



City of Gardner, Massachusetts  
Office of the City Council

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CALENDAR FOR THE MEETING

of

MONDAY, JUNE 3, 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)**

- March 18, 2024, Regular Meeting
- December 4, 2023, Executive Session

**VII. PUBLIC HEARINGS**

**VIII. COMMUNICATIONS FROM THE MAYOR**

**ORDERS**

**11292** – An Order Appropriating \$320,000.00 from Free Cash to the DPW Snow and Ice Removal Expense Account (*Finance Committee*)

**11293** – An Order Appropriating \$35,000.00 from Free Cash to DPW Repairs and Maintenance Expense Account (*Finance Committee*)

**11294** – An Order Appropriating \$24,000.00 from Free Cash to DPW Energy and Utilities Account (*Finance Committee*)

**11295** – An Order Appropriating \$50,000.00 from Free Cash to Mayor's Unclassified Termination Leave Expense Account (*Finance Committee*)

**11296** – An Order Appropriating \$4,000.00 from Free Cash to Ambulance Repairs and Maintenance Account (*Finance Committee*)

**11297** – An Order Appropriating \$7,000.00 from Free Cash to Airport Various Expense Accounts (*Finance Committee*)

### **APPOINTMENTS**

**11298** – A Measure Confirming the Mayor’s Appointment of Dr. Stephanie Marchetti, to the position of Redevelopment Authority Member, for term expiring July 1, 2029. (*Appointments Committee*)

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

## **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*)

**11275** – An Ordinance to Amend the Code of the City of Gardner, Chapter 560 thereof entitled “Solid Waste,” to Change the Fee for Solid Waste Collection. (*In the City Council and Referred to Finance Committee, 5/6/2024, In the City Council and Ordered to 1<sup>st</sup> Printing 5/20/2024, 1<sup>st</sup> Printing 5/24/2024*)

**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 and Referred to Finance 5/20/2024*)

**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*)

### **APPOINTMENTS COMMITTEE**

**11139** – A Measure Confirming the Mayor’s Appointment of Robert Bettez, 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*)

**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)*

**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)*

### **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)*

**11276** – An Ordinance to Amend Section 4 of Chapter 182 of the Code of the City of Gardner, thereof entitled “Zoning Board of Appeals,” to increase the number of members from 3 to 5. *(In the City Council and Referred to Welfare Committee 5/6/2024; Ordered to 1<sup>st</sup> Printing 5/20/2024, 1<sup>st</sup> Printing 5/24/2024)*

### **COMMITTEE OF THE WHOLE**

**11261** – A Measure Authorizing FY2025 Revolving Funds for the City Pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½. *(In the City Council and Referred to the Committee of the Whole 5/6/2024, More Time 5/20/2024)*

**11262** – An Order to Raise and Appropriate the sum of \$13,665,414.45 for the Various Departments of the City for the Salary and Labor Budget for the Fiscal Year Beginning July 1, 2024, and ending June 30, 2025. *(In the City Council and Referred to the Committee of the Whole 5/6/202, More Time 5/20/2024)*

**11263** – An Order to Raise and Appropriate the sum of \$27,036,114.27 for the Various Departments of the City for the Expense Budget for the Fiscal Year

Beginning July 1, 2024, and ending June 30, 2025. *(In the City Council and Referred to the Committee of the Whole 5/6/202, More Time 5/20/2024)*

**11264** – An Order Appropriating the Sum of \$34,212,226.00 for the School Department Budget for the Fiscal Year Beginning July 1, 2024, and ending June 30, 2025. *(In the City Council and Referred to the Committee of the Whole 5/6/2024, More Time 5/20/2024)*

**11265** – An Order Appropriating the Sum of \$201,162.73 from Available Funds- Cable Commission Fees Reserved to Cable Commission Budget for the Fiscal Year Beginning July 1, 2024, and ending June 30, 2025. *(In the City Council and Referred to the Committee of the Whole 5/6/2024, More Time 5/20/2024)*

**11266** – An Order Appropriating the Sum of \$10,819,080.00 from Available Enterprise Funds – Various Receipts Reserved to Various Enterprise Accounts for the Fiscal Year Beginning July 1, 2024, and ending June 30, 2025. *(In the City Council and Referred to the Committee of the Whole 5/6/2024, More Time 5/20/2024)*

**11267** – An Order Appropriating the Sum of \$170,000.00 from Available Funds- Bond Proceeds Reserved to Interest-Outside Debt for the Fiscal Year Beginning July 1, 2024, and ending June 30, 2025. *(In the City Council and Referred to the Committee of the Whole 5/6/2024, More Time 5/20/2024)*

**11268** – An Order Authorizing a Transfer of the sum of \$322,709.43 from Sewer Retained Earnings/Surplus to Fund the FY2025 Revenue Budget. *(In the City Council and Referred to the Committee of the Whole 5/6/2024, More Time 5/20/2024)*

**11269** – An Order Authorizing the Transfer of the sum of \$93,687.00 from Landfill Retained Earnings/Surplus to fund the FY2025 Revenue Budget. *(In the City Council and Referred to the Committee of the Whole 5/6/2024, More Time 5/20/2024)*

**11287** – An Order 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)*

**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.**

**REGULAR MEETING OF MARCH 18, 2024**

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Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, March 18, 2024.

**CALL TO ORDER**

Council President Elizabeth Kazinskas called the meeting to order at 7:30 o'clock p.m.

**CALL OF THE ROLL**

City Clerk Titi Siriphan called the Roll of Members. Eleven (11) Councillors were present including Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Elizabeth Kazinskas, Judy Mack, Paul Tassone, David Thibault-Muñoz and George Tyros.

**OPENING PRAYER**

President Kazinskas led the Council in reciting the Opening Prayer.

**PLEDGE OF ALLEGIANCE**

President Kazinskas led the Council in reciting the "Pledge of Allegiance".

**OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT**

President Kazinskas announced to the assembly that the Open Meeting Recording and Public Records Announcement. Any person may make a video or audio recording of an open session of a meeting or may transmit the meeting through any medium subject to reasonable requirements of the chair as to the number placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recordings shall notify the Chair forthwith. All documents and exhibits used or referenced at the meeting must be submitted in duplicate to the chair as they become part of the meeting minutes pursuant to General Law Chapter 38 Section 20.

**PUBLIC HEARINGS****#11199**

President Elizabeth Kazinskas opened the Public Hearing on a petition by National Grid and Verizon New England, Inc., Allen Street – to install 1 Jointly Owned Pole on Allen Street beginning at a point approximately 430 feet west of the centerline of the intersection of Allen Street and Winslow Street. Install 1 Jointly Owned Pole #7 for new houses.

The President called for persons wishing to testify in favor of the Petition.

REGULAR MEETING OF MARCH 18, 2024

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No one spoke in favor.

The President thrice called for persons wishing to testify in opposition. There being none, President Kazinskas closed the hearing at 7:34 PM.

**REPORTS OF STANDING COMMITTEES**  
**APPONTMENTS**

**#11129**

Taken out of order.

On a motion made by Councillor George Tyros and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, David Thibault-Muñoz, Paul Tassone, and George Tyros to CONFIRM the Mayor's appointment:

A Measure Confirming the Mayor's Appointment of **Dane Arnold**, to the position of Public Works Director, for term expiring January 4, 2027.

**#11130**

Taken out of order.

On a motion made by Councillor Brad Heglin and seconded by Councillor Judy Mack, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, David Thibault-Muñoz, and Paul Tassone, to CONFIRM the Mayor's appointment:

Councillor George Tyros recused himself due to a conflict of interest.

A Measure Confirming the Mayor's Appointment of **Michael F. Ellis**, to the position of Senior Citizen's Director, for term expiring January 4, 2027.

A recess was taken to administer the oaths of office at 7:40 PM. Meeting resumed at 7:43 PM.



## REGULAR MEETING OF MARCH 18, 2024

COMMUNICATIONS FROM THE MAYOR  
APPOINTMENTS

#11207

On a motion made by Councillor George Tyros and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, David Thibault-Muñoz, Paul Tassone, and George Tyros to REFER to the Appointments Committee for further study and report, *A Measure Confirming the Mayor's Appointment of Linda Dembek, to the position of Disability Commission Member, for term expiring March 4, 2027.*

COMMUNICATIONS FROM THE MAYOR  
COMMUNICATIONS

#11208

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor George Tyros, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, David Thibault-Muñoz, Paul Tassone, and George Tyros to GRANT, *A Measure Authorizing the FY2024 Community Development Block Grant Mini Entitlement Plan.*

## RESOLUTION

**FY 2024 COMMUNITY DEVELOPMENT BLOCK GRANT**  
**Mini-Entitlement Plan**

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

WHEREAS, the City Council has reviewed the proposals prepared by the Department of Community Development and Planning for inclusion within the FY 2024 Community Development Block Grant (CDBG) Mini-Entitlement Plan; and

WHEREAS, the CDBG proposals seek funding for support of public social services, demolition, and associated administrative costs; and



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**REGULAR MEETING OF MARCH 18, 2024**

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WHEREAS, the activities proposed within the FY 2024 CDBG Mini-Entitlement Plan meet the priorities identified within the City's 2022-2025 Community Development Strategy; and

WHEREAS, the City does not possess the bonding capacity or have the availability of funds to appropriate from its general budget to undertake such projects and reliance upon grant funds is required, and

WHEREAS, the City Council supports each of the activities as being consistent with the City's goal of promoting quality programs for its citizens;

NOW THEREFORE, the City Council hereby extends its support of each proposed activity and endorses the City's FY 2024 CDBG Mini-Entitlement Plan to be submitted to the Commonwealth of Massachusetts, Department of Housing and Community Development.

**COMMUNICATIONS FROM THE MAYOR**  
**ORDERS**

**#11209**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Judy Mack, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, David Thibault-Muñoz, Paul Tassone, and George Tyros to REFER to Finance Committee for further study and report, *An Order Appropriating \$77,318.00 from Free Cash to the IT Department – City Hall Cyber Security System Account.*

**#11210**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Judy Mack, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, David Thibault-Muñoz, Paul Tassone, and George Tyros to REFER to Finance Committee for further study and report, *An Order Appropriating \$49,000.00 from Free Cash to the Mayor's Unclassified Professional Services Grant Writing Expense.*

**#11213**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Judy Mack, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana



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Heath, Brad Heglin, Judy Mack, David Thibault-Muñoz, Paul Tassone, and George Tyros to REFER to Finance Committee for further study and report, *An Order Appropriating \$55,500.00 from Free Cash to the Elections & Registration Department for Election Officer Salary and Professional Services Expenses.*

**COMMUNICATIONS FROM THE MAYOR**  
**ORDINANCE**

**#11211**

On a motion made by Councillor Judy Mack and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, David Thibault-Muñoz, Paul Tassone, and George Tyros to REFER to Welfare Committee, *An Ordinance to Amend the Code of the City of Gardner, to add a new Chapter 15 to be entitled "Agricultural Commission."*

**PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.**

**#11203**

On a motion made by Councillor Craig Cormier and seconded by Councillor Dana Heath, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, David Thibault-Muñoz, Paul Tassone, and George Tyros to send to first printing, as amended, *An Ordinance to Amend the Code of the City of Gardner Chapter 600, Entitled "Vehicles and Traffic", Section 41, Entitled "Handicapped Parking" – Central Street, from a point 33 feet from the corner of Maple Street eastly for 40 feet (2 spaces).*

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER CHAPTER 600, ENTITLED "VEHICLES AND TRAFFIC", SECTION 41, ENTITLED "HANDICAPPED PARKING"

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

SECTION 1: Section 41, of Chapter 600 of the Code of the City of Gardner, entitled "Handicapped parking" be amended by adding the following:

| <u>Name of Street</u> | <u>Side</u> | <u>Location</u>                                                                      |
|-----------------------|-------------|--------------------------------------------------------------------------------------|
| Central St            | North       | From a point 33 feet from the corner of Maple Street easterly for 40 feet (2 spaces) |

REGULAR MEETING OF MARCH 18, 2024

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**#11204**

Councillor Craig Cormier requested MORE TIME on 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

There were no objections, more time was granted.

**#11205**

On a motion made by Councillor Craig Cormier and seconded by Councillor Dana Heath, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, David Thibault-Muñoz, Paul Tassone, and George Tyros to send to first printing, *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” – Park Street, from Cottage Street to Central Street.*

**#11206**

On a motion made by Councillor Craig Cormier and seconded by Councillor Karen Hardern, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, David Thibault-Muñoz, Paul Tassone, and George Tyros to send to first printing, *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” – Pine Street, from West Lynde Street southerly for a distance of 50 feet.*

**#11212**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Judy Mack, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, David Thibault-Muñoz, Paul Tassone, and George Tyros to REFER to Finance Committee for further study and report, *Election of the City Clerk.*

**REPORTS OF STANDING COMMITTEES****APPOINTMENTS COMMITTEE****#11127**

Councillor George Tyros requested for MORE TIME on, *A Measure Confirming the Mayor’s Appointment of Thomas Zuppa, to the position of Building Commissioner, for term expiring January 9, 2027.*

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There were no objections. More time was granted.

**#11134**

On a motion made by Councillor Dana Heath and seconded by Councillor George Tyros, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, David Thibault-Muñoz, Paul Tassone, and George Tyros, to CONFIRM the Mayor's appointment:

Councillor Brad Heglin recused due to a conflict of interest.

A Measure Confirming the Mayor's Appointment of Carla J. **Wojtukiewicz**, to the position of Trustee, Williams-Rockwell Educational Gift Fund, for term expiring January 4, 2027.

**#11135**

On a motion made by Councillor Dana Heath and seconded by Councillor George Tyros, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, David Thibault-Muñoz, Paul Tassone, and George Tyros, to CONFIRM the Mayor's appointment:

Councillor Brad Heglin recused due to a conflict of interest.

Measure Confirming the Mayor's Appointment of **Robert Rice, Esq.**, to the position of Trustee, Williams-Rockwell Educational Gift Fund, for term expiring January 4, 2027.

**#11139**

Councillor George Tyros requested for MORE TIME on, *A Measure Confirming the Mayor's Appointment of Robert Bettez, to the position of Planning Board Member, for term expiring January 4, 2027.*

There were no objections. More time was granted.

**#11140**

Councillor George Tyros requested for MORE TIME on, *A Measure Confirming the Mayor's Appointment of Robert Swartz, to the position of Planning Board Member, for term expiring January 4, 2027.*

There were no objections. More time was granted.

**#11141**

Councillor George Tyros requested for MORE TIME on, *A Measure Confirming the Mayor's Appointment of Stephen Cormier, to the position of Planning Board Member, for term expiring January 4, 2027.*

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There were no objections. More time was granted.

**#11142**

Councillor George Tyros requested for MORE TIME on, *Measure Confirming the Mayor's Appointment of Charles LeBlanc, to the position of Board of Assessors, for term expiring January 4, 2027.*

There were no objections. More time was granted.

**#11143**

Councillor George Tyros requested for MORE TIME on, *A Measure Confirming the Mayor's Appointment of Rick Germano, to the position of Local Inspector, for term expiring January 4, 2027.*

There were no objections. More time was granted.

**#11144**

Councillor George Tyros requested for MORE TIME on, *A Measure Confirming the Mayor's Appointment of James E. Imprescia, to the position of Plumbing & Gas Inspector, for term expiring January 4, 2027.*

There were no objections. More time was granted.

**#11150**

Councillor George Tyros requested for MORE TIME on, *A Measure Confirming the Mayor's Appointment of Timothy Horigan, to the position of Redevelopment Authority, for term expiring January 8, 2027.*

There were no objections. More time was granted.

**REPORTS OF STANDING COMMITTEES****SAFETY COMMITTEE****#11086**

Councillor Craig Cormier requested MORE TIME on *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" – Comee Street.*

There were no objections, more time was granted.

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**#11115**

Councillor Craig Cormier requested MORE TIME on *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.*

There were no objections, more time was granted.

**REPORTS OF STANDING COMMITTEES****SERVICE COMMITTEE****#11199**

Councillor Paul Tassone requested MORE TIME on, *A Petition by National Grid and Verizon New England, Inc., Allen Street – to install 1 Jointly Owned Pole on Allen Street beginning at a point approximately 430 feet west of the centerline of the intersection of Allen Street and Winslow Street. Install 1 Jointly Owned Pole #7 for new house.*

There were no objections, more time was granted.

**UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION****#11112**

On a motion made by Councillor Dana Heath and seconded by Councillor David Thibault-Muñoz, it was voted on call of the roll, eleven (11) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, David Thibault-Muñoz and George Tyros to send to FINAL PRINTING, *An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled "Zoning," to Add "Sports Betting" to the Zoning Table of Uses.*

**#11113**

President Kazinskas informed the Council clarification of the previous City Council meeting on March 4<sup>th</sup>, she announced that a 2/3 majority vote was required for this item, eight (8) votes to pass. The initial vote on the motion for the item to be sent to first printing and the results were seven (7) yeas, and three (3) nays. The President announced that the item did not pass. This was incorrect and she misspoke and apologize for the error. Chapter 40A, Section 5 of Mass General Laws states that no zoning ordinance or amendment thereto shall be adopted or changed except by a 2/3 of all the members of a city council. Under the City Charter, the initial vote was to send the item to first printing, which requires a majority vote of six (6) members to pass.

REGULAR MEETING OF MARCH 18, 2024

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On a motion made by Councillor Dana Heath and seconded by Councillor Aleksander Dernalowicz, it was voted on call of the roll, eight (8) yeas, President Elizabeth Kazinskas and Councillors Craig Cormier, Aleksander Dernalowicz, Dana Heath, Brad Heglin, Paul Tassone, David Thibault-Muñoz and George Tyros; three (3) nays, Councillors Calvin Brooks, Karen Hardern, and Judy Mack, to send to FINAL PRINTING – *An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled “Zoning,” to Amend Section 1070 thereof, entitled, “Marijuana Establishments” to Change the Method to Increase the Quota Allowed by the Code of the City of Gardner.*

**#11180**

On a motion made by Councillor Judy Mack and seconded by Councillor George Tyros, it was voted on call of the roll, eleven (11) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, David Thibault-Muñoz and George Tyros that the following order ought to pass:

AN ORDER APPROPRIATING FROM STABILIZATION TO DPW SALT SHED

ORDERED: That there be and is hereby appropriated the sum of Six Hundred Twenty-Five Thousand Dollars and No Cents (\$625,000.00) from Stabilization to DPW Salt Shed.

**CLOSING PRAYER**

President Kazinskas led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion by Councillor Paul Tassone and seconded by Councillor George Tyros, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Paul Tassone, Judy Mack, David Thibault-Muñoz and George Tyros to adjourn at 8:25 p.m.

**Accepted by the City Council:**



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

**Mayor Michael J. Nicholson**

May 23, 2024

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

RECEIVED  
 2024 MAY 23 AM 11:12  
 CITY CLERK OF  
 GARDNER

RE: Free Cash Appropriation Request – Snow and Ice Removal Account

Dear Madam President and Councilors,

Attached, please find a request for a Free Cash Appropriation to cover the existing deficit in the Snow and Ice account for this past year.

As you may be aware, Snow and Ice is the only budgetary line item, aside from line items related to the COVID-19 Pandemic, that the City is legally allowed to deficit spend in, since one can never truly predict what the winter weather will bring during the budget process. As such, the guidance from the Department of Revenue is to fund the account at a minimal level and then go back and re-fill the account out of free cash.

While this is something that can be amortized over a period of years due to the unpredictability of how much snow and ice a community receives, Gardner has traditionally funded this from free cash to close out the deficit before the fiscal year is over.

The City budgeted \$300,000 originally this year for this purpose. This Free Cash appropriation request is for all costs that came in above that \$300,000 budget.

For informational purposes, I am also including the funding history for this account here:

| Org   | Object | Description | 2024 Actual   | 2023 Actual     | 2022 Actual   | 2021 Actual   | 2020 Actual   | 2019 Actual   |
|-------|--------|-------------|---------------|-----------------|---------------|---------------|---------------|---------------|
| 14421 | 52210  | SNOW & ICE  | \$ 613,343.02 | \$ 1,002,418.80 | \$ 642,189.67 | \$ 562,617.24 | \$ 571,851.71 | \$ 576,658.71 |

Respectfully Submitted,

Michael J. Nicholson  
 Mayor, City of Gardner

AN ORDER APPROPRIATING FROM FREE CASH TO THE DPW DEPARTMENT –SNOW & ICE REMOVAL EXPENSES ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Three Hundred Twenty Thousand Dollars and No Cents (\$320,000.00) from Free Cash to the DPW Department – Snow & Ice Removal Expenses Account.



**City of Gardner - Executive Department**

**Mayor Michael J. Nicholson**

May 23, 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 – DPW Repairs and Maintenance Expense 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.

At the recommendation of Auditor Richard and Director Arnold, I am requesting the attached appropriation be approved in order to bring the expense accounts for the Department of Public Works back into the black.

These overages came from increased costs associated maintenance on the vehicles overseen by the Department of Public Works, partially due to the low staffing levels of the Department currently. As less mechanics work in the DPW directly, more vehicles have to be sent outside for repairs, leading to increased costs. The City is currently in negotiations with the two DPW unions to work to make these positions more marketable.

Respectfully Submitted,

Michael J. Nicholson

Mayor, City of Gardner

RECEIVED  
2024 MAY 23 PM 11:12  
CITY CLERK'S  
OFFICE

AN ORDER APPROPRIATING FROM FREE CASH TO THE DPW REPAIRS  
& MAINTENANCE EXPENSE ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Thirty-Five Thousand Dollars and No Cents (\$35,000.00) from Free Cash to the DPW Repairs & Maintenance Expense Account.



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

May 23, 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 – DPW Energy and Utilities Expense 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.

At the recommendation of Auditor Richard and Director Arnold, I am requesting the attached appropriation be approved in order to bring the expense accounts for the Department of Public Works back into the black.

These overages came from increased costs associated with fuel and electricity for all of the facilities and vehicle fleet overseen by the Department of Public Works.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

RECEIVED  
2024 MAY 23 AM 11:12  
CITY CLERK'S OFFICE  
GARDNER, MA

AN ORDER APPROPRIATING FROM FREE CASH TO THE DPW ENERGY AND UTILITIES ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Twenty-Four Thousand Dollars and No Cents (\$24,000.00) from Free Cash to the DPW Energy and Utilities Account.



*City of Gardner - Executive Department*

Mayor Michael J. Nicholson

May 23, 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 – Mayors Unclassified Termination Leave 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 department and working with their respective department heads to cover the costs of any overages that currently exist.

The attached appropriation request relates to the Termination Leave Account in the Mayor's Unclassified Budget. This account covers the costs of all earned time off that an employee is paid out when they leave employment with the City due to retirement or resignation.

When the budget is created, the Administration guesses what we will pay out based on anticipated retirements, but we cannot accurately guess how many people will leave the City in a given fiscal year.

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

2024 MAY 23 PM 11:12  
CITY CLERK'S OFFICE  
RECEIVED

AN ORDER APPROPRIATING FROM FREE CASH TO THE MAYOR'S  
UNCLASSIFIED TERM LEAVE EXPENSE ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of \$50,000.00 Dollars and No Cents (\$50,000.00) from Free Cash to the Mayor's Unclassified Term Leave Expense Account.



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

May 23, 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 – Ambulance Repairs and Maintenance Expense 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.

At the recommendation of Auditor Richard and Chief Lagoy, I am requesting the attached appropriation be approved in order to bring the expense accounts for the Ambulance Division of the Fire Department back into the black.

These overages came from increased maintenance on the current ambulance vehicle. However, I do not anticipate these costs to continue, as the new ambulance that the City purchased through the American Rescue Plan Act (ARPA) funds is set to arrive within the next few weeks.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

PROCESSED  
2024 MAY 23 AM 11:12  
CITY CLERK'S OFFICE  
GARDNER, MA

AN ORDER APPROPRIATING FROM FREE CASH TO THE AMBULANCE  
REPAIRS AND MAINTENANCE 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 Ambulance Repairs and Maintenance  
Account.



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

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May 23, 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 – Airport Expense 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.

At the recommendation of Auditor Richard and Director Davis, I am requesting the attached appropriation be approved in order to bring the expense accounts for the Airport back into the black.

These overages came from increased maintenance being done to the airport facility as part of the ongoing improvement initiative the airport has undertaken.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

RECEIVED  
2024 MAY 23 AM 11:12  
CITY CLERK'S OFFICE  
GARDNER, MA

AN ORDER APPROPRIATING FROM FREE CASH TO THE AIRPORT  
VARIOUS EXPENSE ACCOUNTS.

ORDERED:

That there be and is hereby appropriated the sum of Seven Thousand Dollars and  
No Cents (\$7,000.00) from Free Cash to Airport Various Expense Accounts.

RECEIVED

2024 MAY 30 AM 9:13

July 1, 2024

CITY CLERK'S OFFICE  
GARDNER, MA

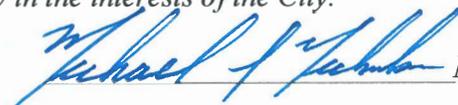
# Commonwealth of Massachusetts

Worcester County

City of Gardner

## CERTIFICATE OF APPOINTMENT

I appoint **Dr. Stephanie Marchetti** to the position of **Member, Redevelopment Authority**, 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: July 1, 2029

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

Then personally appeared the above named **Dr. Stephanie Marchetti** and made oath that he/she would faithfully and impartially perform the duties of the office of **Member, Redevelopment Authority** 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 \_\_\_\_\_

## 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

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.

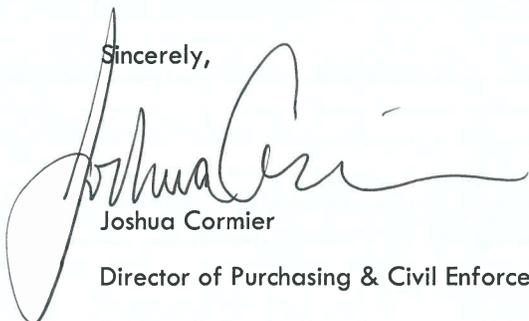
For eight years, I was able to call him my colleague on the Council and he never failed to be anything less than a gentleman who committed his life to making our lives better. In a world that is too often characterized by division, he was able to understand all positions and debate issues with a respect 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

## Submitted by Councillor Calvin Brooks

**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

## **Submitted by Councillor Calvin Brooks**

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

**Submitted by Councillor Calvin Brooks**

Resolution made by Councillor Brooks, 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  
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.

**Submitted by Councillor Calvin Brooks**

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 was run over in a wheelchair during the ceremony performed by Rabbi Murray at 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 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 99 and 101 Maple Street.

Submitted by Councillor Calvin Brooks.

#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.

Rosalire 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.

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TGN - October 17, 1967 - Page 10

Submitted by Councillor Calvin Brooks

# 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

**Submitted by Councillor Calvin Brooks**

#2124

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 Plaque Account.

Submitted by Councillor Calvin Brooks

# Order

In City Council

NOV 20 1967 ..... 19

Order Passed ..... 19  
Unanimously on roll call vote, 1 absent.

*Lenia J. Jacobs* Clerk

Presented to Mayor for approval

..... 19

Approved *11-21-67* ..... 19-7

*Quill C. 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 Knuutila 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

April 29, 2024

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

RECEIVED  
2024 APR 30 PM 3:53  
CITY CLERK  
JANET GARDNER

RE: An Ordinance to Amend the Code of the City of Gardner, Chapter 560 thereof entitled  
"Solid Waste," to Change the Fee for Solid Waste Collection

Dear Madam President and Councilors,

Based on the City's financial revenue and expense projections, the City Auditor and Director of Public Health have submitted a request to amend the solid waste collection service fees that are listed in the City's ordinances to cover the increased costs associated with the City's contract for these services.

This covers trash and recycling removal services that are charged to the City's residents through the quarterly water, sewer, and trash bills.

This represents an increase of \$15 per year from now through the end of FY2028.

Respectfully submitted,

Michael J. Nicholson  
Mayor, City of Gardner

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 560,  
THEREOF, ENTITLED "SOLID WASTE," TO CHANGE THE FEE FOR SOLID WASTE  
COLLECTION

Be it ordained by the City Council of the City of Gardner as follows:

**SECTION 1:** Section 560-3(B)(i) of the Code of the City of Gardner, thereof entitled "Annual Fee; Trash Bags," is hereby amended by deleted in its entirety and replaced with the following:

B. Annual Fee; Trash Bags

i. For the collection and handling of rubbish, garbage, ashes and source-separated materials, the annual fee for each household and each unit of apartment buildings containing eight or fewer units in the City shall be as follows:

(a) Effective July 1, 2025:

- \$68.00 per quarter

(b) Effective July 1, 2026:

- \$72.00 per quarter

(c) Effective July 1, 2027:

-\$75.00 per quarter

(d) Effective July 1, 2028:

- \$79.00 per quarter

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



**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.



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 2024  
 CITY OF GARDNER  
 OFFICE OF THE MAYOR

**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 a 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 a 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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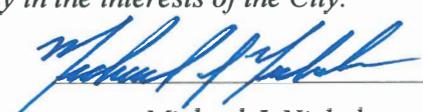
**Commonwealth of Massachusetts**

*Worcester County*

*City of Gardner*

**CERTIFICATE OF APPOINTMENT**

I appoint **Robert Bettez** 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 Bettez** 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

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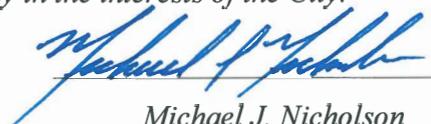
# Commonwealth of Massachusetts

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.

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

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

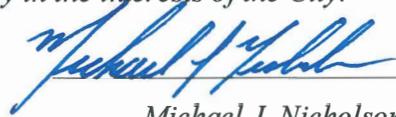
**Commonwealth of Massachusetts**

*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

2024 APR 11 PM 2:20  
CITY CLERK'S OFFICE  
GARDNER, MA  
Worcester County

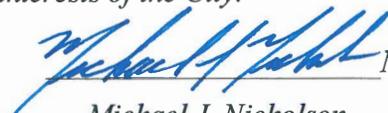
# Commonwealth of Massachusetts

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 |

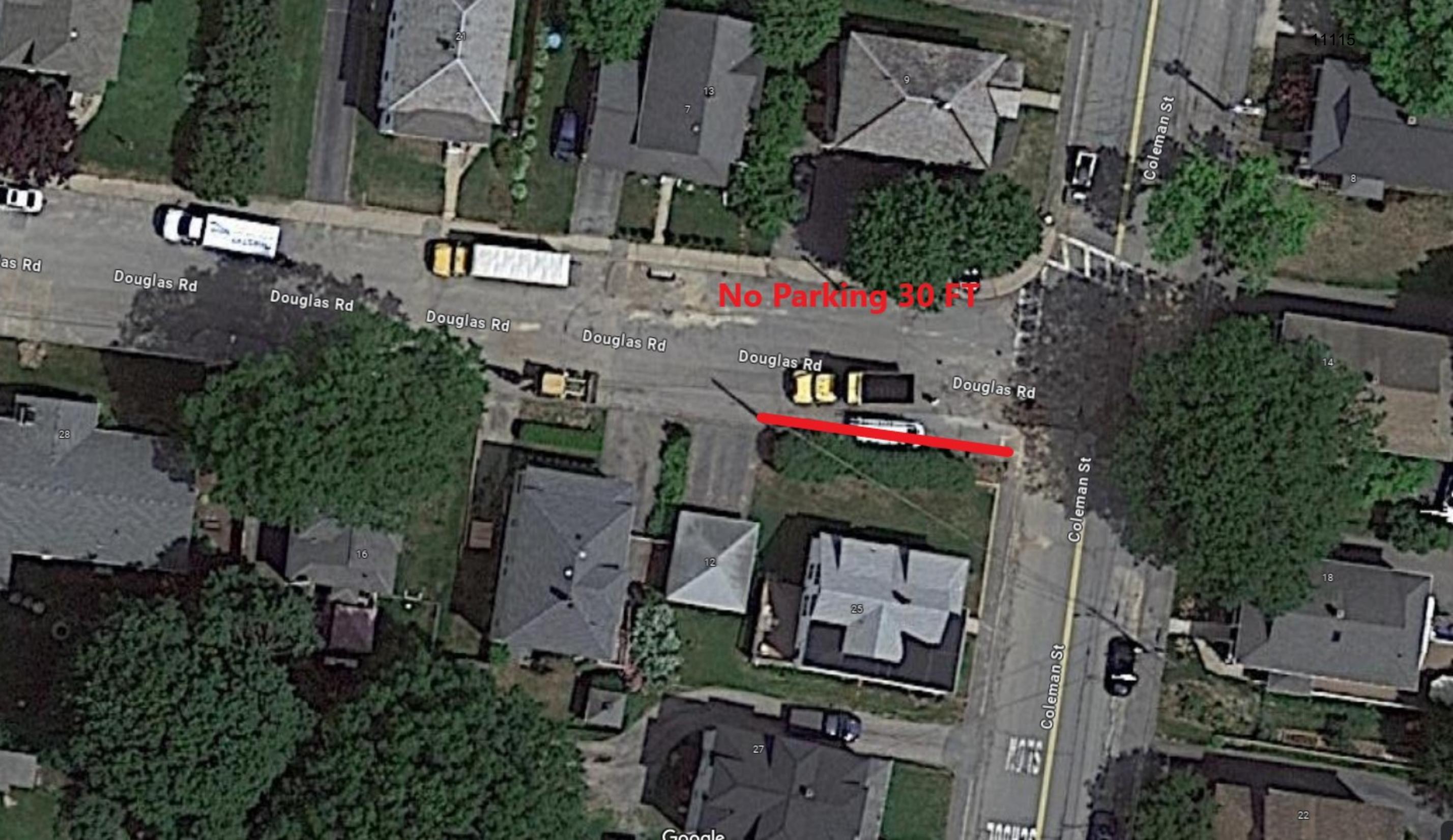
2. Temporary 60 Day restricted parking trial on the North side of Edgell St to Westford St.
3. Recommended eliminating parking 30 ft southerly side of Douglas Rd.

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

Google

11115

21

13

7

9

8

as Rd

14

28

16

12

25

27

18

22

Cherry St

Westford St

No parking

Comee St

Edgell St

Edgell St

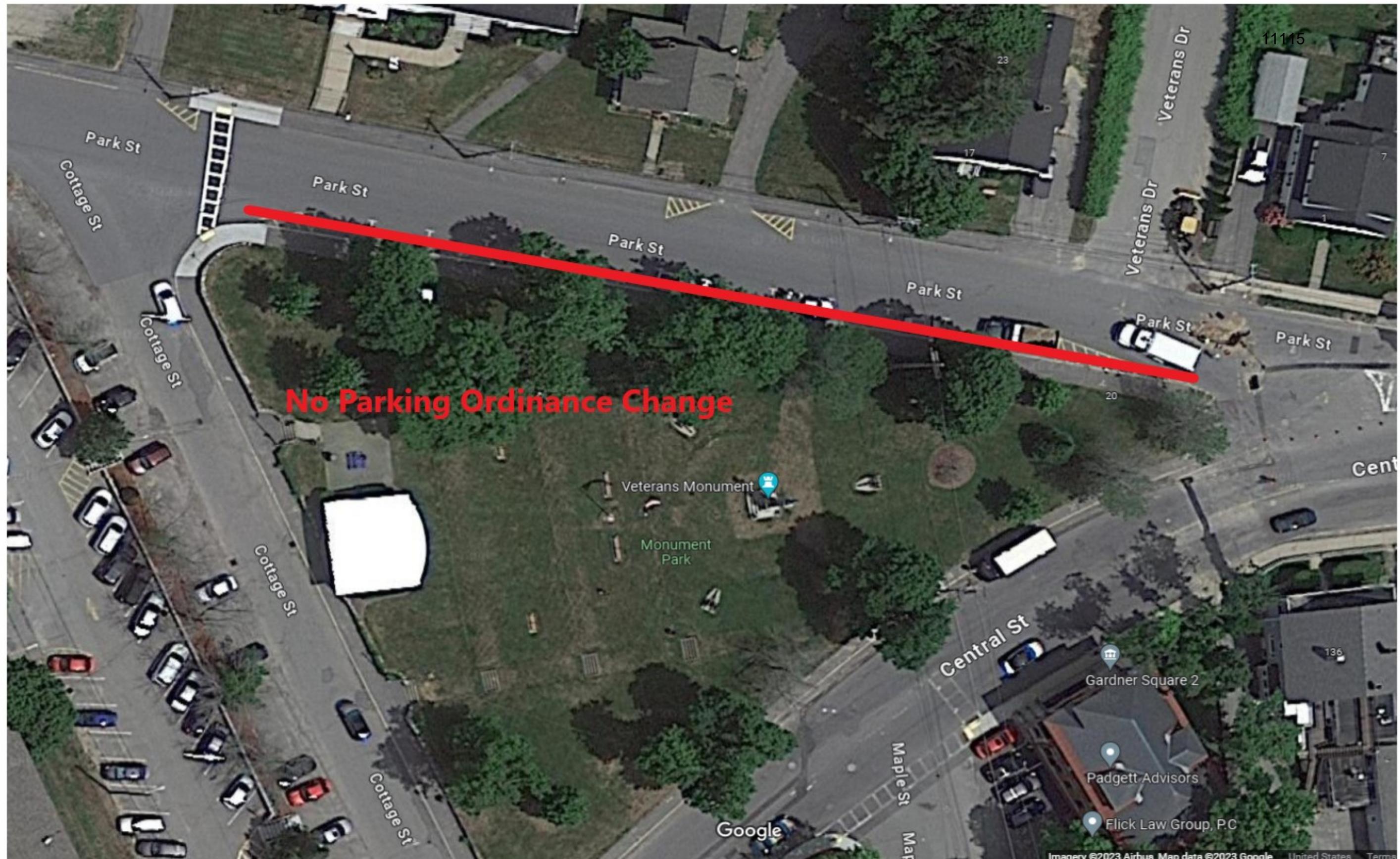
Westford St

Edgell St

Lawrence St

Edgell St

Edgell St



**No Parking Ordinance Change**

Veterans Monument

Monument Park

Gardner Square 2

Padgett Advisors

Flick Law Group, P.C

Google

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>                    |
|-----------------------|-------------|------------------------------------|
| Edgell Street         | North       | From Elm Street to Lawrence Street |



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

---

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 Assessors, 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.

**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>  
**Date:** Wed, May 8, 2024 at 7:45 PM  
**Subject:** Agricultural Commission  
**To:** Michael Nicholson <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

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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. In addition to expressing my support, I would like to express my interest in participating on the AgCom to contribute actively to this essential community initiative.

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

Dear Mayor Mike,

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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

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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,

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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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,

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.

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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 WLFB, 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.

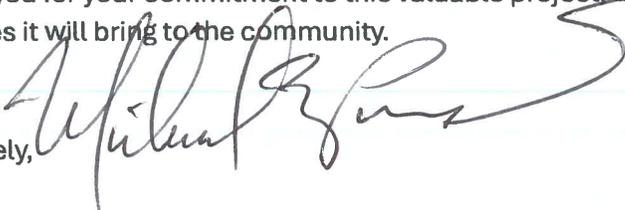
Through my role as ~~President of Sterling Ag and Mass Farm Bureau~~<sup>VP MAAC</sup> ~~VP Wore City~~, I have dedicated myself to advancing the interests of local farmers and promoting sustainable agricultural practices. The Gardner AgCom and Farmers Market represent a significant step towards realizing 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, 

~~Mike Pineo~~ Michael S. Pineo

Pineo Family Farm  
~~MA Farm Bureau~~ *MAAC*  
~~Sterling Agriculture Commission President~~ *VP Wore City Farm Bureau*  
~~President, Sterling Agricultural Commission~~ *VC Sterling Ag Comm.*  
978-833-6574 *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, appearing to read "Ayn Yeagle".

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

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)

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

April 17, 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 Section 4 of Chapter 182 of the Code of the City of Gardner, thereof entitled "Zoning Board of Appeals," to increase the number of members from 3 to 5

RECEIVED  
 2024 APR 17 PM 1:22  
 CITY CLERK'S OFFICE  
 GARDNER, MA

Dear Madam President and Councilors,

Attached, please find an ordinance amendment to increase the number of members from the Zoning Board of Appeals (hereafter "ZBA") from three (3) members to five (5).

Under the General Laws of the Commonwealth, if a Zoning Board of Appeals consists of only three (3) members, then the votes taken by the ZBA must be unanimous among the three (3) members. However, if the ZBA consisted of five (5) members, then the vote threshold becomes a majority vote rather than a unanimous vote.

With the amount of growth and investment the City is currently experiencing, we should be doing everything we can to make sure that 1) we receive the greatest amount of input possible on decisions being made about development in the City, but 2) are doing so in the most efficient and effective way possible without any unnecessary roadblocks or delays along the way.

Furthermore, while this vote would relate to the ZBA, the enabling ordinance of the ZBA is found in the general ordinance section of the City Code, under Chapter 182, and not the City's Zoning Code. As such, this amendment would follow the process of amending any non-zoning ordinance. This is because the make of the board falls under the general category of the City Code, whereas the items they have jurisdiction over fall under the zoning category.

I truly believe this to be in the best interest of the City and a necessary step in helping the City move forward in the right direction.

Respectfully submitted,

Michael J. Nicholson  
Mayor, City of Gardner

**An Ordinance to Amend the Code of the City of Gardner, Section 182-4, entitled  
“Zoning Board of Appeals”**

Be it Ordained by the City Council of the City of Gardner as follows:

**SECTION 1:** Section 4 of Chapter 184 of the Code of the City of Gardner, thereof entitled “Zoning Board of Appeals” be deleted in its entirety and replaced by the following:

Section 182-4: 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 2:** This ordinance shall take effect upon passage and publication as required by law.

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

RECEIVED

2024 APR 30 PM 3:00

CITY CLERK'S OFFICE  
GARDNER, MA

April 29, 2024

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

RE: A Measure Authorizing FY2025 Revolving Funds for the City Pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½

Dear Madam President and Councilors,

Attached, please find the annual authorizations of the City's revolving funds that are associated with the City's annual budget process.

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

AUTHORIZING FY2023 REVOLVING FUNDS  
M.G.L. CH.44, S.53E½

**ORDER:** To authorize and direct the City Treasurer to establish the following revolving funds for the fiscal year beginning July 1, 2024 to June 30, 2025 in accordance with M.G.L. Chapter 44, section 53E½:

| Revolving Fund                           | Authorized to Expend            | Revenue Source                                  | Purpose of Fund                                                            | Spending Limit                                   |
|------------------------------------------|---------------------------------|-------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------|
| Airport Fuel                             | Airport Commission              | Sale of airplane fuel                           | Purchase of fuel, airport programs, and improvements                       | Available balance or \$20,000, whichever is less |
| Community Development Projects           | Community Development/ Planning | Historic Housing Rehab Income                   | Salaries and expenses relating to Community Development Activities         | Available balance or \$20,000, whichever is less |
| Wetland Protection                       | Conservation Commission         | Local wetland filing fees                       | Costs associated with wetland protection activities                        | Available balance or \$20,000, whichever is less |
| Health Prevention Activities             | Health Director                 | Health Prevention Training Fees                 | Salaries and expenses related to Health Dept                               | Available balance or \$20,000, whichever is less |
| Council on Aging Recreational Activities | Council on Aging Director       | Recreation Fees                                 | Salaries and expenses relating to recreational activities at Senior Center | Available balance or \$40,000, whichever is less |
| Gardner's Summer Celebration             | Mayor                           | Collections and donations                       | Costs associated with Gardner's Summer Celebration                         | Available balance or \$20,000, whichever is less |
| Planning Board Publications              | Planning Board                  | Sale of Planning Board publications             | Preparation and production of Planning Board publications                  | Available balance or \$3,000, whichever is less  |
| Road Resurfacing                         | Public Works Director           | Fees charged for cutting into newly paved roads | Costs associated with road resurfacing and road maintenance                | Available balance or \$20,000, whichever is less |
| Municipal Recreation Dept                | Municipal Recreation Director   | Fees charges and donations                      | Salaries and expenses related to Municipal Recreation Dept                 | Available balance or \$50,000, whichever is less |
| High School Summer Football Camp         | School Department               | Camp fees and donations                         | Salaries and expenses for the High School Summer Football Camp             | Available balance or \$20,000, whichever is less |
| Summer Basketball Camp                   | School Department               | Camp fees and donations                         | Salaries and expenses for the Summer Basketball Camp                       | Available balance or \$12,000, whichever is less |
| Transportation                           | School Department               | Bus passes and fees for transportation          | Salaries and expenses relating to school transportation                    | Available balance or \$20,000, whichever is less |

As per M.G.L., interest earned on these funds shall be treated as general fund revenue.

The person or persons authorized to expend from each fund shall report annually to the Mayor and City Council the total amount of receipts and expenditures for the prior fiscal year and for the

current fiscal year through December 31<sup>st</sup>, along with any other information that City Council may by vote require.

In the event any fund is not reauthorized for the following fiscal year or the city changes the purpose of the revolving fund, the balance in the fund shall revert to surplus revenue, unless City Council and the Mayor vote to transfer the funds to another revolving fund established in accordance with M.G.L. Chapter 44, section 53E½.



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

April 29, 2024

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

RECEIVED  
2024 APR 30 PM 3:01  
CITY CLERK'S OFFICE  
GARDNER MA

RE: An Order to Raise and Appropriate the Sum of \$13,665,414.45 for the Various Departments of the City for the Salary and Labor Budget for the Fiscal Year Beginning on July 1, 2024 and ending June 30<sup>th</sup>, 2025.

Dear Madam President and Councilors,

Attached, please find the annual appropriation request for salaries and compensation associated with the FY2025 budget, excluding the school department, cable department, and all enterprise funds.

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

AN ORDER TO RAISE AND APPROPRIATE A SUM OF MONEY FOR THE VARIOUS DEPARTMENTS FOR THE SALARY AND LABOR BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2024 TO JUNE 30, 2025.

*ORDERED:*

To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2024 to June 30, 2025 sums as designated for the expenditures of the various departments, Salary and Labor budgets, according to the detailed schedule hereto annexed and made a part of this money order in the amount of THIRTEEN MILLION, SIX HUNDRED SIXTY-FIVE THOUSAND, FOUR HUNDRED, FOURTEEN . DOLLARS 45/100 CENTS (\$13,665,414.45)



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 Order to Raise and Appropriate the sum of \$27,036,114.27 for Various Departments of the City for the Expense Budget for the Fiscal Year Beginning July 1, 2024 and Ending June 30<sup>th</sup>, 2025.

Dear Madam President and Councilors,

Attached, please find the annual appropriation request for non-salary expenses associated with the FY2025 budget, excluding the school department, cable department, and all enterprise funds.

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

AN ORDER TO RAISE AND APPROPRIATE A SUM OF MONEY FOR THE VARIOUS DEPARTMENTS FOR THE EXPENSE BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2024 TO JUNE 30, 2025.

*ORDERED:*

To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2024 to June 30, 2025 sums as designated for the expenditures of the various departments, other than what was presented to City Council in the Salary and Labor budget, according to the detailed schedule hereto annexed and made a part of this money order in the amount of TWENTY-SEVEN MILLION, THIRTY-SIX THOUSAND, ONE HUNDRED FOURTEEN DOLLARS 27/100 CENTS (\$27,036,114.27)



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

April 29, 2024

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

RECEIVED  
2024 APR 30 PM 3:01  
CITY OF GARDNER  
CITY CLERK'S OFFICE  
GARDNER, MA

RE: An Order to Raise and Appropriate the Sum of \$34,212,226.00 for the School Department Budget for the Fiscal Year Beginning July 1, 2024 and ending June 30, 2025.

Dear Madam President and Councilors,

Attached, please find the annual appropriation request for the Gardner Public Schools Budget for the upcoming 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

AN ORDER TO RAISE AND APPROPRIATE A SUM OF MONEY FOR THE SCHOOL DEPARTMENT BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2024 TO JUNE 30, 2025.

*ORDERED:*

To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2024 to June 30, 2025 sums as designated for the expenditures of the School Department according to the detailed schedule hereto annexed and made a part of this money order in the amount of THIRTY-FOUR MILLION, TWO HUNDRED TWELVE THOUSAND, TWO HUNDRED, TWENTY-SIX DOLLARS 00/100 CENTS (\$34,212,226.00)



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

April 29, 2024

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

RE: An Order Appropriating the Sum of \$201,162.73 from Available Funds- Cable Commission Fees Reserved to Cable Commission Budget for the Fiscal Year Beginning July 1, 2024 and Ending June 30, 2025.

Dear Madam President and Councilors,

Attached, please find the annual appropriation request for the Cable Department for the upcoming 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 APR 30 PM 3:01  
CITY OF GARDNER, MA

AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS-  
CABLE COMMISSION FEES RESERVED TO CABLE COMMISSION BUDGET  
FOR THE FICAL YEAR BEGINNING JULY 1, 2024 TO JUNE 30, 2025

*ORDERED:*

That there be and is hereby appropriated for the Fiscal Year beginning July 1, 2024 to June 30, 2025 the sum of TWO HUNDRED ONE THOUSAND, ONE HUNDRED SIXTY-THREE DOLLARS 73/00 (\$201,162.73) from Available Funds-Cable Commission Fees Reserved to the Cable Commission budget. **Any unused funds will revert back to the Cable Commission Fees Reserved Fund at year end.**



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

April 29, 2024

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

RE: An Order Appropriating the Sum of \$10,819,080.00 from Available Enterprise Funds-  
Various Receipts Reserved to Various Enterprise Accounts for the Fiscal Year Beginning July 1,  
2024 and ending June 30, 2025

Dear Madam President and Councilors,

Attached, please find the annual appropriation request for all enterprise funds in the City – Water,  
Sewer, Solid Waste Collection, Landfill Closure, and Golf.

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 APR 30 PM 3:01  
CITY OF GARDNER  
EXECUTIVE DEPARTMENT

AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE ENTERPRISE FUNDS-VARIOUS RECEIPTS RESERVED TO VARIOUS ACCOUNTS FOR THE FISCAL YEAR BEGINNING JULY 1, 2024 TO JUNE 30, 2025

*ORDERED:*

That there be and is hereby appropriated for the Fiscal Year beginning July 1, 2024 to June 30, 2025 the sum of TEN MILLION, EIGHT HUNDRED NINETEEN THOUSAND, EIGHTY DOLLARS 00/100 CENTS (\$10,819,080.00) from Available Enterprise Funds-Receipts Reserved to the following accounts:

|                  |                 |             |
|------------------|-----------------|-------------|
| Sewer Dept       | Enterprise Fund | \$4,046,560 |
| Water Dept       | Enterprise Fund | 3,713,055   |
| Golf Course      | Enterprise Fund | 1,067,630   |
| Landfill Closure | Enterprise Fund | 93,687      |
| Solid Waste      | Enterprise Fund | 1,898,148   |

**Any unused funds will revert back to the original Enterprise Fund at year end.**



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

April 29, 2024

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

RECEIVED  
2024 APR 30 PM 3:01  
CITY CLERK'S OFFICE  
GARDNER, MA

RE: An Order Appropriating the Sum of \$170,000.00 from Available Funds- Bond Proceeds Reserved to Interest – Outside Debt for the Fiscal Year Beginning July 1, 2024 and ending June 30, 2025.

Dear Madam President and Councilors,

Attached, please find the annual appropriation request to utilize funds from the City's Bond Proceeds Account to help pay off interest on debt the City has incurred.

The full budget proposal, breaking this authorization down, can be found in the FY2025 Budget Book listed as Item # 11285 on the City Council Agenda.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS-  
BONDS PROCEEDS RESERVED TO INTEREST-OUTSIDE DEBT FOR THE  
FISCAL YEAR BEGINNING JULY 1, 2024 TO JUNE 30, 2025.

*ORDERED:*

That there be and is hereby appropriated for the Fiscal Year beginning July 1,  
2024 to June 30, 2025 the sum of ONE HUNDRED SEVENTY THOUSAND  
DOLLARS 00/100 CENTS (\$170,000) from Available Funds-Bonds Proceeds Reserved  
to Interest-Outside Debt.



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

April 29, 2024

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

RECEIVED  
2024 APR 30 PM 3:00  
CITY OF GARDNER DEPT  
OF ENGINEERING

RE: An order Authorizing the Transfer of the Sum of \$322,709.43 from Sewer Retained Earnings/Surplus to Fund the FY2024 Revenue Budget

Dear Madam President and Councilors,

Attached, please find the annual appropriation request to utilize portions of the retained earnings of the Sewer Enterprise Account to fund the FY2025 Operating Budget of the Sewer Department.

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

AN ORDER REQUESTING A TRANSFER FROM SEWER  
SURPLUS/RETAINED EARNINGS TO FUND FY25 REVENUE BUDGET.

ORDERED:

That there be and is hereby transfer the sum of Three Hundred Twenty-Two  
Thousand Seven Hundred Nine Dollars and 43/100 (\$322,709.43) from Sewer  
Surplus/Retained Earnings to Fund FY25 Revenue Budget.



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

April 29, 2024

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

RE: An Order Authorizing the Transfer of the Sum of \$93,687.00 from Landfill Retained Earnings/Surplus to Fund the FY2025 Revenue Budget

Dear Madam President and Councilors,

Attached, please find the annual appropriation request to utilize portions of the retained earnings of the Landfill Closure Enterprise Account to fund the FY2025 Operating Budget of the Landfill Closure Department.

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 APR 30 PM 3:01  
CITY CLERK'S OFFICE  
GARDNER, MA

AN ORDER REQUESTING A TRANSFER FROM SOLID LANDFILL  
SURPLUS/RETAINED EARNINGS TO FUND FY25 REVENUE BUDGET.

ORDERED:

That there be and is hereby transfer the sum of Ninety-Three Thousand Six  
Hundred, Eighty-Seven Dollars and 00/100 (\$93,687.00) from Landfill Surplus/Retained  
Earnings to Fund FY25 Revenue Budget.



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

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**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       | \$1,852.98   |            |
|                                             |       | Article X §171-44  |              |            |
|                                             |       | Holiday            | \$11,975.34  | \$1,624.78 |
|                                             |       | Total              | \$129,958.97 | \$2,156.57 |
| 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   |
|                                               |       | Step 3 (10 Yrs)    | \$49,849.04 | \$958.64   |
| 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               | \$71,158.42 |            |
|                                               |       | CDBG               | \$74,903.61 |            |
|                                               |       | 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      |            |         |
| Deputy Chief of Police                             | G-11  | \$126,294.75 | \$2,447.79 |         |
| 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      | \$1,121.96 | \$30.32 |
| 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 |          |         |
| 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           |         |         |
| <b>Library Department Positions</b>        |                   |         |         |
| 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 | \$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.