argument scheduled for 10/19/21.                  | 325.00 | 0.30  | 97.50  |
| 10/15/2021 | SJP | Research [REDACTED]                                                           |        |       |        |
|            |     | [REDACTED]                                                                    | 125.00 | 2.70  | 337.50 |
|            | CLB | Email correspondence with J. Flick and C.J. Petrini [REDACTED]                |        |       |        |
|            |     | [REDACTED] email correspondence with S.J. Petrini and C.J. Petrini [REDACTED] | 275.00 | 0.40  | 110.00 |
|            | CJP | Review e-mail from Law Clerk [REDACTED]                                       |        |       |        |
|            |     | [REDACTED]                                                                    |        | 0.10  | n/c    |
| 10/18/2021 | CJP | Begin preparations for 10/19/21 oral argument [REDACTED]                      |        |       |        |
|            |     | [REDACTED]                                                                    |        |       |        |

**Unpaid balances subject to interest at 1.5% per month after 30 days.**

**ATTORNEY-CLIENT PRIVILEGE**

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Rate   | Hours |          |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|----------|
|            | [REDACTED] e-mails to/from Law Clerk [REDACTED]<br>[REDACTED]<br>[REDACTED] e-mail to C.L. Brown [REDACTED]<br>[REDACTED] review relevant cases.                                                                                                                                                                                                                                                                                                    | 325.00 | 1.50  | 487.50   |
| 10/19/2021 | CLB                                                                                                                                                                                                                                                                                                                                                                                                                                                 |        |       |          |
|            | Revise oral argument outline [REDACTED], email correspondence with C.J. Petrini [REDACTED]<br>[REDACTED] email correspondence with J. Flick and C.J. Petrini [REDACTED]<br>[REDACTED]<br>discussion with S.J. Petrini regarding public records case [REDACTED]<br>[REDACTED]; email correspondence and discussions with C.J. Petrini [REDACTED]<br>[REDACTED] email correspondence and telephone discussion with S. Graves [REDACTED]<br>[REDACTED] | 275.00 | 1.60  | 440.00   |
|            | SJP                                                                                                                                                                                                                                                                                                                                                                                                                                                 |        |       |          |
|            | [REDACTED]<br>[REDACTED]                                                                                                                                                                                                                                                                                                                                                                                                                            | 125.00 | 0.30  | 37.50    |
|            | SJP                                                                                                                                                                                                                                                                                                                                                                                                                                                 |        |       |          |
|            | MassCourts and Lexis search [REDACTED]<br>[REDACTED]<br>[REDACTED]                                                                                                                                                                                                                                                                                                                                                                                  | 125.00 | 2.50  | 312.50   |
|            | SJP                                                                                                                                                                                                                                                                                                                                                                                                                                                 |        |       |          |
|            | Worcester County Court appearance with C.J. Petrini.<br>[REDACTED]<br>[REDACTED]                                                                                                                                                                                                                                                                                                                                                                    |        | 2.60  | n/c      |
|            | CJP                                                                                                                                                                                                                                                                                                                                                                                                                                                 |        |       |          |
|            | Continue motion hearing preparations; [REDACTED]<br>[REDACTED]<br>[REDACTED]; e-mails to/from C.L. Brown [REDACTED] review docket and e-mail from Law Clerk [REDACTED]<br>[REDACTED] go to Worcester Superior Court and argue defendant's motion for a more definite statement before Judge Reando [REDACTED];<br>telephone call to J. Flick [REDACTED]<br>[REDACTED]                                                                               | 325.00 | 4.70  | 1,527.50 |
| 10/20/2021 | CLB                                                                                                                                                                                                                                                                                                                                                                                                                                                 |        |       |          |
|            | Discussion with C.J. Petrini [REDACTED]<br>[REDACTED]<br>[REDACTED]                                                                                                                                                                                                                                                                                                                                                                                 |        | 0.10  | n/c      |
| 10/28/2021 | CLB                                                                                                                                                                                                                                                                                                                                                                                                                                                 |        |       |          |
|            | Email correspondence with M. Reynolds, S. Graves, C.J. Petrini and J. Flick [REDACTED]<br>[REDACTED]<br>[REDACTED]                                                                                                                                                                                                                                                                                                                                  | 275.00 | 0.20  | 55.00    |
|            | CJP                                                                                                                                                                                                                                                                                                                                                                                                                                                 |        |       |          |
|            | E-mails from/to Assistant Attorney General, C.L. Brown and J. Flick [REDACTED]<br>[REDACTED]                                                                                                                                                                                                                                                                                                                                                        |        |       |          |

Gardner, City of  
 RE: 706-01 Graves et al v. Flick et al

November 3, 2021  
 Page No. 3

### ATTORNEY-CLIENT PRIVILEGE

|                                                                                   | Rate | Hours |          |
|-----------------------------------------------------------------------------------|------|-------|----------|
|  |      | 0.10  | n/c      |
| For Professional Services Rendered                                                |      | 15.20 | 3,685.00 |
| Total Non-billable Hours                                                          |      | 2.90  |          |

#### Timekeeper Summary

| <u>Timekeeper</u>      | <u>Hours</u> | <u>Rate</u> | <u>Total</u> |
|------------------------|--------------|-------------|--------------|
| Christopher J. Petrini | 6.60         | \$325.00    | \$2,145.00   |
| Christopher L. Brown   | 3.10         | 275.00      | 852.50       |
| Shawn J. Petrini       | 5.50         | 125.00      | 687.50       |

#### Additional Charges

|            |                                                                                                                  |  |                    |
|------------|------------------------------------------------------------------------------------------------------------------|--|--------------------|
| 10/19/2021 | Local travel to Worcester Superior Court for motion hearing (41 miles x \$0.56,<br>\$1.40 tolls, \$2.00 parking) |  | 26.36              |
| 10/31/2021 | Photocopies                                                                                                      |  | 8.80               |
|            | Total Additional Charges                                                                                         |  | 35.16              |
|            | Previous Balance                                                                                                 |  | \$8,520.90         |
|            | Total Amount of This Bill                                                                                        |  | 3,720.16           |
|            | Balance Due                                                                                                      |  | <u>\$12,241.06</u> |

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December 7, 2021  
Invoice No. 40974

**ATTORNEY-CLIENT PRIVILEGE**

706-01 Graves et al v. Flick et al

Professional Services

|            |                                                                                                                                                                                                                       | Rate   | Hours |        |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|--------|
| 11/03/2021 | CLB                                                                                                                                                                                                                   |        |       |        |
|            | Telephone call from J. Flick [REDACTED]                                                                                                                                                                               |        |       |        |
|            | [REDACTED] discussion with C.J. Petrini [REDACTED]                                                                                                                                                                    | 275.00 | 0.20  | 55.00  |
| 11/18/2021 | CLB                                                                                                                                                                                                                   |        |       |        |
|            | Review online docket [REDACTED]                                                                                                                                                                                       |        |       |        |
|            | [REDACTED]                                                                                                                                                                                                            |        | 0.10  | n/c    |
| 11/29/2021 | CLB                                                                                                                                                                                                                   |        |       |        |
|            | Email correspondence with J. Flick and C.J. Petrini [REDACTED]                                                                                                                                                        |        | 0.10  | n/c    |
|            | CJP                                                                                                                                                                                                                   |        |       |        |
|            | Receipt and review G.L. c. 258 Demand Letter to City of Gardner served by Councilor Graves [REDACTED]                                                                                                                 | 325.00 | 0.30  | 97.50  |
| 11/30/2021 | CLB                                                                                                                                                                                                                   |        |       |        |
|            | Review correspondence from Court regarding clerk's notice of allowance of motion for more definite statement; review decision and order; email correspondence with J. Flick, C.J. Petrini and S.J. Petrini [REDACTED] | 275.00 | 0.20  | 55.00  |
|            | SJP                                                                                                                                                                                                                   |        |       |        |
|            | [REDACTED]                                                                                                                                                                                                            |        | 0.40  | n/c    |
|            | CJP                                                                                                                                                                                                                   |        |       |        |
|            | E-mails from/to C.L. Brown and J. Flick [REDACTED]                                                                                                                                                                    |        |       |        |
|            | [REDACTED]                                                                                                                                                                                                            |        |       |        |
|            | review Judge Reardon's decision; [REDACTED]                                                                                                                                                                           |        |       |        |
|            | [REDACTED]                                                                                                                                                                                                            | 325.00 | 0.30  | 97.50  |
|            | For Professional Services Rendered                                                                                                                                                                                    |        | 1.00  | 305.00 |
|            | Total Non-billable Hours                                                                                                                                                                                              |        | 0.60  |        |

**Unpaid balances subject to interest at 1.5% per month after 30 days.**

Gardner, City of  
 RE: 706-01 Graves et al v. Flick et al

December 7, 2021  
 Page No. 2

### ATTORNEY-CLIENT PRIVILEGE

#### Timekeeper Summary

| <u>Timekeeper</u>      | <u>Hours</u> | <u>Rate</u> | <u>Total</u> |
|------------------------|--------------|-------------|--------------|
| Christopher J. Petrini | 0.60         | \$325.00    | \$195.00     |
| Christopher L. Brown   | 0.40         | 275.00      | 110.00       |

|                  |             |
|------------------|-------------|
| Previous Balance | \$12,241.06 |
|------------------|-------------|

|                           |        |
|---------------------------|--------|
| Total Amount of This Bill | 305.00 |
|---------------------------|--------|

#### Payments

|            |                                        |            |
|------------|----------------------------------------|------------|
| 11/22/2021 | Payment - Thank You - Check No. 245043 | -3,720.16  |
| 11/22/2021 | Payment - Thank You - Check No. 245043 | -6,395.40  |
| 11/22/2021 | Payment - Thank You - Check No. 245043 | -2,125.50  |
|            | Total Payments                         | -12,241.06 |
|            | Balance Due                            | \$305.00   |

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Gardner, MA 01440

February 7, 2022  
Invoice No. 41217

**ATTORNEY-CLIENT PRIVILEGE**

706-01 Graves et al v. Flick et al

Professional Services

|            |                                                                                                                                                                                                                                        | Rate   | Hours |          |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|----------|
| 01/03/2022 | CLB                                                                                                                                                                                                                                    |        |       |          |
|            | Research online docket [REDACTED]; email correspondence with J. Flick and C.J. Petrini [REDACTED]                                                                                                                                      | 275.00 | 0.40  | 110.00   |
|            | CJP                                                                                                                                                                                                                                    |        |       |          |
|            | E-mails from/to C.L. Brown and J. Flick [REDACTED] brief review of Amended Complaint; e-mail from C.L. Brown [REDACTED]                                                                                                                | 325.00 | 0.20  | 65.00    |
| 01/06/2022 | CLB                                                                                                                                                                                                                                    |        |       |          |
|            | Prepare draft response to second amended petition, [REDACTED]                                                                                                                                                                          | 275.00 | 5.00  | 1,375.00 |
| 01/07/2022 | CLB                                                                                                                                                                                                                                    |        |       |          |
|            | Finish preparing initial draft answer to second amended petition; email correspondence with C.J. Petrini and J. Flick [REDACTED]                                                                                                       | 275.00 | 0.80  | 220.00   |
|            | CJP                                                                                                                                                                                                                                    |        |       |          |
|            | E-mails to/from C.L. Brown [REDACTED]                                                                                                                                                                                                  |        | 0.10  | n/c      |
| 01/18/2022 | CLB                                                                                                                                                                                                                                    |        |       |          |
|            | Email correspondence with C.J. Petrini [REDACTED] revise/complete answer to second amended complaint; efile same with Worcester Superior Court; email correspondence with S. Graves, M. Reynolds, C.J. Petrini and J. Flick [REDACTED] | 275.00 | 0.90  | 247.50   |
|            | CJP                                                                                                                                                                                                                                    |        |       |          |
|            | Review 19-page Second Amended Complaint and draft                                                                                                                                                                                      |        |       |          |

**Unpaid balances subject to interest at 1.5% per month after 30 days.**

**ATTORNEY-CLIENT PRIVILEGE**

|            |                                                                                                                            | Rate   | Hours |          |
|------------|----------------------------------------------------------------------------------------------------------------------------|--------|-------|----------|
|            | Answer and Affirmative Defenses [REDACTED]                                                                                 |        |       |          |
|            | [REDACTED]                                                                                                                 | 325.00 | 1.60  | 520.00   |
| 01/19/2022 |                                                                                                                            |        |       |          |
| CLB        | Conference in office with C.J. Petrini [REDACTED]<br>[REDACTED] following filing of answer to second<br>[REDACTED]         |        | 0.20  | n/c      |
| CJP        | Conference in office with C.L. Brown [REDACTED]<br>[REDACTED] strategy to resolve issues and possibly remove<br>[REDACTED] | 325.00 | 0.20  | 65.00    |
| 01/20/2022 |                                                                                                                            |        |       |          |
| CLB        | Email correspondence with C.J. Petrini [REDACTED]<br>[REDACTED]                                                            |        |       |          |
| CJP        | [REDACTED]                                                                                                                 | 275.00 | 0.30  | 82.50    |
|            | [REDACTED]                                                                                                                 |        |       |          |
|            | [REDACTED]                                                                                                                 | 325.00 | 0.20  | 65.00    |
| 01/25/2022 |                                                                                                                            |        |       |          |
| CLB        | Zoom meeting with Gardner City Solicitor J. Flick and C.J.<br>Petrini [REDACTED]                                           |        | 0.30  | n/c      |
| CJP        | Zoom meeting with Gardner City Solicitor and C.L. Brown<br>[REDACTED]<br>[REDACTED]<br>[REDACTED]                          |        |       |          |
|            | [REDACTED]                                                                                                                 | 325.00 | 0.30  | 97.50    |
|            | For Professional Services Rendered                                                                                         |        | 9.90  | 2,847.50 |
|            | Total Non-billable Hours                                                                                                   |        | 0.60  |          |

Timekeeper Summary

| <u>Timekeeper</u>      | <u>Hours</u> | <u>Rate</u> | <u>Total</u> |
|------------------------|--------------|-------------|--------------|
| Christopher J. Petrini | 2.50         | \$325.00    | \$812.50     |
| Christopher L. Brown   | 7.40         | 275.00      | 2,035.00     |

Additional Charges

|            |                           |  |          |
|------------|---------------------------|--|----------|
| 01/31/2022 | Photocopies               |  | 16.00    |
|            | Total Additional Charges  |  | 16.00    |
|            | Previous Balance          |  | \$305.00 |
|            | Total Amount of This Bill |  | 2,863.50 |

Payments

|            |                                        |  |         |
|------------|----------------------------------------|--|---------|
| 12/22/2021 | Payment - Thank You - Check No. 245741 |  | -305.00 |
|------------|----------------------------------------|--|---------|

Gardner, City of  
RE: 706-01 Graves et al v. Flick et al

February 7, 2022  
Page No. 3

**ATTORNEY-CLIENT PRIVILEGE**

Balance Due

\$2,863.50



372 Union Avenue | Framingham, MA 01702

(Tel) 508-665-4310 | (Fax) 508-665-4313

Tax ID No. 51-0514595

Gardner, City of  
 c/o John M. Flick, Esq.  
 Flick Law Group, P.C.  
 144 Central Street, Suite 201  
 Gardner, MA 01440

March 9, 2022  
 Invoice No. 41320

**ATTORNEY-CLIENT PRIVILEGE**

706-01 Graves et al v. Flick et al

Professional Services

|            |                                                                                                                                                                                             | Rate   | Hours |        |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|--------|
| 02/01/2022 | CLB Telephone call from AAG Reynolds [REDACTED]<br>[REDACTED]<br>email correspondence and discussion with C.J. Petrini<br>[REDACTED]                                                        | 275.00 | 0.50  | 137.50 |
|            | CJP E-mail from C.L. Brown [REDACTED]<br>[REDACTED]<br>[REDACTED] telephone call to C.L.<br>Brown [REDACTED]                                                                                | 325.00 | 0.20  | 65.00  |
| 02/02/2022 | CLB Email correspondence with C.J. Petrini [REDACTED]<br>[REDACTED]<br>[REDACTED] mail correspondence with J. Flick and C.J.<br>Petrini [REDACTED]                                          | 275.00 | 0.40  | 110.00 |
| 02/07/2022 | CLB Email correspondence with AAG Reynolds, S. Graves and<br>C.J. Petrini regarding Commonwealth v. [REDACTED]<br>[REDACTED]                                                                | 275.00 | 0.20  | 55.00  |
|            | CJP Review e-mail from Assistant Attorney General Reynolds<br>requesting Rule 9C conference [REDACTED]<br>[REDACTED]<br>prepare e-mail to C.L. Brown [REDACTED]<br>[REDACTED]<br>[REDACTED] |        | 0.20  | n/c    |
| 02/08/2022 | CLB Email correspondence with AAG Reynolds, S. Graves, J.<br>Flick and C.J. Petrini [REDACTED]<br>[REDACTED]                                                                                | 275.00 | 0.30  | 82.50  |

**Unpaid balances subject to interest at 1.5% per month after 30 days.**

**ATTORNEY-CLIENT PRIVILEGE**

|            |                                                                                                                                                            | Rate   | Hours |        |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|--------|
| 02/16/2022 | CJP<br>E-mails from/to S. Graves, C.L. Brown and J. Flick<br>[REDACTED]                                                                                    | 325.00 | 0.10  | 32.50  |
| 02/17/2022 | CLB<br>Email correspondence with J. Flick and C.J. Petrini<br>[REDACTED]                                                                                   | 275.00 | 0.20  | 55.00  |
| 02/28/2022 | CJP<br>E-mails from/to J. Flick [REDACTED]                                                                                                                 | 325.00 | 0.10  | 32.50  |
|            | CLB<br>Email correspondence with S. Graves, AAG Reynolds, J. Flick and C.J. Petrini [REDACTED]<br>[REDACTED] telephone discussion with J. Flick [REDACTED] | 275.00 | 0.50  | 137.50 |
|            | For Professional Services Rendered                                                                                                                         |        | 2.50  | 707.50 |
|            | Total Non-billable Hours                                                                                                                                   |        | 0.20  |        |

Timekeeper Summary

| <u>Timekeeper</u>      | <u>Hours</u> | <u>Rate</u> | <u>Total</u> |
|------------------------|--------------|-------------|--------------|
| Christopher J. Petrini | 0.40         | \$325.00    | \$130.00     |
| Christopher L. Brown   | 2.10         | 275.00      | 577.50       |

Previous Balance \$2,863.50

Total Amount of This Bill 707.50

Payments

02/28/2022 Payment - Thank You - Check No. 247446 -2,863.50

Balance Due \$707.50

**P A** PETRINI ASSOCIATES, P.C.  
Counselors at Public Law

372 Union Avenue | Framingham, MA 01702

(Tel) 508-665-4310 | (Fax) 508-665-4313

Tax ID No. 51-0514595

Gardner, City of  
c/o John M. Flick, Esq.  
Flick Law Group, P.C.  
144 Central Street, Suite 201  
Gardner, MA 01440

April 5, 2022  
Invoice No. 41413

**ATTORNEY-CLIENT PRIVILEGE**

706-01 Graves et al v. Flick et al

Professional Services

|            |                                                                                         | Rate   | Hours |       |
|------------|-----------------------------------------------------------------------------------------|--------|-------|-------|
| 03/01/2022 |                                                                                         |        |       |       |
| CLB        | Email correspondence with S. Graves, AAG Reynolds, J. Flick and C.J. Petrini [REDACTED] |        |       |       |
|            |                                                                                         | 275.00 | 0.20  | 55.00 |
|            | For Professional Services Rendered                                                      |        | 0.20  | 55.00 |

## Timekeeper Summary

| <u>Timekeeper</u>    | <u>Hours</u> | <u>Rate</u> | <u>Total</u> |
|----------------------|--------------|-------------|--------------|
| Christopher L. Brown | 0.20         | \$275.00    | \$55.00      |

|                  |          |
|------------------|----------|
| Previous Balance | \$707.50 |
|------------------|----------|

|                           |       |
|---------------------------|-------|
| Total Amount of This Bill | 55.00 |
|---------------------------|-------|

Payments

|            |                                        |         |
|------------|----------------------------------------|---------|
| 03/28/2022 | Payment - Thank You - Check No. 248300 | -707.50 |
|------------|----------------------------------------|---------|

|             |                |
|-------------|----------------|
| Balance Due | <u>\$55.00</u> |
|-------------|----------------|

Unpaid balances subject to interest at 1.5% per month after 30 days.

**P A PETRINI ASSOCIATES, P.C.**  
 Counselors at Public Law

372 Union Avenue | Framingham, MA 01702

(Tel) 508-665-4310 | Fax: 508-665-4313

Tax ID No. 51-0514595

Gardner, City of  
 c/o John M. Flick, Esq.  
 Flick Law Group, P.C.  
 144 Central Street, Suite 201  
 Gardner, MA 01440

May 10, 2022  
 Invoice No. 41543

**ATTORNEY-CLIENT PRIVILEGE**

706-01 Graves et al v. Flick et al

Professional Services

|            |                                                                                                                                            | Rate   | Hours |        |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|--------|
| 04/13/2022 | CLB Telephone call from J. Flick [REDACTED]                                                                                                |        |       |        |
|            | [REDACTED] email correspondence with C.J. Petrini [REDACTED]                                                                               | 275.00 | 0.10  | 27.50  |
|            | CJP Review voicemail from J. Flick; telephone call to J. Flick [REDACTED] e-mail to J. Flick.                                              | 325.00 | 0.20  | 65.00  |
| 04/14/2022 | CLB Review status of online docket [REDACTED]; email correspondence with C.J. Petrini [REDACTED]                                           | 275.00 | 0.20  | 55.00  |
|            | CJP Review recent e-mails [REDACTED]; telephone call to J. Flick [REDACTED]                                                                | 325.00 | 0.30  | 97.50  |
| 04/19/2022 | CJP E-mails and texts to/from J. Flick [REDACTED] review file [REDACTED] participate in brief conference call with City Council [REDACTED] | 325.00 | 0.80  | 260.00 |
| 04/29/2022 | CLB Prepare notice of withdrawal of appearance for C.L. Brown.                                                                             |        | 0.10  | n/c    |
|            | For Professional Services Rendered                                                                                                         |        | 1.60  | 505.00 |
|            | Total Non-billable Hours                                                                                                                   |        | 0.10  |        |

Timekeeper Summary

| Timekeeper             | Hours | Rate     | Total    |
|------------------------|-------|----------|----------|
| Christopher J. Petrini | 1.30  | \$325.00 | \$422.50 |

Unpaid balances subject to interest at 1.5% per month after 30 days.

Gardner, City of  
 RE: 706-01 Graves et al v. Flick et al

May 10, 2022  
 Page No. 2

**ATTORNEY-CLIENT PRIVILEGE**

| <u>Timekeeper</u>    | <u>Hours</u> | <u>Rate</u> | <u>Total</u> |
|----------------------|--------------|-------------|--------------|
| Christopher L. Brown | 0.30         | 275.00      | 82.50        |

Additional Charges

|            |                           |  |         |
|------------|---------------------------|--|---------|
| 04/29/2022 | Photocopies               |  | 6.20    |
|            | Total Additional Charges  |  | 6.20    |
|            | Previous Balance          |  | \$55.00 |
|            | Total Amount of This Bill |  | 511.20  |

Payments

|            |                                        |  |                 |
|------------|----------------------------------------|--|-----------------|
| 04/25/2022 | Payment - Thank You - Check No. 249170 |  | -55.00          |
|            | Balance Due                            |  | <u>\$511.20</u> |

372 Union Avenue | Framingham, MA 01702  
(Tel) 508-665-4310 | (Fax) 508-665-4313  
Tax ID No. 51-0514595

Gardner, City of  
c/o John M. Flick, Esq.  
Flick Law Group, P.C.  
144 Central Street, Suite 201  
Gardner, MA 01440

October 7, 2022  
Invoice No. 42036

**ATTORNEY-CLIENT PRIVILEGE**

706-01 Graves et al v. Flick et al

Professional Services

|            |                                                                                                                                                                                                                                                                                                | Rate   | Hours |        |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|--------|
| 09/09/2022 | CJP                                                                                                                                                                                                                                                                                            |        |       |        |
|            | Brief review of Motion to Dismiss and Memorandum of Law served by Commonwealth; telephone call to M.K. Terry [REDACTED], work with A. Hassan in updating pleadings spindle; review e-mails from/to Assistant Attorney General and S. Graves [REDACTED] telephone call to M.K. Terry [REDACTED] | 325.00 | 0.50  | 162.50 |
| 09/12/2022 | CJP                                                                                                                                                                                                                                                                                            |        |       |        |
|            | Conference in office with M.K. Terry [REDACTED]                                                                                                                                                                                                                                                | 325.00 | 0.20  | 65.00  |
|            | MKT                                                                                                                                                                                                                                                                                            |        |       |        |
|            | Review file [REDACTED] Review Commonwealth's Motion to Dismiss and Memorandum in Support. Related legal research. Draft Assent to Motion to Dismiss. Confer with Attorney Petrini.                                                                                                             | 250.00 | 3.50  | 875.00 |
| 09/13/2022 | CJP                                                                                                                                                                                                                                                                                            |        |       |        |
|            | Review e-mails from/to M. Reynolds and S. Graves; prepare e-mail to J. Flick [REDACTED] review e-mail from M.K. Terry [REDACTED]                                                                                                                                                               | 325.00 | 0.30  | 97.50  |
| 09/19/2022 | CJP                                                                                                                                                                                                                                                                                            |        |       |        |
|            | E-mails from/to S. Graves and J. Flick [REDACTED]                                                                                                                                                                                                                                              |        |       |        |

Unpaid balances subject to interest at 1.5% per month after 30 days.

**ATTORNEY-CLIENT PRIVILEGE**

|            |                                                                                                                                                                                                                                              | Rate   | Hours |          |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|----------|
|            | e-mails from/to S. Graves [REDACTED]<br>[REDACTED]<br>[REDACTED] prepare e-mail to J. Flick [REDACTED]<br>[REDACTED] prepare e-mail to<br>M.K. Terry [REDACTED]<br>[REDACTED]                                                                | 325.00 | 0.80  | 260.00   |
| MKT        | Telephone conference with Attorney Flick. Finalize Assent to Motion to Dismiss. Serve copy of Assent on counsel, and related email correspondence. Review Atty Grave's opposition to Motion to Dismiss. Review Atty Grave's Motion to Amend. | 250.00 | 2.50  | 625.00   |
| 09/23/2022 |                                                                                                                                                                                                                                              |        |       |          |
| CJP        | E-mails to/from M.K. Terry [REDACTED]<br>[REDACTED]<br>[REDACTED]                                                                                                                                                                            | 325.00 | 0.10  | 32.50    |
| 09/27/2022 |                                                                                                                                                                                                                                              |        |       |          |
| MKT        | Review Plaintiff's Motion to Amend and associated pleadings. Email correspondence with Attorney Reynolds.                                                                                                                                    | 250.00 | 0.80  | 200.00   |
| 09/28/2022 |                                                                                                                                                                                                                                              |        |       |          |
| MKT        | Review Plaintiff's Motion to Amend. Review record and conduct legal research. Draft Opposition to Motion to Amend. Email correspondence with Attorney Reynolds.                                                                              | 250.00 | 2.50  | 625.00   |
| 09/29/2022 |                                                                                                                                                                                                                                              |        |       |          |
| CJP        | Review draft opposition to Mr. Graves' motion to amend [REDACTED] e-mails to/from M.K. Terry [REDACTED]<br>[REDACTED] review e-mails from J. Flick and Assistant Attorney General [REDACTED]                                                 | 325.00 | 0.30  | 97.50    |
| MKT        | Finalize opposition to Motion to Amend and serve upon Attorney Graves. Related email correspondence.                                                                                                                                         | 250.00 | 0.50  | 125.00   |
| 09/30/2022 |                                                                                                                                                                                                                                              |        |       |          |
| MKT        | Review Motion to Dismiss pleadings as filed with court. Related email correspondence.                                                                                                                                                        | 250.00 | 0.40  | 100.00   |
|            | For Professional Services Rendered                                                                                                                                                                                                           |        | 12.40 | 3,265.00 |

Timekeeper Summary

| <u>Timekeeper</u>      | <u>Hours</u> | <u>Rate</u> | <u>Total</u> |
|------------------------|--------------|-------------|--------------|
| Christopher J. Petrini | 2.20         | \$325.00    | \$715.00     |
| Michael K. Terry       | 10.20        | 250.00      | 2,550.00     |

Additional Charges

|            |             |  |  |      |
|------------|-------------|--|--|------|
| 09/30/2022 | Photocopies |  |  | 4.40 |
|------------|-------------|--|--|------|

Gardner, City of  
RE: 706-01 Graves et al v. Flick et al

October 7, 2022  
Page No. 3

**ATTORNEY-CLIENT PRIVILEGE**

|                           |                   |
|---------------------------|-------------------|
| Total Additional Charges  | 4.40              |
| Previous Balance          | \$511.20          |
| Total Amount of This Bill | 3,269.40          |
| Balance Due               | <u>\$3,780.60</u> |



**P A** PETRINI & ASSOCIATES, P.C.  
Counselors at Public Law

372 Union Avenue | Framingham, MA 01702

(Tel) 508-665-4310 | (Fax) 508-665-4313

Tax ID No. 51 0514595

Gardner, City of  
c/o John M. Flick, Esq.  
Flick Law Group, P.C.  
144 Central Street, Suite 201  
Gardner, MA 01440

November 4, 2022  
Invoice No. 42096

**ATTORNEY-CLIENT PRIVILEGE**

706-01 Graves et al v. Flick et al

Professional Services

|            |                                                                                                                     | Rate   | Hours |        |
|------------|---------------------------------------------------------------------------------------------------------------------|--------|-------|--------|
| 10/05/2022 | MKT                                                                                                                 |        |       |        |
|            | Review Plaintiff's reply memo re: Motion to Amend. Related email correspondence.                                    | 250.00 | 0.80  | 200.00 |
| 10/17/2022 | CJP                                                                                                                 |        |       |        |
|            | Review Notice of Rule 12 Motion to Dismiss hearing; e-mails regarding same.                                         |        | 0.10  | n/c    |
| 10/18/2022 | CJP                                                                                                                 |        |       |        |
|            | Brief review of public records request of S. Graves forwarded by J. Flick; e-mails to/from J. Flick regarding same. | 325.00 | 0.30  | 97.50  |
|            | MKT                                                                                                                 |        |       |        |
|            | Email correspondence with John Flick. Review public records request from Scott Graves.                              |        | 0.30  | n/c    |
| 10/24/2022 | CJP                                                                                                                 |        |       |        |
|            | E-mails to/from J. Flick [REDACTED]                                                                                 |        |       |        |
|            | [REDACTED]                                                                                                          |        |       |        |
|            | [REDACTED] follow-up                                                                                                |        |       |        |
|            | e-mails to/from J. Flick [REDACTED]                                                                                 |        |       |        |
|            | [REDACTED]                                                                                                          |        |       |        |
|            |                                                                                                                     | 325.00 | 0.40  | 130.00 |
|            | For Professional Services Rendered                                                                                  |        | 1.50  | 427.50 |
|            | Total Non-billable Hours                                                                                            |        | 0.40  |        |

## Timekeeper Summary

| Timekeeper             | Hours | Rate     | Total    |
|------------------------|-------|----------|----------|
| Christopher J. Petrini | 0.70  | \$325.00 | \$227.50 |
| Michael K. Terry       | 0.80  | 250.00   | 200.00   |

Unpaid balances subject to interest at 1.5% per month after 30 days.

Gardner, City of  
RE: 706-01 Graves et al v. Flick et al

November 4, 2022  
Page No. 2

**ATTORNEY-CLIENT PRIVILEGE**

|                           |                   |
|---------------------------|-------------------|
| Previous Balance          | \$3,780.60        |
| Total Amount of This Bill | 427.50            |
| Balance Due               | <u>\$4,208.10</u> |

**P&A** PETRINI ASSOCIATES, P.C.  
 Counselors at Public Law

372 Union Avenue | Framingham, MA 01702

(Tel) 508-665-4310 (Fax) 508-665-4313

Tax ID No. 51-0514595

Gardner, City of  
 c/o John M. Flick, Esq.  
 Flick Law Group, P.C.  
 144 Central Street, Suite 201  
 Gardner, MA 01440

December 6, 2022  
 Invoice No. 42190

**ATTORNEY-CLIENT PRIVILEGE**

706-01 Graves et al v. Flick et al

Professional Services

|            |                                                               | Rate   | Hours |        |
|------------|---------------------------------------------------------------|--------|-------|--------|
| 11/10/2022 | CJP                                                           |        |       |        |
|            | E-mails to/from J. Flick [REDACTED]                           |        |       |        |
|            | [REDACTED] e-mail to T.M. Bertone [REDACTED]                  |        |       |        |
|            | [REDACTED] telephone call                                     |        |       |        |
|            | from J. Flick [REDACTED]                                      |        |       |        |
|            | [REDACTED]                                                    |        |       |        |
|            |                                                               | 325.00 | 0.40  | 130.00 |
| 11/11/2022 | CJP                                                           |        |       |        |
|            | E-mail to M. Reynolds, Assistant Attorney General,            |        |       |        |
|            | [REDACTED]                                                    |        |       |        |
|            |                                                               |        | 0.10  | n/c    |
| 11/14/2022 | CJP                                                           |        |       |        |
|            | Conference call with J. Flick and J. Crotty, counsel for City |        |       |        |
|            | in underlying litigation, [REDACTED]                          |        |       |        |
|            | [REDACTED]                                                    |        |       |        |
|            | [REDACTED]                                                    |        |       |        |
|            | [REDACTED] Teams call with AAG M. Reynolds                    |        |       |        |
|            | and M. Uber [REDACTED]                                        |        |       |        |
|            | [REDACTED]                                                    |        |       |        |
|            |                                                               | 325.00 | 0.70  | 227.50 |
| 11/15/2022 | CJP                                                           |        |       |        |
|            | Prepare for and represent City of Gardner and City Solicitor  |        |       |        |
|            | at Superior Court hearing in Worcester Superior Court         |        |       |        |
|            | before Judge Karin Ball; conference with Attorney             |        |       |        |
|            | General's Counsel after hearing [REDACTED]                    |        |       |        |
|            | telephone call to J. Flick [REDACTED]                         |        |       |        |
|            | [REDACTED]                                                    |        |       |        |
|            | [REDACTED] prepare e-mail to J. Flick and defense counsel J.  |        |       |        |
|            | Crotty [REDACTED]                                             |        |       |        |

Unpaid balances subject to interest at 1.5% per month after 30 days.

**ATTORNEY-CLIENT PRIVILEGE**

|            |                                                                                                                                                                                                                                                                                                                                    | Rate   | Hours |          |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|----------|
|            | steps.                                                                                                                                                                                                                                                                                                                             | 325.00 | 3.30  | 1,072.50 |
| 11/16/2022 | CJP                                                                                                                                                                                                                                                                                                                                |        |       |          |
|            | E-mails to/from J. Flick and J. Crotty [REDACTED]<br>[REDACTED]<br>[REDACTED]<br>[REDACTED]<br>[REDACTED] initial review of letters from<br>S. Graves [REDACTED]                                                                                                                                                                   | 325.00 | 1.20  | 390.00   |
| 11/17/2022 | CJP                                                                                                                                                                                                                                                                                                                                |        |       |          |
|            | Conference in office with M.K. Terry [REDACTED]<br>[REDACTED] Zoom call with J. Flick and J.<br>Crotty [REDACTED]<br>[REDACTED] send Outlook invites regarding<br>various upcoming court deadlines; review S. Graves' letter<br>regarding Rule 25 and substitution of party and response of<br>Assistant Attorney General to same. | 325.00 | 1.20  | 390.00   |
|            | MKT                                                                                                                                                                                                                                                                                                                                |        |       |          |
|            | Confer with Attorney Petrini. Review pleadings and public<br>records request and response. Conduct legal research [REDACTED]<br>[REDACTED] Draft opinion<br>memorandum [REDACTED]                                                                                                                                                  | 250.00 | 3.00  | 750.00   |
| 11/18/2022 | CJP                                                                                                                                                                                                                                                                                                                                |        |       |          |
|            | Prepare e-mail to M.K. Terry [REDACTED]<br>[REDACTED]<br>[REDACTED]<br>[REDACTED]                                                                                                                                                                                                                                                  | 325.00 | 0.20  | 65.00    |
|            | MKT                                                                                                                                                                                                                                                                                                                                |        |       |          |
|            | Further legal research regarding G.L. c. 6b, Sec. 10(b)<br>compliance. Review SPR determinations. Draft opinion<br>memorandum [REDACTED]. Review court notice re:<br>filing of pleadings.                                                                                                                                          |        | 2.60  | n/c      |
| 11/21/2022 | CJP                                                                                                                                                                                                                                                                                                                                |        |       |          |
|            | Prepare chronology of Flick documents [REDACTED]<br>review settlement demand letter by S. Graves and begin<br>preparing response to same; review research<br>memorandum [REDACTED]<br>[REDACTED]<br>conference in office with M.K. Terry [REDACTED]<br>[REDACTED]                                                                  | 325.00 | 1.60  | 520.00   |
|            | MKT                                                                                                                                                                                                                                                                                                                                |        |       |          |
|            | Confer with Attorney Petrini. Conduct legal research re:<br>public records law and applicable regulations. ****                                                                                                                                                                                                                    | 250.00 | 1.20  | 300.00   |



Gardner, City of  
RE: 706-01 Graves et al v. Flick et al

December 6, 2022  
Page No. 4

### ATTORNEY-CLIENT PRIVILEGE

|                                                                               | Rate   | Hours |          |
|-------------------------------------------------------------------------------|--------|-------|----------|
| revise draft response to S. Graves and send same to City Solicitor [REDACTED] |        |       |          |
| [REDACTED]                                                                    | 325.00 | 0.50  | 162.50   |
| For Professional Services Rendered                                            |        | 22.30 | 6,520.00 |
| Total Non-billable Hours                                                      |        | 5.00  |          |

#### Timekeeper Summary

| Timekeeper             | Hours | Rate     | Total      |
|------------------------|-------|----------|------------|
| Christopher J. Petrini | 12.60 | \$325.00 | \$4,095.00 |
| Michael K. Terry       | 9.70  | 250.00   | 2,425.00   |

#### Additional Charges

|            |                                                                                    |            |
|------------|------------------------------------------------------------------------------------|------------|
| 11/15/2022 | Local travel to/from Worcester Superior Court for hearing (41 miles, \$1.40 tolls) | 25.18      |
| 11/30/2022 | Photocopies                                                                        | 15.60      |
|            | Total Additional Charges                                                           | 40.78      |
|            | Previous Balance                                                                   | \$4,208.10 |
|            | Total Amount of This Bill                                                          | 6,560.78   |

#### Payments

|            |                                        |            |
|------------|----------------------------------------|------------|
| 05/23/2022 | Payment - Thank You - Check No. 249900 | -511.20    |
| 11/07/2022 | Payment - Thank You - Check No. 254610 | -3,269.40  |
|            | Total Payments                         | -3,780.60  |
|            | Balance Due                            | \$6,988.28 |

372 Union Avenue | Framingham, MA 01702  
 (Tel) 508 665 4310 | (Fax) 508-665-4313  
 Tax ID No. 51-0514595

Gardner, City of  
 c/o John M. Flick, Esq.  
 Flick Law Group, P.C.  
 144 Central Street, Suite 201  
 Gardner, MA 01440

January 5, 2023  
 Invoice No. 42278

**ATTORNEY-CLIENT PRIVILEGE**

706-01 Graves et al v. Flick et al

Professional Services

|            |                                                                                                                                                                                 | Rate   | Hours |        |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|--------|
| 12/01/2022 | CJP                                                                                                                                                                             |        |       |        |
|            | Finalize e-mail to S. Graves responding to his e-mail of 11/29/22, as well as his letter [REDACTED] [REDACTED] brief conference in office with M.K. Terry [REDACTED] [REDACTED] | 325.00 | 0.30  | 97.50  |
| 12/02/2022 | CJP                                                                                                                                                                             |        |       |        |
|            | Review S. Graves' e-mail responding to C.J. Petrini's e-mail of 11/30/22; e-mails to/from J. Flick and Mayor Nicholson [REDACTED] [REDACTED]                                    | 325.00 | 0.20  | 65.00  |
| 12/05/2022 | CJP                                                                                                                                                                             |        |       |        |
|            | E-mail to T.M. Bertone [REDACTED] [REDACTED] [REDACTED] [REDACTED] prepare e-mail to City Solicitor and Litigation Counsel J. Crotty [REDACTED] [REDACTED] [REDACTED]           | 325.00 | 0.50  | 162.50 |
| 12/06/2022 | CJP                                                                                                                                                                             |        |       |        |
|            | Conference in office with T.M. Bertone [REDACTED] [REDACTED] prepare e-mail to City Solicitor and Litigation Counsel [REDACTED] [REDACTED] [REDACTED] [REDACTED]                | 325.00 | 0.60  | 195.00 |

Unpaid balances subject to interest at 1.5% per month after 30 days.

**ATTORNEY-CLIENT PRIVILEGE**

|            |                                                                                                                                                                                                                                                                                                                                                  | Rate   | Hours |        |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|--------|
|            | MKT Email correspondence [REDACTED]<br>Confer with Attorney Petrini.                                                                                                                                                                                                                                                                             | 250.00 | 0.30  | 75.00  |
| 12/07/2022 | CJP Prepare follow-up e-mail to J. Crotty and J. Flick [REDACTED]<br>[REDACTED]<br>[REDACTED]                                                                                                                                                                                                                                                    | 325.00 | 0.20  | 65.00  |
| 12/08/2022 | CJP Telephone call to J. Flick [REDACTED]<br>[REDACTED] receipt of draft motion to amend and forward to<br>M.K. Terry; telephone call to J. Crotty [REDACTED]<br>[REDACTED]                                                                                                                                                                      | 325.00 | 0.20  | 65.00  |
|            | MKT Review plaintiff's Proposed Third Amended Complaint and<br>prior pleadings. Draft Defendant's Opposition/objection to<br>Proposed Third Amended Petition.                                                                                                                                                                                    | 250.00 | 3.00  | 750.00 |
| 12/09/2022 | CJP E-mails to/from J. Crotty and J. Flick [REDACTED]<br>[REDACTED]<br>review of S. Graves 12/9/22 5-page letter; e-mails from/to<br>M.K. Terry [REDACTED] revise and supplement draft<br>response to S. Graves' 12/9/22 letter; [REDACTED]<br>[REDACTED]                                                                                        | 325.00 | 0.60  | 195.00 |
|            | MKT Review plaintiff's letter in response to settlement offer.<br>Draft email response. Related email correspondence.                                                                                                                                                                                                                            | 250.00 | 0.80  | 200.00 |
| 12/12/2022 | CJP [REDACTED]<br>[REDACTED] revise draft opposition to plaintiff's<br>Motion to file Third Amended Complaint; prepare e-mail to<br>J. Flick [REDACTED]; review and reply to e-mail from<br>M. Reynolds, Assistant Attorney General, [REDACTED]<br>[REDACTED]<br>[REDACTED] review follow-up e-mail from M. Reynolds<br>[REDACTED]<br>[REDACTED] | 325.00 | 1.10  | 357.50 |
|            | MKT Email correspondence with counsel for Attorney General's<br>office [REDACTED]<br>[REDACTED]                                                                                                                                                                                                                                                  |        | 0.20  | n/c    |
| 12/13/2022 | CJP Telephone call to M.K. Terry [REDACTED]                                                                                                                                                                                                                                                                                                      |        |       |        |



ATTORNEY-CLIENT PRIVILEGE

|            |                                                                                                                                                                                                                                                                                                                                              | Rate   | Hours |        |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|--------|
|            | [REDACTED]<br>[REDACTED]<br>[REDACTED] e-mails to/from M. Reynolds [REDACTED]<br>[REDACTED]<br>[REDACTED] prepare and send status report to<br>City Solicitor and Mayor [REDACTED]                                                                                                                                                           | 325.00 | 1.10  | 357.50 |
| MKT        | Review/edit final version of Opposition to Plaintiff's Third Amended Complaint. File Opposition with court. Related email correspondence.                                                                                                                                                                                                    | 250.00 | 1.20  | 300.00 |
| 12/14/2022 |                                                                                                                                                                                                                                                                                                                                              |        |       |        |
| CJP        | E-mails from/to S. Graves [REDACTED]<br>[REDACTED]<br>[REDACTED] e-mails to/from M.K. Terry<br>[REDACTED] revise and finalize response to Mr. Graves; review opposition to Mr. Graves' motion prepared by Commonwealth; [REDACTED]<br>[REDACTED]                                                                                             | 325.00 | 0.50  | 162.50 |
| MKT        | Review State Defendant's Opposition to Proposed Third Amended Complaint. Review email from Attorney Graves and draft response. Confer with Attorney Petrini.                                                                                                                                                                                 | 250.00 | 0.80  | 200.00 |
| 12/15/2022 |                                                                                                                                                                                                                                                                                                                                              |        |       |        |
| CJP        | Review e-mails from/to S. Graves and M. Reynolds [REDACTED]<br>[REDACTED]                                                                                                                                                                                                                                                                    | 325.00 | 0.20  | 65.00  |
| 12/21/2022 |                                                                                                                                                                                                                                                                                                                                              |        |       |        |
| CJP        | [REDACTED]                                                                                                                                                                                                                                                                                                                                   | 325.00 | 0.20  | 65.00  |
| 12/22/2022 |                                                                                                                                                                                                                                                                                                                                              |        |       |        |
| MKT        | Review Plaintiff's Motion for Leave to file Reply and proposed Reply Memoranda. Related email correspondence. Begin drafting Opposition.                                                                                                                                                                                                     | 250.00 | 1.00  | 250.00 |
| 12/23/2022 |                                                                                                                                                                                                                                                                                                                                              |        |       |        |
| CJP        | Receipt and initial review of S. Graves' Motion for Leave to File Further Reply to Oppositions to Motions to Dismiss filed by City of Gardner and Commonwealth of Massachusetts; prepare e-mail to M.K. Terry [REDACTED]<br>[REDACTED] e-mail to J. Flick and Mayor [REDACTED]<br>[REDACTED] e-mails to/from M.K. Terry regarding [REDACTED] |        |       |        |

**ATTORNEY-CLIENT PRIVILEGE**

|            |                                                                                                                                                                                                                                                                                      | Rate   | Hours |          |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|----------|
|            | [REDACTED]                                                                                                                                                                                                                                                                           | 325.00 | 0.60  | 195.00   |
| 12/26/2022 | MKT                                                                                                                                                                                                                                                                                  |        |       |          |
|            | Review Plaintiff's Motion for Leave to file Reply and proposed Reply Memoranda. Related email correspondence and draft Opposition. Related email correspondence.                                                                                                                     | 250.00 | 1.20  | 300.00   |
| 12/27/2022 | CJP                                                                                                                                                                                                                                                                                  |        |       |          |
|            | E-mails from/to M.K. Terry [REDACTED]<br>[REDACTED] telephone calls to/from J. Flick, J. Crotty and M.K. Terry [REDACTED]; review prior e-mails and prepare e-mail to J. Crotty and J. Flick [REDACTED]<br>[REDACTED] review of document responses forwarded by J. Crotty [REDACTED] | 325.00 | 1.80  | 585.00   |
|            | MKT                                                                                                                                                                                                                                                                                  |        |       |          |
|            | Confer with Attorney Petrini. Draft/edit Opposition to Plaintiff's Motion for Leave to file Reply. Related email correspondence.                                                                                                                                                     | 250.00 | 1.50  | 375.00   |
| 12/28/2022 | CJP                                                                                                                                                                                                                                                                                  |        |       |          |
|            | Review Court Order regarding motion hearing.                                                                                                                                                                                                                                         |        | 0.10  | n/c      |
| 12/30/2022 | CJP                                                                                                                                                                                                                                                                                  |        |       |          |
|            | Zoom call with J. Crotty, J. Flick and C. Power [REDACTED]<br>[REDACTED] draft cover e-mail to J. Crotty to send to S. Graves, [REDACTED]<br>[REDACTED]; prepare e-mail to M. Reynolds [REDACTED]                                                                                    | 325.00 | 1.30  | 422.50   |
|            | For Professional Services Rendered                                                                                                                                                                                                                                                   |        | 19.20 | 5,505.00 |
|            | Total Non-billable Hours                                                                                                                                                                                                                                                             |        | 0.30  |          |

Timekeeper Summary

| <u>Timekeeper</u>      | <u>Hours</u> | <u>Rate</u> | <u>Total</u> |
|------------------------|--------------|-------------|--------------|
| Christopher J. Petrini | 9.40         | \$325.00    | \$3,055.00   |
| Michael K. Terry       | 9.80         | 250.00      | 2,450.00     |

Gardner, City of  
RE: 706-01 Graves et al v. Flick et al

January 5, 2023  
Page No. 5

**ATTORNEY-CLIENT PRIVILEGE**Additional Charges

|            |                                                                          |               |
|------------|--------------------------------------------------------------------------|---------------|
| 12/28/2022 | Transcript of Rule 12 Motion to Amend held on 11/15/22 (P&A Ck No. 6863) | 211.50        |
| 12/29/2022 | Photocopies                                                              | 25.60         |
|            | Total Additional Charges                                                 | <u>237.10</u> |
|            | Previous Balance                                                         | \$6,988.28    |
|            | Total Amount of This Bill                                                | 5,742.10      |

Payments

|            |                                        |                   |
|------------|----------------------------------------|-------------------|
| 12/12/2022 | Payment - Thank You - Check No. 255449 | -427.50           |
| 12/28/2022 | Payment - Thank You - Check No. 255884 | -6,560.78         |
|            | Total Payments                         | <u>-6,988.28</u>  |
|            | Balance Due                            | <u>\$5,742.10</u> |

**PA** PETRINI ASSOCIATES, P.C.  
Counselors at Public Law

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(Tel) 508-665-4310 | Fax: 508-665-4313  
Tax ID No. 51-0514595

Gardner, City of  
c/o John M. Flick, Esq.  
Flick Law Group, P.C.  
144 Central Street, Suite 201  
Gardner, MA 01440

February 2, 2023  
Invoice No. 42324

**ATTORNEY-CLIENT PRIVILEGE**

706-01 Graves et al v. Flick et al

Professional Services

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Rate   | Hours |          |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|----------|
| 01/03/2023 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |        |       |          |
| CJP        | Review latest 20 pages of legal memoranda served by plaintiff; revise, supplement and finalize opposition of City of Gardner to Graves' motion for leave to file responses to oppositions of City of Gardner and Supervisor of Public Records; numerous e-mails and telephone calls to/from J. Flick, J. Crotty, C. Howard and P&A paralegal [REDACTED]<br>[REDACTED]<br>[REDACTED]<br>[REDACTED]<br>[REDACTED] conference in office with M.K. Terry [REDACTED]<br>[REDACTED] review e-mail from J. Crotty [REDACTED] | 325.00 | 5.70  | 1,852.50 |
| MKT        | Legal research. Review cases cited by Graves in pleadings [REDACTED]<br>[REDACTED] Confer with Attorney Petrini. Review supplemental document production pdfs. Review/edit final form of Opposition to Plaintiff's Motion for Leave.                                                                                                                                                                                                                                                                                  | 250.00 | 1.50  | 375.00   |
| 01/04/2023 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |        |       |          |
| CJP        | E-mails from/to S. Graves regarding filing of Gardner's opposition to motion for leave with Court; prepare supplemental filing for Court and file same; e-mails to/from T.M. Bertone and C. Howard [REDACTED]<br>[REDACTED]                                                                                                                                                                                                                                                                                           | 325.00 | 0.60  | 195.00   |
| MKT        | Legal research [REDACTED]<br>Email correspondence with Attorney Petrini.                                                                                                                                                                                                                                                                                                                                                                                                                                              | 250.00 | 1.00  | 250.00   |

**Unpaid balances subject to interest at 1.5% per month after 30 days.**



ATTORNEY-CLIENT PRIVILEGE

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Rate   | Hours |          |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|----------|
| MKT        | [REDACTED]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 325.00 | 1.50  | 487.50   |
|            | Email correspondence and telephone conference with Attorney Petrini. Review most recent letter from Attorney Graves. Draft response letter.                                                                                                                                                                                                                                                                                                                                                                                                                                            | 250.00 | 0.80  | 200.00   |
| 01/24/2023 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |        |       |          |
| CJP        | Telephone calls to/from J. Flick [REDACTED]<br>[REDACTED]<br>[REDACTED]; revise and finalize response to Mr. Graves' 1/13/23 letter (received 1/23/23); conference in office with T.M. Bertone<br>[REDACTED]<br>[REDACTED]<br>follow-up telephone call to J. Flick [REDACTED]<br>[REDACTED]<br>[REDACTED]                                                                                                                                                                                                                                                                              | 325.00 | 1.00  | 325.00   |
| 01/25/2023 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |        |       |          |
| CJP        | E-mails to/from T.M. Bertone, [REDACTED]<br>[REDACTED]<br>review follow-up e-mail and reply to same.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 325.00 | 0.30  | 97.50    |
| 01/26/2023 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |        |       |          |
| CJP        | Prepare for further hearing on plaintiff's motion for leave to file third amendment petition [REDACTED]<br>[REDACTED] review underlying pleadings, research, and documents [REDACTED]<br>work with T.M. Bertone to review thumb drive of documents to produce [REDACTED]<br>[REDACTED]<br>[REDACTED] prepare cover letter to S. Graves transmitting responsive documents; go to Worcester Superior Court and argue Gardner's position at hearing; telephone call to J. Flick [REDACTED]<br>[REDACTED] prepare letter to S. Graves [REDACTED]<br>[REDACTED]<br>[REDACTED]<br>[REDACTED] | 325.00 | 3.80  | 1,235.00 |
| 01/27/2023 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |        |       |          |
| CJP        | Receipt and initial review of three-page letter sent by S. Graves January 27, 2023; prepare e-mail to J. Flick and J. Crotty [REDACTED]<br>[REDACTED]                                                                                                                                                                                                                                                                                                                                                                                                                                  |        | 0.20  | n/c      |



**PA** PETRINI & ASSOCIATES, P.C.  
Counselors at Public Law

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Tax ID No. 51-0514595

Gardner, City of  
c/o John M. Flick, Esq.  
Flick Law Group, P.C.  
144 Central Street, Suite 201  
Gardner, MA 01440

March 6, 2023  
Invoice No. 42426

**ATTORNEY-CLIENT PRIVILEGE**

706-01 Graves et al v. Flick et al

Professional Services

|            |     |                                                                                                                                                                                                                            | Rate   | Hours |        |
|------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|--------|
| 02/13/2023 | CJP | E-mails to/from J. Flick [REDACTED]<br>[REDACTED] review 2/10/23 public records<br>request of S. Graves; review relevant Code of Mass.<br>Regulations, [REDACTED]<br>[REDACTED] telephone call to/from J. Flick [REDACTED] | 325.00 | 1.00  | 325.00 |
| 02/22/2023 | CJP | Telephone call from J. Flick [REDACTED]<br>[REDACTED] prepare e-mail to J.<br>Flick [REDACTED]                                                                                                                             | 325.00 | 0.20  | 65.00  |
| 02/24/2023 | CJP | Review latest public records request from S. Graves<br>[REDACTED]                                                                                                                                                          | 325.00 | 0.30  | 97.50  |
| 02/27/2023 | CJP | Review letters forwarded by J. Flick; telephone call from J.<br>Flick [REDACTED]<br>[REDACTED] conference in office with<br>M.K. Terry [REDACTED]                                                                          | 325.00 | 0.60  | 195.00 |
| 02/28/2023 | CJP | E-mails to M.K. Terry [REDACTED]<br>[REDACTED]                                                                                                                                                                             |        |       |        |

Unpaid balances subject to interest at 1.5% per month after 30 days.



Gardner, City of  
 RE: 706-01 Graves et al v. Flick et al

March 6, 2023  
 Page No. 2

**ATTORNEY-CLIENT PRIVILEGE**

|                                                  | Rate   | Hours |          |
|--------------------------------------------------|--------|-------|----------|
| [REDACTED]                                       |        |       |          |
| [REDACTED] prepare e-mail to J. Flick [REDACTED] |        |       |          |
| [REDACTED]                                       |        |       |          |
| [REDACTED]                                       |        |       |          |
|                                                  | 325.00 | 1.40  | 455.00   |
| For Professional Services Rendered               |        | 3.50  | 1,137.50 |

Timekeeper Summary

| <u>Timekeeper</u>      | <u>Hours</u> | <u>Rate</u> | <u>Total</u> |
|------------------------|--------------|-------------|--------------|
| Christopher J. Petrini | 3.50         | \$325.00    | \$1,137.50   |

Additional Charges

|            |                           |  |             |
|------------|---------------------------|--|-------------|
| 02/28/2023 | Photocopies               |  | 0.40        |
|            | Total Additional Charges  |  | 0.40        |
|            | Previous Balance          |  | \$12,945.58 |
|            | Total Amount of This Bill |  | 1,137.90    |

Payments

|            |                                        |  |                   |
|------------|----------------------------------------|--|-------------------|
| 02/21/2023 | Payment - Thank You - Check No. 258453 |  | -7,703.48         |
|            | Balance Due                            |  | <u>\$6,380.00</u> |

**P A** PETRINI ASSOCIATES, P.C.  
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(Tel) 508 665 4310 | (Fax) 508 665-4313  
Tax ID No. 51 0514595

Gardner, City of  
c/o John M. Flick, Esq.  
Flick Law Group, P.C.  
144 Central Street, Suite 201  
Gardner, MA 01440

April 11, 2023  
Invoice No. 42491

**ATTORNEY-CLIENT PRIVILEGE**

706-01 Graves et al v. Flick et al

Professional Services

|            |     |                                                                                                      | Rate   | Hours |        |
|------------|-----|------------------------------------------------------------------------------------------------------|--------|-------|--------|
| 03/01/2023 | CJP | E-mails from/to J. Flick [REDACTED]                                                                  |        | 0.10  | n/c    |
| 03/06/2023 | CJP | E-mails from/to J. Flick [REDACTED]                                                                  |        |       |        |
|            |     | conference in office with M.K. Terry [REDACTED]                                                      |        |       |        |
|            |     | [REDACTED] Zoom call with J. Flick and A.J. Goldberg [REDACTED] of [REDACTED]                        |        |       |        |
|            | MKT | [REDACTED] Video conference with Attorney Petrini and Attorney Flick.                                | 325.00 | 0.40  | 130.00 |
|            |     |                                                                                                      | 250.00 | 1.00  | 250.00 |
| 03/07/2023 | CJP | Review e-mails from J. Flick [REDACTED] and correspondence from Graves; brief review of attachments. | 325.00 | 0.20  | 65.00  |
| 03/10/2023 | MKT | Review documents provided and begin drafting Affidavit of John Flick. Confer with Attorney Petrini.  | 250.00 | 2.50  | 625.00 |
| 03/13/2023 | MKT | Review documents provided and draft Affidavit of John Flick.                                         | 250.00 | 3.50  | 875.00 |
| 03/16/2023 | MKT | [REDACTED] Draft                                                                                     |        |       |        |

**Unpaid balances subject to interest at 1.5% per month after 30 days.**

## ATTORNEY-CLIENT PRIVILEGE

|            |                                                                                                                                                                            | Rate   | Hours |        |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|--------|
|            | Affidavit of John Flick.                                                                                                                                                   | 250.00 | 2.00  | 500.00 |
| 03/17/2023 |                                                                                                                                                                            |        |       |        |
|            | MKT Draft/edit Affidavit of John Flick.                                                                                                                                    | 250.00 | 2.50  | 625.00 |
| 03/20/2023 |                                                                                                                                                                            |        |       |        |
|            | CJP Initial review of draft J. Flick affidavit prepared by M.K. Terry; telephone call to M.K. Terry [REDACTED]                                                             | 325.00 | 0.20  | 65.00  |
|            | MKT Review file and draft/edit Affidavit of John Flick.                                                                                                                    | 250.00 | 2.50  | 625.00 |
| 03/21/2023 |                                                                                                                                                                            |        |       |        |
|            | CJP Review various Court Orders with respect to S. Graves' motion to file Third Amended Complaint; review Court Order associated with same, [REDACTED]                     |        |       |        |
|            | [REDACTED]                                                                                                                                                                 |        |       |        |
|            | [REDACTED] e-mails from/to M.K. Terry [REDACTED]                                                                                                                           |        |       |        |
|            | [REDACTED]                                                                                                                                                                 |        |       |        |
|            | [REDACTED] telephone call to M.K. Terry [REDACTED]                                                                                                                         |        |       |        |
|            | [REDACTED] revise and finalize status report to City Solicitor J. Flick.                                                                                                   | 325.00 | 1.10  | 357.50 |
|            | MKT Review court docket and court's orders on plaintiff's motion to amend second amended complaint. Related email correspondence. Review proposed third amended complaint. | 250.00 | 1.00  | 250.00 |
| 03/22/2023 |                                                                                                                                                                            |        |       |        |
|            | MKT Review Plaintiff's Third Amended Complaint. Draft Answer to Third Amended Complaint.                                                                                   | 250.00 | 1.00  | 250.00 |
| 03/23/2023 |                                                                                                                                                                            |        |       |        |
|            | CJP Initial review of Third Amended Complaint as allowed by Court.                                                                                                         | 325.00 | 0.20  | 65.00  |
|            | MKT Review Plaintiff's Third Amended Complaint and related documents. Draft Answer to Third Amended Complaint.                                                             | 250.00 | 3.00  | 750.00 |
| 03/27/2023 |                                                                                                                                                                            |        |       |        |
|            | MKT Draft Answer and Affirmative Defenses to Third Amended Complaint.                                                                                                      | 250.00 | 3.00  | 750.00 |
| 03/29/2023 |                                                                                                                                                                            |        |       |        |
|            | CJP Review draft affidavit of J. Flick [REDACTED]                                                                                                                          |        |       |        |
|            | [REDACTED]                                                                                                                                                                 |        |       |        |
|            | [REDACTED] begin review and editing draft answer to third amended complaint [REDACTED]                                                                                     |        |       |        |
|            | [REDACTED] Zoom call with M.K. Terry [REDACTED]                                                                                                                            | 325.00 | 2.10  | 682.50 |
|            | MKT Video conference with Attorney Petrini. [REDACTED]                                                                                                                     |        |       |        |
|            | [REDACTED] Draft/edit Flick Affidavit. Related email                                                                                                                       |        |       |        |

**ATTORNEY-CLIENT PRIVILEGE**

|            |                                                                                                                                                                                                                                                                                                                                   |                |               |          |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---------------|----------|
|            | correspondence.                                                                                                                                                                                                                                                                                                                   | Rate<br>250.00 | Hours<br>2.00 | 500.00   |
| 03/30/2023 |                                                                                                                                                                                                                                                                                                                                   |                |               |          |
| CJP        | Complete review of Answer to Plaintiff's 19-page Third Amended Complaint with 109 separately numbered paragraphs and make edits and redlines to same, add comments where appropriate; prepare e-mail to M.K. Terry [REDACTED]                                                                                                     |                |               |          |
|            | [REDACTED] review complaint as filed.                                                                                                                                                                                                                                                                                             | 325.00         | 1.40          | 455.00   |
| MKT        | Email correspondence with Attorney Petrini. Review edits to Answer to Amended Complaint. Review 2021 public records request. Edit, finalize and file Answer to 3rd Amended Complaint. Email correspondence with Attorney Reynolds.                                                                                                | 250.00         | 3.00          | 750.00   |
| 03/31/2023 |                                                                                                                                                                                                                                                                                                                                   |                |               |          |
| MKT        | Confer with Attorney Petrini. Draft and serve email to Attorney Graves re: Rule 9C conference.                                                                                                                                                                                                                                    | 250.00         | 0.50          | 125.00   |
| CJP        | E-mails from/to M.K. Terry [REDACTED] review Court Order rejecting filing of J. Flick's Answer to Third Amended Petition in view of fact that S. Graves had failed to file Third Amended Petition upon receipt of Court Order; e-mails to/from M.K. Terry [REDACTED]; review draft e-mail from M.K. Terry to S. Graves [REDACTED] |                |               |          |
|            | [REDACTED] review e-mail from M.K. Terry to S. Graves as issued.                                                                                                                                                                                                                                                                  | 325.00         | 0.50          | 162.50   |
|            | For Professional Services Rendered                                                                                                                                                                                                                                                                                                |                | 33.60         | 8,857.50 |
|            | Total Non-billable Hours                                                                                                                                                                                                                                                                                                          |                | 0.10          |          |

Timekeeper Summary

| <u>Timekeeper</u>      | <u>Hours</u> | <u>Rate</u> | <u>Total</u> |
|------------------------|--------------|-------------|--------------|
| Christopher J. Petrini | 6.10         | \$325.00    | \$1,982.50   |
| Michael K. Terry       | 27.50        | 250.00      | 6,875.00     |

Additional Charges

|            |                           |  |            |
|------------|---------------------------|--|------------|
| 03/30/2023 | Photocopies               |  | 22.60      |
|            | Total Additional Charges  |  | 22.60      |
|            | Previous Balance          |  | \$6,380.00 |
|            | Total Amount of This Bill |  | 8,880.10   |

Gardner, City of  
RE: 706-01 Graves et al v. Flick et al

April 11, 2023  
Page No. 4

**ATTORNEY-CLIENT PRIVILEGE**

Payments

|            |                                        |                    |
|------------|----------------------------------------|--------------------|
| 04/03/2023 | Payment - Thank You - Check No. 259578 | -1,137.90          |
|            | Balance Due                            | <u>\$14,122.20</u> |



**ATTORNEY-CLIENT PRIVILEGE**

|            |                                                                                                                                                          | Rate   | Hours |          |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|----------|
|            | [REDACTED], review draft emergency motion for clarification and respond to same.                                                                         | 325.00 | 0.40  | 130.00   |
| MKT        | Email correspondence with Attorneys Graves and Reynolds. Draft/edit Joint Motion to confirm filing deadlines.                                            | 250.00 | 1.00  | 250.00   |
| 04/24/2023 |                                                                                                                                                          |        |       |          |
| CJP        | Review e-mails from/to M.K. Terry and S. Graves; Zoom call with M.K. Terry. [REDACTED]                                                                   |        |       |          |
|            | [REDACTED]                                                                                                                                               | 325.00 | 0.20  | 65.00    |
| MKT        | Email correspondence with plaintiff and Attorney Reynolds. Draft/edit Motion to extend filing deadlines.                                                 | 250.00 | 0.80  | 200.00   |
| 04/25/2023 |                                                                                                                                                          |        |       |          |
| CJP        | Review Emergency Motion for Clarification of Court's Order of Filing Motion to Dismiss; follow-up e-mails from/to M.K. Terry and T.M. Bertone [REDACTED] |        |       |          |
|            | [REDACTED]                                                                                                                                               | 325.00 | 0.20  | 65.00    |
| MKT        | File and serve Emergency Motion to Extend Deadlines with the court. Related email correspondence.                                                        | 250.00 | 0.70  | 175.00   |
| 04/28/2023 |                                                                                                                                                          |        |       |          |
| MKT        | Review court docket re: Emergency Motion to Extend Deadlines.                                                                                            | 250.00 | 0.20  | 50.00    |
|            | For Professional Services Rendered                                                                                                                       |        | 8.50  | 2,222.50 |

Timekeeper Summary

| Timekeeper             | Hours | Rate     | Total    |
|------------------------|-------|----------|----------|
| Christopher J. Petrini | 1.30  | \$325.00 | \$422.50 |
| Michael K. Terry       | 7.20  | 250.00   | 1,800.00 |

Additional Charges

|            |                           |  |             |
|------------|---------------------------|--|-------------|
| 04/30/2023 | Photocopies               |  | 4.00        |
|            | Total Additional Charges  |  | 4.00        |
|            | Previous Balance          |  | \$14,122.20 |
|            | Total Amount of This Bill |  | 2,226.50    |

Payments

|            |                                        |  |                   |
|------------|----------------------------------------|--|-------------------|
| 05/01/2023 | Payment - Thank You - Check No. 260255 |  | -8,880.10         |
|            | Balance Due                            |  | <u>\$7,468.60</u> |

372 Union Avenue | Framingham, MA 01702

(Tel) 508-665-4310 | (Fax) 508-665-4313

Tax ID No. 51-0514595

Gardner, City of  
c/o John M. Flick, Esq.  
Flick Law Group, P.C.  
144 Central Street, Suite 201  
Gardner, MA 01440

June 5, 2023  
Invoice No. 42641

**ATTORNEY-CLIENT PRIVILEGE**

706-01 Graves et al v. Flick et al

Professional Services

|            |     |                                                                                                                                                                                                                                                                       | Hours |        |
|------------|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|--------|
| 05/01/2023 | CJP | Review Court Orders allowing Motion to Confirm Applicable Scheduling Deadlines; prepare e-mail to M.K. Terry [REDACTED]                                                                                                                                               |       |        |
|            |     | [REDACTED] review and accept various Outlook invites.                                                                                                                                                                                                                 | 0.20  | 65.00  |
|            | MKT | Review court notice re: motion to confirm filing deadlines. Update applicable filing deadlines. Related email correspondence.                                                                                                                                         | 0.30  | 75.00  |
| 05/05/2023 | CJP | E-mails from/to S. Graves noting filing of unapproved "Fourth Amended Complaint" and request to S. Graves that he withdraw same and file Third that was specifically approved by Court; follow-up e-mails from/to M.K. Terry and Attorney General's Office [REDACTED] | 0.30  | 97.50  |
|            | MKT | Review email correspondence from Scott Graves. Review Graves' letter to court and Amended Complaint. Telephone conference with Attorney Reynolds. Draft Emergency Motion to Strike.                                                                                   | 2.00  | 500.00 |
| 05/06/2023 | CJP | Prepare e-mail to M.K. Terry [REDACTED]                                                                                                                                                                                                                               | 0.10  | n/c    |
| 05/08/2023 | MKT | Email correspondence with Attorney Reynolds. Edit Emergency Motion to Strike. Finalize and file Emergency Motion to Strike with the court.                                                                                                                            | 1.00  | 250.00 |
| 05/15/2023 | CJP | Review Court Order allowing defendants' emergency motion to obtain clarification regarding proper amended complaint of S. Graves to respond to; [REDACTED] review e-mail from M.K. Terry to J. Flick [REDACTED]                                                       | 0.20  | 65.00  |
|            | MKT | Review court decision re: Emergency Motion to Strike. Related email correspondence with Attorneys Flick and Petrini.                                                                                                                                                  | 0.60  | 150.00 |
| 05/19/2023 | CJP | Receipt and initial review of 12-page opposition of plaintiff S. Graves to Defendants' Emergency Motion seeking Court clarification to address filing of                                                                                                              |       |        |

**Unpaid balances subject to interest at 1.5% per month after 30 days.**



**ATTORNEY-CLIENT PRIVILEGE**

Hours

|            |     |                                                                                                                                  |       |          |
|------------|-----|----------------------------------------------------------------------------------------------------------------------------------|-------|----------|
|            |     | improper Fourth Amended Complaint by S. Graves; e-mails to/from M.K. Terry                                                       |       |          |
|            |     | [REDACTED]                                                                                                                       | 0.70  | 227.50   |
|            | MKT | Review Plaintiff's Opposition to Emergency Motion to Strike. Email correspondence with John Flick. Confer with Attorney Petrini. | 0.80  | 200.00   |
| 05/23/2023 | CJP | Review latest Court Order issued by Worcester Superior Court denying S. Graves' latest Opposition to Emergency Motion.           | 0.10  | 32.50    |
|            | MKT | Draft Motion to Dismiss Third Amended Complaint.                                                                                 | 1.80  | 450.00   |
| 05/24/2023 | MKT | Continue drafting/editing Motion to Dismiss Third Amended Complaint.                                                             | 2.00  | 500.00   |
| 05/31/2023 | MKT | Draft/edit Motion to Dismiss, Memorandum of Law in Support, and Affidavit of John Flick, Esq. Related email correspondence.      | 2.50  | 625.00   |
|            |     | For Professional Services Rendered                                                                                               | 12.50 | 3,237.50 |
|            |     | Total Non-billable Hours                                                                                                         | 0.10  |          |

## Timekeeper Summary

| <u>Timekeeper</u>      | <u>Hours</u> | <u>Rate</u> | <u>Total</u> |
|------------------------|--------------|-------------|--------------|
| Christopher J. Petrini | 1.50         | \$325.00    | \$487.50     |
| Michael K. Terry       | 11.00        | 250.00      | 2,750.00     |

Additional Charges

|            |                           |                    |
|------------|---------------------------|--------------------|
| 05/31/2023 | Photocopies               | 8.40               |
|            | Total Additional Charges  | 8.40               |
|            | Previous Balance          | \$7,468.60         |
|            | Total Amount of This Bill | 3,245.90           |
|            | Balance Due               | <u>\$10,714.50</u> |



## ATTORNEY-CLIENT PRIVILEGE

|            |                                                                                                                                                                                                                                                                                                                                                                                                                         | Rate   | Hours |        |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|--------|
|            | Related email correspondence.                                                                                                                                                                                                                                                                                                                                                                                           | 250.00 | 1.50  | 375.00 |
| 06/20/2023 |                                                                                                                                                                                                                                                                                                                                                                                                                         |        |       |        |
| CJP        | E-mails to/from M.K. Terry regarding [REDACTED]<br>[REDACTED]; follow-up e-mails to/from M.K. Terry<br>[REDACTED] prepare e-mail to M.K. Terry [REDACTED]<br>[REDACTED]                                                                                                                                                                                                                                                 |        |       |        |
|            |                                                                                                                                                                                                                                                                                                                                                                                                                         | 325.00 | 0.50  | 162.50 |
| MKT        | Review Plaintiff's Opposition to Motion to Dismiss and related pleadings. Related email correspondence with Attorney Graves and Attorney Reynolds. Draft Certificate pursuant to Rule 9C.                                                                                                                                                                                                                               | 250.00 | 1.60  | 400.00 |
| 06/21/2023 |                                                                                                                                                                                                                                                                                                                                                                                                                         |        |       |        |
| CJP        | Numerous e-mails from/to M.K. Terry [REDACTED]<br>[REDACTED]<br>[REDACTED]                                                                                                                                                                                                                                                                                                                                              |        |       |        |
|            |                                                                                                                                                                                                                                                                                                                                                                                                                         | 325.00 | 0.60  | 195.00 |
| MKT        | Review Plaintiff's Opposition to Motion to Dismiss and related pleadings. Draft Memorandum in Reply to Opposition. Draft Affidavit of Michael K. Terry. Related email correspondence with Scott Graves and John Flick. Confer with Attorney Petrini.                                                                                                                                                                    | 250.00 | 3.50  | 875.00 |
| 06/22/2023 |                                                                                                                                                                                                                                                                                                                                                                                                                         |        |       |        |
| CJP        | Conference in office with M.K. Terry [REDACTED]<br>[REDACTED] review of revised opposition and memorandum of law prepared by S. Graves; revise draft affidavit of M.K. Terry in support of reply.                                                                                                                                                                                                                       | 325.00 | 0.60  | 195.00 |
| MKT        | Review mailed versions of Plaintiff's Opposition to Motion to Dismiss and related pleadings. Confer with Attorney Petrini. [REDACTED]<br>[REDACTED] Draft/edit related pleadings.                                                                                                                                                                                                                                       | 250.00 | 3.00  | 750.00 |
| 06/23/2023 |                                                                                                                                                                                                                                                                                                                                                                                                                         |        |       |        |
| CJP        | Complete review and annotation of 20-page memorandum of law in support of S. Graves opposition to Gardner's motion to dismiss Grave's Third Amended Petition, [REDACTED]<br>[REDACTED]; review and redline draft reply prepared by M.K. Terry and forward same to M.K. Terry for review and incorporation of edits; prepare e-mail to J. Flick<br>[REDACTED] prepare e-mail to M. Reynolds, Assistant Attorney General, |        |       |        |

**ATTORNEY-CLIENT PRIVILEGE**

|            |                                                                                                                                                                                                                                                                                  | Rate   | Hours        |                 |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------------|-----------------|
|            | forwarding recent pleadings served via mail by S. Graves,<br>[REDACTED]<br>[REDACTED]<br>[REDACTED] conference in office with M.K. Terry<br>[REDACTED]                                                                                                                           | 325.00 | 3.10         | 1,007.50        |
| MKT        | Review Attorney Petrini's edits to Reply Memorandum and affidavit. Finalize all Motion to Dismiss pleading and compile Exhibits. Draft Rule 9C certificate and Notice of filing. E-file all pleadings with the court and confirm receipt by court. Related email correspondence. | 250.00 | 3.50         | 875.00          |
| 06/24/2023 |                                                                                                                                                                                                                                                                                  |        |              |                 |
| CJP        | E-mails from/to M. Reynolds and M.K. Terry [REDACTED]<br>[REDACTED]<br>[REDACTED] prepare e-mail to M.K. Terry [REDACTED]<br>[REDACTED]                                                                                                                                          | 325.00 | 0.20         | 65.00           |
| 06/26/2023 |                                                                                                                                                                                                                                                                                  |        |              |                 |
| CJP        | Brief review of Answer filed by AGO on behalf of SPR; e-mails from/to M.K. Terry [REDACTED]                                                                                                                                                                                      | 325.00 | 0.20         | 65.00           |
| MKT        | Review Response of Supervisor of Public Records to Third Amended Complaint. Related email correspondence.                                                                                                                                                                        | 250.00 | 0.40         | 100.00          |
| 06/27/2023 |                                                                                                                                                                                                                                                                                  |        |              |                 |
| MKT        | Legal research of cases under Chapter 66, § 10 in preparation for upcoming hearing. Related email correspondence with Attorney Petrini.                                                                                                                                          | 250.00 | 1.00         | 250.00          |
|            | For Professional Services Rendered                                                                                                                                                                                                                                               |        | <u>25.20</u> | <u>6,817.50</u> |

Timekeeper Summary

| <u>Timekeeper</u>      | <u>Hours</u> | <u>Rate</u> | <u>Total</u> |
|------------------------|--------------|-------------|--------------|
| Christopher J. Petrini | 6.90         | \$325.00    | \$2,242.50   |
| Michael K. Terry       | 18.30        | 250.00      | 4,575.00     |

Additional Charges

|            |                           |  |             |
|------------|---------------------------|--|-------------|
| 06/30/2023 | Photocopies               |  | 31.60       |
|            | Total Additional Charges  |  | 31.60       |
|            | Previous Balance          |  | \$10,714.50 |
|            | Total Amount of This Bill |  | 6,849.10    |

Payments

|            |                                        |  |           |
|------------|----------------------------------------|--|-----------|
| 06/12/2023 | Payment - Thank You - Check No. 261354 |  | -2,226.50 |
|------------|----------------------------------------|--|-----------|

Gardner, City of  
RE: 706-01 Graves et al v. Flick et al

July 5, 2023  
Page No. 4

**ATTORNEY-CLIENT PRIVILEGE**

|            |                                        |                   |
|------------|----------------------------------------|-------------------|
| 06/12/2023 | Payment - Thank You - Check No. 261355 | -5,242.10         |
| 06/20/2023 | Payment - Thank You - Check No. 261527 | -3,245.90         |
|            | Total Payments                         | <u>-10,714.50</u> |
|            | Balance Due                            | <u>\$6,849.10</u> |

**P A** PETRINI & ASSOCIATES, P.C.  
Counselors at Public Law

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(Tel) 508-665-4310 | (Fax) 508-665-4313

Tax ID No. 51-0514595

Gardner, City of  
c/o John M. Flick, Esq.  
Flick Law Group, P.C.  
144 Central Street, Suite 201  
Gardner, MA 01440

September 5, 2023  
Invoice No. 42829

**ATTORNEY-CLIENT PRIVILEGE**

706-01 Graves et al v. Flick et al

Professional Services

|            |                                                                               | Rate   | Hours |        |
|------------|-------------------------------------------------------------------------------|--------|-------|--------|
| 07/19/2023 | MKT                                                                           |        |       |        |
|            | Review notice from court re: scheduled hearing. Related email correspondence. | 250.00 | 0.30  | 75.00  |
| 08/01/2023 | CJP                                                                           |        |       |        |
|            | Conference in office with M.K. Terry [REDACTED]                               |        |       |        |
|            | [REDACTED]                                                                    |        |       |        |
|            | [REDACTED]                                                                    | 325.00 | 0.20  | 65.00  |
|            | For Professional Services Rendered                                            |        | 0.50  | 140.00 |

## Timekeeper Summary

| Timekeeper             | Hours | Rate     | Total   |
|------------------------|-------|----------|---------|
| Christopher J. Petrini | 0.20  | \$325.00 | \$65.00 |
| Michael K. Terry       | 0.30  | 250.00   | 75.00   |

|                           |            |
|---------------------------|------------|
| Previous Balance          | \$6,849.10 |
| Total Amount of This Bill | 140.00     |

Payments

|            |                                        |                 |
|------------|----------------------------------------|-----------------|
| 07/24/2023 | Payment - Thank You - Check No. 262412 | -6,849.10       |
|            | Balance Due                            | <u>\$140.00</u> |

**Unpaid balances subject to interest at 1.5% per month after 30 days.**

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Gardner, City of  
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Gardner, MA 01440

November 3, 2023  
Invoice No. 43004

**ATTORNEY-CLIENT PRIVILEGE**

706-01 Graves et al v. Flick et al

Professional Services

|            |     |                                                                                                                                                                                                                                                                                                                                                                   | Rate   | Hours |          |
|------------|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|----------|
| 09/18/2023 | CJP | Review Court Order rescheduling motion to dismiss hearing notice to 10/26/23; e-mails ██████████ update Outlook invites to M.K. Terry ██████████                                                                                                                                                                                                                  | 325.00 | 0.20  | 65.00    |
|            | MKT | Review court's Notice to Appear. Review court docket. Related email correspondence with Attorney Petrini and Attorney Flick.                                                                                                                                                                                                                                      | 250.00 | 0.50  | 125.00   |
| 10/02/2023 | CJP | Review Court Notice regarding 10/26/23 Hearing; e-mails to/from T.M. Bertone ██████████                                                                                                                                                                                                                                                                           |        | 0.10  | n/c      |
| 10/10/2023 | CJP | E-mails from/to J. Flick ██████████                                                                                                                                                                                                                                                                                                                               |        | 0.10  | n/c      |
| 10/11/2023 | MKT | Review file and pleadings. Draft outline memo for Attorney Petrini's use at hearing on Motion to Dismiss.                                                                                                                                                                                                                                                         | 250.00 | 1.80  | 450.00   |
| 10/26/2023 | CJP | Prepare for oral argument on City's motion to dismiss plaintiff's third amended petition; review relevant pleadings, documents, cases, regulations, and update draft oral argument outline; brief meeting with J. Flick ██████████ argue City's position before Superior Court Judge Bell; brief conference at court with J. Flick and AAG Reynolds post-hearing. | 325.00 | 4.70  | 1,527.50 |
|            | MKT | Confer with Attorney Petrini re: Motion to Dismiss. Review court docket, pleadings and office file. Related email correspondence.                                                                                                                                                                                                                                 | 250.00 | 0.80  | 200.00   |
| 10/27/2023 | CJP | Conference in office with M.K. Terry ██████████ organize file post hearing; e-mails to/from C. Howard of PDP ██████████ prepare Outlook invite ██████████                                                                                                                                                                                                         | 325.00 | 0.50  | 162.50   |

Unpaid balances subject to interest at 1.5% per month after 30 days.

Gardner, City of  
 RE: 706-01 Graves et al v. Flick et al

November 3, 2023  
 Page No. 2

### ATTORNEY-CLIENT PRIVILEGE

|                                    | Rate | Hours |          |
|------------------------------------|------|-------|----------|
| For Professional Services Rendered |      | 8.50  | 2,530.00 |
| Total Non-billable Hours           |      | 0.20  |          |

| Timekeeper Summary     |       |          |            |
|------------------------|-------|----------|------------|
| <u>Timekeeper</u>      | Hours | Rate     | Total      |
| Christopher J. Petrini | 5.40  | \$325.00 | \$1,755.00 |
| Michael K. Terry       | 3.10  | 250.00   | 775.00     |

#### Additional Charges

|            |                                                                                             |          |
|------------|---------------------------------------------------------------------------------------------|----------|
| 10/26/2023 | Local travel to Worcester Superior Court. (41 miles x \$0.655; \$1.40 tolls, free parking.) | 28.26    |
| 10/30/2023 | Photocopies                                                                                 | 19.20    |
|            | Total Additional Charges                                                                    | 47.46    |
|            | Previous Balance                                                                            | \$140.00 |
|            | Total Amount of This Bill                                                                   | 2,577.46 |

#### Payments

|            |                                        |                   |
|------------|----------------------------------------|-------------------|
| 09/18/2023 | Payment - Thank You - Check No. 263699 | -140.00           |
|            | Balance Due                            | <u>\$2,577.46</u> |





Gardner, City of  
RE: 706-01 Graves et al v. Flick et al

January 8, 2024  
Page No. 2

**ATTORNEY-CLIENT PRIVILEGE**

|                           |                 |
|---------------------------|-----------------|
| Total Amount of This Bill | 915.00          |
| Balance Due               | <u>\$915.00</u> |



Gardner, City of  
 RE: 706-01 Graves et al v. Flick et al

February 1, 2024  
 Page No. 2

**ATTORNEY-CLIENT PRIVILEGE**

|     |                                                                                      |        |             |               |
|-----|--------------------------------------------------------------------------------------|--------|-------------|---------------|
|     |                                                                                      | Rate   | Hours       |               |
| MKT | to/from M.K. Terry [REDACTED]                                                        | 325.00 | 0.20        | 65.00         |
|     | Review court notice re: Case Management Conference.<br>Related email correspondence. | 250.00 | 0.30        | 75.00         |
|     | For Professional Services Rendered                                                   |        | <u>2.30</u> | <u>635.00</u> |

Timekeeper Summary

| <u>Timekeeper</u>      | <u>Hours</u> | <u>Rate</u> | <u>Total</u> |
|------------------------|--------------|-------------|--------------|
| Christopher J. Petrini | 0.80         | \$325.00    | \$260.00     |
| Michael K. Terry       | 1.50         | 250.00      | 375.00       |

Additional Charges

|            |                                                                                  |               |
|------------|----------------------------------------------------------------------------------|---------------|
| 01/25/2024 | Transcript of 10/26/23 Rule 12 Hearing Before Judge Karin Bell (P&A Ck No. 7039) | 202.50        |
| 01/31/2024 | Photocopies                                                                      | 9.40          |
|            | Total Additional Charges                                                         | <u>211.90</u> |
|            | Previous Balance                                                                 | \$915.00      |
|            | Total Amount of This Bill                                                        | 846.90        |

Payments

|            |                                        |                 |
|------------|----------------------------------------|-----------------|
| 01/24/2024 | Payment - Thank You - Check No. 266670 | -915.00         |
|            | Balance Due                            | <u>\$846.90</u> |



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Gardner, City of  
c/o John M. Flick, Esq.  
Flick Law Group, P.C.  
144 Central Street, Suite 201  
Gardner, MA 01440

March 4, 2024  
Invoice No. 43264

**ATTORNEY-CLIENT PRIVILEGE**

706-01 Graves et al v. Flick et al

Professional Services

|            |     |                                                                                                                                                                                                                                                                                    | Rate   | Hours |        |
|------------|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|--------|
| 02/16/2024 | CJP | Receipt and initial review of Rule 12(c) Motion of Plaintiff Seeking Judgment Against City of Gardner on Public Records Claims; prepare detailed e-mail to M.K. Terry [REDACTED]<br>[REDACTED]<br>prepare Outlook invites regarding upcoming deadlines [REDACTED]<br>[REDACTED]    | 325.00 | 0.80  | 260.00 |
|            | MKT | Review Plaintiff's Motion for Judgment on Pleadings and Memorandum of Law in Support. Related email correspondence.                                                                                                                                                                | 250.00 | 0.50  | 125.00 |
| 02/18/2024 | MKT | Review Plaintiff's Motion for Judgment on the Pleadings and Memorandum of Law in support. Review judicial review process under G.L. c.30A and Superior Court Standing Order 1-96. Legal research re: standard of review. Email correspondence with Attorneys Petrini and Reynolds. | 250.00 | 3.00  | 750.00 |
| 02/19/2024 | CJP | Review e-mail from M.K. Terry to M. Reynolds, Assistant Attorney General, [REDACTED]<br>[REDACTED] review e-mails from M.K. Terry [REDACTED]<br>[REDACTED], update Outlook invites for due dates for filing of opposition and cross-motion.                                        | 325.00 | 0.40  | 130.00 |
| 02/20/2024 | CJP | Conference in office with M.K. Terry [REDACTED]<br>[REDACTED]<br>[REDACTED] prepare e-mail to T.M. Bertone [REDACTED]                                                                                                                                                              | 325.00 | 0.40  | 130.00 |
| 02/22/2024 | MKT | Confer with Attorney Petrini. Review court hearing transcript.                                                                                                                                                                                                                     |        |       |        |

**Unpaid balances subject to interest at 1.5% per month after 30 days.**



Gardner, City of  
RE: 706-01 Graves et al v. Flick et al

March 4, 2024  
Page No. 3

**ATTORNEY-CLIENT PRIVILEGE**

|            |                                        |                   |
|------------|----------------------------------------|-------------------|
|            | Total Amount of This Bill              | 3,199.20          |
|            | <u>Payments</u>                        |                   |
| 02/19/2024 | Payment - Thank You - Check No. 267284 | -846.90           |
|            | Balance Due                            | <u>\$3,199.20</u> |

**P A** PETRINI ASSOCIATES, P.C.  
Counselors at Public Law

372 Union Avenue Framingham, MA 01702  
(Tel) 508-665 4310 Fax 508-665-4313  
Tax ID No. 51 0514595

Gardner, City of  
c/o John M. Flick, Esq.  
Flick Law Group, P.C.  
144 Central Street, Suite 201  
Gardner, MA 01440

Invoice No. April 2, 2024  
43345

**ATTORNEY-CLIENT PRIVILEGE**

706-01 Graves et al v. Flick et al

Professional Services

|            |     |                                                                                                                                                                                                                                                             | Rate   | Hours |        |
|------------|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|--------|
| 03/07/2024 | CJP | Review and organize Grave's motion papers; e-mails to/from M.K. Terry [REDACTED]                                                                                                                                                                            |        |       |        |
|            |     | [REDACTED] brief conference in office with M.K. Terry                                                                                                                                                                                                       | 325.00 | 0.50  | 162.50 |
|            | MKT | Begin drafting Opposition to Grave's Motion and Cross-Motion for Judgment on the Pleadings.                                                                                                                                                                 | 250.00 | 2.00  | 500.00 |
| 03/08/2024 | CJP | Review recent case [REDACTED]                                                                                                                                                                                                                               | 325.00 | 0.20  | 65.00  |
|            | MKT | Draft/edit Opposition and Cross-Motion for Judgment on the Pleadings. [REDACTED]                                                                                                                                                                            | 250.00 | 2.70  | 675.00 |
| 03/09/2024 | CJP | Begin review and annotation of S. Graves' Rule 12(c) Motion for Judgment on Pleadings [REDACTED]                                                                                                                                                            | 325.00 | 2.50  | 812.50 |
| 03/11/2024 | HCW | E-mails with C.J. Petrini [REDACTED]                                                                                                                                                                                                                        | 250.00 | 0.20  | 50.00  |
|            | CJP | Continue review of Graves' Rule 12(c) Motion for Judgment on Pleadings [REDACTED] -mail to M.K. Terry [REDACTED] review response of H.C. White to question raised in e-mail [REDACTED], Zoom call with Assistant Attorney General and M.K. Terry [REDACTED] |        |       |        |

**Unpaid balances subject to interest at 1.5% per month after 30 days.**





**ATTORNEY-CLIENT PRIVILEGE**

|            |     |                                                                                                                                                                                                                                                              | Rate   | Hours |          |
|------------|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|----------|
|            |     | Petrini's edits to Memorandum of Law. Legal research [REDACTED]                                                                                                                                                                                              |        |       |          |
|            |     | [REDACTED] Draft/edit Cross-Motion for Judgment on Pleadings and Memorandum of Law in support.                                                                                                                                                               | 250.00 | 4.00  | 1,000.00 |
| 03/16/2024 | CJP | Prepare e-mail to J. Flick [REDACTED]                                                                                                                                                                                                                        |        |       |          |
|            |     | [REDACTED]                                                                                                                                                                                                                                                   | 325.00 | 0.30  | 97.50    |
| 03/17/2024 | CJP | Edit and supplement draft memorandum of law in support of J. Flick's Opposition to and Cross-Motion for Judgment on the Pleadings, [REDACTED]                                                                                                                |        |       |          |
|            |     | [REDACTED] e-mail to J. Flick [REDACTED]                                                                                                                                                                                                                     | 325.00 | 1.80  | 585.00   |
| 03/18/2024 | CJP | [REDACTED]                                                                                                                                                                                                                                                   |        |       |          |
|            |     | e-mails to/from M.K. Terry [REDACTED] revised final revised memorandum of law as issued; telephone call to M.K. Terry [REDACTED]                                                                                                                             | 325.00 | 1.00  | 325.00   |
|            | MKT | Draft/edit Cross-Motion for Judgment on Pleadings. [REDACTED] Finalize Cross-Motion with appended exhibit for service on plaintiff. Review Cross-motion served by Attorney Reynolds on behalf of Supervisor of Public Records. Related email correspondence. | 250.00 | 3.20  | 800.00   |
| 03/25/2024 | CJP | E-mails from/to S. Graves and T.M. Bertone [REDACTED]                                                                                                                                                                                                        |        |       |          |
|            |     | [REDACTED]                                                                                                                                                                                                                                                   | 325.00 | 0.30  | 97.50    |
|            | MKT | Email correspondence with Attorney Graves [REDACTED] Confer with Terry Bertone.                                                                                                                                                                              | 250.00 | 0.30  | 75.00    |
| 03/26/2024 | CJP | E-mails to/from T.M. Bertone [REDACTED]                                                                                                                                                                                                                      |        |       |          |
|            |     | [REDACTED]                                                                                                                                                                                                                                                   | 325.00 | 0.20  | 65.00    |
| 03/27/2024 | CJP | E-mails from/to S. Graves, M.K. Terry, M. Reynolds and T.M. Bertone [REDACTED]                                                                                                                                                                               |        |       |          |
|            |     | [REDACTED]                                                                                                                                                                                                                                                   | 325.00 | 0.50  | 162.50   |
|            | MKT | Review Plaintiff's 9A filing package. Review Superior Court                                                                                                                                                                                                  |        |       |          |

**ATTORNEY-CLIENT PRIVILEGE**

|            |     |                                                                   | Rate   | Hours |           |
|------------|-----|-------------------------------------------------------------------|--------|-------|-----------|
|            |     | Standing Order 1--96. Related email correspondence.               | 250.00 | 0.40  | 100.00    |
| 03/29/2024 | CJP | E-mails to/from M.K. Terry [REDACTED]<br>[REDACTED]<br>[REDACTED] |        |       |           |
|            |     |                                                                   | 325.00 | 0.20  | 65.00     |
|            |     | For Professional Services Rendered                                |        | 41.10 | 11,527.50 |

Timekeeper Summary

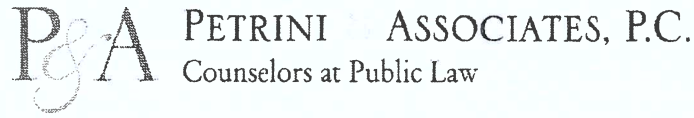
| <u>Timekeeper</u>      | <u>Hours</u> | <u>Rate</u> | <u>Total</u> |
|------------------------|--------------|-------------|--------------|
| Christopher J. Petrini | 16.70        | \$325.00    | \$5,427.50   |
| Michael K. Terry       | 24.20        | 250.00      | 6,050.00     |
| Heather C. White       | 0.20         | 250.00      | 50.00        |

Additional Charges

|            |                           |            |
|------------|---------------------------|------------|
| 03/31/2024 | Photocopies               | 63.40      |
| 03/31/2024 | Photocopies (color)       | 3.50       |
|            | Total Additional Charges  | 66.90      |
|            | Previous Balance          | \$3,199.20 |
|            | Total Amount of This Bill | 11,594.40  |

Payments

|            |                                        |                    |
|------------|----------------------------------------|--------------------|
| 03/18/2024 | Payment - Thank You - Check No. 267936 | -3,199.20          |
|            | Balance Due                            | <u>\$11,594.40</u> |



372 Union Avenue | Framingham, MA 01702  
 (Tel) 508-665-4310 | (Fax) 508-665-4313  
 Tax ID No. 51-0514595

Gardner, City of  
 c/o John M. Flick, Esq.  
 Flick Law Group, P.C.  
 144 Central Street, Suite 201  
 Gardner, MA 01440

May 2, 2024  
 Invoice No. 43417

**ATTORNEY-CLIENT PRIVILEGE**

706-01 Graves et al v. Flick et al

Professional Services

|            |     |                                                                                                                                                                                                                                                                          | Rate   | Hours |        |
|------------|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|--------|
| 04/01/2024 | CJP | Review e-mail from T.M. Bertone [REDACTED]<br>[REDACTED]<br>[REDACTED]<br>telephone call to M.K. Terry [REDACTED]<br>[REDACTED]<br>[REDACTED]                                                                                                                            | 325.00 | 0.20  | 65.00  |
|            | MKT | Review Graves' Reply memos. Begin drafting summary memo [REDACTED]<br>[REDACTED] Confer with Attorney Petrini [REDACTED]<br>[REDACTED]                                                                                                                                   | 250.00 | 1.80  | 450.00 |
| 04/02/2024 | MKT | Review all Motion for Judgment pleadings. Legal research. Draft summary memo [REDACTED]                                                                                                                                                                                  | 250.00 | 2.20  | 550.00 |
| 04/03/2024 | CJP | Conference in office with M.K. Terry [REDACTED]<br>[REDACTED] assemble materials to prepare for 4/4/24 Status Conference.                                                                                                                                                | 325.00 | 0.20  | 65.00  |
|            | MKT | Finalize hearing memo. Confer with Attorney Petrini [REDACTED]<br>[REDACTED]                                                                                                                                                                                             | 250.00 | 1.00  | 250.00 |
| 04/04/2024 | CJP | Work on oral argument outline for motion for judgment on pleadings hearing; go to Worcester Superior Court and represent Gardner at status conference; e-mail to M. Reynolds, Assistant Attorney General, [REDACTED] prepare brief e-mail [REDACTED] J. Flick [REDACTED] | 325.00 | 3.00  | 975.00 |
| 04/05/2024 | CJP | E-mails from/to M. Reynolds [REDACTED]<br>[REDACTED]<br>[REDACTED]<br>[REDACTED]                                                                                                                                                                                         | 325.00 | 1.20  | 390.00 |

**Unpaid balances subject to interest at 1.5% per month after 30 days.**

**ATTORNEY-CLIENT PRIVILEGE**

|            |                                                                                                                                                                                                     | Rate   | Hours        |                 |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------------|-----------------|
|            | MKT Email correspondence with Attorney Petrini [REDACTED]<br>Provide pdf copy of administrative record.                                                                                             | 250.00 | 0.40         | 100.00          |
| 04/08/2024 | CJP E-mails from/to M. Reynolds [REDACTED]<br>[REDACTED]                                                                                                                                            | 325.00 | 0.10         | 32.50           |
| 04/11/2024 | CJP Review Superior Court notice scheduling hearing on Cross-Motions<br>for Judgment on Pleadings for 6/25/24; e-mails to/from M.K. Terry<br>and M. Reynolds, Assistant Attorney General [REDACTED] | 325.00 | 0.20         | 65.00           |
|            | MKT Review court Notice to Appear. Related email correspondence with<br>Attorneys Petrini and Flick.                                                                                                | 250.00 | 0.40         | 100.00          |
|            | For Professional Services Rendered                                                                                                                                                                  |        | <u>10.70</u> | <u>3,042.50</u> |

Timekeeper Summary

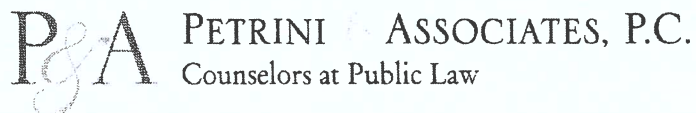
| <u>Timekeeper</u>      | <u>Hours</u> | <u>Rate</u> | <u>Total</u> |
|------------------------|--------------|-------------|--------------|
| Christopher J. Petrini | 4.90         | \$325.00    | \$1,592.50   |
| Michael K. Terry       | 5.80         | 250.00      | 1,450.00     |

Additional Charges

|            |                                                                                                                      |             |
|------------|----------------------------------------------------------------------------------------------------------------------|-------------|
| 04/04/2024 | Local travel to attend status conference at Worcester Superior Court. (41 miles x<br>\$0.655; \$1.40, free parking.) | 28.26       |
| 04/30/2024 | Photocopies                                                                                                          | 15.00       |
|            | Total Additional Charges                                                                                             | 43.26       |
|            | Previous Balance                                                                                                     | \$11,594.40 |
|            | Total Amount of This Bill                                                                                            | 3,085.76    |

Payments

|            |                                        |                   |
|------------|----------------------------------------|-------------------|
| 04/22/2024 | Payment - Thank You - Check No. 268902 | -11,594.40        |
|            | Balance Due                            | <u>\$3,085.76</u> |



372 Union Avenue | Framingham, MA 01702

(Tel) 508-665-4310 | (Fax) 508-665-4313

Tax ID No. 51-0514595

Gardner, City of  
 c/o John M. Flick, Esq.  
 Flick Law Group, P.C.  
 144 Central Street, Suite 201  
 Gardner, MA 01440

June 4, 2024  
 Invoice No. 43464

### ATTORNEY-CLIENT PRIVILEGE

706-01 Graves et al v. Flick et al

#### Professional Services

|            |                        |                                                                   | Rate        | Hours |              |
|------------|------------------------|-------------------------------------------------------------------|-------------|-------|--------------|
| 05/17/2024 | CJP                    | Revise and supplement oral argument outline for upcoming hearing. | 325.00      | 0.30  | 97.50        |
|            |                        | For Professional Services Rendered                                |             | 0.30  | 97.50        |
|            |                        | <b>Timekeeper Summary</b>                                         |             |       |              |
|            | <u>Timekeeper</u>      |                                                                   | <u>Rate</u> |       | <u>Total</u> |
|            | Christopher J. Petrini | <u>Hours</u>                                                      | \$325.00    | 0.30  | \$97.50      |

|                           |            |
|---------------------------|------------|
| Previous Balance          | \$3,085.76 |
| Total Amount of This Bill | 97.50      |

#### Payments

|            |                                        |              |
|------------|----------------------------------------|--------------|
| 05/20/2024 | Payment - Thank You - Check No. 269454 | -3,085.76    |
|            | Balance Due                            | <u>97.50</u> |

**Unpaid balances subject to interest at 1.5% per month after 30 days.**



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

May 7, 2024

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

RE: An Ordinance to Amend the Code of the City of Gardner, Part 1, thereof entitled  
"Administrative Legislation."

Dear Madam President and Councilors,

During my Inaugural Address that I delivered on January 4, 2024, I stated the following:

*"To begin this review, earlier this week, I directed our City Department Heads and the Chairs of all of our Boards and Commissions to review our City Ordinance Code - both general and zoning - and to submit any changes that could be made to improve the way we operate in the City. These changes will first be reviewed by my administration with a final version submitted to the City Council as a comprehensive package for consideration later this year."*

The attached ordinance proposal is the first of those packages, dealing with Part 1 of the City Code, known as "Administrative Legislation."

Respectfully submitted,

Michael J. Nicholson  
Mayor, City of Gardner

RECEIVED  
 MAY - 8 PM 3:18  
 CITY OF GARDNER  
 EXECUTIVE DEPARTMENT

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, PART 1,  
THEREOF ENTITLED, "ADMINISTRATIVE LEGISLATION"**

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

**SECTION 1:** Chapter 13 of the Code of the City of Gardner, entitled "Council on Aging" be deleted in its entirety.

**SECTION 2:** Chapter 22 of the Code of the City of Gardner, entitled "Assessing Department," be deleted in its entirety.

**SECTION 3:** Chapter 31 of the Code of the City of Gardner, entitled "Building Department," be deleted in its entirety.

**SECTION 4:** Chapter 34 of the Code of the City of Gardner, entitled "Capital Improvement Planning Committee," be deleted in its entirety.

**SECTION 5:** Chapter 39 of the Code of the City of Gardner, entitled "Cemetery Commission," be deleted in its entirety.

**SECTION 6:** Chapter 45 of the Code of the City of Gardner, entitled "City Council," be deleted in its entirety.

**SECTION 7:** Chapter 50 of the Code of the City of Gardner, entitled "Community Development and Planning," be deleted in its entirety.

**SECTION 8:** Chapter 62 of the Code of the City of Gardner, entitled "Disability Commission," be deleted in its entirety.

**SECTION 9:** Chapter 75 of the Code of the City of Gardner, entitled "Emergency Management," be deleted in its entirety.

**SECTION 10:** Chapter 87 of the Code of the City of Gardner, entitled "Fire Department," be deleted in its entirety.

**SECTION 11:** Chapter 92 of the Code of the City of Gardner, entitled "Flags," be deleted in its entirety.

**SECTION 12:** Chapter 106 of the Code of the City of Gardner, entitled "Historical Commission," be deleted in its entirety.

**SECTION 13:** Chapter 110 of the Code of the City of Gardner, entitled "Holidays," be deleted in its entirety.

**SECTION 14:** Chapter 113 of the Code of the City of Gardner, entitled "Human Resources Department," be deleted in its entirety.



**SECTION 15:** Chapter 118 of the Code of the City of Gardner, entitled "Information Technology Department," be deleted in its entirety.

**SECTION 16:** Chapter 140 of the Code of the City of Gardner, entitled "Law Department," be deleted in its entirety.

**SECTION 17:** Chapter 152 of the Code of the City of Gardner, entitled "Municipal Golf Course Commission," be deleted in its entirety.

**SECTION 18:** Chapter 156 of the Code of the City of Gardner, entitled "Municipal Grounds Commission," be deleted in its entirety.

**SECTION 19:** Chapter 160 of the Code of the City of Gardner, entitled "Officers and Employees," be deleted in its entirety.

**SECTION 20:** Chapter 182 of the Code of the City of Gardner, entitled "Planning Board," be deleted in its entirety.

**SECTION 21:** Chapter 193 of the Code of the City of Gardner, entitled "Police Department," be deleted in its entirety.

**SECTION 22:** Chapter 217 of the Code of the City of Gardner, entitled "Department of Public Works," be deleted in its entirety.

**SECTION 23:** Chapter 221 of the Code of the City of Gardner, entitled "Purchasing/Civil Enforcement Department," be deleted in its entirety.

**SECTION 24:** Chapter 252 of the Code of the City of Gardner, entitled "Seal," be deleted in its entirety.

**SECTION 25:** Chapter 264 of the Code of the City of Gardner, entitled "Survey Department," be deleted in its entirety.

**SECTION 26:** Chapter 275 of the Code of the City of Gardner, entitled "Traffic Commission," be deleted in its entirety.

**SECTION 27:** Chapter 290 of the Code of the City of Gardner, entitled "Youth Commission," be deleted in its entirety.

**SECTION 28:** Chapter 298 of the Code of the City of Gardner, entitled "Airport," be deleted in its entirety.

**SECTION 29:** That a new Chapter 2 be added to the Code of the City of Gardner, to be entitled "Seal and other Emblems of the City," as follows:

**Section 1: City Seal.**

A. The Seal of the City of Gardner shall be a circle two inches in diameter having in the center a representation of Colonel Thomas Gardner with sword in hand; in the background Crystal Lake and Monadnock Mountain; within the inner circle, five small circles, the one at the top enclosing a chair, the ones on the sides each enclosing the letter "W," the one at the bottom at the left enclosing the letter "A" and the one at the bottom at the right enclosing the letter "T"; and in the margin the inscription "Gardner, A Town June 27, 1785, A City January 1, 1923," the whole to be arranged according to the impression hereto annexed.

B. Deeds.

a. All deeds given by the City shall be sealed with the City Seal and shall be signed and acknowledged in behalf of the City by the Mayor.

C. Use of Seal.

a. The City Clerk shall be keeper of the City Seal but shall permit the Mayor or any other City officer to affix the same to any document to which the Seal is required to be affixed.

**Section 2. Flag of the City of Gardner**

A. Description

a. The Flag of the City of Gardner shall consist of a navy-blue rectangular field bearing on either side a representation of the Seal of the City of Gardner in white.

**SECTION 30:** That a new "PART II" be added, to be entitled "LEGISLATIVE BRANCH" be added to include Chapter 3 and Chapter 4, with the current, "PART II: GENERAL LEGISLATION" section be re-numbered accordingly as "PART III"

**SECTION 31:** That a new Chapter 3 be added to the Code of the City of Gardner to be entitled, "City Council," as follows:

**Article 1: Meetings:****Section 1: Regular Meetings.**

A. Regular meetings of the City Council of the City of Gardner shall be held as follows: the first and third Mondays of January, February, March, April, May, June, September, October, November, and December and on the first Mondays of July and August. Whenever a meeting falls on a legal holiday, the meeting shall be held the following night at the same time.

- B. All regular meetings shall be called at 7:30 p.m. in the Council Chamber in the City Hall. In the event a public emergency or other condition renders it impracticable for the Council to hold a meeting on the day of a scheduled meeting, or in the City Hall, the Council President, upon consultation with at least two other Councilors, may direct the meeting be held on another day or at such other location that encourages maximum public participation.
- C. All matters of every description to be presented at the regular meeting of the City Council shall be filed with the Clerk of the Council not later than 12:00 noon on Thursday preceding the meeting, and the City Clerk shall prepare a calendar of matters for consideration, a list of papers laying on the table and such other matters as they may deem necessary and shall cause the same to be distributed among the members of the City Council prior to each regular meeting; the Council may by a vote of at least 2/3 of its members admit any matter for consideration at any meeting, pursuant to all requirements of the General Laws of the Commonwealth.
- D. In the event a regular meeting falls on the evening of a state or City primary or election, the meeting shall be held on the following day at the scheduled time.

## **Section 2: Special meetings.**

- A. Special meetings of the City Council may be called by the President or shall be called at any time upon the written request therefor being made to the City Clerk by at least two members of the Council.
- B. At a special meeting of the Council no business shall be taken up which is not mentioned in the call of that meeting; provided, however, that any matter not so mentioned in the call of the meeting may be taken up if at least 2/3 of all the members of the Council vote affirmatively in favor of admitting the matter for consideration at that special meeting and that no such matter shall be finally disposed of at that session except by the affirmative vote of 2/3 of all the members of the Council and then only as provided by Section 28 of the City Charter, and the provisions of the General Laws of the Commonwealth.

## **Article II: Legal Counsel**

### **Section 3: Legal counsel.**

- A. The City Council shall have the authority to retain independent legal counsel of its own selection from time to time by majority vote, and legal counsel shall be a member of the Bar of the Commonwealth of Massachusetts in good standing.

- B. Legal counsel shall assist the City Council in the preparation and formulation of legislation and in the rendering of opinions concerning legal matters, either of a substantive or procedural nature, the provisions of the Code of the City of Gardner notwithstanding.
- C. Any invoice or charge for payment from said legal counsel shall be paid from the City Council budget.

**SECTION 32:** That a new Chapter 4, be added to the Code of the City of Gardner to be entitled, “Legislative Departments.”

**Section 1: Office of the City Clerk**

- A. There shall be an Office of the City Clerk established, overseen by the City Clerk, as defined by the City Charter.
- B. The City Clerk may appoint two Assistant City Clerks for terms of three years, subject to confirmation by the City Council, who shall be sworn to the faithful performance of duty and, in the absence of the City Clerk, may perform those duties and have the powers and be subject to the requirements and penalties applicable to that office.
- C. Nothing contained herein shall be construed to prevent the reappointment of an Assistant City Clerk upon the expiration of the term of office.

**SECTION 33:** That a new “PART III” be added, to be entitled “EXECUTIVE BRANCH” to include Chapter 5 through Chapter 7.

**SECTION 34:** That a new Chapter 5 be added to the Code of the City of Gardner to be entitled, “Executive Departments,” as follows:

**Section 1: Assessing Department**

- A. Department Established
  - a. An Assessing Department in the City of Gardner is hereby established under the charge of a board of three Assessors.
  - b. The City Assessor shall serve full time as an Assessor and employee of the City of Gardner.

**Section 2: Building Department**

- A. Building Commissioner

The position of Building Commissioner is hereby established and shall be a full-time position. The appointment of said Building Commissioner shall be made by

the Mayor, subject to confirmation by the City Council, and the Building Commissioner shall hold said position for a term of three years from the date of confirmation by the City Council or until his successor is duly appointed and qualified. The duties of said Building Commissioner shall be those set forth in MGL c. 143.

## B. Electrical Inspection Division

### a. Division Established

An Inspection of Wires Division of the Building Department is hereby established, the affairs of which shall be conducted by an officer known as the "Inspector of Wires," and such officer is hereby designated as the officer required by MGL c. 166, § 32. The Inspector of Wires shall also perform the duties heretofore performed by the Superintendent of Fire Alarm Telegraph and shall have charge of the police signal system. Said Inspection of Wires Division and the Inspector of Wires shall be subject to the authority of the Mayor and the Building Commissioner, and, for fire alarm superintendent related activities, the Inspector of Wires shall report to the Building Commissioner and confer with the Fire Chief.

### b. Electrical Inspector

The Mayor shall appoint, subject to recommendation of the Building Commissioner and confirmation by the City Council, an Inspector of Wires, who shall be appointed for a term of three years. The Inspector of Wires shall be a journeyman electrician licensed in Massachusetts. He shall keep an accurate record of the transactions of his office and shall report the same to the Building Commissioner on a monthly basis, to be reported to the Mayor in January of each year.

## C. Plumbing and Gas Inspection Division

### a. Division and Position Established

The position(s) of Inspector of Gas Piping and Gas Appliances is hereby created.

### b. Duties

The Inspector of Gas Piping and Gas Appliances shall perform such duties as may be required in enforcing the rules and regulations established by authority of the Massachusetts Code for Installation of Gas Appliances and Gas Piping, as presently in force, and as may be amended and in force from time to time.

c. Plumbing Inspector to Serve

The Plumbing Inspector(s) of the City shall be the Inspector(s) of Gas Piping and Gas Appliances. Said Plumbing Inspector(s) and Inspector(s) of Gas Piping and Gas Appliances shall be subject to the authority of the Mayor and the Building Commissioner.

d. Appointment, Term of Office

The Plumbing Inspector(s) and Inspector(s) of Gas Piping and Gas Appliances shall be appointed by the Mayor, subject to confirmation by the City Council, and shall hold said position for a term of three years from the date of confirmation by the City Council or until his successor is duly appointed and qualified.

**Section 3: Department of Community Development and Planning**

A. Department Established; Director

- a. There shall be established in the City of Gardner a Community Development and Planning Department to be administered by a Director.
- b. The Director shall be appointed by the Mayor, subject to confirmation by the City Council, and shall be appointed for a term of three years, except that the first such term shall expire two years from enactment of this chapter. Said Director shall hold office until his successor is appointed. Said Director may be removed from office in the same manner as department heads as provided by Section 8 of the City Charter. Said Director shall report to the Mayor and City Council and shall appear before the City Council whenever requested to do so.

**Section 4: Engineering Department**

A. Department established; appointment of City Engineer.

An Engineering Department is hereby established. It shall be under the charge and control of a graduate certified civil engineer who shall have the title of "City Engineer." The City Engineer shall be appointed by the Mayor, subject to confirmation by the City Council, and shall be appointed for a term of three years.

B. Department responsibilities.

The Engineering Department shall be responsible for the following:

- A. Whenever any petition for laying out, making public, widening, altering, relocating, grading or discontinuing any way is presented to the Mayor and City Council, it

shall be the duty of the Engineering Department to prepare a plan and estimate showing the probable cost of said work apportioned to the several estates liable for the same, together with the estimated cost of other assessable improvements, such as sewers and sidewalks, that may reasonably be necessitated by such proposed alteration, said cost likewise being apportioned to the respective estates. Said plan and estimate shall be furnished complete with the names and addresses of the owners of the several estates and the amounts assessable upon each of them.

- B. The Engineering Department shall have charge and custody of all plans of streets, sidewalks and bridges belonging to the City; it shall enter in a book to be kept for that purpose the names of all streets that shall be accepted, laid out and established by the City Council, with the boundaries and measurements thereof, the names of the owners of the land, if known, over or through which said streets or ways are located, and the estates bounding and abutting thereon; and shall keep a record of all sidewalks that are now or may be hereafter laid out or established by the City Council, the width, height and grade of the same, stating the boundaries and measurements thereof, with the date of such laying out.
- C. To inspect all streets and ways being constructed under the Subdivision Control Law to ascertain whether said construction complies with plans filed pursuant to the Planning Board regulations, City ordinances and state statutes and to give to the Planning Board a report of its inspection prior to the release of any bond posted by the developer constructing said street and prior to the approval of said street by the Planning Board.
- D. Planning Board Engineer.

Provide technical assistance to the Planning Board as required, including attendance at meetings one or two evenings per month. Duties will include:

- i. Review of site plans and subdivision plans, with particular emphasis on drainage and stormwater management. Prepare cost estimates where the developer must post bond or security in order to insure completion of infrastructure.
  - ii. Inspect subdivision infrastructure (drainage, sanitary sewers, water mains, roads and sidewalks) during construction and submit periodic reports to the Planning Board.
  - iii. Develop stormwater management practices and policies for subdrainage basins within the City.
- E. Zoning Board of Appeals/Conservation Commission reviews.

At the request of the Zoning Board of Appeals/Conservation Commission review applications to the above bodies, with particular attention to potential effects on

public underground utilities or streets and sidewalks. Provide technical advice and/or guidance when necessary to the public interest.

F. Infiltration/Inflow Coordinator.

Maintain records of all sanitary sewer and manhole inspections and repairs/rehabilitation which result in reduction of infiltration and/or inflow to the City's sanitary sewer system. Quantify estimates of flow reduction due to these efforts and prepare and submit semiannual reports to the Department of Environmental Protection.

G. Construction administration.

Oversee construction contracts being performed directly for the Department of Public Works, based on plans and specifications prepared by the Engineering Department. This task will include construction inspection and field documentation of as-built quantities and locations. This task will involve supervision of the City Engineer or other designee.

**Section 5: Fire Department**

A. Personnel

The Fire Department of the City of Gardner shall consist of a Fire Chief, a Fire Captain, Lieutenants, and such fire privates and other support personnel as the Mayor, with the approval of the City Council, shall from time to time deem necessary, subject to appropriation.

B. Appointments.

Subject to the following, all appointments to the Fire Department shall be made by the Fire Chief.

C. Fire Chief

- a. The Fire Chief shall be appointed by the Mayor, subject to confirmation by the City Council, and shall be the head of the Fire Department, and shall have full and absolute control and command of the Department, its firefighters and members and other officers when engaged in the fire service of the City, or when assigned by him to any special duty. The Chief shall also have control of all City property used by the Fire Department and shall have all other authorities and responsibilities as provided by law.
- b. The Chief shall be appointed for a term of three years, shall be exempt from the provisions of Chapter 31 of the General Laws in accordance with Chapter 284 of the Acts of 2012 providing for such exemption, and shall meet such minimum



qualifications for said position as the Mayor, with the approval of the City Council, shall from time to time establish.

### **Section 6: Human Resources Department**

#### A. Department Established; Director

- i. There shall be established in the City of Gardner a Human Resources Department to be administered by a Director.
- ii. The Director shall be appointed by the Mayor, subject to confirmation by the City Council, and shall be appointed for at term of three years. Said Director shall hold office until his/her successor is appointed and confirmed. Said Director may be removed from office in the same manner as department heads as provided by Section 8 of the City Charter. Said Director shall report to the Mayor and City Council and shall appear before the City Council whenever requested to do so.

### **Section 7: Information Technology Department**

#### A. Department Established; Director

- i. There shall be established in the City of Gardner an Information Technology Department to be administered by a Director.
- ii. The Information Technology Director (the "Director") shall be appointed by the Mayor, subject to confirmation by the City Council, and shall be appointed for at term of three years. Said Director shall hold office until his/her successor is appointed and confirmed. Said Director may be removed from office in the same manner as department heads as provided by Section 8 of the City Charter. Said Director shall report to the Mayor and City Council and shall appear before the City Council whenever requested to do so.

### **Section 8: Law Department**

#### A. Department Established

- i. There shall be established in the City of Gardner a Law Department to be administered by the City Solicitor with the assistance of an Assistant City Solicitor, if one has been appointed.
- ii. Said officers shall be members of the Bar of the Commonwealth of Massachusetts in good standing.
- iii. The City Solicitor shall be appointed as provided by the provisions of Section 6 of the City Charter. The Assistant City Solicitor shall be appointed by the Mayor,

subject to confirmation by the City Council, for a term of one year. Said City Solicitor and Assistant City Solicitor may be removed from office as provided by Section 8 of the City Charter.

- iv. The City Solicitor and Assistant City Solicitor may be full time employees of the City or may be contracted law firms subject to the appropriations authorized by the City Council in the City's annual operating budget, with the same appointment approval methods listed in this section for the City Solicitor and Assistant City Solicitor.

#### B. Issuance of Written Legal Opinions

The Law Department shall furnish written legal opinions when so requested by the Mayor, City Council by vote of the Council or request of the City Council President, the chairperson of a City committee upon vote of that committee, or the head of any City Department with the approval of the Mayor.

### **Section 9: Police Department**

#### A. Department Established

The Police Department of the City of Gardner shall consist of a Chief of Police, a Deputy Police Chief, Lieutenants, Sergeants and such subordinate officers, patrol officers and other support personnel as the Mayor, with the approval of the City Council, shall from time to time deem necessary by formal adoption of an Official Table of Organization for the Police Department and to be made part of the Operational Manual. Such Department may be augmented by a reserve police force in accordance with the provisions of the General Laws of the Commonwealth.

#### B. Chief of Police; Deputy Chief of Police

- i. The Chief of Police shall be the head of the Police Department and shall have immediate control and command of the Department, its officers and members, and all constables and other officers when engaged in the police service of the City, or when assigned by him to any special duty. The Chief shall also have immediate control of all City property used by the Police Department. The Chief shall be appointed for a term of three years, shall be exempt from the provisions of MGL c. 31 in accordance with Chapter 416 of the Acts of 1991 providing for such exemption and shall meet such minimum qualifications for said position as the Mayor, with the approval of the City Council, shall from time to time establish. The Chief of Police shall be the Keeper of the Lockup in compliance with MGL c. 40, § 35.
- i. The Deputy Chief of Police shall be appointed for a term of three years, shall be exempt from the provisions of Chapter 31 of the General Laws in accordance with Chapter 284 of the Acts of 2012 providing for such exemption, and shall meet such

minimum qualifications for said position as the Mayor, with the approval of the City Council, shall from time to time establish.

C. Special Police Officers

- i. The City of Gardner may employ a person in police duty only when such duty is absolutely essential to its regular services as an employee of the City.
- ii. Special Police Officers will be compensated at the current collective bargaining rate for patrol/superior officers.

D. Traffic Control Unit

- i. The City of Gardner may employ a person in police duty in the traffic control unit, when such duties are deemed to be needed by the Chief of Police.
- ii. Traffic Control Officer will be compensated at the current collective bargaining rate for patrol/superior officers.

E. Civilian Public Safety Dispatch Division

- i. The Chief of Police shall oversee all dispatch operations for the City.
- ii. The Division shall be run by a director who shall be appointed by the Chief of Police.
- iii. The Division may employ all full and part time dispatchers as deemed necessary to execute the functions of the division.

**Section 10: Department of Public Works**

A. Department established; duties of Director.

- a. There shall be established in the City of Gardner a Department of Public Works administered by a Director.

B. Aside from all duties outlined in the job description of the Director, they shall also:

- a. The Director shall have all the duties and powers vested in the separate boards and commissions and any amendments thereto and shall succeed to all rights, privileges, duties and liabilities of said separate boards and commissions.
- b. Meet when requested by the City Council Public Service Committee.

C. The Director shall have the power to make rules and regulations for the governing of the Department of Public Works and sections thereof and shall attend to the

proper enforcement of the same. The Director shall have jurisdiction over the sections and over each member of each section. The Director shall sign all vouchers for the Department of Public Works.

- D. In the event that the Director is absent from the City, he shall notify the City Auditor in writing of the person designated by the Director to assume his responsibilities during his absence.

**Section 11: Purchasing and Civil Enforcement Department**

A. Purpose.

There is hereby established in the administrative service of the City of Gardner the Purchasing/Civil Enforcement Department and, in said Department, the position of City Purchasing Agent/Civil Enforcement Director, hereinafter referred to as "Director."

B. General authority of Director.

- i. The Purchasing Agent/Civil Enforcement Director shall direct, supervise and have control of the Purchasing/Civil Enforcement Department.
- ii. The Purchasing Agent/Civil Enforcement Director shall have all powers and duties prescribed by this chapter and the positions job description on file in the City's Department of Human Resources and shall serve as the City's Chief Procurement Officer (CPO) and Affirmative Marketing Construction Officer.
- iii. The Purchasing Agent/Civil Enforcement Director shall be responsible for all purchases and contractual services and all sales of property.
- iv. The Purchasing Agent/Civil Enforcement Director shall be responsible for the tracking, recordkeeping and collection of parking, animal control and civil violations and act as the Parking Clerk.
- v. The Purchasing Agent/Civil Enforcement Director shall serve as the City's Municipal Hearing Officer.

C. Purchasing.

Except as herein provided or specifically authorized by the Purchasing Agent/CPO, it shall be unlawful for any City employee or City official to purchase any supplies or services other than through the Purchasing Department and in accordance with this chapter.

D. Sale or disposal of personal or real property.

- i. The head of the department, board or commission in possession of the surplus supplies shall certify, in writing, the estimated value, determined through a commercially reasonable process. The Chief Procurement Officer shall decide upon the most appropriate method of disposal, including direct sale, quotes, or donations and the decision should be based upon the best interest of the City of Gardner. No tangible property shall be sold or otherwise disposed of without the written approval of the head of the department, board or commission as well as the City Council committee or School Committee subcommittee having charge of matters concerning such department, board or otherwise and with the written approval of the Mayor.
- ii. Real property shall be declared surplus by a vote of the City Council, with the approval of the Mayor, following the determination of value. No real estate, whether the same is controlled by any department, board or otherwise, shall be sold or otherwise disposed of except with the approval of the City Council and Mayor.

E. Award of contract.

- i. The Purchasing Agent shall have the authority to award contracts within the purview of this chapter and shall have the authority to determine responsibility of bidders.
- ii. The Purchasing Agent shall have the authority to declare vendors as irresponsible bidders and to disqualify them from receiving any orders or contract awards from the municipality.

F. Tie bids.

If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder, "local bidder" defined as having its corporate/home office in the City Gardner. If no local bidder exists, the Purchasing Agent shall award the contract to one of the tie bidders by drawing lots in public.

G. Bid protests.

Upon receipt of a written protest of an award made by the Chief Procurement Officer, the matter shall be reviewed by the Chief Procurement Officer and a determination made to:

- i. Reject the bid protest on grounds the protest fails to prove a violation of the Massachusetts Uniform Procurement Act and continue with the award of a contract; or

- ii. Uphold the bid protest on grounds the protest proves a violation of the Massachusetts Uniform Procurement Act and conduct a new procurement.

H. Cooperative purchasing.

The Purchasing Agent shall have the authority to join other units of government (federal, state, county, municipal and municipal subdivisions, including such quasi-municipal agencies as water districts, sewer districts, etc.) in cooperative purchasing plans when the best interest of the City would be served thereby and such action is in accordance with and pursuant to prevailing General Laws.

I. Other duties of Purchasing Agent.

The Purchasing Agent shall perform such other duties related to the functions, duties and authorities set forth herein as may be prescribed by the Mayor or any applicable state or local laws and ordinances.

J. Chief Procurement Officer.

The Chief Procurement Officer shall conduct requests for proposals, including oversight of the solicitation, opening and evaluation of proposals and award of contract, in accordance with the authority delegated by MGL c. 30B.

K. Affirmative Marketing Construction Officer.

The Affirmative Marketing Construction Officer shall serve as the City's liaison with the Supplier Diversity Office and be responsible for all reporting in compliance with MGL c. 93.

L. Municipal Hearing Officer.

The Municipal Hearing Officer shall conduct local hearings of code violations pursuant to and in compliance with MGL c. 148A (Code Enforcement Officer). The Municipal Hearing Officer shall conduct such hearings using formal rules established under MGL c. 148A and shall render a written decision to the appropriate parties.

**Section 12: Senior Center**

A. Department Established, Director

- i. There shall be a Senior Center overseen by the Senior Citizens Director, who shall be appointed by the Mayor, subject to confirmation by the City Council for a term of three years.

- ii. The Senior Citizens' Director shall report directly to the Mayor and shall have the duty and responsibility of working with the Council on Aging and various state and federal elder affairs agencies in providing programs and services for the elderly, shall be responsible for preparing the annual budget and shall plan all programs and activities for the senior citizens of the City of Gardner.

**SECTION 35:** That a new Chapter 6 be added to the Code of the City of Gardner to be entitled, "Board and Commissions," as follows:

**Section 1: Airport Commission**

A. Establishment and Membership

There shall be an Airport Commission, consisting of not less than three (3) nor more than eleven (11) members.

B. Issuance of Fees and Charges

The Airport Commission shall have the authority, with the approval of the City Council and the Mayor, to institute a system of charges and fees for use of the Gardner Municipal Airport.

**Section 2: Bandstand Committee**

A. Establishment

There is hereby established under this section the Community Bandstand Committee, which shall exist and be operated hereunder for the purpose of implementing seasonal programs to be conducted in the City's parks, including but not limited to summer musical concerts and other community entertainment events at the Bandstand located in Monument Park, as well as at the City's other parks, at the City's other municipal grounds and at other appropriate locations in the City.

B. Membership

The Community Bandstand Committee shall consist of no less than three (3) members. One (1) of the members appointed to the Community Bandstand Committee shall be a member of the Municipal Grounds Commission, to carry out the purposes of this section.

C. Donations to Committee

- i. The Community Bandstand Committee may receive donations and gifts of property, both real and personal, in the name of the City to further the purposes as set forth in this section. Upon receipt of any such donation or gift, the Community Bandstand Committee shall

provide each such gift or donation to the Treasurer, who shall deposit same into an account to be created and named the "Community Bandstand Committee Program Fund." All funds in such Community Bandstand Committee Program Fund shall be used for the purposes set forth in this section.

- ii. In accordance with the General Laws of the Commonwealth, the Community Bandstand Committee shall from time to time submit a listing of all donations and gifts received by the Committee for acceptance by majority vote of the City Council.

### **Section 3: Board Of Assessors**

#### **A. Board established.**

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

#### **B. Appointment of Members**

- i. The Mayor shall appoint members to serve for the term of three years following the expiration of the terms as hereinbefore outlined.
- ii. A vacancy occurring may be filled at any time for the unexpired term by the Mayor, subject to confirmation by the City Council.
- iii. Nothing contained herein shall be construed to prevent the reappointment of any member upon the expiration of his term of office
- iv. Each year at its first meeting the Board shall organize and elect a Chairperson.

#### **C. Duties**



The Assessors shall perform, or cause to be performed, all the duties required of assessors under the General Laws of the Commonwealth of Massachusetts and shall be subject to said General Laws, as well as to the Charter and ordinances of the City of Gardner.

D. Employment Status

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

E. Abatements

The Board shall meet with any person filing an application for abatement or his attorney upon request for such a meeting.

**Section 4: Board Of Health**

A. Establishment and Membership

- i. There shall be a Board of Health consisting of three (3) members, one of whom shall be a physician, for a period of three (3) years.
- ii. No members of the Board of Health shall be members of the City Council.
- iii. A vacancy occurring may be filled at any time for the unexpired term by the Mayor, subject to confirmation by the City Council.
- iv. Nothing contained herein shall be construed to prevent the reappointment of any member upon the expiration of his term of office
- v. Each year at its first meeting the Board shall organize and elect a Chairperson.

**Section 5: Board Of Registrars Of Voters**

A. Establishment and Membership

Per the provisions of the General Laws of the Commonwealth, there shall be a Board of Registrars of Voters consisting of three (3) members and the City Clerk shall serve as its fourth (4th) voting member.

**Section 6: Capital Improvement Planning Committee**

A. Committee Established, Membership

There shall be established in the City of Gardner a Capital Improvement Planning Committee. Members shall consist of the Council President and/or designee(s), the City Engineer, the Director of Community Development and Planning, the City Treasurer, the Director of Public Works, the City Purchasing Agent/Civil Enforcement Director, the City Auditor, and the School Department Business

Manager, all of whom shall serve ex officio. The Committee shall choose its own officers.

B. Review of Projects

a. The Committee shall study proposed capital projects and improvements involving major nonrecurring tangible assets and projects which:

- i. Are purchased or undertaken at intervals of not less than five years;
- ii. Have a useful life of at least five years; and
- iii. Cost over \$25,000.

b. All officers, boards and committees shall, by November 1 of each year, give to the Committee, on forms prepared by it, information concerning all anticipated projects requiring City Council action during the ensuing six years. The Committee shall consider the relative need, impact, timing, and cost of these expenditures and the effect each will have on the financial position of the City.

c. No appropriation shall be voted for a capital improvement requested by a department, board, or commission unless the proposed capital improvement is considered in the Committee's report or the Committee shall first have submitted a report to the City Council explaining the omission.

C. Capital Improvement Budget and Program

The Committee shall prepare an annual report recommending a capital improvement budget for the next fiscal year and a capital improvement program, including recommended capital improvements for the following five fiscal years. The report shall be submitted to the Mayor for consideration and approval. The Mayor shall submit the approved capital budget to the City Council for adoption.

D. Expenditures

Such capital improvement program, after its adoption, shall permit the expenditures on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals, but no such expenditure shall be incurred on projects which have not been so approved by the City through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future.

E. Publication of Report and Budget

The Committee's report and the Mayor's recommended capital budget shall be published and made available in a manner consistent with the distribution of the Mayor's budget recommendations to the City Council. The Committee shall submit its original report to the City Clerk.

### **Section 7: Cemetery Commission**

- A. Commission established; membership; appointment.
- i. There shall be established a Cemetery Commission for the City of Gardner consisting of five members, legal voters of said City, who shall be appointed by the Mayor, subject to confirmation by the City Council, as follows: the Mayor shall immediately appoint one person to serve until the expiration of two years and two to serve until the expiration of one year from the first day of March 1980 and thereafter annually shall appoint one or two persons, as the case may be, to serve for the term of two years from the first day of March following the expiration of the terms as hereinbefore outlined.
  - ii. A vacancy occurring may be filled at any time for the unexpired term by the Mayor, subject to confirmation by the City Council. Nothing contained herein shall be construed to prevent the reappointment of any member upon the expiration of his term of office.
  - iii. Before entering upon the discharge of their duties, the members shall be sworn to the faithful discharge thereof.
- B. Meetings, minutes and records.
- i. The Commission shall meet annually in March each year to organize and elect a Chairperson and Secretary. The Commission shall hold monthly meetings each month during the course of the year.
  - ii. The Secretary shall keep accurate minutes and records of all meetings of the Commission.
- C. Duties; perpetual care funds.
- i. The Commission shall have sole control over and responsibility for the management of perpetual care funds pursuant to MGL c. 114, § 19, and MGL c. 44, § 54.

- ii. Said Commission shall be charged with keeping full and complete records concerning such perpetual care funds and render to the Mayor and the City Council as often as may be required by them a full report concerning such perpetual care funds under its control during the period reported on.
- iii. Said Commission shall advise the Director of Public Works and the Municipal Grounds Commission as to the supervision, care and upkeep of all public cemeteries within the City of Gardner and as to the proper expenditure of the perpetual care funds under the control of said Commission.

### **Section 8: Council On Aging**

#### **A. Establishment.**

A Council on Aging is hereby established.

#### **B. Membership; terms of office.**

The Council on Aging shall consist of seven members, appointed by the Mayor, subject to confirmation by the City Council. The Mayor shall appoint individuals to serve for a term of three years. Upon expiration of the term of office of each member, a successor shall be appointed for a term of three years, or until a successor is duly appointed and qualified. A vacancy occurring may be filled at any time for the unexpired term by the Mayor, subject to confirmation by the City Council. Before entering the discharge of their duties, members shall be sworn to the faithful discharge thereof.

#### **C. Duties.**

The Council on Aging shall have the duty and obligation of carrying out programs designed to meet the problems of the aging in coordination with the programs of the Massachusetts Council on Aging.

#### **D. Private nature of certain information.**

The names, addresses, telephone numbers, or other identifying information about elderly persons in the possession of the Council shall not be public records, but the use of these records shall comply with MGL c. 19A, §§ 14 to 24, inclusive, as a condition of receiving a government contract, program grant or other benefit, or as otherwise required by law.

### **Section 9: Disability Commission**

A. Commission Established

There shall be established, pursuant to MGL c. 40, § 8J, a Disability Commission for the City of Gardner consisting of seven members, legal voters of said City, who shall be appointed by the Mayor, subject to confirmation by the City Council, as follows: the majority of said Commission members shall consist of disabled persons, and one of such members shall be a member of the immediate family of a disabled person, and one member of said Commission shall be either an elected or appointed official of the City.

a. Terms of Membership

The terms of the first members of said Commission shall be for one, two, or three years and so arranged that the term of 1/3 of the members expires each year, and their successors shall be appointed for terms of three years each. Any member of said Commission may, after a public hearing, if so requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

B. Officers, meetings and records.

The Commission shall meet once annually to organize and elect a Chairperson, Vice Chairperson, Treasurer, and Clerk. The Chairperson of the Commission shall be chosen by a majority vote of said Commission members. The Commission shall hold monthly meetings each month of the year. It shall keep accurate records of its meetings and actions and shall file an annual report.

C. Powers and duties.

The Commission shall have the following powers and duties:

- i. Its purpose shall be to develop and carry out programs which may be designed or established to meet the opportunities, challenges, and problems of the disabled of the City and in conjunction with any agency of the federal government.
- ii. The Commission may appoint such clerks or other employees as it may from time to time require, subject always to appropriation of funds therefor.
- iii. The Commission may receive gifts of property, both real and personal, in the name of the City, subject to the approval of the City Council, such gifts to be managed and controlled by said Commission for the purposes of this section.

## **Section 10: Golf Commission**

### **A. Commission Established**

A Municipal Golf Course Commission is hereby established.

### **B. Membership; terms of office.**

The Municipal Golf Course Commission shall consist of seven members, including a Chairperson and Secretary, legal voters of said City, who shall be appointed by the Mayor, subject to confirmation by the City Council, as follows: the Mayor shall immediately appoint one person until the expiration of one year, two to serve until the expiration of two years, and two to serve until the expiration of three years from the first day of May 1990 and thereafter annually shall appoint their successors for terms of three years each from the first day of May then next ensuing. A vacancy occurring may be filled at any time for the unexpired term by the Mayor, subject to confirmation by the City Council.

### **C. Membership in lieu of Compensation**

A Golf Commissioner shall receive a free family membership as defined in the family membership fee schedule of the Golf Course Commission each year while serving on the Commission. The free membership shall be subject to taxation pursuant to the Internal Revenue Code.

### **D. Meetings**

The Commission shall meet annually in January of each year to organize and to elect a Chairperson and Secretary. The Commission shall hold bimonthly meetings each month during the course of each year, except that monthly meetings shall be held during the months of July and August.

### **E. Duties.**

The Commission shall, subject to the regulations and orders of the Department of Public Works and Board of Health with reference to the management, improvement and control thereof for the purpose of preserving and protecting the water supply, have complete charge of the operation, improvement and maintenance of the Municipal Golf Course and all such other properties and activities as may hereafter be placed under its jurisdiction and control by the Mayor with the approval of the City Council. The Golf Course Commissioners shall have the authority to annually institute a system of charges and fees for use of the Municipal Golf Course. The charges and fees so to be charged are to be published in the Gardner News, upon their being determined, prior to the date the same are to take effect.

F. Appointees of the Golf Commission.

- i. The Commission shall, as soon as practicable after the qualification of its members, appoint such superintendent, officer or officers, agents and employees as it may deem necessary and shall have the power to remove said appointees for cause.
- ii. The appointees shall perform such duties as shall be required of them by said Commission.

**Section 11: Historical Commission**

A. Commission Established

There is hereby established, under the provisions of MGL c. 40, § 8D, an Historical Commission of the City of Gardner for the purposes and with the rights and duties provided by law, to be composed of seven members appointed by the Mayor, subject to confirmation by the City Council, for terms of three years, except that the initial appointment shall be two members for one year, two members for two years, and three members for three years. One member may be chosen from one of the surrounding communities.

**Section 12: Planning Board**

A. Board Established and membership

A Planning Board is hereby established. The Planning Board, hereinafter called the "Board," shall consist of up to nine persons.

B. Powers and duties.

The Board shall have all the powers and duties imposed and conferred by MGL c. 41, §§ 81A to 81GG, inclusive, and acts in amendment thereof and in addition thereto.

C. Appointment; vacancies; compensation.

- a. The Mayor shall appoint the members of the Board whose term of office shall commence on January 1 of the year in which they are appointed and confirmed to serve a term of three years.
- b. Nothing contained herein shall be construed to prevent the reappointment of any member upon the expiration of his term of office.

- c. Any vacancy occurring in the Board, occurring otherwise than by expiration of term of office, shall be filled for the unexpired term in the same manner as an original appointment.

### **Section 13: Zoning Board Of Appeals.**

#### **A. Board Established, Authority**

The Zoning Board of Appeals, hereinafter called the "Board," shall consist of five persons, up to four of which are residents of Gardner and shall be appointed by the Mayor, subject to confirmation by the City Council. The Zoning Board of Appeals established under Chapter 675, Zoning, of this Code is hereby constituted the Zoning Board of Appeals as provided in MGL c. 41, § 81Z. The Zoning Board of Appeals shall have all the powers and duties imposed and conferred by MGL c. 41, §§ 81Z and 81AA, as well as all other powers and duties imposed and conferred on the Zoning Board of Appeals by said MGL c. 41, §§ 81A to 81GG.

### **Section 14: Traffic Commission**

#### **A. Commission Established**

There shall be established in the City of Gardner a Traffic Commission.

#### **B. Membership**

Members shall consist of the Chief of Police or his designee, as Chairperson, a member of the Council's Public Safety Committee as designated by the Chairperson of that Committee, the City Engineer, the Director of Public Works, the Director of Community Development and Planning, and the Civil Enforcement Director, all whom shall serve *ex officio*.

#### **C. Placement of official traffic signs and signals.**

The Director of Public Works, under supervision of the Traffic Commission, is hereby authorized and it shall be his duty to place and maintain or cause to be placed and maintained all official traffic signs and signals, markings and safety zones. All signs, signals, markings and safety zones shall conform to the standards as prescribed by the Highway Division of the Massachusetts Department of Transportation.

#### **D. Meetings; duties.**

The Traffic Commission shall meet regularly, not less often than quarterly.



- E. Among its duties the Traffic Commission shall:
- i. Make recommendations to the City Council, supported by engineering studies and reports when necessary, regarding changes required to the Chapter 600, Vehicles and Traffic, of this Code.
  - ii. Monitor all traffic-related issues, from signs to major project proposals.
  - iii. Actively pursue state or federal grants for street improvements (including curbing, pedestrian crossings, and signalization).
  - iv. Improve traffic on a regional basis, working with and supporting endeavors of the Montachusett Regional Planning Commission (MRPC), with an active member (appointed by Mayor for a three-year term) to be part of the MRPC.

## SECTION 15: YOUTH COMMISSION

### A. Commission established

There shall be established, pursuant to MGL c. 40, § 8E, a Youth Commission for the City of Gardner consisting of no more than seven members, one of whom shall be a currently elected City Councillor, who shall be appointed by the Mayor, subject to confirmation by the City Council.

B. The Mayor shall immediately appoint two persons to serve until the expiration of one year, two persons to serve until the expiration of two years and three persons to serve until the expiration of three years, and the successors shall be appointed for a term of three years each. Any member of a Commission so appointed may, after a public hearing, if requested, be removed for cause by the Mayor. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as an original appointment. Nothing contained herein shall be construed to prevent the reappointment of any member upon the expiration of his term of office.

C. Before entering upon the discharge of their duties, the members shall be sworn to the faithful discharge thereof.

### D. Meetings, records and annual report.

The Commission shall meet once annually to organize and elect a Chairperson, Vice Chairperson, Treasurer and Clerk. The Commission shall hold monthly meetings each month of the year. It shall keep accurate records of its meetings and actions and shall file an annual report.

### E. Powers and duties.

The Commission shall have the following powers and duties:

- a. Its purpose shall be to develop and carry out programs which may be designed or established to meet the opportunities, challenges and problems of youth of the City and in conjunction with any similar or related programs of any agency of the commonwealth or any agency of the federal government.
- b. The Commission may appoint such clerks or other employees as it may from time to time require, subject always to appropriation of funds therefor.
- c. The Commission may receive gifts of property, both real and personal, in the name of the City, subject to the approval of the City Council, such gifts to be managed and controlled by the Commission for the purposes set forth in Subsection A above.

**SECTION 36:** That a new Chapter 6 be added to the Code of the City of Gardner entitled “Personnel, Appointments, and Employment,” as follows:

**Section 1: Compensation**

The salaries and compensation of any City employee who receives compensation and any other employees of any of the departments, boards, committees, and commissions shall be established in the ordinances designating salaries and wages for the City employees.

**Section 2: Appointment**

Subject to the provisions of the Charter of the City of Gardner and the General Laws of the Commonwealth, all those appointed to positions in the City shall be appointed by the Mayor, subject to confirmation by majority vote of the City Council, unless otherwise stated.

**Section 3: Oath of Office**

Failure by anyone duly appointed and confirmed by majority vote of the City Council, Mayor, Joint Convention, Fire Chief, or other appointing authority as designated by law, to take their respective oath of office within sixty (60) days of the date on which their appointment was confirmed by majority vote of the City Council shall be considered forfeiture of the office and shall be deemed a vacancy in the position.

**Section 4: Temporary Appointments**

In case of a vacancy in any office, appointment to which is made by the Mayor, which vacancy is caused by the incapacity, death, resignation or expiration of the

term of the incumbent, the filling of which is not provided for by law, the Mayor, without confirmation by the City Council, shall appoint a temporary officer to serve until a successor to such incapacitated, deceased or resigned officer, or officer whose term has expired, is duly appointed and qualified in accordance with law, but no such temporary officer shall in any event be appointed hereunder to serve for a period longer than 90 days.

### **Section 5: Powers and Duties of Temporary Officers**

Except as otherwise provided by the General Laws, City Charter or other ordinance, any temporary officer so appointed shall, during the time he fills the position to which he is appointed under this article, exercise all the powers and perform all the duties of the officer in whose place he serves.

### **Section 6: Job Descriptions**

- A. All positions in the City shall have a job description outlining the duties of the position on file in the City's Human Resources Department.
- B. Any changes made to the job description of a position of a Department Head must first be approved by majority vote of the City Council before becoming effective.

**SECTION 37:** Chapter 171 of the Code of the City of Gardner, thereof entitled "Personnel," be amended by replacing the title as "Non-Union Employees" and renumbered as Chapter 7.

**SECTION 38:** Section 2 of Chapter 171 of the Code of the City of Gardner, thereof entitled "Conduct of Examination," be amended by deleting the phrase, "or the department head" from the section.

**SECTION 39:** Section 3 of Chapter 171 of the Code of the City of Gardner, thereof entitled, "Report" be deleted in its entirety and replaced with the following:

Section 3: The employment candidate cannot commence employment until the Human Resources Department has received the pre-employment screening report clearing the candidate for full duty and/or identifying appropriate and applicable reasonable accommodations.

**SECTION 40:** Section 6 of Chapter 171 of the Code of the City of Gardner, thereof entitled, "Compensation for Blasting Services" be deleted in its entirety.

**SECTION 41:** Section 8 of Chapter 171 of the Code of the City of Gardner, thereof entitled "Summons to be presented to Department Head," be amended by adding the following sentence to the end of the section:

The summons and/or jury duty service confirmation shall be submitted to the Human Resources Department to be maintained in the employee's personnel file.

**SECTION 42:** Section 12 of Chapter 171 of the Code of the City of Gardner, thereof entitled "Compensation," be deleted in its entirety and replaced with the following:

Section 12: During such time as the employee is out on an authorized civic duty leave or unable to perform their duties, upon the submission of the proper civic duty service confirmation document(s) to the Human Resources Department, the City will pay the employee the difference between the wages earned on such civic duty leave and the salary or wages to which the employee would have been entitled to for the regular performance of their duties. In the event the employee receives no compensation for their civic duty service, the City will pay the employee their full wages for the time spent serving said civic duty in lieu of performing their duties for the City.

**SECTION 43:** Section 13 of the Code of the City of Gardner, thereof entitled “Effect on Vacation,” be deleted in its entirety and replaced with the following:

Section 13: Employees are allowed to roll over twice as much as their annual vacation allotment. An employee who at the end of the year has in excess of the authorized accrued vacation carry over as a result of being summoned for jury duty service shall be entitled to carry over the accrued vacation time that exceeds the authorized roll over benefit. The excess vacation time must be taken within the year it was allowed to be carried over into.

**SECTION 44:** Section 14 of Chapter 171 of the Code of the City of Gardner, entitled “Holidays Designated,” be deleted in its entirety and replaced with the following:

Section 14: Holidays Designated

A. All full time and regular part-time City employees, not covered by a collective bargaining agreement shall be granted holidays with pay at the rate fixed for such employees respectively on each of the following twelve (12) legal holidays:

1. New Year’s Day
2. Martin Luther King Day
3. Presidents Day
4. Patriots Day
5. Memorial Day
6. Juneteenth
7. Independence Day
8. Labor Day
9. Indigenous Peoples Day/Columbus Day
10. Veterans Day
11. Thanksgiving Day
12. Christmas Day

B. Sunday holidays shall be celebrated the following Monday. Saturday Holidays shall be celebrated on the preceding Friday.

- C. Employees who work a schedule other than a Monday through Friday Schedule and the holiday falls on a non-work day, shall be given a day in lieu to be taken on a day approved by the employee's department director.
- D. All full-time and regular part-time City employees, not covered by a collective bargaining agreement, shall have the Friday after Thanksgiving as a day off, but not as a designated holiday.

**SECTION 45:** Section 15 of Chapter 171 of the Code of the City of Gardner, entitled "Compensation for Working on a Holiday" be deleted in its entirety and replaced with the following:

Section 15: In the event that a non-exempt employee shall be required to work on a holiday, their compensation shall be at two (2) times their regular straight-time pay for all hours worked on such holiday. The employee may elect to earn compensatory time for the time worked on the holiday (1 hour worked equivalent to 2 hours of compensatory time) to be reported to the Human Resources Department for accrued time benefit tracking.

**SECTION 46:** Section 17 of Chapter 171 of the Code of the City of Gardner, entitled "Credit and Use of Sick Days," be deleted in its entirety and replaced with the following:

Section 17: Sick days shall be credited to employees on January 1<sup>st</sup> of each year. Employees may carry an unlimited number of unused sick days at the end of the year into the next year. Sick time shall not be used in less than one (1) hour increments.

**SECTION 47:** Section 18 of Chapter 171 of the Code of the City of Gardner, entitled "Doctor's Certification," be deleted in its entirety and replaced with the following:

Section 18: An employee that has been absent from work due to an illness or injury and/or the use of non-occupational sick leave for three (3) or more consecutive days at one time must present a medical note to their department director. This note shall be attached to the weekly benefit time reports. A doctor's note may also be required if a department head and/or the Director of Human Resources has reasonable cause to believe that the employee may be abusing their non-occupational sick time.

**SECTION 48:** Section 21 of Chapter 171 of the Code of the City of Gardner, thereof entitled "Payment for accumulated sick leave upon death of employee" be deleted in its entirety and replaced with the following:

Section 21: For employees hired before October 17, 1995, in the event that the employee shall die prior to retirement, if the employee has accumulated sick leave, shall be granted pay for such accumulation not to exceed fifty (50)

full days of pay, plus an additional fifty percent (50%) of the daily rate for accumulated days over and above the first fifty (50) days, not to exceed a total of one hundred thirty (130) days paid (equivalent to ninety (90) full days of total pay.- 50 full days and 80 at 50%) Payment shall be paid to the estate of said deceased employee.

**SECTION 49:** Section 23 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Sick Leave Incentive Time,” be deleted in its entirety and replaced with the following:

Section 23: Commencing effective January 1, 2024, employees that do not call in sick and/or use sick leave in a calendar month shall earn four (4) hours per month of sick leave incentive time (not defined as vacation or personal time). The use of sick leave incentive time is subject to the approval of the department director. Employees may carry over up to twelve (12) hours of sick leave incentive time between years.

**SECTION 50:** Section 24 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Annual Report; Notification of Absence Due to Illness,” be deleted in its entirety and replaced by the following:

Section 24: On or about July 1<sup>st</sup> of each year, the Human Resources Department will provide the Mayor and the City Auditor a fiscal report of all sick leave accumulated and used by all City employees eligible for this benefit. Each employee will notify their department director each morning by 8:30 a.m. when they are going to be absent from work due to illness or injury.

**SECTION 51:** Section 25 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Grant of Leave,” be deleted in its entirety and replaced with the following:

Section 25: Grant of Leave

- A. A full-time and regularly part-time employees, not covered by a collective bargaining agreement, shall be granted bereavement leave without loss of regular straight-time pay for normally scheduled working hours as follows:
- 1) Five (5) consecutive days for the death of an immediate family member of the employee, which shall include a spouse, parent, step-parent, sibling, step sibling, children, step-children, or a person living in the immediate household of the employee.
  - 2) Three (3) consecutive days for the death of family members of the employee, which shall include parent of spouse or grandparent.

- 3) Two (2) consecutive days for an employee's niece, nephew, sibling in-law, child in-law, aunt, or uncle.
- B. If there is a delay in scheduling services, the employee may request a delay in their use of this benefit until that time. This request should be directed to the employee's department director.
- C. For the purposes of this section, miscarriage of pregnancy shall be an eligible use for bereavement leave as defined in the schedule of time previously listed.

**SECTION 52:** Section 25(B) of Chapter 171 of the Code of the City of Gardner, thereof entitled "Full-time employees," be amended by deleting the sentence, "but in no event shall longevity pay for any such employee exceed \$1,050 in any fiscal year."

**SECTION 53:** Section 27(a) of Chapter 171 of the Code of the City of Gardner, thereof entitled "Part-time Employees," be deleted in its entirety and replaced with the following:

Section 27: Part – Time Employees

- A. Any regular part-time employee of the City that is not covered by a collective bargaining agreement, except those under the control of the School Department and officials elected by the voters of the City, who have been employed for at least five (5) continuous and consecutive years of service and has worked at least 1,000 hours each year of service, shall receive, in addition to their regular compensation, longevity pay of \$75 during the first year that such service is attained and each fiscal year thereafter.
- B. Such employee shall receive an additional \$15 per year for each additional year of part-time continuous and consecutive service with the City.

**SECTION 54:** Section 30 of the Code of the City of Gardner, thereof entitled "Grant of Personal Days," be deleted in its entirety and replaced with the following:

Section 30: Grant of Personal Days

- a. Regular full-time and part-time employees, not covered by a collective bargaining agreement, except officials elected by the voters of the City, shall be granted four (4) personal days (equivalent to 32 hours) per calendar year at the employee's normal straight-time pay for normally scheduled hours. A personal day for part-time employees will be equal to one-fifth (1/5) of the employee's regular work week.
- b. Upon termination, resignation, or retirement, the annual allotment of personal time for the year in which the employee's employment ends shall be prorated quarterly from the date the employee's employment ends as follows:

1. January 1<sup>st</sup> to March 31<sup>st</sup>: three (3) days
2. April 1<sup>st</sup> to June 30<sup>th</sup>: two (2) days
3. July 1<sup>st</sup> to September 30<sup>th</sup>: one (1) day

**SECTION 55:** Section 31(B) of Chapter 171 of the Code of the City of Gardner, thereof entitled “Use of Personal Days,” be amended by replacing “half day” with “one (1) hour.”

**SECTION 56:** Section 32 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Crediting of Personal Days,” be amended by adding the phrase, “Personal Time cannot be carried over from year to year” at the end of the section.

**SECTION 57:** Section 33 of Chapter 171 of the Code of the City of Gardner, thereof entitled “New Employees,” be deleted in its entirety and replaced with the following:

Section 33: New Employees

Newly hired employees shall be granted personal leave according to the following schedule:

| First Day of Employment  | Number of Personal Days |
|--------------------------|-------------------------|
| January 1 to March 31    | 4                       |
| April 1 to June 30       | 3                       |
| July 1 to September 30   | 2                       |
| October 1 to December 31 | 1                       |

**SECTION 58:** Article IX of Chapter 171 of the Code of the City of Gardner, thereof entitled “Vacations for City Officers and Employees,” be amended by deleting the words “City Officers and” from the title.

**SECTION 59:** Section 34 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Police Officers,” be amended by deleting the title and replacing the title with “Deputy Chief of Police.”

**SECTION 60:** Section 34 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Police Officers,” be amended by replacing the phrase, “All police officers of the City of Gardner, not covered by a collective bargaining agreement,” with the phrase “The Deputy Chief of Police.”

**SECTION 61:** Section 35 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Firefighters,” be deleted in its entirety.



**SECTION 62:** Section 36 of Chapter 171 of the Code of the City of Gardner, thereof Entitled “Other full-time officers and employees,” be amended by replacing the title of the section with the following: “Full-time Employees.”

**SECTION 63:** Section 36 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Other full-time officers and employees,” be amended by removing the phrase “All other employees or officers,” from the first sentence.

**SECTION 64:** Section 36 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Other full-time officers and employees,” be deleted in its entirety and replaced with the following:

Section 36: City Employees, except those provided for by law and those covered by a collective bargaining agreement, regularly employed full-time by the City shall be granted an annual vacation without loss of pay as follows:

- A. Regularly employed for one (1) to four (4) years shall be entitled to three (3) weeks or 15 working days.
- B. Regularly employed for five (5) to nine (9) years shall be entitled to four (4) weeks or 20 working days
- C. Regularly employed for ten (10) to fourteen (14) years shall be entitled to five (5) weeks or 25 working days
- D. Regularly employed for fifteen (15) to nineteen (19) years shall be entitled to six (6) weeks or thirty (30) working days
- E. Regularly employed for twenty (20) years or more shall be entitled to seven (7) weeks or thirty five (35) working days.

**SECTION 65:** Section 37 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Other Part-time officers and employees,” be amended by replacing the title with “Part-time Employees.”

**SECTION 66:** Section 37 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Other Part-time Officers and Employees,” be amended by removing the word “other” from the first sentence.

**SECTION 67:** Section 40 of Chapter 171 of the Code of the City of Gardner, thereof entitled “New Employees,” be deleted in its entirety and replaced with the following:

Section 40: New full-time employees will earn one(1) day per month up to ten (10) days per calendar year. This day will be credited the last day of each month. The new employee shall continue to earn vacation in this manner until the first anniversary date of benefited employment when they shall be credited with the difference between the number of days of vacation days they have earned up until such date, and ten (10) vacation days. This vacation time will only be allowed upon completion of a period of three (3) months of employment with the City of

Gardner. In no event shall a new employee be eligible for more than ten (10) days of vacation per calendar year.

**SECTION 68:** Section 42 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Minimum Increments,” be amended by replacing the phrase “half day” with “hour.”

**SECTION 69:** Article X of Chapter 171 of the Code of the City of Gardner, thereof entitled, “Salaries of Police and Fire Personnel,” be deleted in its entirety.

**SECTION 70:** Section 44 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Compensation in Lieu of Paid Holidays,” be deleted in its entirety.

**SECTION 70:** Section 45 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Compensation Established,” be deleted in its entirety and replaced with the following:

Section 45: Compensation Established

In addition to the provisions of the salary ordinance, the following full-time personnel shall receive compensation to be paid annually as follows:

- A. The Fire Chief shall receive \$1,250.00 for the upkeep and purchase of uniforms, equipment, and footwear.
- B. The Chief of Police and Deputy Chief of Police shall receive \$1,250.00 for the upkeep and purchase of uniforms, equipment, and footwear.
- C. The following shall receive \$500.00 annually for the upkeep and purchase of clothing, gear, and/or footwear:
  - Building Commissioner
  - Director of Public Health
  - Director of Public Works
  - City Engineer
  - Golf Course Superintendent
  - Transfer Station Supervisor
  - Transfer Station Monitor
  - Golf Grounds Maintenance Staff
  - Golf Grounds Maintenance Working Foreman
- D. The following shall receive \$650.00 annually for the upkeep and purchase of clothing, gear, and/or footwear:
  - Golf Motor Equipment Working Foreman

- Golf Motor Equipment Repairmen

**SECTION 72:** Section 47 of Chapter 171 of the Code of the City of Gardner, thereof entitled “New Employees,” be deleted in its entirety and replaced with the following:

Section: 44: New Employees

Any newly appointed full-time employee as referenced above shall receive clothing/uniform allowance prorated quarterly for the balance of the remaining fiscal year at the time of their appointment.

**SECTION 73:** Section 52 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Department Heads,” be amended by replacing “Council on Aging Director,” with “Senior Center Director.”

**SECTION 74:** Section 52 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Department Heads,” be amended by adding “Director of Cable Operations” above “Director of Community Development and Planning.”

**SECTION 75:** Section 50(B) of Chapter 171 of the Code of the City of Gardner, thereof entitled “Benefit Time Off Requests and Reporting,” be deleted in its entirety and replaced with the following:

B. A Department Head will contact the Mayor’s Office and Director of Human Resources via email each morning by 8:30 a.m. when they are going to be absent from work due to illness.

**SECTION 76:** Section 53(A) of Chapter 171 of the Code of the City of Gardner, thereof entitled “Vacation,” be deleted in its entirety.

**Section 77:** Section 53(B) of Chapter 171 of the Code of the City of Gardner, thereof entitled “Vacation,” be deleted in its entirety and replaced with the following:

All Department Heads as defined earlier in this Chapter, shall be granted an annual vacation without loss of pay as follows:

- Regularly employed for one (1) to four (4) years shall be entitled to Four (4) weeks or twenty (20) working days.
- Regularly employed for five (5) to nine (9) years shall be entitled to five (5) weeks or twenty-five (25) working days
- Regularly employed for ten (10) to fourteen (14) years shall be entitled to six (6) weeks or thirty (30) working days
- Regularly employed for fifteen (15) to nineteen (19) years shall be entitled to seven (7) weeks or thirty-five (35) working days

- E. Regularly employed for twenty (20) years or more shall be entitled to eight (8) weeks or forty (40) working days.

**SECTION 78:** Section 53(E) of Chapter 171 of the Code of the City of Gardner, thereof entitled, "Vacation" be amended by replacing the schedule of time with the following:

| First day of Employment    | Number of Vacation Days |
|----------------------------|-------------------------|
| January 1 to April 30      | 20 Days                 |
| May 1 to August 31         | 15 Days                 |
| September 1 to December 31 | 10 Days                 |

**SECTION 79:** Section 54 of Chapter 171 of the Code of the City of Gardner, thereof entitled, "Personal Time," be deleted in its entirety and replaced with the following:

- A. Department heads shall be granted five (5) personal days (equivalent to 40 hours) per calendar year. Personal days shall be credited to department heads on January 1 of each year. Personal days are not cumulative and must be used in the calendar year in which they have been credited.
- B. Upon termination, resignation, or retirement, the annual allotment of personal time for the year in which the department head's employment ends shall be prorated from the date the department head's employment ends as follows:
- January 1<sup>st</sup> through March 31<sup>st</sup>: Five (5) Days
  - April 1<sup>st</sup> through June 30<sup>th</sup>: Four (4) Days
  - July 1 through September 30<sup>th</sup>: Three (3) Days
  - October 1<sup>st</sup> through December 31<sup>st</sup>: One (1) Day
- C. Newly hired department heads shall be granted personal leave according to the following schedule:

| First Day of Employment  | Number of Personal Days |
|--------------------------|-------------------------|
| January 1 to March 31    | 5                       |
| April 1 to June 30       | 4                       |
| July 1 to September 30   | 3                       |
| October 1 to December 31 | 2                       |

**SECTION 80:** Section 55 of Chapter 171 of the Code of the City of Gardner, thereof entitled "Sick Leave," be amended by deleting subsections C and D in their entirety and replacing them with the following:

- C. Department heads shall be granted a maximum of twenty (20) nonoccupational sick days per calendar year. Sick Days shall be credited on January 1 of each year. Department heads may carry an unlimited number of

sick days. Newly hired (hired from outside of the City and not promoted within) department heads shall be granted nonoccupational sick days prorated quarterly based on their date of hire.

D. A department head that has been absent from work due to the use of nonoccupational sick leave for three (3) consecutive days or more at one time must present a doctors note to the Human Resources Director. A doctor's note may also be required if the Mayor has reasonable cause to believe that the department head may be abusing their nonoccupational sick leave.

**SECTION 81:** Section 56 of Chapter 171 of the Code of the City of Gardner, thereof entitled "Sick Leave Incentive Time," be deleted in its entirety and replaced with the following:

Effective January 1, 2024, department heads that do not use sick leave in a calendar month shall earn ½ day off (equal to four (4) hours) not to be charged to sick leave or vacation leave. Time earned in this manner shall be referred to as "sick leave incentive time."

**SECTION 82:** Section 57 of Chapter 171 of the Code of the City of Gardner, thereof entitled, "Sick Leave Buy Back," be amended by adding the following after the phrase "but not to exceed 130 days,"

(equivalent of 90 days of full pay total- 50 full days and 80 days at 50%)

**SECTION 83:** Section 58 of Chapter 171 of the Code of the City of Gardner, thereof entitled "Bereavement Leave" be deleted in its entirety and replaced with the following:

- A. Department Heads shall be granted bereavement leave without loss of regular straight-time pay for normally scheduled working hours as follows:
- 4) Five (5) consecutive days for the death of an immediate family member of the employee, which shall include a spouse, parent, step-parent, sibling, step sibling, children, step-children, or a person living in the immediate household of the employee.
  - 5) Three (3) consecutive days for the death of family members of the employee, which shall include parent of spouse or grandparent.
  - 6) Two (2) consecutive days for an employee's niece, nephew, sibling in-law, child in-law, aunt, or uncle.
- D. If there is a delay in scheduling services, the employee may request a delay in their use of this benefit until that time. This request should be directed to the Mayor

- E. For the purposes of this section, miscarriage of pregnancy shall be an eligible use for bereavement leave as defined in the schedule of time previously listed.

**SECTION 84:** Section 60 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Holidays with Pay,” be amended by removing the phrase “with the exception of the Police Chief and Fire Chief (See Article X of this Chapter).”

**SECTION 85:** Section 60 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Holidays with Pay,” be amended by adding “(6) Juneteenth” between Memorial Day and Independence Day and the following renumbered accordingly.

**SECTION 86:** Section 60 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Holidays with Pay,” be amended by adding the following subsection C:

C. Department Heads shall have the Friday after Thanksgiving off (not defined as a holiday).

**SECTION 87:** Section 63(A) of Chapter 171 of the Code of the City of Gardner, thereof entitled “Fire Chief,” be amended by replacing the words, “A Fire Chief,” with the phrase “A Fire Chief, hired before July 1, 2024.”

**SECTION 88:** Section 63 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Fire Chief,” be amended by adding the following subsection C:

C. A Fire Chief hired on or after July 1, 2024 will not be eligible for this benefit as it will be included in the annual compensation schedule for this position. Nothing in this section shall apply to a fire chief who held the position prior to July 1, 2024 and is being consecutively re-appointed to the position.

**SECTION 89:** Section 64 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Chief of Police and Deputy Chief of Police,” be deleted in its entirety.

**SECTION 90:** Severability

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**SECTION 91:** This ordinance shall become effective upon the stated dates listed in the sections above or on January 1, 2025 if no date is specified in that specific section, following passage and publication as required by law.

January 4, 2024

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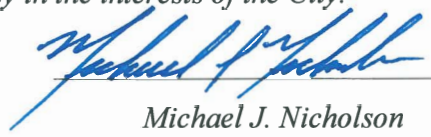
# Commonwealth of Massachusetts

Worcester County

City of Gardner

## CERTIFICATE OF APPOINTMENT

I appoint **Robert Swartz** to the position of **Member, Planning Board**, 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: January 4, 2026

Worcester, ss., \_\_\_\_\_

Then personally appeared the above named **Robert Swartz** and made oath that he/she would faithfully and impartially perform the duties of the office of **Member, Planning Board** 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 \_\_\_\_\_

January 4, 2024

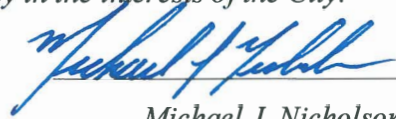
**Commonwealth of Massachusetts**

*Worcester County*

*City of Gardner*

**CERTIFICATE OF APPOINTMENT**

I appoint **Stephen Cormier** to the position of **Member, Planning Board**, 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: January 4, 2026

Worcester, ss., \_\_\_\_\_

Then personally appeared the above named **Stephen Cormier** and made oath that he/she would faithfully and impartially perform the duties of the office of **Member, Planning Board** 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 \_\_\_\_\_



RECEIVED

April 11, 2024

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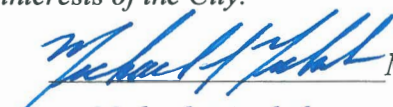
# Commonwealth of Massachusetts

City of Gardner

## CERTIFICATE OF APPOINTMENT

I appoint Vincent Pusateri to the position of Assistant City Solicitor, 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.

  
\_\_\_\_\_  
Michael J. Nicholson  
Mayor

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

\_\_\_\_\_  
Titi Siriphan  
City Clerk

Expires: January 1, 2025

Worcester, ss., \_\_\_\_\_

Then personally appeared the above named Vincent Pusateri and made oath that he/she would faithfully and impartially perform the duties of the office of Assistant City Solicitor 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 ORDINANCE 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 Gardner, entitled “Parking Prohibited on Certain Streets” be amended by adding the following

| <u>Name of Street</u> | <u>Side</u> | <u>Location</u>                                        |
|-----------------------|-------------|--------------------------------------------------------|
| Douglas Rd            | South       | From Coleman Street westerly for a distance of 30 feet |



CITY OF GARDNER POLICE DEPARTMENT  
 200 Main Street  
 Gardner, MA 01440  
 Phone (978) 632-5600  
 Fax (978) 630-9045



Eric P. McAvene  
 Chief of Police

Nicholas P. Maroni  
 Deputy Chief of Police

Date: 12/5/2023

To Councilor Cormier, Committee Chairman, and members of the Public Safety Committee,

The Traffic Committee met on November 28, 2023 and discussed a few changes and recommendations to increase the safety of the City's roadways. The following are the changes and recommendations the Traffic Committee voted on, unanimously (6 of 6) to send to the Public Safety Committee for review.

1. City Ordinance change to §600-24 (Parking prohibited on certain Streets) due to parking spots being eliminated by new construction around Monument Park.

| <b>Name of Street</b> | <b>Side</b> | <b>Location</b>                   |
|-----------------------|-------------|-----------------------------------|
| Park Street           | South       | From Cottage Street to Central St |

2. Temporary 60 Day restricted parking trial on the North side of Edgell St to Westford St.
3. Recommended eliminating parking 30 ft southerly side of Douglas Rd.

The commission appreciates your attention to these matters and members can be made available if further clarification is needed. Photos of the proposed areas have been attached.

Respectfully Submitted,

Nicholas Maroni  
 Deputy Chief of Police/ Traffic Committee Commissioner

CC: Traffic Commission members, City Clerk



No Parking 30 FT

Douglas Rd

Douglas Rd

Douglas Rd

Douglas Rd

Douglas Rd

Douglas Rd

Coleman St

Coleman St

Coleman St

Cherry St

Westford St

**No parking**

Comee St

Edgell St

Edgell St

Westford St

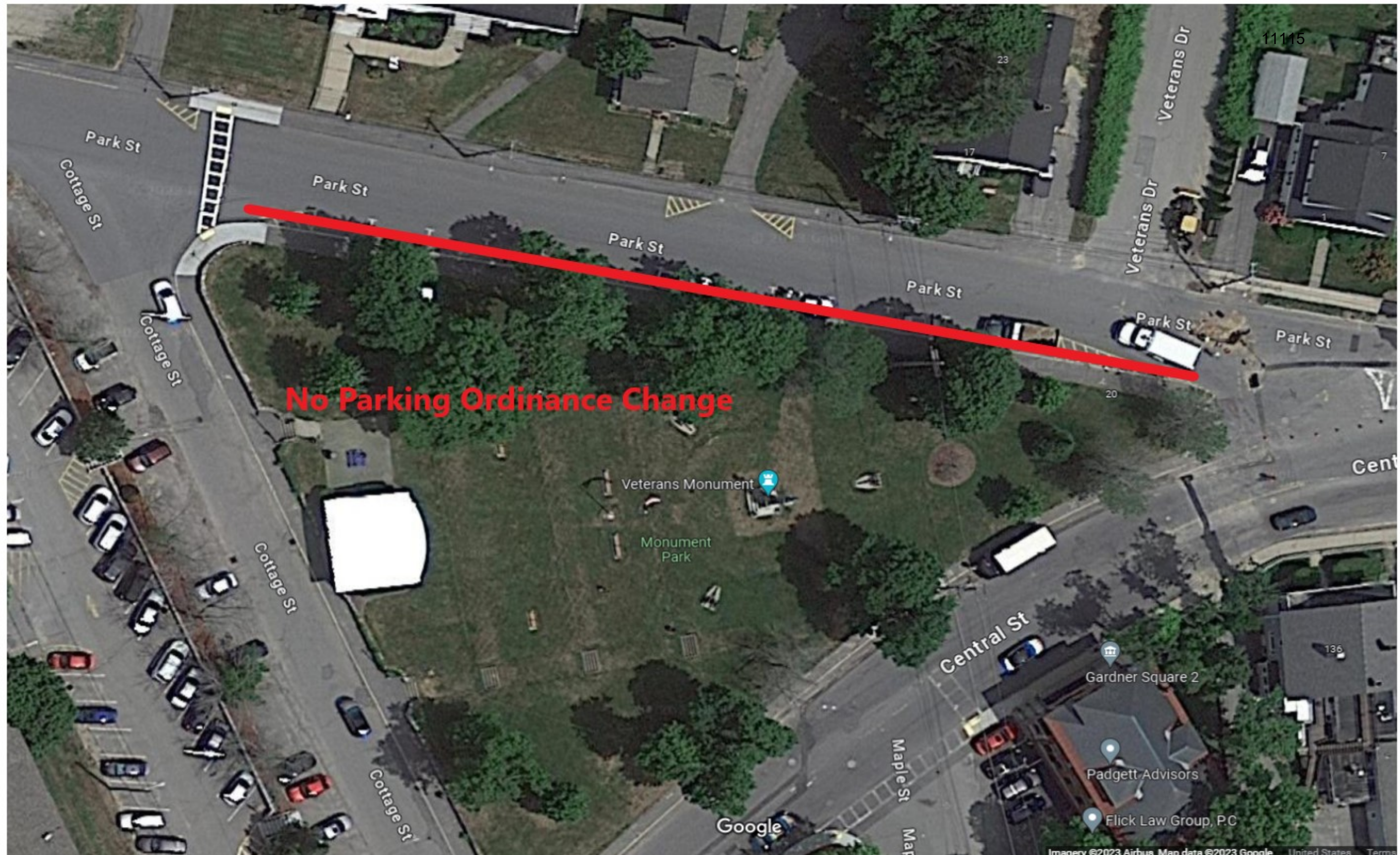
Edgell St

Lawrence St

Edgell St

Edgell St





**No Parking Ordinance Change**

Veterans Monument

Monument Park

Central St

Gardner Square 2

Padgett Advisors

Flick Law Group, P.C

Google

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“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 Gardner, entitled “Parking Prohibited on Certain Streets” be amended by adding the following

| <u>Name of Street</u> | <u>Side</u> | <u>Location</u>                    |
|-----------------------|-------------|------------------------------------|
| Edgell Street         | North       | From Elm Street to Lawrence Street |



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

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March 12, 2024

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

RECEIVED  
2024 MAR 14 PM 12:49  
CITY CLERK'S OFFICE  
GARDNER, MA

RE: An Ordinance to Amend the Code of the City of Gardner, to add a new Chapter 15 to be entitled "Agricultural Commission"

Dear Madam President and Councilors,

Recently, a group of residents have created a grassroots group to advocate for the creation of an agricultural commission in the City to be created under the provisions of the General Laws of the Commonwealth.

The attached ordinance proposal is being submitted to following this group's advocacy efforts.

Copies of the petitions and letters of support received by the Administration are attached to this correspondence, as well as the provisions of Section 8L of Chapter 40 of the General Laws.

Respectfully submitted,

Michael J. Nicholson  
Mayor, City of Gardner



**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER TO CREATE A NEW CHAPTER 15 TO BE ENTITLED, "AGRICULTURAL COMMISSION"**

Be it ordained by the City Council of the City of Gardner as follows:

**Section 1:** That a new Chapter 15 be added to the Code of the City of Gardner, to be entitled, "Agricultural Commission" as follows:

**Section I: Name**

There is hereby established an Agricultural Commission in the City of Gardner.

**Section II: Purpose**

The purpose of the Agricultural Commission is to support, encourage, and promote agriculture within the City of Gardner, and shall promote agricultural-based economic opportunities in the City. The Agricultural Commission shall also focus on improving access to fresh and local produce, providing oversight for the operation of a farmers market, and enabling community educational events.

**Section III: Establishment and Authority**

1. The Agricultural Commission is hereby established in accordance with the provisions of M.G.L. Chapter 40, Section 8 (L).
2. The Agricultural Commission shall have the authority to:
  - a. Investigate, study, and make recommendations concerning agricultural issues within the City of Gardner and advise the Mayor, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, Board of Accessors, and other local organizations on projects and activities.
  - b. Oversee, engage, and promote agricultural-based economic opportunities.
  - c. Oversee and support the operations of a farmers market within the city.
  - d. Collaborate with local farmers, businesses, and educational institutions to enhance the agricultural community with programs and events.
  - e. Act as mediators, advocates, educators and/or negotiators on farming issues.
  - f. Reporting on its projects and activities on an annual basis within the Annual Report of the City

**Section IV: Membership**

1. The Commission will consist of five resident members including members from the active farming community of Gardner, appointed by the Mayor and confirmed by majority vote of the City Council.
2. Members will be appointed for one-year terms and are eligible to be re-appointed. Up to five alternates may also be appointed by the Mayor, subject to confirmation by the City Council, each for one-year terms.

3. Members of the Agricultural Commission shall be residents of the City of Gardner, with a demonstrated interest or experience in agriculture, business, education, or related fields.
4. Members may include representatives from local farming communities, educational institutions, business owners, and concerned citizens.

#### Section V: Meetings and Quorum

1. The Agricultural Commission shall meet at least 10 times per year.
2. A quorum for Agricultural Commission meetings shall be 3 members.

#### Section VI: Officers

1. The Agricultural Commission shall elect officers annually, including a Chairperson, Vice Chairperson, and Secretary.
2. The Chairperson shall preside over meetings, the Vice Chairperson shall assume the duties of the Chairperson in their absence, and the Secretary shall keep records of Agricultural Commission proceedings and post minutes.
3. The Agricultural Commission Chairperson shall not be eligible for longer than three consecutive years.

#### Section VII: Duties and Responsibilities

1. Agricultural Education:
  - a. Promote educational programs that increase awareness of agriculture and its importance in the community.
  - b. Collaborate and support the local schools on agricultural programs.
  - c. Identify alternative ways to promote and provide access to gardening space and fresh produce for the city residents.
2. Supporting Local Agriculture:
  - a. Advocate for policies that support local farmers and agricultural businesses.
  - b. Explore opportunities for agricultural grants, incentives, and funding.
3. Farmers Market Oversight:
  - a. Oversee and explore new farmers market opportunities in the City
  - b. Work with local vendors and stakeholders to organize and oversee the farmers market.
  - c. Establish and enforce guidelines for market vendors and oversee market manager.
4. Improving Access to Fresh Produce:
  - a. Explore initiatives to increase access to fresh and locally grown produce for all residents, including underserved populations.
  - b. Collaborate with local organizations to implement programs like community gardens or food assistance programs.

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



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



June 13, 2024

Chairwoman Judy Mack  
 Welfare Committee  
 And City Councilors  
 Gardner City Hall, Rm. 121  
 95 Pleasant St.  
 Gardner, MA 01440

**RE:** Item # 11211: An Ordinance to Amend the Code of the City of Gardner, to add a new Chapter 15 to be entitled "Agricultural Commission"

Dear Madam Chairwoman and Councilors,

I am writing to provide my insight into the above-referenced ordinance amendment. Section 2. (a) of the proposed ordinance states the following...

**2. The Agricultural Commission shall have the authority to:**

a. *Investigate, study, and make recommendations concerning agricultural issues within the City of Gardner and advise the Mayor, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, Board of Assessors, and other local organizations on projects and activities.*

It should be noted that the enforcement of agricultural uses within the city of Gardner is under the jurisdiction of the Building Department, specifically the Building Commissioner and Local Inspectors as outlined in section 7 of chapter 40A of the general laws of the state of Massachusetts.

Enforcement of nuisances caused by the odor associated with the spreading of manure, or noise in excess of the generally acceptable farming procedures would be the immediate jurisdiction of the Health Director or his/her designee.

This is important to mention as there is no reference to communication between the Agricultural Commission and the Building or Health Departments in the proposed ordinance. I must stress the importance of initial and continued communication between the commission and the departments charged with enforcing the laws of the Commonwealth and ordinances of the City of Gardner.

**Mission Statement**

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

Having provided the information above, I feel it is also important to mention that a well-run Agricultural Commission working closely with other commissions and departments, combined with a carefully thought-out agricultural plan is an import step in the right direction to continue moving Gardner forward.

Please accept this communication as my support for the proposed amendment to the Code of the City of Gardner.

Respectfully submitted,



**Thomas Zuppa, CBO**  
Building Commissioner  
Zoning Enforcement Officer  
City of Gardner Building Department  
Phone: [978-630-4060](tel:978-630-4060)  
Email: [tzuppa@gardner-ma.gov](mailto:tzuppa@gardner-ma.gov)  
115 Pleasant St. Rm. 101 Gardner, MA 01440

C: Mayor Michael J. Nicholson  
C: Council President Elizabeth Kazinskas

**Titi Siriphan**

---

**From:** Michael Nicholson <mnicholson367@gmail.com>  
**Sent:** Monday, May 20, 2024 9:03 AM  
**To:** Judy Mack; Titi Siriphan  
**Subject:** [EXTERNAL] Fwd: Agricultural Commission

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

Good Morning Councilor Mack,

This was sent to my old personal email account.

Best,

Mike

----- Forwarded message -----

**From:** [lrlafond@verizon.net](mailto:lrlafond@verizon.net) <[lrlafond@verizon.net](mailto:lrlafond@verizon.net)>  
**Date:** Wed, May 8, 2024 at 7:45 PM  
**Subject:** Agricultural Commission  
**To:** Michael Nicholson <[mnicholson367@gmail.com](mailto:mnicholson367@gmail.com)>

Honorable Mayor Nicholson,

I have just completed a review of the proposed Agricultural Commission .

I am totally in favor of the establishment of this commission.

It will provide guidance in the agricultural arena, provide oversight and be an educational tool for many including small gardeners like myself.

Sincerely,

Ray

--  
Michael J. Nicholson  
Town Administrator  
Rutland Community Hall  
250 Main St  
Rutland, MA 01543  
508-886-4131





Mayor Mike Nicholson Office of the Mayor of Gardner, MA, 01440

Subject: Proposal for Gardner Agricultural Commission - Farmers' Market Oversight and Education

Subject: Support for Gardner Agricultural Commission (AgCom) Proposal

Dear Mayor Mike,

As a proud resident of Gardner, I am wholeheartedly in favor of establishing a Gardner Agricultural Commission (AgCom) with a specific focus on overseeing our farmers' market, crafting essential by-laws, and integrating educational outreach. Gardner, contrary to common misconceptions, is home to a thriving agricultural sector that deserves acknowledgment.

The development of clear by-laws by the AgCom is crucial to ensuring the fair and effective operation of our farmers' market. This initiative will actively support local farmers, improve access to locally sourced foods, and enhance community engagement. It aligns perfectly with AgCom's broader mission to provide a local voice for farmers and promote the visibility of farming in our community.

Moreover, integrating educational outreach initiatives will be pivotal in dispelling misconceptions about the absence of farms in our town. The AgCom's efforts can spotlight the diverse agricultural activities taking place, fostering a more informed understanding among residents.

I am confident that the Gardner AgCom, with its emphasis on farmers' market oversight and education, will significantly contribute to the growth and recognition of our local agricultural community. I urge the Town Council to consider and endorse this comprehensive proposal, recognizing its potential to showcase Gardner's agricultural richness and improve access to these valuable resources.

Thank you for your time and consideration.

Sincerely,

*Shelby Chappell*

Date 12/14/23

Your Name Shelby Chappell

Address 547 Partridge St. Gardner, MA 01440



Mayor Mike Nicholson Office of the Mayor of Gardner, MA, 01440

Subject: Proposal for Gardner Agricultural Commission - Farmers' Market Oversight and Education

Subject: Support for Gardner Agricultural Commission (AgCom) Proposal

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I urge the Town Council to consider and endorse this comprehensive proposal, recognizing its potential to showcase Gardner's agricultural richness and improve access to these valuable resources.

Thank you for your time and consideration.

Sincerely, *Kendal M. Royer*

Date 12/14/23

Your Name Kendal M. Royer

Address 53 Olde Colonial Drive, Unit #3  
Gardner, MA

Mayor Mike Nicholson Office of the Mayor of Gardner, MA, 01440

Subject: Proposal for Gardner Agricultural Commission - Farmers' Market Oversight and Education

Subject: Support for Gardner Agricultural Commission (AgCom) Proposal

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Thank you for your time and consideration.

Sincerely,

Date 12/14/2023

Your Name Natalia Hutton

Address 28 Wasq Street, Gardner, MA 01440-1845

Mayor Mike Nicholson Office of the Mayor of Gardner, MA, 01440

Subject: Proposal for Gardner Agricultural Commission - Farmers' Market Oversight and Education

Subject: Support for Gardner Agricultural Commission (AgCom) Proposal

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Thank you for your time and consideration.

Sincerely,

Date 12/14/2023  
Your Name Japhet Huth  
Address 28 Wasa Street, Gardner, MA 01440-1845

Mayor Mike Nicholson Office of the Mayor of Gardner, MA, 01440

Subject: Proposal for Gardner Agricultural Commission - Farmers' Market Oversight and Education

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Thank you for your time and consideration.

Sincerely,

Date 12/14/23

Your Name Patricia A. Bergstrom Patricia A. Bergstrom

Address 194 Central St #126, Gardner MA 01440

Mayor Mike Nicholson Office of the Mayor of Gardner, MA, 01440

Subject: Proposal for Gardner Agricultural Commission - Farmers' Market Oversight and Education

Dear Mayor Mike,

As a proud resident of Gardner, I am wholeheartedly in favor of establishing a Gardner Agricultural Commission (AgCom) with a specific focus on overseeing our farmers' market, crafting essential by-laws, and integrating educational outreach. Gardner, contrary to common misconceptions, is home to a thriving agricultural sector that deserves acknowledgment.


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Thank you for your time and consideration.

Sincerely,



Date 12-16-23

Your Name

Tommy Erdmann

Address

183 Regan Street, Gardner

Mayor Mike Nicholson Office of the Mayor of Gardner, MA, 01440

Subject: Proposal for Gardner Agricultural Commission - Farmers' Market Oversight and Education

Dear Mayor Mike,

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I am confident that the Gardner AgCom, with its emphasis on farmers' market oversight and education, will significantly contribute to the growth and recognition of our local agricultural community. I urge the City Council to consider and endorse this comprehensive proposal, recognizing its potential to showcase Gardner's agricultural richness and improve access to these valuable resources.

Thank you for your time and consideration.

Sincerely,



Date 12/21/23

Your Name Jason Bosse

Address 435 Partridge St, Gardner MA 01440

Mayor Mike Nicholson Office of the Mayor of Gardner, MA, 01440

Subject: Proposal for Gardner Agricultural Commission - Farmers' Market Oversight and Education

Dear Mayor Mike,

As a proud resident of Gardner, I am wholeheartedly in favor of establishing a Gardner Agricultural Commission (AgCom) with a specific focus on overseeing our farmers' market, crafting essential by-laws, and integrating educational outreach. Gardner, contrary to common misconceptions, is home to a thriving agricultural sector that deserves acknowledgment.

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Thank you for your time and consideration.

Sincerely,

*Carolyn J Meany*

Date 12/21/2023

Your Name Carolyn Meany

Address 414 Partridge St. Gardner, MA 01440

Mayor Mike Nicholson Office of the Mayor of Gardner, MA, 01440

Subject: Proposal for Gardner Agricultural Commission - Farmers' Market Oversight and Education

Subject: Support for Gardner Agricultural Commission (AgCom) Proposal

Dear Mayor Mike,

As a proud business owner in Gardner, I wholeheartedly support the establishment of a Gardner Agricultural Commission (AgCom) with a specific focus on overseeing our farmers' market, crafting essential by-laws, and integrating educational outreach. Contrary to common misconceptions, Gardner boasts a thriving agricultural sector that deserves acknowledgment.


The creation of clear by-laws by the AgCom is vital for ensuring the fair and effective operation of our farmers' market. This initiative will actively support local farmers, improve access to locally sourced foods, and enhance community engagement, aligning seamlessly with AgCom's broader mission to provide a local voice for farmers and promote the visibility of farming in our community.

Furthermore, the integration of educational outreach initiatives will play a pivotal role in dispelling misconceptions about the absence of farms in our town. The AgCom's efforts can spotlight the diverse agricultural activities taking place, fostering a more informed understanding among residents.

I am confident that the Gardner AgCom, with its emphasis on farmers' market oversight and education, will significantly contribute to the growth and recognition of our local agricultural community. I urge the Town Council to consider and endorse this comprehensive proposal, recognizing its potential to showcase Gardner's agricultural richness and improve access to these valuable resources.

Thank you for your time and consideration.

Sincerely,

Date 12/12/23  
Your Name   
Business Name CrossFit 696  
Address 696 West Broadway



Mayor Mike Nicholson Office of the Mayor of Gardner, MA, 01440

Subject: Proposal for Gardner Agricultural Commission - Farmers' Market Oversight and Education

Subject: Support for Gardner Agricultural Commission (AgCom) Proposal

Dear Mayor Mike,

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The creation of clear by-laws by the AgCom is vital for ensuring the fair and effective operation of our farmers' market. This initiative will actively support local farmers, improve access to locally sourced foods, and enhance community engagement, aligning seamlessly with AgCom's broader mission to provide a local voice for farmers and promote the visibility of farming in our community.

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I am confident that the Gardner AgCom, with its emphasis on farmers' market oversight and education, will significantly contribute to the growth and recognition of our local agricultural community. I urge the Town Council to consider and endorse this comprehensive proposal, recognizing its potential to showcase Gardner's agricultural richness and improve access to these valuable resources.

Thank you for your time and consideration.

Sincerely,



Date 12/14/2003

Your Name ANNE LEBLANC

Business Name JOHN'S SPORT SHOP

Address 38 MAIN ST GARDNER

Mayor Mike Nicholson Office of the Mayor of Gardner, MA, 01440

Subject: Support for Gardner Agricultural Commission (AgCom)

Dear Mayor Mike,

*VP of MAAC, VP WLF, VC Sterling Ag Comm. member LFW Steering Comm.*

I am writing as the ~~President of Sterling Ag, Mass Farm Bureau~~ and Owner of Pineo Family Farm, to express ~~our~~<sup>my</sup> strong support for the establishment of the Gardner Agricultural Commission (AgCom) and to their oversight of the Gardner Farmers Market. We believe this initiative aligns seamlessly with our shared commitment to promoting equitable access to healthy food and fostering environmental sustainability.

*VP MAAC VP Ware County*

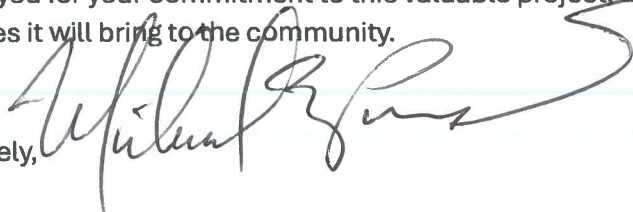
Through my role as ~~President of Sterling Ag and Mass Farm Bureau~~, I have dedicated myself to advancing the interests of local farmers and promoting sustainable agricultural practices. The Gardner AgCom and Farmers Market represent a significant step towards realizing our common objectives and fulfilling our mission.

The goals outlined by the Gardner AgCom, particularly making fresh, healthy food more accessible, improving well-being, and building community pride and connections, deeply resonate with my dedication to supporting local farmers and sustainable agriculture.

The strategies drafted for the Gardner AgCom, such as providing resources for community gardening, promoting sustainable food practices, and facilitating direct-to-consumer sales of affordable and healthy food, strongly align with our vision for a thriving agricultural community.

I am excited about the positive impact the Gardner AgCom and Farmers Market can have on the community and am eager to collaborate in any capacity to ensure its success. I am prepared to provide support, share resources, and actively engage in initiatives that promote healthy people and healthy communities.

Thank you for your commitment to this valuable project, and we look forward to the positive changes it will bring to the community.



Sincerely,

*Michael S. Pineo*

~~Mike Pineo~~

Pineo Family Farm  
~~MA Farm Bureau~~

~~Sterling Agriculture Commission President~~  
~~President, Sterling Agricultural Commission~~

978-833-6574

*MAAC VP Ware County Farm Bureau VC Sterling Ag Comm. member LFW Steering Committee*

Mayor Mike Nicholson Office of the Mayor of Gardner, MA, 01440

Subject: Support for Gardner Agricultural Commission (AgCom) Proposal

December 17, 2023

Dear Mayor Nicholson,

As a recent purchaser of a farm and garden business in Gardner, we wholeheartedly support the establishment of a Gardner Agricultural Commission (AgCom) with a specific focus on overseeing the Gardner's farmers' market, crafting essential by-laws, and integrating agricultural educational outreach. Contrary to common misconceptions, Gardner boasts a thriving agricultural sector that deserves acknowledgment. We know because a lot of that energy flows through our store.

The creation of clear by-laws by the AgCom is vital for ensuring the fair and effective operation of Gardner's farmers' market. This initiative will actively support local farmers, improve access to locally sourced foods, and enhance community engagement, aligning seamlessly with AgCom's broader mission to provide a local voice for farmers and promote the visibility of farming in our community.

Furthermore, the integration of educational outreach initiatives will play a pivotal role in dispelling misconceptions about the absence of farms in our town. The AgCom's efforts will spotlight the diverse agricultural activities taking place, fostering a more informed understanding among residents.

We're confident that the Gardner AgCom, with its emphasis on farmers' market oversight and education, will significantly contribute to the growth and recognition of Gardner's agricultural community. We urge the Town Council to consider and endorse this comprehensive proposal, recognizing its potential to showcase Gardner's agricultural richness and improve access to locally grown products of all kinds from food to flowers, fibers to forage, fats to fuel.

Thank you for your time and consideration.

Sincerely,



ML Altobelli

The Good Earth Farm and Garden Center

633 West Broadway

Gardner, MA 01440



Mayor Mike Nicholson Office of the Mayor of Gardner, MA, 01440  
Subject: Letter of Support for Gardner Agricultural Commission (AgCom)

Dear Mayor Mike,

I am writing this letter on behalf of Growing Places to express our wholehearted support for the establishment of the Gardner AgCom. We believe that this initiative aligns seamlessly with our shared mission and goals in promoting equitable access to healthy food and environmental sustainability.

At Growing Places, our mission is to inspire and connect the North Central MA community to create equitable access to healthy food and environmental sustainability through education, collaboration and advocacy. The Gardner AgCom represents a crucial step towards achieving our shared goals and fulfilling our mission.

The goals outlined by the Gardner AgCom, particularly in supporting the small farmers and making fresh, healthy food more accessible, improving well-being, and building community pride and connections, resonate deeply with our organizational objectives. We understand the importance of fostering healthy habits, increasing social connections, and advocating for a socially just regional food system.

The strategies employed by the Gardner AgCom, including providing educational resources for our community, promoting sustainable food practices, and increasing access to fresh affordable healthy local food, strongly align with our values and direct services. We appreciate the commitment to building cultural knowledge and competency, as well as securing the necessary resources to serve the mission effectively.

We are excited about the positive impact the Gardner AgCom can have on the community and look forward to aligning our efforts to ensure its success. Thank you for your commitment to our local food system and this valuable policy and system change for the City.

Sincerely,

A handwritten signature in black ink that reads "Ayn Yeagle". The signature is fluid and cursive, with the first name "Ayn" and last name "Yeagle" clearly distinguishable.

Date: 12/21/2023

Name: Ayn Yeagle - Growing Places, Executive Director

Address: 325 Lindell Ave, Leominster, MA 01453

208 Coleman Street  
Gardner, MA 01440  
P: 978-632-0934  
F: 978-630-3337



11211

I/DD Services  
SUD Services  
Transit Services  
[www.gaamha.org](http://www.gaamha.org)

December 12, 2023

Mayor Michael J. Nicholson  
City of Gardner  
95 Pleasant St.  
Room 125  
Gardner, MA 01440

Dear Mayor Nicholson,

I am writing to you to express GAAMHA's emphatic support for the establishment of a Gardner Agricultural Commission (AgCom) with a specific focus on overseeing our farmers' market, crafting essential by-laws, and integrating educational outreach. Contrary to common misconceptions, Gardner boasts a thriving agricultural sector that deserves acknowledgment.

As you are aware, GAAMHA is an active participant in this sector and is using agriculture as a modality to improve the lives of local youth and adults experiencing challenges related to substance use and mental health. Our program participants at our Evergreen Grove campus on Green St have recently begun growing specific crops in collaboration with Growing Places which will be made available to local residents and create revenues that will help support our non-profit mission. Additionally, GAAMHA is currently exploring our capacity to act as an institutional purchaser of locally grown produce in an effort to provide healthy, locally grown food for our residential programs and strengthen our local economy.

The creation of clear by-laws by the AgCom is vital for ensuring the fair and effective operation of our farmers' market. This initiative will actively support local farmers, improve access to locally sourced foods, and enhance community engagement, aligning seamlessly with AgCom's broader mission to provide a local voice for farmers and promote the visibility of farming in our community.

Furthermore, the integration of educational outreach initiatives will play a pivotal role in dispelling misconceptions about the absence of farms in our town. The AgCom's efforts can spotlight the diverse agricultural activities taking place, fostering a more informed understanding among residents.

I am confident that the Gardner AgCom, with its emphasis on farmers' market oversight and education, will significantly contribute to the growth and recognition of our local agricultural

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community. I urge the City Council to consider and endorse this comprehensive proposal, recognizing its potential to showcase Gardner's agricultural richness and improve access to these valuable resources.

Thank You,

A handwritten signature in black ink, appearing to read 'S.P.H.', is positioned above the typed name.

Shawn P. Hayden, LADC-II  
Vice President

**Part I** ADMINISTRATION OF THE GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter 40** POWERS AND DUTIES OF CITIES AND TOWNS**Section 8L** MUNICIPAL AGRICULTURAL COMMISSION

Section 8L. (a) For the purposes of this section "farming" and "agriculture" shall have the same meaning as ascribed to them in section 1A of chapter 128.

(b) A municipality which accepts this section may establish a municipal agricultural commission to promote and develop the agricultural resources of the municipality. Unless otherwise restricted by law, a municipal agricultural commission may: (i) buy, hold, manage, license or lease land for agricultural purposes; (ii) educate the public on agricultural issues; (iii) advocate for farmers, farm businesses and farm interests; (iv) assist farmers in resolving municipal problems or conflicts related to farms; (v) seek to coordinate agricultural-related activities with other governmental bodies or unofficial local groups or organizations that promote agriculture; (vi) receive grants, gifts, bequests or devises of money or personal property of any nature and interests in real property in accordance with this section; (vii) apply for, receive, expend and act on behalf of the municipality in connection with federal and state grants or programs or private grants related to local agriculture, with the approval

of the mayor or city manager in a city or the board of selectmen in a town; and (viii) advertise, prepare, print and distribute books, maps, charts and pamphlets related to local agriculture that the municipal agricultural commission deems necessary for its work.

(c) A commission may conduct research and prepare agricultural-related plans, including a comprehensive local agricultural land plan which shall be, to the extent possible, consistent with any current town master plan and regional area plans. The plan shall show or identify: (i) agricultural land areas and facilities; (ii) matters which may be shown on a tract index under section 33 of chapter 184; (iii) acquisitions of interest in land under this section; (iv) municipal lands that are held as open space; (v) nonmunicipal land subject to legal requirements or restrictions to protect that land or use it for open space, conservation, recreation or agriculture; (vi) land that should be retained as a public necessity for agricultural use; and (vii) any other information that the commission determines to be relevant to local agricultural land use. The commission may amend the plan whenever necessary.

(d) The commission may appoint a chair, clerks, consultants and other employees and may contract for materials and services as it may require, subject to appropriation by the municipality.

(e) The commission shall keep accurate records of its meetings and actions and shall file an annual report with the clerk of the municipality. The commission's annual report shall be posted on the municipality's public website and, in a town, shall be printed in the annual town report for that year.



(f) A commission shall consist of not less than 3 nor more than 7 members who shall be residents of the municipality. A majority of members shall be farmers or employed in an agriculture-related field. If farmers or persons employed in agriculture are not available to serve on the commission, then the commission shall include a majority of members with knowledge and experience in agricultural practices or knowledge of related agricultural business. Each member of the commission shall serve for a term of 3 years; provided, however, that the initial members appointed under this section shall serve for terms of 1, 2 or 3 years and the terms shall be arranged by the appointing authority so that the terms of approximately 1/3 of the commission's members shall expire each year.

In a city, the members of a commission shall be appointed by the mayor unless otherwise provided by the city's charter; provided, however, that in a city having a Plan D or Plan E charter, the appointments shall be made by the city manager unless otherwise provided by the city's charter. In a town, the members of the commission shall be appointed after a public hearing by the board of selectmen; provided, however, that in a town having a town manager form of government, the appointments shall be made by the town manager subject to the approval of the board of selectmen.

A member of a commission may be removed for cause by the appointing authority after a public hearing if a hearing is requested by the member. A vacancy created by a member being removed for cause shall be filled by the appointing authority for the remainder of the unexpired term in the same manner as the original appointment.

(g) A commission may receive gifts, bequests or devises of personal property or interests in real property as described in this subsection in the name of the municipality, subject to the approval of the city council or board of selectmen, as the case may be. The commission may purchase interests in the land only with funds available to the commission. A city council or a town meeting may raise or transfer funds so that the commission may acquire in the name of the municipality, by option, purchase, lease or otherwise, the fee in the land or water rights, conservation or agricultural restrictions, easements or other contractual rights as may be necessary to acquire, maintain, improve, protect, limit the future use of or conserve and properly utilize open spaces in land and water areas within the municipality. The commission shall manage and control the interests in land acquired under this subsection. The commission shall not take or obtain land by eminent domain.

The commission shall adopt rules and regulations governing the use of land and water under its control and prescribe civil penalties, not exceeding a fine of \$100, for a violation.

(h) A municipality may appropriate money to an agricultural preservation fund of which the treasurer of the municipality shall be the custodian. The treasurer shall receive, deposit or invest the funds in savings banks, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation or national banks or invest the funds in: (i) paid up shares and accounts of and in cooperative banks; (ii) shares of savings and loan associations; or (iii) shares of federal savings and loan associations doing business in the

commonwealth. Any income derived from deposits or investments under this subsection shall be credited to the fund. Money in the fund may be expended by the commission for any purpose authorized by this section.



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

May 13, 2024

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

RE: An Ordinance to Amend the Code of the City of Gardner, Chapter 171, thereof entitled  
"Personnel" to change the compensation schedule, Exhibit E- Non-Union Personnel

Dear Madam President and Councilors,

Attached, please find the annual compensation ordinance, authorizing the annual compensation rates for our non-union personnel for the 2025 Fiscal Year.

The full budget proposal, breaking this authorization down, can be found in the FY2025 Budget Book listed as Item # 11258 on the City Council Agenda.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

RECEIVED  
2024 MAY 13 AM 11:25  
CITY CLERK'S OFFICE  
GARDNER, MA

**Amendment to City Code  
Chapter 171: Personnel  
Article XVI: Classification and Compensation  
§171-68  
Compensation Schedule**

**An amendment to §171-68 Compensation Schedule, 171b S**

A classification plan is hereby established for offices and positions in the service of the City, and establishing compensation grades thereof.

All appointive officers and all positions in the City of Gardner, except those filled by popular election and those under the direction and control of the School Committee, shall be classified into positions, groups, and grades according to their duties pertaining to each as herein provided.

CLASSIFICATION CLASS TITLE

| <u>Pay Grade</u> | <u>Class/Title</u>                                                                   |
|------------------|--------------------------------------------------------------------------------------|
| S-4              | Certified Pool Operator (Seasonal)                                                   |
| S-5              | Head Lifeguard (Seasonal)                                                            |
| S-6              | Lifeguard (Seasonal)                                                                 |
| T-4              | Temporary Seasonal Employees (Department of Public Works)                            |
| T-5              | Temporary Seasonal Recreational Playground Supervisor                                |
| T-6              | Temporary Seasonal Technical                                                         |
| GC-4             | Golf Course Laborers/Pro-Shop Assistants - Temporary Seasonal Employment             |
| GC-5             | Golf Course Groundsman                                                               |
| GC-6             | Golf Course Ranger                                                                   |
| GC-8             | Grounds Maintenance Man or Motor Equipment Repairman                                 |
| GC-9             | Working Foreman Grounds Maintenance Man or Working Foreman Motor Equipment Repairman |

The officers, positions, and classifications are hereby allocated and fixed into salary grades in accordance with the following schedule:

**A. DEPARTMENT HEADS**

| Position                                     | Grade | 07/01/24                    |                  |                   |
|----------------------------------------------|-------|-----------------------------|------------------|-------------------|
|                                              |       | Annual                      | Weekly           |                   |
| Building Commissioner                        | G-10  | \$87,558.74                 | \$1,683.82       |                   |
|                                              |       | \$350.00                    |                  |                   |
|                                              |       | \$87,908.74                 |                  |                   |
|                                              |       | <i>Masters</i>              | <i>Bachelors</i> | <i>Associates</i> |
| Chief of Police                              | G-13  | \$145,600.27                | \$139,818.06     | \$128,253.64      |
| City Assessor                                | G-9   | \$81,941.40                 | \$1,575.80       |                   |
| City Auditor                                 | G-10  | \$94,187.47                 |                  |                   |
|                                              |       | MGL c. 32, §20(6)           | \$3,500.00       |                   |
|                                              |       | Total Compensation          | \$97,687.47      |                   |
| City Clerk                                   | G-10  | \$89,309.91                 | \$1,878.61       |                   |
|                                              |       | MGL c. 41, §19F             | \$3,500.00       |                   |
|                                              |       | MGL c. 41, §19G             | \$550.00         |                   |
|                                              |       | Total Compensation          | \$93,359.91      |                   |
| City Collector/Treasurer                     | G-10  | \$94,187.47                 | \$1,795.38       |                   |
|                                              |       | MGL c. 32, §20              | \$300.00         |                   |
|                                              |       | Total Compensation          | \$94,487.47      |                   |
| City Engineer                                | G-11  | \$95,428.04                 | \$1,817.07       |                   |
| City Solicitor                               | G-10  | \$90,337.92                 | \$1,835.15       |                   |
| Council on Aging Director                    | G-6   | \$64,519.52                 | \$1,737.27       |                   |
| Director of Community Development & Planning | G-10  | \$76,336.06                 | \$1,240.76       |                   |
|                                              |       | City                        | \$76,336.06      |                   |
|                                              |       | GRA                         | \$27,550.80      |                   |
|                                              |       | Total Compensation          | \$103,886.86     |                   |
| Director of Cable Operations                 | G-6   | \$72,581.23                 | \$1,997.82       |                   |
| Director of Public Health                    | G-10  | \$78,827.12                 | \$1,395.79       |                   |
|                                              |       | Step 1                      | \$78,827.12      |                   |
|                                              |       | Article XI §171-45 Clothing | \$350.00         |                   |
|                                              |       | Total                       | \$79,177.12      |                   |

|        |                    |          |             |            |
|--------|--------------------|----------|-------------|------------|
| Step 2 |                    |          | \$83,374.84 | \$1,603.36 |
|        | Article XI §171-45 | Clothing | \$350.00    |            |
|        |                    | Total    | \$83,724.84 |            |
| Step 3 |                    |          | \$87,922.56 | \$1,690.82 |
|        | Article XI §171-45 | Clothing | \$350.00    |            |
|        |                    | Total    | \$88,272.56 |            |

**A. DEPARTMENT HEADS (Cont.)**

| Position                                    | Grade | 07/01/24           |              |              |              |              |
|---------------------------------------------|-------|--------------------|--------------|--------------|--------------|--------------|
|                                             |       | Annual             | Weekly       | Hourly       |              |              |
| Fire Chief                                  | G-12  | \$117,983.63       | \$115,983.63 | \$113,983.63 |              |              |
|                                             |       | Article X §171-44  | Holiday      | \$11,975.34  | \$11,772.34  | \$11,569.34  |
|                                             |       |                    | Total        | \$129,958.97 | \$127,755.97 | \$125,552.97 |
| Golf Course Driving Range/Superintendent    | G-9   | \$85,788.97        |              | \$1,649.79   |              |              |
|                                             |       | Article XI §171-45 | Clothing     | \$350.00     |              |              |
|                                             |       | Total              | \$86,138.97  |              |              |              |
| Human Resources Director                    | G-11  | \$96,354.87        |              | \$1,852.98   |              |              |
| Information Technology Director             | G-11  | \$107,457.64       |              | \$2,066.49   |              |              |
| Library Director                            | G-9   | \$84,488.49        |              | \$1,624.78   |              |              |
| Public Works Director                       | G-12  | \$112,141.58       |              | \$2,156.57   |              |              |
|                                             |       | Article XI §171-45 | Clothing     | \$350.00     |              |              |
|                                             |       | Total              | \$112,491.58 |              |              |              |
| Purchasing Agent/Civil Enforcement Director | G-10  | \$82,508.29        |              |              |              |              |
|                                             |       | MGL c. 148A, §5    |              | \$2,500.00   |              |              |
|                                             |       | Total Compensation | \$85,008.29  | \$1,634.77   |              |              |
| Veterans' Director                          | G-6   | \$64,991.14        |              | \$1,249.83   |              |              |

**B. NON-UNION DIRECT AND SUPERVISORY STAFF POSITIONS**

| Position                                      | Grade | 07/01/24           |             |            |         |
|-----------------------------------------------|-------|--------------------|-------------|------------|---------|
|                                               |       | Annual             | Weekly      | Hourly     |         |
| Airport Manager                               |       | \$26,790.30        | \$515.20    |            |         |
| Assistant City Clerk                          | G-3   | \$47,913.33        | \$921.41    | \$24.90    |         |
|                                               |       | Step 2 (5 Yrs)     | \$48,871.59 | \$939.84   | \$25.40 |
|                                               |       | Step 3 (10 Yrs)    | \$49,849.04 | \$958.64   | \$25.91 |
| Assistant City Auditor                        | G-4   | \$54,523.62        | \$1,048.53  | \$28.34    |         |
| Assistant City Engineer                       | G-8   | \$75,180.45        | \$1,445.78  |            |         |
| Assistant City Solicitor                      | G-3   | \$49,934.02        | \$960.27    |            |         |
| Assistant City Treasurer/Collector            | G-5   | \$59,795.13        | \$1,149.91  |            |         |
| Assistant Director of Community Development** | G-7   | \$3,745.19         |             |            |         |
|                                               |       | City               | \$3,745.19  |            |         |
|                                               |       | CDBG               | \$71,158.42 |            |         |
|                                               |       | Total Compensation | \$74,903.61 | \$1,440.45 |         |

**B. NON-UNION DIRECT AND SUPERVISORY STAFF POSITIONS (Cont.)**

| Position                                           | Grade | 07/01/24     |              |              |              |
|----------------------------------------------------|-------|--------------|--------------|--------------|--------------|
|                                                    |       | Annual       | Weekly       | Hourly       |              |
| Assistant Director of Public Health                | G-5   | \$59,795.11  | \$1,149.91   |              |              |
|                                                    |       | \$350.00     |              |              |              |
|                                                    |       | \$60,145.11  |              |              |              |
| Assistant Library Director                         | G-6   | \$65,453.39  | \$1,258.72   |              |              |
| Assistant Veteran's Service Agent                  |       | \$57,783.00  | \$1,111.21   |              |              |
| Senior Civil Engineer                              | G-9   | \$81,941.40  | \$1,575.80   |              |              |
|                                                    |       | \$350.00     |              |              |              |
|                                                    |       | \$82,291.40  |              |              |              |
| Conservation/Planning Agent                        | G-6   | \$66,115.63  | \$1,271.45   |              |              |
|                                                    |       | Masters      | \$126,294.75 | \$121,284.76 | \$111,264.78 |
| Deputy Chief of Police                             | G-11  | \$126,294.75 | \$1,600.50   |              |              |
| Director of Public Safety Regional Dispatch Center | G-9   | \$83,226.22  | \$1,600.50   |              |              |
|                                                    |       | \$350.00     |              |              |              |
|                                                    |       | \$83,576.22  |              |              |              |
| Economic Development Coordinator**                 | G-7   | \$65,453.39  | \$1,258.72   |              |              |
| Executive Secretary                                | G-4   | \$26.36      | \$1,024.57   | \$27.69      |              |
| Executive Aide                                     |       | \$28.86      | \$58,341.84  | \$1,121.96   |              |
| GIS Coordinator                                    | G-5   | \$80,239.58  | \$1,543.07   |              |              |
| Golf Professional                                  | G-6   | \$1,435.54   | Weekly       |              |              |

|                      |     |         |             |        |            |         |
|----------------------|-----|---------|-------------|--------|------------|---------|
| Golf Pro Manager     | G-6 |         | \$1,236.98  | Weekly |            |         |
| Local Inspector      | G-6 |         | \$67,591.04 |        | \$1,299.83 |         |
|                      |     |         | \$350.00    |        |            |         |
|                      |     |         | \$67,941.04 |        |            |         |
| Producer             | G-2 |         | \$59,726.61 |        | \$1,148.59 |         |
| IT Systems Manager   | G-6 |         | \$71,490.13 |        | \$1,374.81 |         |
| Electrical Inspector | G-6 | \$33.44 | \$67,584.16 |        | \$1,299.70 | \$35.13 |
|                      |     |         | \$350.00    |        |            |         |
|                      |     |         | \$67,934.16 |        |            |         |
| Plumbing Inspector   | G-6 | \$33.44 | \$36,531.98 |        | \$702.54   | \$35.13 |
|                      |     |         | \$350.00    |        |            |         |
|                      |     |         | \$36,881.98 |        |            |         |

**B. NON-UNION DIRECT AND SUPERVISORY STAFF POSITIONS (Cont.)**

| Position                    | Grade | 07/01/24    |          |         |
|-----------------------------|-------|-------------|----------|---------|
|                             |       | Annual      | Weekly   | Hourly  |
| Transfer Station Supervisor | G-3   | \$51,667.13 | \$993.60 | \$24.84 |
|                             |       | \$350.00    |          |         |
|                             |       | \$52,017.13 |          |         |

| Position                     | Annual      | Monthly  |
|------------------------------|-------------|----------|
| Civil Defense Director       | \$10,275.91 | \$856.33 |
| Sealer of Weights & Measures | \$10,465.80 | \$872.15 |

**C. NON-UNION STAFF POSITIONS**

| Position                   | 07/01/24    |            |         |
|----------------------------|-------------|------------|---------|
|                            | Annual      | Weekly     | Hourly  |
| Business Manager - DPW     | \$41,270.99 | \$793.67   | \$41.77 |
| Prevention Coordinator     | \$54,920.12 | \$1,056.16 | \$26.40 |
| Domestic Violence Advocate | \$21,852.48 | \$420.24   | \$21.01 |
| Food/Housing Inspector     | \$52,530.00 | \$1,010.19 | \$27.30 |

| Position                        | 07/01/24 (Hourly)  |         |         |                |                |
|---------------------------------|--------------------|---------|---------|----------------|----------------|
|                                 | Step 1             | Step 2  | Step 3  | Step 4 (5 Yrs) | Step 5(10 Yrs) |
| Administrative Assistant        | \$18.96            | \$22.86 | \$23.32 | \$23.78        | \$24.26        |
| Administrative Coordinator      | \$18.27            | \$21.02 | \$21.44 | \$21.86        | \$22.19        |
| Administrative Clerk            | \$17.46            | \$19.89 | \$20.29 | \$20.69        | \$21.10        |
| Animal Shelter Attendant        | \$15.75            |         |         |                |                |
| Budget/Project Manager**        |                    |         |         |                |                |
|                                 | City               | \$1.22  |         |                |                |
|                                 | GRA                | \$0.72  |         |                |                |
|                                 | CDBG               | \$25.60 |         |                |                |
|                                 | Total Compensation | \$27.55 |         |                |                |
| Building Maintenance Craftsman  | \$20.27            | \$22.87 | \$25.48 |                |                |
| Building Maintenance Technician | \$18.53            | \$21.05 | \$23.56 |                |                |
| Council on Aging Coordinator    | \$16.00            | \$16.50 |         |                |                |
| Data Collector                  | \$16.00            |         |         |                |                |
| Financial Administrator         | \$19.66            | \$21.61 | \$23.78 |                |                |
| Financial Clerk                 | \$17.81            | \$19.59 | \$21.30 |                |                |
| Parking Meter Clerk             | \$18.65            |         |         |                |                |
| Production Assistant            | \$16.56            |         |         |                |                |
| Transfer Station Monitor        | \$16.07            | \$17.15 | \$18.22 |                |                |

**C. NON-UNION STAFF POSITIONS (Cont.)**

| Position                   | 07/01/24 (Hourly) |         |         |
|----------------------------|-------------------|---------|---------|
|                            | Step 1            | Step 2  | Step 3  |
| Golf Pro Shop Supervisor   | \$15.77           | \$16.38 | \$17.00 |
| Grounds Maintenance Worker | \$18.55           | \$20.40 | \$22.58 |
| Mechanic                   | \$18.55           | \$20.40 | \$22.58 |
| Working Foreman - Grounds  |                   |         |         |
| Maintenance Worker         | \$22.81           |         |         |
| Working Foreman - Mechanic | \$22.81           |         |         |

**Library Department Positions**

|                           |         |         |  |
|---------------------------|---------|---------|--|
| Staff Librarian           | \$24.49 |         |  |
| Senior Library Technician | \$22.31 |         |  |
| Library Technician        | \$21.04 |         |  |
| Library Clerical Staff    | \$15.76 | \$16.28 |  |

|                                            |     |         |  |  |
|--------------------------------------------|-----|---------|--|--|
| Certified Pool Operator/<br>Head Lifeguard | S-4 | \$24.76 |  |  |
|--------------------------------------------|-----|---------|--|--|

|                                        |      |         |         |
|----------------------------------------|------|---------|---------|
| Certified Pool Operator/Lifeguard      |      | \$20.80 |         |
| Election Warden                        |      | \$17.00 |         |
| Election Inspector                     |      | \$15.00 |         |
| Election Clerk                         |      | \$16.00 |         |
| Golf Course Laborer/Pro Shop Assistant | GC-4 | \$15.50 |         |
| Golf Course Groundsman                 | GC-5 | \$16.50 |         |
| Golf Course Ranger                     | GC-6 | \$15.50 |         |
| Head Life Guard                        |      | \$17.86 | \$18.91 |
| Lifeguard                              | S-6  | \$16.50 |         |

**D. NON-UNION STAFF: TEMPORARY, SEASONAL AND INTERMITTENT POSITIONS**

| Position | Grade |
|----------|-------|
|----------|-------|

| 07/01/24 (Hourly) |        |       |
|-------------------|--------|-------|
| Step 1            | Step 2 | Step3 |

|                                          |     |          |                             |         |
|------------------------------------------|-----|----------|-----------------------------|---------|
| Assistant Recreation Director            |     | \$26.25  |                             |         |
| Recreation Season Coach                  |     | \$750.00 | Annual (per sport & season) |         |
| Recreational Playground Supervisor (T-5) |     | \$17.50  | \$18.25                     |         |
| Recreational Support Staff               |     | \$15.50  |                             |         |
| Special Detail Police Officer            |     | \$53.00  |                             |         |
| Temporary Seasonal Laborer               | T-4 | \$15.75  | \$16.25                     | \$16.75 |
| Temporary Seasonal Technical             | T-6 | \$17.00  |                             |         |

\*\*Compensation increase contingent upon positive evaluation of oversight commission, Board or individual (Mayor or City Council) with the approval of the Mayor.