



City of Gardner, Massachusetts
Office of the City Council

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CALENDAR FOR THE MEETING

of  
MONDAY, AUGUST 5, 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)**

- April 1, 2024, Regular Meeting
- April 16, 2024, Regular Meeting
- May 6, 2024, Regular Meeting
- May 6, 2024, Informal Meeting
- May 20, 2024, Informal Meeting
- May 20, 2024, Regular Meeting
- June 3, 2024, Informal Meeting
- July 1, 2024, Regular Meeting

**VII. PUBLIC HEARINGS**

**VIII. COMMUNICATIONS FROM THE MAYOR**

**11323** – A Vote to Authorize the Mayor to Enter into a Host Community Agreement between the City of Gardner and Bay State Racing, LLC (*In the City Council 7/1/2024, More Time*) (*Submitted by Bay State Racing, LLC*)

**11351** – A Communication from the Mayor regarding Ovila Case Playground

- 11352** – A Communication from the Mayor regarding the City's New Disc Golf Course
- 11353** – A Communication from the Mayor regarding Gubernatorial Appointments
- 11354** – A Communication from the Mayor regarding Upcoming Paving and Infrastructure Projects
- 11355** – A Communication from the Mayor regarding the Knowlton Street Parking Lot Electric Vehicle Charging Infrastructure Project
- 11356** – A Communication from the Mayor regarding the City's Solar Canopy Initiative
- 11357** – A Communication from the Mayor regarding the City's Downtown and Timpany Corridor Vacant Storefront Revitalization Districts
- 11358** – A Communication from the Mayor regarding the status of projects currently being funded by federal grant funds
- 11359** – A Measure Authorizing the Mayor to Enter Into an Intermunicipal Agreement between the City of Gardner and the Town of Princeton for Veterans Services for the period of July 1, 2024, through June 30, 2027 (*Finance Committee*)
- 11360** – A Measure Authorizing the Mayor to Enter into an Intermunicipal Agreement between the City of Gardner and the Town of Westminster for Animal Control Services for the period of July 1, 2024, through June 30, 2027 (*Finance Committee*)
- 11361** – A Measure Declaring Surplus for the Purpose of Disposal (Lease) The Building Located at 62 Waterford Street (*Finance Committee*)
- 11362** – A Measure Declaring Surplus for the Purpose of Disposal (Sale) the land and buildings at 94 Pleasant Street (*Finance Committee*)
- 11363** – A Measure Declaring the roof of the Water Treatment Plant, located at 100 Heywood Street, as surplus for the purpose of leasing to a solar photovoltaic array (*Finance Committee*)
- 11364** – A Measure Declaring 21 Acres of Land at the Gardner Solid Waste Landfill, located at 744 West Street, as surplus for the purpose of leasing to a solar photovoltaic array (*Finance Committee*)
- 11365** – A Communication from the Mayor Regarding Stone Field
- 11366** – A Resolution from the City Council in Support of the City's Application to the Community Change for Environmental Justice Communities Grant Program by the US EPA (*Finance Committee*)



- 11368** – A Measure Accepting the Donation of PicNc Tables to the Gardner Farmers Market by Maki Building Supply (*Finance Committee*)
- 11369** – A Measure Accepting the Donation of Flyers to the Gardner Farmers Market by Staples #1277 (*Finance Committee*)
- 11370** An Ordinance to Amend the Code of the City of Gardner, Chapter 590, thereof entitled "Solid Waste" to change the fee for solid waste collections (*Finance Committee*)
- 11371** – An Ordinance to Amend the Code of the City of Gardner, Chapter 553, thereof entitled "Sewer Rates" (*Finance Committee*)
- 11372** – An Ordinance to Amend the Code of the City of Gardner, Chapter 171, thereof entitled "Personnel" to amend Schedule E- Non-union Compensation Schedule (*Finance Committee*)
- 11373** – A Communication from the Mayor regarding the FY2024 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Awards (*Finance Committee*)
- 11374** – A Communication from the Mayor regarding the FY2024 Massachusetts Electric Vehicle Incentive Program (MassEVIP) Grant Awards (*Finance Committee*)
- 11375** – A Communication from the Mayor regarding the FY2024 MassTrails Grant Awards (*Finance Committee*)
- 11376** – A Communication from the Mayor regarding the City's on-call grant writing services (*Finance Committee*)
- 11377** – A Communication from the Mayor regarding the City's Community Development Block Grant Programs (*Finance Committee*)
- 11378** – A Communication from the Mayor regarding the FY2025 Federal Budget Congressional Earmarks for Gardner (*Finance Committee*)

### **APPOINTMENTS**

- 11380** – A Measure Confirming the Mayor's Appointments of Election Officers for 2024. (Appointments Committee)
- 11381** – A Measure Confirming the Police Officer Assignments to Polling Locations. (Appointments Committee)

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

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

**11326** – A Petition by National Grid, Elm Street and Cross Street -relocate pole 1SO pole approximately 15 feet. (*Public Service Committee: Public Hearing Required*)

**11349** – An Application by EcoATM LLC, for a License to Deal in Second Hand Articles at 677 Timpany Blvd-Inside Walmart (*Safety Committee*)

**11350** – An Application by Gardner Ten Pins, Inc., for a Bowling Alley License at 560 West Broadway (*Safety Committee*)

**11379** – A Measure Relative to the September 3, 2024, State Primary Election Order (*Finance Committee*)

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

### **FINANCE COMMITTEE**

**11289** – An Ordinance to Amend the Code of the City of Gardner, Part 1, thereof entitled “Administrative Legislation.” (*In the City Council Referred to Finance Committee, 5/20/2024, More Time 6/3/2024, 6/17/2024, 7/1/2024*)

**11382** – Motion to Amend Item #11256: A Resolution to Rename the City Council Chamber “The Ronald F. Cormier Council Chamber” as adopted by the City Council on June 17<sup>th</sup>, 2024. (*Finance Committee*) (*Submitted by Councillor George Tyros*)

### **APPOINTMENTS COMMITTEE**

**11327** – A Measure Confirming the Mayor’s Appointment of Brandon Hughey, to the position of Youth Commission Member, for term expiring August 1, 2027. (*Appointments Committee*)

**11328** – A Measure Confirming the Mayor’s Appointment of Corey Hasselmann, to the position of Director of Veterans Services, for term expiring August 1, 2025. (*Appointments Committee*)

**11329** – A Measure Confirming the Mayor’s Appointment of Amanda Morse, to the position of Director of Human Resources, for term expiring August 1, 2027. (*Appointments Committee*)

- 11330** – A Measure Confirming the Mayor’s Appointment of Amanda Morse, to the position of Disability Commission Member, for term expiring August 1, 2027. *(Appointments Committee)*
- 11331** – A Measure Confirming the Mayor’s Appointment of Richard Hanks, to the position of Zoning Board Member, for term expiring August 1, 2027. *(Appointments Committee)*
- 11332** – A Measure Confirming the Mayor’s Appointment of Robert Rice, to the position of Alternate Zoning Board Member, for term expiring August 1, 2025. *(Appointments Committee)*
- 11333** – A Measure Confirming the Mayor’s Appointment of Chris Caisse, to the position of Bandstand Committee Member, for term expiring June 25, 2027. *(Appointments Committee)*
- 11334** – A Measure Confirming the Mayor’s Re-Appointment of Raymond Lafond, to the position of Zoning Board Member, for term expiring August 1, 2027. *(Appointments Committee)*

**SAFETY COMMITTEE**

- 11115** – An Ordinance to Amend the Code of the City of Gardner Chapter 600, Entitled “Vehicles and Traffic”, Section 24, Entitled “Parking Prohibited on Certain Streets.” – Douglas Road. *(In the City Council & Referred to Safety Committee 12/18/2023; More Time 1/2/2024, 1/16/2024, 2/5/2024, 2/20/2024, 3/4/2024, 3/18/2024, 4/1/2024,4/16/2024, 5/6/2024, 5/20/2024, 6/3/2024, 6/17/2024, 7/1/2024)*
- 11204** – An Ordinance to Amend the Code of the City of Gardner Chapter 600, Entitled “Vehicles and Traffic”, Section 24, Entitled “Parking Prohibited on Certain Streets” – Edgell Street, from Elm Street to Lawrence Street. *(More Time 3/18/2024, 4/1/2024,4/16/2024, 5/6/2024, 5/20/2024, 06/3/2024, 6/17/2024, 7/1/2024)*

**WELFARE COMMITTEE**

- 11211** – An Ordinance to Amend the Code of the City of Gardner, to add a new Chapter 15 to be entitled “Agricultural Commission.” *(In the City Council and Referred to Welfare Committee 3/18/2024; More Time 4/1/2024, 4/16/2024, 5/6/2024, 5/20/2024, 6/3/2024, 6/17/2024, 7/1/2024)*

**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.

\*\*\* Perry Auditorium at Gardner City Hall will be available as an overflow room should the City Council Chamber reach capacity.

**REGULAR MEETING OF APRIL 1, 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, April 1, 2024.

**CALL TO ORDER**

City Clerk Titi Siriphan 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. Nine (9) Councillors were present including Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz. Council President Elizabeth Kazinskas and Councillor George Tyros were absent.

**NOMINATIONS FOR COUNCIL PRESIDENT PRO-TEM**

Councillor Judy Mack nominates Councillor Aleksander Dernalowicz, seconded by Councillor Paul Tassone.

City Clerk Titi Siriphan announced twice if there were any further nominations. There being no further nominations, the City Clerk entertained a motion to close nominations.

On a motion made by Councillor Paul Tassone, and seconded by Councillor Judy Mack, it was voted viva voce, nine (9) yeas, Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz to close the nominations.

On call of the roll:

Councillor Calvin D. Brooks voting for ALEKSANDER H. DERNALOWICZ  
Councillor Craig R. Cormier voting for ALEKSANDER H. DERNALOWICZ  
Councillor Aleksander H. Dernalowicz voting for ALEKSANDER H. DERNALOWICZ  
Councillor Karen G. Hardern voting for ALEKSANDER H. DERNALOWICZ  
Councillor Dana M. Heath voting for ALEKSANDER H. DERNALOWICZ  
Councillor Brad E. Heglin voting for ALEKSANDER H. DERNALOWICZ  
Councillor Judy A. Mack voting for ALEKSANDER H. DERNALOWICZ  
Councillor Paul G. Tassone voting for ALEKSANDER H. DERNALOWICZ  
Councillor David Thibault-Muñoz voting ALEKSANDER H. DERNALOWICZ

REGULAR MEETING OF APRIL 1, 2024

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Having received nine (9) votes, Councillor Aleksander Dernalowicz was elected Council President Pro-tem.

**OPENING PRAYER**

President Pro-tem Dernalowicz led the Council in reciting the Opening Prayer.

**PLEDGE OF ALLEGIANCE**

President Pro-tem Dernalowicz 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.

**COMMUNICATIONS FROM THE MAYOR**  
**ORDERS****#11214**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to REFER to Finance Committee for further study and report, *An Order Transferring \$12,000.00 from Building Clerk Salaries and Wages to Operating Expenditures.*

**#11215**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to REFER to Finance Committee for further study and report, *An Order Appropriating \$212,510.00 from Free Cash to the Police Department New Vehicles Account.*

REGULAR MEETING OF APRIL 1, 2024

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**#11216**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to REFER to Finance Committee for further study and report, *An Order Appropriating \$40,000.00 from Free Cash to Public Works – Tree Removal Account.*

**#11236**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to REFER to Finance Committee for further study and report, *An Order appropriating \$390,000.00 from Water Enterprise Surplus to the Repairs to Transmission Main Account.*

**#11237**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to REFER to Finance Committee for further study and report, *An Order appropriating \$75,000.00 from Water Enterprise Surplus to the Repairs to Watermains Account.*

**#11238**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to REFER to Finance Committee for further study and report, *An Order appropriating \$140,000.00 from Sewer Enterprise Surplus to Chemical Treatment Account.*

**#11239**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to REFER to Finance Committee for further study and report, *An Order appropriating \$75,000.00 from Free Cash to Energy and Utilities*

REGULAR MEETING OF APRIL 1, 2024

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*City Owned Properties Account.*

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

**#11217**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to REFER to Finance Committee for further study and report, *A Measure to Establish a Special Reserve Fund for the Opioid Settlement under MGL Ch. 44, §53.*

**#11218**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to REFER to Finance Committee for further study and report, *A Measure to approve an easement from Christof Chartier to the City of Gardner for the purpose of snow storage on Rock Street.*

**#11219**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to REFER to Finance Committee for further study and report, – *A Measure to rescind the acceptance of Civil Service for the Members of the Gardner Police Department, as adopted by the town of Gardner on March 4, 1912.*

**#11220**

On a motion made by Councillor Judy Mack and seconded by Councillor Dana Heath, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz to REFER to the Committee of the Whole, *A Communication from the Mayor regarding the Non-Union Salary Study.*



REGULAR MEETING OF APRIL 1, 2024

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**#11221**

On a motion made by Councillor Brad Heglin and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz to PLACE ON FILE, A Communication from the Mayor regarding the emergency repairs made to the Crystal Lake Dike by Greenwood Pool.

**#11222**

On a motion made by Councillor Brad Heglin and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz to PLACE ON FILE, A Communication from the Mayor regarding the Fiscal Year 2023 External Audit.

**#11223**

On a motion made by Councillor Brad Heglin and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz to PLACE ON FILE, A Communication from the Mayor regarding Calendar Year 2023 Employee Earnings Report.

**#11224**

On a motion made by Councillor Brad Heglin and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz to PLACE ON FILE, A Communication from the Mayor regarding Federal Earmark received by the City to replace the James Street Pump Station.

**#11225**

On a motion made by Councillor Brad Heglin and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz to PLACE ON FILE, A Communication from the Mayor regarding funds received from the National Opioid Distributor Settlement.

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**#11226**

On a motion made by Councillor Brad Heglin and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz to PLACE ON FILE, A Communication from the Mayor regarding National Grid Construction work.

**#11227**

On a motion made by Councillor Brad Heglin and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz to PLACE ON FILE, A Communication from the Mayor regarding Downtown Parking Meters.

**#11228**

On a motion made by Councillor Brad Heglin and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz to PLACE ON FILE, A Communication from the Mayor regarding the execution of the Collective Bargaining Agreement between the City of Gardner and Teamsters, Local 170 for Animal Control Services.

**#11229**

On a motion made by Councillor Brad Heglin and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz to PLACE ON FILE, A Communication from the Mayor regarding the Fire Department Roof Replacement.

**#11230**

On a motion made by Councillor Brad Heglin and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz to PLACE ON FILE, A Communication from the Mayor regarding the Collective Bargaining Agreement between the City of Gardner and the American Federation of State, County, and Municipal Employees, AFL-CIO, State Council 93, Local 1717.

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**#11231**

On a motion made by Councillor Brad Heglin and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz to PLACE ON FILE, A Communication from the Mayor regarding the City 2024 Flowerpot Program.

**#11240**

On a motion made by Councillor Brad Heglin and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz to PLACE ON FILE, A Communication from the Mayor regarding a \$750,000 grant for electric vehicle charge stations in the Knowlton St Parking Lot.

**#11241**

On a motion made by Councillor Brad Heglin and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz to PLACE ON FILE, A Communication from the Mayor regarding National Grid Credits for Streetlights.

**#11242**

On a motion made by Councillor Brad Heglin and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz to PLACE ON FILE, A Communication from the Mayor regarding the City's contract for Advanced Life Support Ambulance Services with Wood's Ambulance.

**#11243**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to REFER to Finance Committee for further study and report, A Measure confirming the Order of Taking for 94 Pleasant Street as voted on by the City Council on August 1, 2022.

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**#11244**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to REFER to Finance Committee for further study and report, A Measure declaring the air rights of the Knowlton Street Parking Lot as surplus for the purpose of leasing to a solar photovoltaic canopy array.

**#11245**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to REFER to Finance Committee for further study and report, A Measure declaring the roof of the Department of Public Works Administration Building, located at 50 Manca Drive, as surplus for the purpose of leasing to a solar photovoltaic array.

**#11246**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to REFER to Finance Committee for further study and report, A Measure declaring the roof of the Department of Public Works Cold Storage Building, located at 50 Manca Drive, as surplus for the purpose of leasing to a solar photovoltaic array.

**#11247**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to REFER to Finance Committee for further study and report, A Measure declaring the roof of Gardner City Hall, located at 95 Pleasant Street, as surplus for the purpose of leasing to a solar photovoltaic array.

**#11248**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul

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Tassone, and David Thibault-Muñoz, to REFER to Finance Committee for further study and report, A Measure declaring the roof of the Waterford Community Center, located at 62 Waterford Street, as surplus for the purpose of leasing to a solar photovoltaic array.

**#11249**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to REFER to Finance Committee for further study and report, A Measure declaring the roof of the Department of Public Works Garage Buildings, located at 416 West Broadway, as surplus for the purpose of leasing to a solar photovoltaic array.

**#11250**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to REFER to Finance Committee for further study and report, A Measure declaring the roof of the Gardner Fire Department Headquarters, located at 70 City Hall Avenue, as surplus for the purpose of leasing to a solar photovoltaic array.

**#11251**

On a motion made by Councillor Brad Heglin and seconded by Councillor Judy Mack, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz to grant A Petition for Home Rule Legislation Entitled "An Act Changing the Use of School Land in the City of Gardner."

**PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.****#11232**

On a motion made by Councillor Paul Tassone and seconded by Councillor Dana Heath, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to REFER to the Committee of the Whole, A Measure to Adopt Local Option Room Occupancy Excise Rate Increase Under MGL 64G, Sec. 3A.

REGULAR MEETING OF APRIL 1, 2024

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**#11233**

On a motion made by Councillor Paul Tassone and seconded by Councillor Dana Heath, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to REFER to the Committee of the Whole, A Measure to Adopt Local Option Sales Tax on Meals Under MGL. 64L, SEC 2(a).

**#11234**

On a motion made by Councillor Paul Tassone and seconded by Councillor Dana Heath, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to REFER to the Committee of the Whole, A Resolution to Review the City's Zoning Map for Accuracy.

**#11235**

On a motion made by Councillor Brad Heglin and seconded by Councillor David Thibault-Muñoz, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to GRANT, A Resolution Relating to the Future of Helen Mae Sauter.

## A RESOLUTION RELATING TO THE FUTURE OF HELEN MAE SAUTER

WHEREAS, The City of Gardner and the Commonwealth of Massachusetts are making significant investments in the historic uptown district with improvements made to the Uptown Rotary and the Elm Street Corridor; and

WHEREAS, Gardner Public Schools has discontinued use of the property known as Helen Mae Sauter School due to the construction of the new Gardner Elementary School; and

WHEREAS, the City, through its Administration and City Council must take every step possible to ensure that the City hold itself to a high standard of care for the properties in the City's possession to prevent the City from becoming an absentee/nuisance property owner;

WHEREAS, the Administration and City Council have prioritized the reuse, repurposing, or sale of other school buildings no longer in use;



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**REGULAR MEETING OF APRIL 1, 2024**

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NOW THEREFORE, The City Council hereby formally requests that the Administration perform a comprehensive review of options available to the City for the future of the Helen Mae Sauter School Building to ensure the best use of the property moving forward.

FURTHER, The City Council of Gardner requests that the Mayor present the findings of this review to the City Council in an informal meeting to be scheduled by the City Council President at a reasonable time to allow for the completion of the review to be conducted.

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Elizabeth J. Kazinskas, City Council President  
On Behalf of the City Council of the City of Gardner

**REPORTS OF STANDING COMMITTEES**  
**FINANCE COMMITTEE**

**#11209**

On a motion made by Councillor Judy Mack and seconded by Councillor Dana Heath, it was voted on call of the roll, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, that the following ORDER ought to pass:

AN ORDER APPROPRIATING FROM FREE CASH TO THE IT DEPT – CITY HALL CYBER SECURITY SYSTEM ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Seventy-Seven Thousand Three Hundred Eighteen Dollars and No Cents (\$77,318.00) from Free Cash to the IT City Hall Cyber Security System Account.

**#11210**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted on call of the roll, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, that the following ORDER ought to pass:

AN ORDER APPROPRIATING FROM FREE CASH TO MAYOR UNCLASSIFIED PROFESSIONAL SERVICES GRANT WRITING EXPENSE.





## REGULAR MEETING OF APRIL 1, 2024

ORDERED: That there be and is hereby appropriated the sum of Forty-Nine Thousand Dollars and No Cents (\$49,000.00) from Free Cash to Mayor Unclassified Professional Services Grant Writing Expense.

**#11213**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted on call of the roll, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, that the following ORDER ought to pass:

AN ORDER APPROPRIATING FROM FREE CASH TO ELECTIONS & REGISTRATION DEPT FOR ELECTION OFFICER SALARY AND PROFESSIONAL SERVICES EXPENSE.

ORDERED: That there be and is hereby transferred the appropriations sum of Fifty-Five Thousand Dollars, Five Hundred and No Cents (\$55,500.00) from Free Cash to the Elections & Registration Dept for election officers salary and professional services expense.

|                                  |             |
|----------------------------------|-------------|
| Election Officers Salary Expense | \$40,000.00 |
| Professional Services Expense    | \$15,500.00 |

**#11212**

Councillor Judy Mack requested MORE TIME on the *Election of the City Clerk*.

There were no objections, more time was granted.

**REPORTS OF STANDING COMMITTEES**  
**APPOINTMENTS COMMITTEE**

**#11127**

Councillor Dana Heath requested 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.*

There were no objections. More time was granted.

**#11139**

Councillor Dana Heath requested 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.



REGULAR MEETING OF APRIL 1, 2024

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**#11140**

Councillor Dana Heath requested 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 Dana Heath requested 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.*

There were no objections. More time was granted.

**#11142**

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

There were no objections. More time was granted.

**#11207**

Councillor Dana Heath requested MORE TIME on, *A Measure Confirming the Mayor's Appointment of Linda Dembek, to the position of Disability Commission Member, for term expiring March 4, 2027.*

There were no objections. More time was granted.



REGULAR MEETING OF APRIL 1, 2024

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.

**#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.

**#11203**

On a motion made by Councillor Craig Cormier and seconded by Councillor Dana Heath, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to approve and send to second and final 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 APRIL 1, 2024

**#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 Karen Hardern, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to approve and send to second and final 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.*

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>                       |
|-----------------------|-------------|---------------------------------------|
| Park St               | South       | 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, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz, to approve and send to second and final 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.*



REGULAR MEETING OF APRIL 1, 2024

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>                                            |
|-----------------------|-------------|------------------------------------------------------------|
| Pine St               | West        | From West Lynde Street southerly for a Distance of 50 feet |

**REPORTS OF STANDING COMMITTEES**  
**SERVICE COMMITTEE**

**#11199**

On a motion made by Councillor Paul Tassone and seconded by Councillor David Thibault-Muñoz, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz to GRANT, *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.*

**REPORTS OF STANDING COMMITTEES**  
**WELFARE COMMITTEE**

**#11211**

Councillor Judy Mack requested MORE TIME on, *An Ordinance to Amend the Code of the City of Gardner, to add a new Chapter 15 to be entitled “Agricultural Commission.”*

There were no objections, more time was granted.

**CLOSING PRAYER**

President Pro-tem Aleksander Dernalowicz led the Council in the Closing Prayer.



REGULAR MEETING OF APRIL 1, 2024

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ADJOURNMENT

On a motion by Councillor Craig Cormier and seconded by Councillor Judy Mack, it was voted viva voce, nine (9) yeas, President Pro-tem Aleksander Dernalowicz and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, and David Thibault-Muñoz to adjourn at 8:05 p.m.

Accepted by the City Council:

DRAFT



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**REGULAR MEETING OF APRIL 16, 2024**

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Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Tuesday evening, April 16, 2024.

**CALL TO ORDER**

City Clerk Titi Siriphan 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.

**READING & ACCEPTANCE OF MINUTES**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, 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, Paul Tassone, David Thibault-Muñoz and George Tyros to waive the reading and accept the MINUTES of:

- January 2, 2024, Regular Meeting
- January 16, 2024, Regular Meeting



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**REGULAR MEETING OF APRIL 16, 2024**

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- January 16, 2024, Joint Public Hearing with Planning Board
- February 5, 2024, Regular Meeting
- February 20, 2024, Informal Meeting

Councillor Brad Heglin abstained from voting as he was not present for those meetings.

**COMMUNICATIONS FROM THE MAYOR****APPOINTMENTS****#11255**

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, Paul Tassone, David Thibault-Muñoz and George Tyros, to refer to the Appointments Committee, *A Measure Confirming the Mayor's Appointment of Vincent Pusateri, to the position of Assistant City Solicitor, for term expiring January 1, 2025.*

**COMMUNICATIONS FROM THE MAYOR****COMMUNICATIONS****#11252**

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, Paul Tassone, David Thibault-Muñoz and George Tyros, to place on file, *A Communication from the Mayor Regarding the 2024 Capital Improvement Plan.*

**#11253**

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, Paul Tassone, David Thibault-Muñoz and George Tyros, to place on file, *A Communication from the Mayor Regarding the FY2023 Federal Audit Report.*



REGULAR MEETING OF APRIL 16, 2024

PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

**#11254**

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, Paul Tassone, David Thibault-Muñoz 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"

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>                                                                                |
|-----------------------|-------------|------------------------------------------------------------------------------------------------|
| Central St            | Northwest   | From a point 30 feet northeast from the crosswalk at the intersection of Lake Street (1 space) |

**#11256**

Councillor Judy Mack requested MORE TIME on A Resolution to Rename the City Council Chamber "The Ronald F. Cormier Council Chamber."

There were no objections, more time was granted.

REPORTS OF STANDING COMMITTEES  
FINANCE COMMITTEE

**#11212**

President Kazinskas called for nominations for the position of City Clerk.

Councillor Aleksander Dernalowicz nominated Titi Siriphan for the position of City Clerk for a three year term expiring March 14, 2027, to be effective on April 16, 2024.



REGULAR MEETING OF APRIL 16, 2024

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There being no further nominations, the President entertained a motion to close nominations.

On a motion made by Councillor Paul Tassone and seconded by Councillor Craig Cormier, 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, Paul Tassone, David Thibault-Muñoz and George Tyros to close the nominations.

On call of the roll:

Councillor Calvin D. Brooks voting for TITI SIRIPHAN  
Councillor Craig R. Cormier voting for TITI SIRIPHAN  
Councillor Aleksander Dernalowicz voting for TITI SIRIPHAN  
Councillor Karen G. Hardern for TITI SIRIPHAN  
Councillor Dana M. Heath voting for TITI SIRIPHAN  
Councillor Brad E. Heglin voting for TITI SIRIPHAN  
Councillor Judy A. Mack voting for TITI SIRIPHAN  
Councillor David Thibault-Muñoz voting for TITI SIRIPHAN  
Councillor Paul G. Tassone voting for TITI SIRIPHAN  
Councillor George C. Tyros voting for TITI SIRIPHAN  
President Elizabeth J. Kazinskas voting for TITI SIRIPHAN

Having received eleven (11) votes, Titi Siriphan was declared elected City Clerk for the term expiring March 14, 2027, to be effective on April 16, 2024.

**#11214**

On a motion made by Councillor Judy Mack and seconded by Councillor Aleksander Dernalowicz, 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 TRANSFERRING APPROPRIATIONS FROM BUILDING CLERK SALARIES & WAGES TO OPERATING EXPENDITURES.

ORDERED: That there be and is hereby transferred the appropriations sum of Forty-Two Thousand Dollars and No Cents (\$42,000.00) from Building Clerk Salaries & Wages to Operating Expenditures.



## REGULAR MEETING OF APRIL 16, 2024

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|                       |          |
|-----------------------|----------|
| REPAIRS & MAINT       | \$12,000 |
| NEW EQUIPMENT         | \$25,000 |
| PROFESSIONAL SERVICES | \$5,000  |

**#11215**

On a motion made by Councillor Judy Mack and seconded by Councillor Aleksander Dernalowicz, 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 FREE CASH TO THE POLICE DEPARTMENT NEW VEHICLE ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Two Hundred Twelve Thousand, Five Hundred Ten Dollars and No Cents (\$212,510.00) from Free Cash to the Police Department New Vehicles Account.

**#11216**

On a motion made by Councillor Judy Mack and seconded by Councillor Aleksander Dernalowicz, 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 FREE CASH TO PUBLIC WORKS – TREE REMOVAL ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Forty Thousand and No Cents (\$40,000.00) from Free Cash to Public Works - Tree Removal Account.

**#11236**

On a motion made by Councillor Judy Mack and seconded by Councillor Aleksander Dernalowicz, 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:

REGULAR MEETING OF APRIL 16, 2024

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AN ORDER APPROPRIATING FROM FREE CASH TO PUBLIC WORKS – TREE REMOVAL ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Forty Thousand and No Cents (\$40,000.00) from Free Cash to Public Works - Tree Removal Account.

**#11237**

On a motion made by Councillor Judy Mack and seconded by Councillor Aleksander Dernalowicz, 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 WATER SURPLUS TO REPAIRS TO MAIN.

ORDERED: That there be and is hereby appropriated the sum of Seventy-Five Thousand Dollars and No Cents (\$75,000.00) from Water Surplus to Repairs to Main.

**#11238**

On a motion made by Councillor Judy Mack and seconded by Councillor Aleksander Dernalowicz, 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 SEWER SURPLUS TO REPAIRS TO CHEMICAL TREATMENT.

ORDERED: That there be and is hereby appropriated the sum of One Hundred Forty Thousand Dollars and No Cents (\$140,000.00) from Sewer Surplus to Repairs to Chemical Treatment.

**#11239**

On a motion made by Councillor Judy Mack and seconded by Councillor Aleksander Dernalowicz, 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:

REGULAR MEETING OF APRIL 16, 2024

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AN ORDER APPROPRIATING FROM FREE CASH TO THE MAYOR'S UNCLASSIFIED - ENERGY AND UTILITIES CITY OWNED PROPERTIES EXPENSE ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Seventy-Five Thousand Dollars and No Cents (\$75,000.00) from free cash to The Mayor's Unclassified -Energy and Utilities City Owned Properties Expense Account.

**#11217**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to GRANT the following measure:

ESTABLISHING AOPIOID SETTLEMENT SPECIAL RESERVE FUND UNDER M.G.L. CHAPTER 44, SEC 53

VOTED: To establish an Opioid Settlement Reserve Fund, Pursuant to Section 53 of Chapter 44 of the Mass. General Laws, for the purpose of establishing an Opioid Settlement Special Reserve Fund.

**#11218**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to GRANT the following measure:

AUTHORIZING THE CITY OF GARDNER TO APPROVE AN EASEMENT DEED

VOTED: To authorize the Mayor to enter into a snow storage easement from Christof Chartier, owner of the property located at 20 Rock Street, as further described in a proposed Easement Deed, for the consideration of less than \$100.00, and upon such terms as the Mayor shall consider proper in accordance with this Vote.

**#11219**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor David Thibault-Muñoz, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and

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Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, David Thibault-Muñoz and George Tyros to GRANT the following measure:

## CITY OF GARDNER CITY COUNCIL

**WHEREAS**, the City of Gardner, by and through its legislative body, accepted the provisions of the Commonwealth of Massachusetts Civil Service system as then codified as section 37 of chapter 19, of the Revised Laws of Massachusetts, currently being codified in M.G.L. c. 31; and

**WHEREAS**, the City of Gardner has relied on said Civil Service system for the employment of police officers since its adoption by the City of Gardner since 1912; and

**WHEREAS**, the Patrol Officers Union and the Superior Officers Union, both represented by Massachusetts Coalition of Police, AFL-CIO, Local 400, of the Gardner Police Department have jointly requested that all police officers employed by the City of Gardner Police Department be removed from the Commonwealth of Massachusetts Civil Service system as codified in M.G.L. c. 31; and

**WHEREAS**, the City of Gardner and said Unions have negotiated in good faith and agreed to remove the Gardner Police Department Patrol Officers and Superior Officers from the Commonwealth of Massachusetts Civil Service system as codified in M.G.L. c. 31; and

**NOW THEREFORE**, in furtherance of the foregoing, it being the desire of the City of Gardner together with the City of Gardner Police Department Patrol Officers and Superior Officers, the City Council of the City of Gardner **ORDAINS** as follows:

To rescind the acceptance of M.G.L. c. 31 by vote taken at the Annual Town Meeting on March 4, 1912, under Article #24, ordering that the Town of Gardner accept Section 37 of Chapter 19, of the Revised Laws of Massachusetts limiting the application of the Provisions of said Chapter and of the rules made thereunder to its police force. One Hundred and Forty-Nine voted in the affirmative and Twenty-Five in the negative. Said rescission to be effective t midnight July 1, 2024.

It being further voted to authorize the Mayor to take any other action necessary or convenient to carry out this vote.

**#11243**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Dana Heath, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and

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Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, David Thibault-Muñoz and George Tyros to GRANT, A Measure confirming the Order of Taking for 94 Pleasant Street as voted on by the City Council on August 1, 2022.

**#11244**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor David Thibault-Muñoz, 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, Paul Tassone, David Thibault-Muñoz and George Tyros to GRANT the following measure:

DECLARATION OF AIR RIGHTS SURPLUS FOR THE PURPOSE OF LEASING SPACE FOR A PHOTOVOLTAIC SOLAR CANOPY ARRAY AT 95 PLEASANT STREET-KNOWLTON STREET PARKING LOT

VOTED: To declare surplus for the purpose of leasing space for a photovoltaic solar canopy array with prevailing General Laws, the Knowlton Street Public Parking Lot of Gardner City Hall, located at 95 Pleasant Street, further identified on the City of Gardner Assessor's Map as M22-10-10; with an approximate area of 0.65 acres, to establish as a minimum amount \$20,000.00 per acre to be paid for any lease payment of said property, to authorize the Mayor to negotiate the lease agreement, subject to approval by the City Council of the City of Gardner, of part thereof, for such amount or a larger amount, and upon such other terms as the Mayor shall consider proper in accordance with this Vote.

**#11245**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor David Thibault-Muñoz, 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, Paul Tassone, David Thibault-Muñoz and George Tyros to GRANT the following measure:

DECLARATION OF SURPLUS FOR THE PURPOSE OF LEASING SPACE FOR A PHOTOVOLTAIC SOLAR ARRAY AT 50 MANCA DRIVE

VOTED: To declare surplus for the purpose of leasing space for a photovoltaic solar canopy array with prevailing General Laws, the roof of DPW Main Building, located at 50 Manca (South) Drive, further identified on the City of Gardner Assessor's Map as M17 -10 -

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21; with an approximate area of 5,600 square feet, to establish as a minimum amount \$0.50 per square feet to be paid for any lease payment of said property, to authorize the Mayor to negotiate the lease agreement, subject to approval by the City Council of the City of Gardner, of part thereof, for such amount or a larger amount, and upon such other terms as the Mayor shall consider proper in accordance with this Vote.

**#11246**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor David Thibault-Muñoz, 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, Paul Tassone, David Thibault-Muñoz and George Tyros to GRANT the following measure:

## DECLARATION OF SURPLUS FOR THE PURPOSE OF LEASING SPACE FOR A PHOTOVOLTAIC SOLAR ARRAY AT 50 MANCA DRIVE

VOTED: To declare surplus for the purpose of leasing space for a photovoltaic solar canopy array with prevailing General Laws, the roof of DPW Main Building, located at 50 Manca (South) Drive, further identified on the City of Gardner Assessor's Map as M17 -10 - 21; with an approximate area of 5,600 square feet, to establish as a minimum amount \$0.50 per square feet to be paid for any lease payment of said property, to authorize the Mayor to negotiate the lease agreement, subject to approval by the City Council of the City of Gardner, of part thereof, for such amount or a larger amount, and upon such other terms as the Mayor shall consider proper in accordance with this Vote.

**#11247**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor David Thibault-Muñoz, 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, Paul Tassone, David Thibault-Muñoz and George Tyros to GRANT the following measure:

## DECLARATION OF SURPLUS FOR THE PURPOSE OF LEASING SPACE FOR A PHOTOVOLTAIC SOLAR ARRAY AT 95 PLEASANT STREET

VOTED: To declare surplus for the purpose of leasing space for a photovoltaic solar canopy array with prevailing General Laws, the roof of Gardner City Hall, located at 95 Pleasant Street, further identified on the City of Gardner Assessor's Map as M22-10-10; with



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an approximate area of 11,100 square feet, to establish as a minimum amount \$0.50 per square feet to be paid for any lease payment of said property, to authorize the Mayor to negotiate the lease agreement, subject to approval by the City Council of the City of Gardner, of part thereof, for such amount or a larger amount, and upon such other terms as the Mayor shall consider proper in accordance with this Vote.

**#11248**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor David Thibault-Muñoz, 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, Paul Tassone, David Thibault-Muñoz and George Tyros to GRANT the following measure:

## DECLARATION OF SURPLUS FOR THE PURPOSE OF LEASING SPACE FOR A PHOTOVOLTAIC SOLAR ARRAY AT 62 WATERFORD STREET

VOTED: To declare surplus for the purpose of leasing space for a photovoltaic solar canopy array with prevailing General Laws, the roof of Gardner New Community Center, located at 62 Waterford Street, further identified on the City of Gardner Assessor's Map as M22-13-4; with an approximate area of 43,315 square feet, to establish as a minimum amount \$0.50 per square feet to be paid for any lease payment of said property, to authorize the Mayor to negotiate the lease agreement, subject to approval by the City Council of the City of Gardner, of part thereof, for such amount or a larger amount, and upon such other terms as the Mayor shall consider proper in accordance with this Vote.

**#11249**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor David Thibault-Muñoz, 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, Paul Tassone, David Thibault-Muñoz and George Tyros to GRANT the following measure:

## DECLARATION OF SURPLUS FOR THE PURPOSE OF LEASING SPACE FOR A PHOTOVOLTAIC SOLAR ARRAY AT 416 W BROADWAY

VOTED: To declare surplus for the purpose of leasing space for a photovoltaic solar canopy array with prevailing General Laws, the roof of Gardner DPW Facilities, located at 416 W Broadway, further identified on the City of Gardner Assessor's Map as M22-10-10;



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with an approximate area of 23,400 square feet, to establish as a minimum amount \$0.50 per square feet to be paid for any lease payment of said property, to authorize the Mayor to negotiate the lease agreement, subject to approval by the City Council of the City of Gardner, of part thereof, for such amount or a larger amount, and upon such other terms as the Mayor shall consider proper in accordance with this Vote.

**#11250**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor David Thibault-Muñoz, 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, Paul Tassone, David Thibault-Muñoz and George Tyros to GRANT the following measure:

**DECLARATION OF SURPLUS FOR THE PURPOSE OF LEASING SPACE FOR A PHOTOVOLTAIC SOLAR ARRAY AT 70 CITY HALL AVE**

VOTED: To declare surplus for the purpose of leasing space for a photovoltaic solar canopy array with prevailing General Laws, the roof of Gardner Fire Station, located at 70 City Hall Ave, further identified on the City of Gardner Assessor's Map as M22/10/5; with an approximate area of 6,500 square feet, to establish as a minimum amount \$0.50 per square feet to be paid for any lease payment of said property, to authorize the Mayor to negotiate the lease agreement, subject to approval by the City Council of the City of Gardner, of part thereof, for such amount or a larger amount, and upon such other terms as the Mayor shall consider proper in accordance with this Vote.

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

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor David Thibault-Muñoz, 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, Paul Tassone, David Thibault-Muñoz and George Tyros to confirm the Mayor's appointment:

A Measure Confirming the Mayor's Appointment of Thomas Zuppa, to the position of Building Commissioner, for term expiring January 9, 2027

**#11139**

Councillor George Tyros requested 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.*

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There were no objections. More time was granted.

**#11140**

Councillor George Tyros requested 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 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.*

There were no objections. More time was granted.

**#11142**

On a motion made by Councillor Dana Heath 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, Paul Tassone, David Thibault-Muñoz and George Tyros to confirm the Mayor's appointment:

A Measure Confirming the Mayor's Appointment of Charles LeBlanc, to the position of Board of Assessors, for term expiring January 4, 2027.

**#11143**

On a motion made by Councillor Dana Heath 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, Paul Tassone, David Thibault-Muñoz and George Tyros to confirm the Mayor's appointment:

A Measure Confirming the Mayor's Appointment of Rick Germano, to the position of Local Inspector, for term expiring January 4, 2027.

**#11144**

On a motion made by Councillor Brad Heglin 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, Paul Tassone, David Thibault-Muñoz and George Tyros to confirm the Mayor's appointment:

A Measure Confirming the Mayor's Appointment of James E. Imprescia, to the position of Plumbing & Gas Inspector, for term expiring January 4, 2027.

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**#11150**

On a motion made by Councillor George Tyros and seconded by Councillor David Thibault-Muñoz, 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, Paul Tassone, David Thibault-Muñoz and George Tyros to confirm the Mayor's appointment:

A Measure Confirming the Mayor's Appointment of Timothy Horrigan, to the position of Redevelopment Authority, for term expiring January 8, 2027.

**#11207**

On a motion made by Councillor Brad Heglin 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, Paul Tassone, David Thibault-Muñoz and George Tyros to remove from the calendar:

A Measure Confirming the Mayor's Appointment of Linda Dembek, to the position of Disability Commission Member, for term expiring March 4, 2027.

**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.

**#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.

**#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.

REGULAR MEETING OF APRIL 16, 2024

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**REPORTS OF STANDING COMMITTEES**  
**WELFARE COMMITTEE**

**#11211**

Councillor Judy Mack requested MORE TIME on, *An Ordinance to Amend the Code of the City of Gardner, to add a new Chapter 15 to be entitled "Agricultural Commission."*

There were no objections, more time was granted.

**UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION**

**#11220**

President Elizabeth Kazinskas requested MORE TIME on A Communication from the Mayor regarding the Non-Union Salary Study.

There were no objections, more time was granted.

**#11232**

President Elizabeth Kazinskas requested MORE TIME on A Measure to Adopt Local Option Room Occupancy Excise Rate Increase Under MGL 64G, Sec. 3A.

There were no objections, more time was granted.

**#11233**

President Elizabeth Kazinskas requested MORE TIME on A Measure to Adopt Local Option Sales Tax on Meals Under MGL. 64L, SEC 2(a).

There were no objections, more time was granted.

**#11234**

President Elizabeth Kazinskas requested MORE TIME on A Resolution to Review the City's Zoning Map for Accuracy.

There were no objections, more time was granted.



REGULAR MEETING OF APRIL 16, 2024

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**CLOSING PRAYER**

President Elizabeth Kazinskas led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion made by Councillor Paul Tassone and seconded by Councillor Craig Cormier, 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, Paul Tassone, David Thibault-Muñoz and George Tyros to adjourn at 8:51 p.m.

Accepted by the City Council:

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**INFORMAL MEETING OF MAY 6, 2024**

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Informal Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, May 6, 2024.

**CALL TO ORDER**

Council President Elizabeth Kazinskas called the meeting to order at 7:00 o'clock p.m.

**ATTENDANCE**

City Clerk Titi Siriphan called the Roll of Members. Eleven (11) Councillors present were present including 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.

Also present Mayor Michael Nicholson.

**11232 – A Measure to Adopt Local Option Room Occupancy Excise Rate Increase Under MGL 64G, Sec. 3A.**

Councillor Paul Tassone informed the Council that he submitted this measure:

- This is an opportunity to bring extra revenue from people visiting the city
- It has minimal impact on visitors
- This tax is implemented in other states, cities and surrounding communities.
- Want to draw people into the city.

Mayor Nicholson informed the Council that this isn't the first time these items were brought up here in Gardner:

- The original rate was approved in 1991 of 2% and was increased to 4% in 1993 where it has stayed ever since.
- The Administration would like to increase the rate to 6%, which is what the law currently allows.
- Increasing this tax could bring in \$150,000.00 of revenue to the city.
- This tax would be paid for, almost completely by individuals who are not our residents nor usual taxpayers.

Councillor Calvin Brooks spoke in favor of the increase. As a former Auditor and his experience working with the City of Fitchburg, the state may not approve a grant or expenses until the city/town has maxed out the local occupancy or meal tax rate. This will help with revenue and loosen items on the budget.

INFORMAL MEETING OF MAY 6, 2024

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**11233 – A Measure to Adopt Local Option Sales Tax on Meals Under MGL. 64L, SEC 2(a).**

Mayor Nicholson informed the Council that the Administration is in favor of this increase:

- This increase should bring in approximately \$400,000 - \$500,000 annually.
- For comparison, for every \$100 spent on a meal, \$0.75 would come back to the city.
- This is something that would be paid for by both our residents and our visitors equally and is at a small enough rate.
- There are 253 municipalities in Massachusetts that have adopted a 0.75% meals tax.

**11234 – A Resolution to Review the City's Zoning Map for Accuracy.**

Councillor Paul Tassone submitted this resolution, and it was brought to his attention with an incident with Fitness Concepts. They have been in business for several years and when they went to renew a license, it was discovered that that they weren't zoned for having a business inside their business. The business owner stated that they were zoned for commercial II, but the zoning map stated it's in industrial II. A city council vote was found that the location was changed to commercial II, but it was never posted. Councillor Tassone wanted to bring this to the Council's attention and have a conversation about this. Just because a map says one thing, it may not be exactly accurate or right.

The Informal Meeting concluded at 7:37 p.m.

Accepted by the City Council:

**REGULAR MEETING OF MAY 6, 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, May 6, 2024.

**CALL TO ORDER**

City Clerk Titi Siriphan 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.

**READING & ACCEPTANCE OF MINUTES**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, 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, Paul Tassone, David Thibault-Muñoz and George Tyros to waive the reading and accept the MINUTES of:

- February 20, 2024, Regular Meeting
- March 4, 2024, Informal Meeting



REGULAR MEETING OF MAY 6, 2024

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- March 25, 2024, Informal Meeting

**PUBLIC HEARINGS****#11086**

President Kazinskas opened the Public Hearing 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.

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

Deputy Police Chief Nicholas Maroni spoke in favor of the amendment. He is the chair of the traffic commission. He stated that there is always a bottle neck in that location. There was a 60-day trial done and they did not receive any complaints.

James Walsh of 34 Cour Road, Gardner, spoke in favor of the amendment. He stated that it is a short street and there were many issues of cars parked on both sides of the street. It can be difficult to get through. He travels that road regularly.

The President thrice called for persons wishing to testify in opposition.

There being none, President Kazinskas closed the hearing at 7:47 PM

**COMMUNICATIONS FROM THE MAYOR**  
**COMMUNICATIONS****#11257**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to grant the following measure:

**AUTHORIZING FIVE-YEAR CONTRACT PERIOD  
VARIOUS PROJECTS**

VOTED: To authorize the City to enter into a contract not to exceed five (5) years for general office and janitorial supplies, violation processing and emergency notification system,

REGULAR MEETING OF MAY 6, 2024

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pursuant to the provisions of Massachusetts General Law, Chapter 30B, section 12 and under the terms outlined in the Purchasing Agent's April 22, 2024, Memorandum.

**#11258**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to place on file, *A Memorandum from Mayor Nicholson Regarding the FY2025 City Budget*.

**#11259**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to place on file, *A Communication from the Mayor Regarding Existing Non-Union Personnel Ordinances and Current Collective Bargaining Agreements*.

**#11260**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to refer to the Committee of the Whole, *A Notification from the Mayor regarding the Submission of the FY2025 School Department Budget*.

**#11272**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to refer to the Finance Committee for further study and report, *A Measure Establishing a Special Purpose Schools Reserve Stabilization Fund Under MGL Chapter 40, Section 5B*.

**#11273**

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

REGULAR MEETING OF MAY 6, 2024

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Heath, Brad Heglin, Judy Mack, Paul Tassone, David Thibault-Muñoz and George Tyros to refer to the Finance Committee for further study and report, *A Measure to Establish a Special Purpose Capital Projects Reserve Stabilization Account Under MGL Chapter 40, Section 5B.*

**COMMUNICATIONS FROM THE MAYOR****ORDERS****#11261**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to refer to the Committee of the Whole, *A Measure Authorizing FY2025 Revolving Funds for the City Pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½.*

**#11262**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to refer to the Committee of the Whole, *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.*

**#11263**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to refer to the Committee of the Whole, *An Order to Raise and Appropriate the sum of \$27,407,277.00 for the Various Departments of the City for the Expense Budget for the Fiscal Year Beginning July 1, 2024, and ending June 30, 2025.*

**#11264**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to

REGULAR MEETING OF MAY 6, 2024

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refer to the Committee of the Whole, *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.*

**#11265**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to refer to the Committee of the Whole, *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.*

**#11266**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to refer to the Committee of the Whole, *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.*

**#11267**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to refer to the Committee of the Whole, *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.*

**#11268**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to refer to the Committee of the Whole, *An Order Authorizing a Transfer of the sum of*

REGULAR MEETING OF MAY 6, 2024

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*\$322,709.43 from Sewer Retained Earnings/Surplus to Fund the FY2025 Revenue Budget.*

**#11269**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to refer to the Committee of the Whole, *An Order Authorizing the Transfer of the sum of \$93,687.00 from Landfill Retained Earnings/Surplus to fund the FY2025 Revenue Budget.*

**#11270**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to refer to the Finance Committee for further study and report, *An Order Transferring \$10,000.00 from City Clerk Department Salaries and Wages to Election and Registration Professional Services Operating Expenditures.*

**#11271**

On a motion made by Councillor Judy Mack 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, Paul Tassone, David Thibault-Muñoz and George Tyros to refer to the Finance Committee for further study and report, *An Order Transferring \$16,200.00 from Human Resources Salaries & Wages to Operating Expenditures.*

**#11277**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to refer to the Finance Committee for further study and report, *An Order Transferring \$30,000.00 from Mayor Department, Executive Aide Salaries to Mayor Unclassified Department, Operating Expenditure.*

REGULAR MEETING OF MAY 6, 2024

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**#11281**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to refer to the Finance Committee for further study and report, *An Order Transferring \$9,500.00 from Health Department Salaries & Wages to Health Department Operating Expenditures.*

**COMMUNICATIONS FROM THE MAYOR**  
**ORDINANCES**

**#11274**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to remove from the City Council calendar, *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.*

Councillor Aleksander Dernalowicz informed the Council that they are waiting for further information. It would be appropriate to remove it from the calendar and resubmit it to the Council at a later date.

**#11275**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to refer to the Finance Committee for further study and report, *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.*

**#11276**

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



REGULAR MEETING OF MAY 6, 2024

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Heath, Brad Heglin, Judy Mack, Paul Tassone, David Thibault-Muñoz and George Tyros to refer to the Welfare Committee, *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.*

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

**#11256**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to the Finance Committee for further study and report, *A Resolution to Rename the City Council Chamber "The Ronald F. Cormier Council Chamber."*

**#11278**

On a motion made by Councillor Paul Tassone and seconded by Councillor David Thibault-Muñoz, 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, Paul Tassone, David Thibault-Muñoz and George Tyros to refer to the Public Service Committee for further study and report, and schedule a public hearing on, *A Petition by National Grid, Parker Street – to install duct bank across Parker Street from 29 Parker Street to 2 Parker Street.*

**#11279**

On a motion made by Councillor Brad Heglin and seconded by Councillor David Thibault-Muñoz, 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, Paul Tassone, David Thibault-Muñoz and George Tyros to approve the following RESOLUTION:

**A RESOLUTION RELATING TO THE FUTURE OF STONE FIELD**

**WHEREAS**, Gardner Public Schools has discontinued the use of the property known as Stone Field due to the consolidation and construction of athletic fields at Gardner High School; and

REGULAR MEETING OF MAY 6, 2024

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**WHEREAS**, the City, through its Administration and City Council must take every step possible to ensure that the City hold itself to a high standard of care for the properties in the City's possession; and

**NOW THEREFORE**, the City Council hereby formally requests that the Administration appoint an Ad Hoc Advisory Committee to perform a comprehensive review of options available to the City for the future of Stone Field to ensure the best use of the property moving forward.

**FURTHER**, the City Council of Gardner requests that the Mayor present the Ad Hoc Advisory Committee's findings of this review to the City Council in an informal meeting to be scheduled by the City Council President at a reasonable time to allow for the completion of the review to be conducted.

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Elizabeth J. Kazinskas, City Council President On Behalf of the City Council of the City of Gardner

**#11280**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to place on file, *A Ruling from the Attorney General Relative to an Open Meeting Law Complaint Filed by Paul DeMeo Regarding Executive Session Meeting Minutes.*

**REPORTS OF STANDING COMMITTEES****APPOINTMENTS COMMITTEE****#11139**

Councillor George Tyros requested 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**





REGULAR MEETING OF MAY 6, 2024

Councillor George Tyros requested 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 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.*

There were no objections. More time was granted.

**#11255**

Councillor George Tyros requested MORE TIME on, *A Measure Confirming the Mayor’s Appointment of Vincent Pusateri, to the position of Assistant City Solicitor, for term expiring January 1, 2025.*

**REPORTS OF STANDING COMMITTEES**

**SAFETY COMMITTEE**

**#11086**

On a motion made by Councillor Craig Cormier 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, Paul Tassone, David Thibault-Muñoz and George Tyros, to send to first printing:

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

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

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

| <u>Name of Street</u> | <u>Side</u> | <u>Location</u> |
|-----------------------|-------------|-----------------|
| Comee St              | West        | Entire Length   |



REGULAR MEETING OF MAY 6, 2024

Comee St East From Pearl Street southerly for a distance of 30 feet

#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.

#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.

#11254

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, Paul Tassone, David Thibault-Muñoz and George Tyros, to APPROVE send to second and final 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"

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>                                                                                |
|-----------------------|-------------|------------------------------------------------------------------------------------------------|
| Central St            | Northwest   | From a point 30 feet northeast from the crosswalk at the intersection of Lake Street (1 space) |



## REGULAR MEETING OF MAY 6, 2024

REPORTS OF STANDING COMMITTEES  
WELFARE COMMITTEE

**#11211**

Councillor Judy Mack requested MORE TIME on, *An Ordinance to Amend the Code of the City of Gardner, to add a new Chapter 15 to be entitled "Agricultural Commission."*

There were no objections, more time was granted.

COMMITTEE OF THE WHOLE

**#11220**

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, Paul Tassone, David Thibault-Muñoz and George Tyros, to remove from the City Council Calendar, *A Communication from the Mayor regarding the Non-Union Salary Study.*

**#11232**

On a motion made by Councillor Paul Tassone and seconded by Councillor Judy Mack, 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 approve the following measure:

ACCEPCTANCE LOCAL OPTION ROOM OCCUPANCY EXCISE RATE INCREASE  
G. L. c 64G, SEC 3A

VOTED: That the city of Gardner amend its local room occupancy excise under G.L. c. 64G, sec 3A at the rate of 6 percent.

**#11233**

On a motion made by Councillor Paul Tassone and seconded by Councillor Judy Mack, it was voted on call of the roll, ten (10) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, David Thibault-Muñoz and George Tyros; one (1) nay, Councillor Brad Heglin to approve the following measure:

REGULAR MEETING OF MAY 6, 2024

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ACCEPTANCE LOCAL OPTION SALES TAX ON MEALS  
G. L. c 64L, SEC 2(a)

VOTED: That the city of Gardner accept G.L. c. 64L sec 2 (a) to impose a local meal excise.

**#11234**

On a motion made by Councillor Paul Tassone 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, Paul Tassone, David Thibault-Muñoz and George Tyros to approve the Resolution:

**A RESOLUTION TO REVIEW THE CITY'S ZONING MAP FOR ACCURACY**

WHEREAS, the City of Gardner has adopted a zoning code to determine what businesses and property uses can operate in different areas of the City; and

WHEREAS it is imperative to the development of the City to ensure that the City's zoning map is accurate and up to date with all actions by the City Council for zones and overlays throughout the City;

NOW THEREFORE, the City Council hereby requests the Mayor and the City's relevant department heads to review the City's Zoning Map for complete accuracy to prevent delays or undue hardships for businesses looking to open or expand in Gardner.

**CLOSING PRAYER**

President Elizabeth Kazinskas led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion made by Councillor Paul Tassone and seconded by Councillor Craig Cormier, 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, Paul Tassone, David Thibault-Muñoz and George Tyros to adjourn at 8:15 p.m.

Accepted by the City Council:



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**INFORMAL MEETING OF MAY 20, 2024**

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Informal Meeting of the City Council was held in the Council Chambers, Room 219, City Hall, on Monday evening, May 20, 2024.

**CALL TO ORDER**

Council President Kazinskas called the meeting to order at 6:15 o'clock p.m.

**ATTENDANCE**

Councillors present were President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, David Thibault-Muñoz, and George Tyros. Councillor Brad Heglin was absent.

Superintendent of Schools Dr. Mark Pellegrino and Mark Hawke, Director of Finance & Operations were also present.

President Kazinskas announced that the Informal Meeting was called to receive the FY2025 School Budget Presentation.

Superintendent Pellegrino presented the following PowerPoint Presentation:

The Informal Meeting concluded at 6:56 p.m.

**Accepted by the City Council:**



**City of Gardner - Executive Department**

**Mayor Michael J. Nicholson**

RECEIVED  
2021 APR 30 PM 3:01  
CITY OF GARDNER

April 30, 2024

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

RE: School Budget Presentation

Dear Madam President and Councilors,

Ahead of the FY2025 Budget discussions, attached, please find the Gardner Public Schools FY2025 Budget Presentation that was submitted and voted on unanimously by the School Committee.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner  
Chair, Gardner School Committee



Gardner Public Schools

# FY 2025

# Level Services Budget Presentation

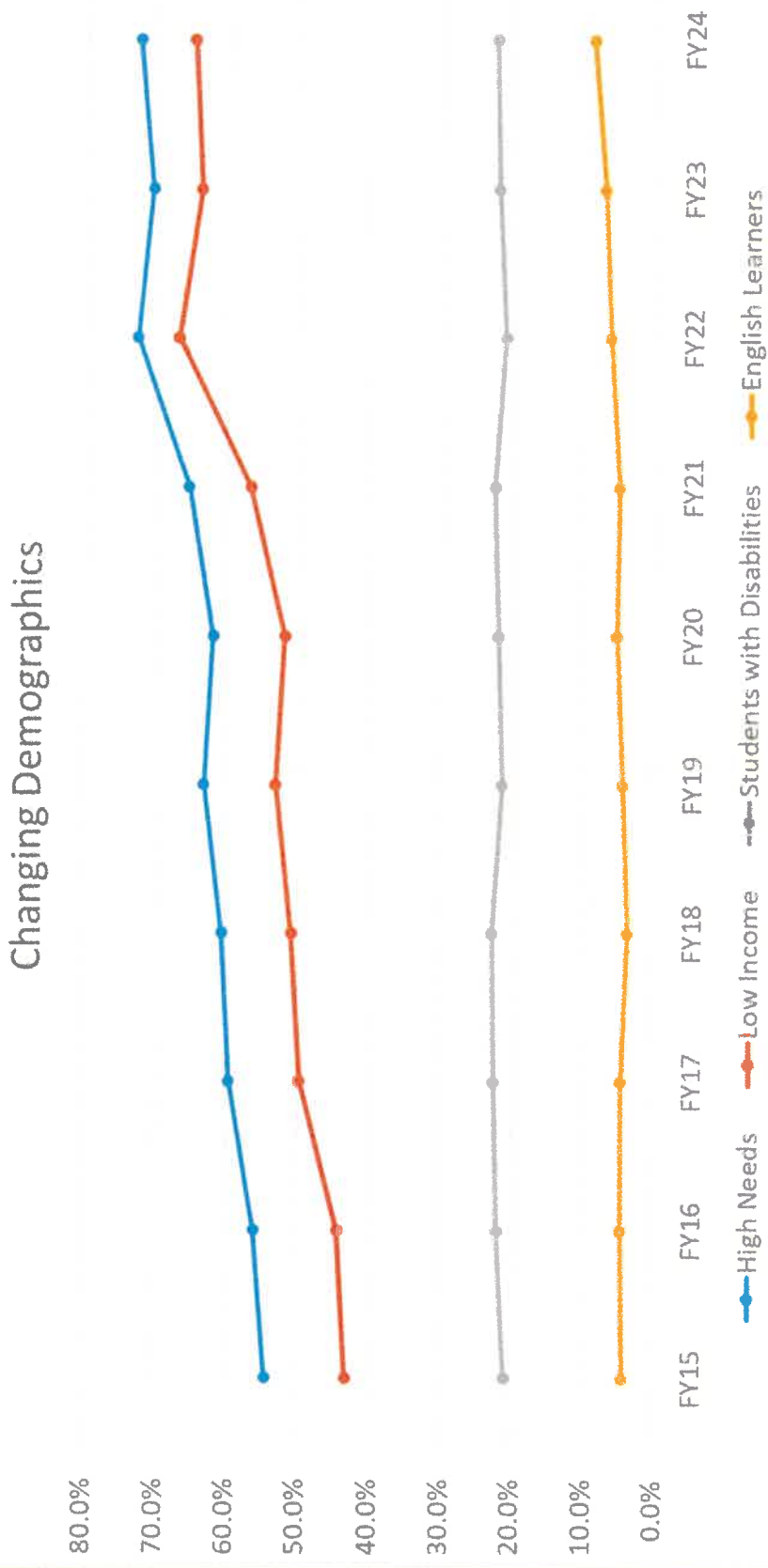


THE CHAIR CITY

Updated: 3/13/2024 10:39 AM



# Changing Demographics = Increased Cost



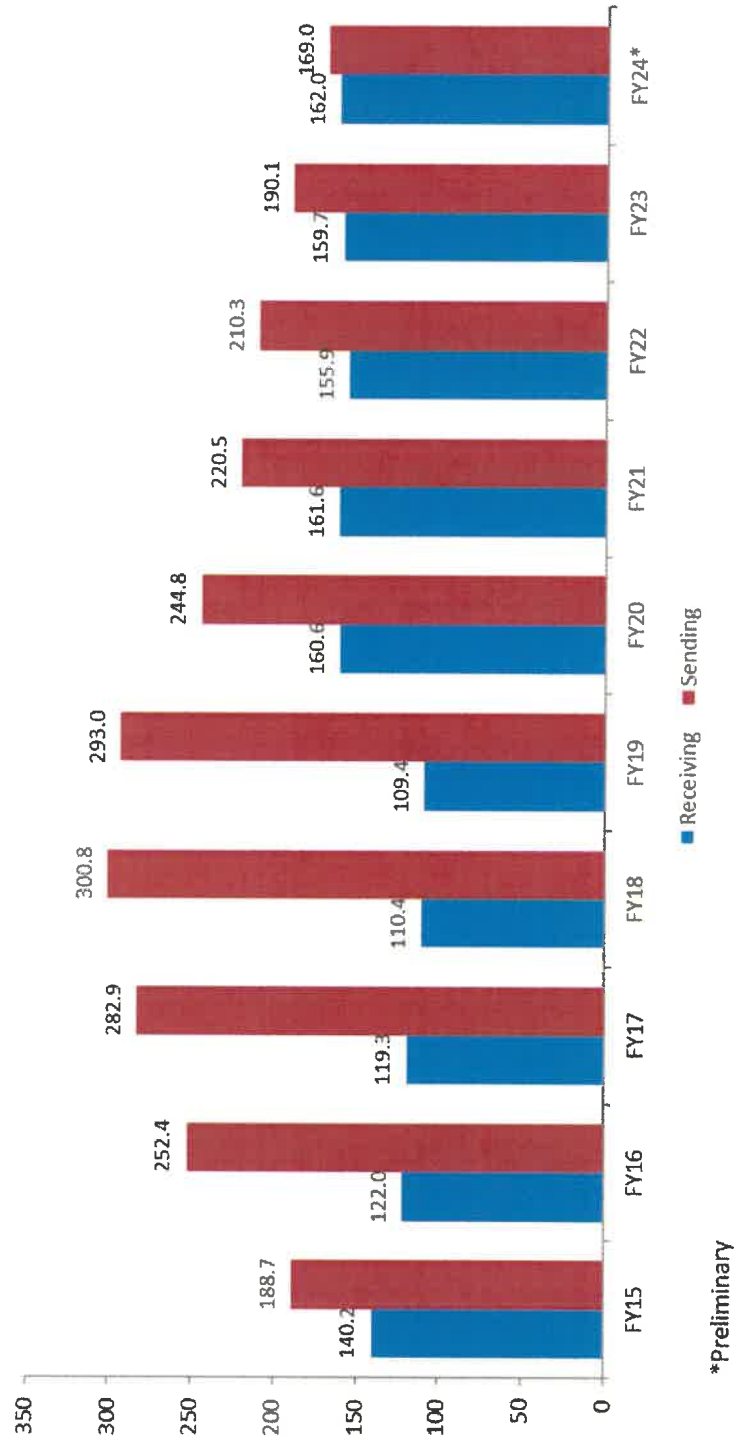


# STUDENTS LEAVING DISTRICT *Gardner Students not in Gardner Schools = Higher Expenses*



# STUDENTS LEAVING DISTRICT *Gardner Students not in Gardner Schools = Higher Expenses*

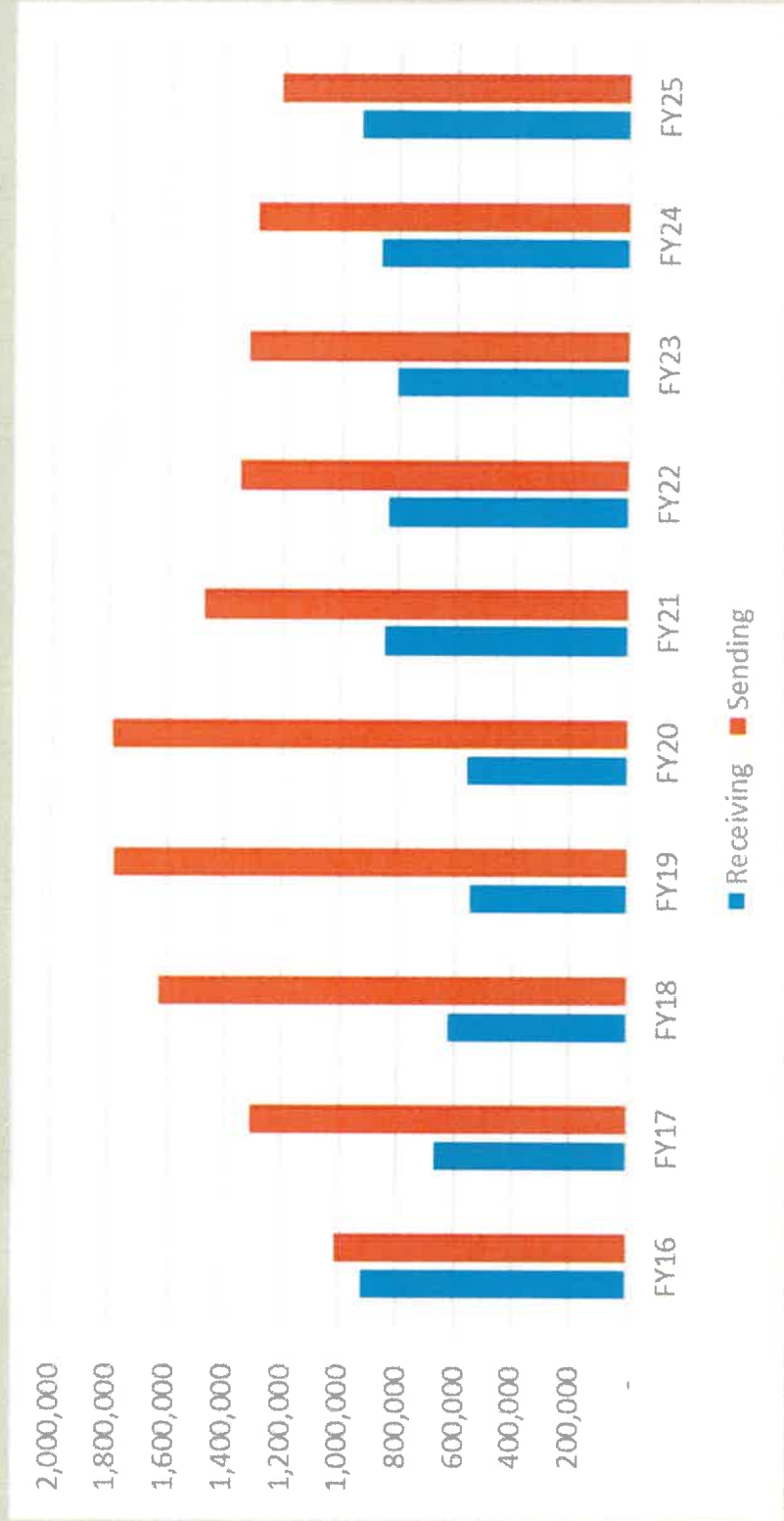
**Gardner school choice enrollment trends**



\*Preliminary

# STUDENTS LEAVING DISTRICT

## *Gardner Students not in Gardner Schools = Higher Expenses*



# Out of District Placement Costs

Out of District Placement Cost



# *Student Opportunity Act*

***GPS Meeting on February 6, 2024 with over 40 stakeholders.***

**Identified Student Populations that have the largest gaps as compared to all students:**

- Students with disabilities (Academic/Social Emotional Learning)
- English Learners (Academic)
- Economically disadvantaged students (Academic)
- Hispanic/Latinx (Social Emotional Learning)
- African American (Social Emotional Learning)



## *Student Opportunity Act: Commitments*

1. Implement a multi-tiered system of supports (MTSS) that helps all students progress both academically and in their social, emotional, and behavioral development.
  - o Three year expected investment of **\$2,581,776.00**
2. Use the MTSS process to implement academic supports and interventions that provide all students, particularly students with disabilities and multilingual learners, equitable access to deeper learning.
  - o Three year expected investment of **\$4,732,950.00**

# INCREASED STAFFING

| 2023/2024                                                                                                                                                                                                                                     | 2022/2023                                                                                                                                                                                                              | 2021/2022                                                                                                                                                                                                                                                                                                                                                                                                     | 2020/2021                                                                                                                 | 2019/2020                                                                                                                                                                            | 2018/2019                                                                                                                                                                                            | 2017/2018                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Service Positions                                                                                                                                                                                                                             | Service Positions                                                                                                                                                                                                      | Service Positions                                                                                                                                                                                                                                                                                                                                                                                             | Service Positions                                                                                                         | Service Positions                                                                                                                                                                    | Service Positions                                                                                                                                                                                    | Service Positions                                                                                                                                                                                                                 |
| Salary                                                                                                                                                                                                                                        | Salary                                                                                                                                                                                                                 | Salary                                                                                                                                                                                                                                                                                                                                                                                                        | Salary                                                                                                                    | Salary                                                                                                                                                                               | Salary                                                                                                                                                                                               | Salary                                                                                                                                                                                                                            |
| 9                                                                                                                                                                                                                                             | 10                                                                                                                                                                                                                     | 16                                                                                                                                                                                                                                                                                                                                                                                                            | 4                                                                                                                         | 6                                                                                                                                                                                    | 7                                                                                                                                                                                                    | 10                                                                                                                                                                                                                                |
| \$468,318.82                                                                                                                                                                                                                                  | \$636,366.80                                                                                                                                                                                                           | \$923,664.30                                                                                                                                                                                                                                                                                                                                                                                                  | \$270,606.80                                                                                                              | \$304,877.32                                                                                                                                                                         | \$312,371.06                                                                                                                                                                                         | \$613,186.96                                                                                                                                                                                                                      |
| Adjustment Counselor (GES)<br>Special Education Teacher (G)<br>Paraprofessional 1.1 (GES)<br>Special Education Teacher (G)<br>EL Teacher (GMS)<br>RBT (GMS)<br>Building Maintenance Craftsman<br>Nurse Assistant GES<br>Nurse Assistant (GMS) | Reading Tutor (GMS)<br>Reading Tutor (GMS)<br>Preschool Teacher (GES)<br>ELL Teacher (GES)<br>Sub-Sep Teachers (GES)-2<br>Sub-Sep ESPs (GES)-3<br>RBTs (GES)-2<br>School Year Secretary (GHS)<br>BCBA<br>Groundskeeper | Reading Specialist (WSS)<br>Occupational Therapist<br>Speech & Language Pathology<br>Elementary Band Teacher (ES)<br>Media Specialist (ESS)<br>Registered Behavior Technician<br>Paraprofessional 1.1 (ESS)<br>Media Specialist (GHS)<br>Registered Behavior Technician<br>Paraprofessional 1.1 (GMS)<br>STEAM Teacher (WSS)<br>Teacher Leader Stipends<br>BCBA<br>Outreach Social Worker<br>Athletic Trainer | Grade 2 Special Education Te<br>Adjustment Counselor (GMS)<br>Adjustment Counselor (WSS)<br>Special Education Teacher (A) | Occupational Therapist<br>Paraprofessional 1.1 (ESS)<br>Project Support Teacher (ESS)<br>Bridge Paraprofessional (GHS)<br>Bridge Coordinator (GHS)<br>Building Maintenance Craftsman | School Psychologist<br>Kindergarten Teacher (WSS)<br>Registered Behavior Technician<br>Registered Behavior Technician<br>Title 1 Tutor (ESS)<br>Paraprofessional (WSS)<br>Family Engagement Coordina | Speech & Language Pathology<br>Registered Behavior Technician<br>Guidance Counselor (GMS)<br>Guidance Counselor (WSS)<br>Grade 1 Teacher (WSS)<br>Paraprofessional (WSS)<br>Paraprofessional (WSS)<br>Title 1 Tutor (ESS)<br>BCBA |
|                                                                                                                                                                                                                                               |                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                           |                                                                                                                                                                                      |                                                                                                                                                                                                      |                                                                                                                                                                                                                                   |
| 2                                                                                                                                                                                                                                             | 3                                                                                                                                                                                                                      | 1                                                                                                                                                                                                                                                                                                                                                                                                             | 1                                                                                                                         | 2                                                                                                                                                                                    |                                                                                                                                                                                                      |                                                                                                                                                                                                                                   |
| \$219,430.69                                                                                                                                                                                                                                  | \$366,347.57                                                                                                                                                                                                           | \$89,994.60                                                                                                                                                                                                                                                                                                                                                                                                   | \$51,000.00                                                                                                               | \$210,638.96                                                                                                                                                                         |                                                                                                                                                                                                      |                                                                                                                                                                                                                                   |
| Administrative Positions                                                                                                                                                                                                                      | Administrative Positions                                                                                                                                                                                               | Administrative Positions                                                                                                                                                                                                                                                                                                                                                                                      | Administrative Positions                                                                                                  | Administrative Positions                                                                                                                                                             |                                                                                                                                                                                                      |                                                                                                                                                                                                                                   |
| MTSS Admin (GHS)<br>Asst Spec Ed Director                                                                                                                                                                                                     | Early Childhood Administrator<br>EL Director<br>MTSS Administrator (GA)<br>Early College Coordinator                                                                                                                   | Special Education Administrat                                                                                                                                                                                                                                                                                                                                                                                 | Computer Technician                                                                                                       | BCBA District Coordinator<br>Nurse Care Coordinator<br>Administrative Support Specie                                                                                                 |                                                                                                                                                                                                      |                                                                                                                                                                                                                                   |
| \$109,430.69                                                                                                                                                                                                                                  | \$93,647.57                                                                                                                                                                                                            | \$89,994.60                                                                                                                                                                                                                                                                                                                                                                                                   | \$51,000.00                                                                                                               | \$103,552.67                                                                                                                                                                         |                                                                                                                                                                                                      |                                                                                                                                                                                                                                   |
| \$110,000.00                                                                                                                                                                                                                                  | \$86,700.00                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                           | \$53,601.41                                                                                                                                                                          |                                                                                                                                                                                                      |                                                                                                                                                                                                                                   |
|                                                                                                                                                                                                                                               | \$95,000.00                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                           | \$53,464.08                                                                                                                                                                          |                                                                                                                                                                                                      |                                                                                                                                                                                                                                   |
|                                                                                                                                                                                                                                               | \$91,000.00                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                           |                                                                                                                                                                                      |                                                                                                                                                                                                      |                                                                                                                                                                                                                                   |

62 Service Positions at \$3,428,281.00 and 10 Admin at \$927,411.00

# BUDGET ADJUSTMENT PROCESS

## Principals and Directors

- Submit level funded expense budgets
- Submit prioritized lists of needed additional staff
- Submit lists of proposed expense reductions
- Submit prioritized lists of potential staff reductions to own school / department. Assigned targets total \$125,000
- Meet with Superintendent & Business Manager in January



# BUDGET ADJUSTMENT PROCESS - 2

Principals and Directors

➤ Meet with Superintendent as a team over month of March to integrate and prioritize all the individual lists .

Result:

❖ A jointly developed alignment of budget funding to stated goals

# Balancing the Budget

|                                         | FY21        | FY22        | FY23        | FY24        | FY25        | Diff from prior year |
|-----------------------------------------|-------------|-------------|-------------|-------------|-------------|----------------------|
| Total Funding                           | 31,474,597  | 31,761,374  | 34,524,590  | 38,690,364  | 41,739,345  | 3,048,981            |
| Total School Budget                     | 24,789,935  | 25,628,349  | 28,619,951  | 31,316,678  | 34,476,971  | 3,160,293            |
| Budgeted Costs that do not apply to NSS | (1,713,411) | (1,679,390) | (1,999,036) | (2,133,669) | (2,803,981) | (670,312)            |
| City Indirect Costs                     | 8,398,073   | 8,761,064   | 8,703,950   | 9,507,355   | 10,066,356  | 559,001              |
| Total Net School Spending               | 31,474,597  | 32,710,023  | 35,324,865  | 38,690,364  | 41,739,346  | 3,048,982            |
|                                         | -           | (948,649)   | (800,275)   | (0)         | (1)         |                      |

# Where did the money go?

|                 | New Revenue         |              | New Expenses        |
|-----------------|---------------------|--------------|---------------------|
| Chapter 70      | \$ 2,241,794        | Salary       | \$ 1,203,217        |
| NSS             | \$ 647,187          | Expenses     | \$ 2,181,177        |
| Homeless \$\$   | \$ 160,000          | Additions    | \$ (225,000)        |
| Over NSS        | \$ -                | Non NSS      | \$ (670,312)        |
| Additional FY24 | \$ 15,500.00        | Indirects    | \$ 575,400          |
| <b>Total</b>    | <b>\$ 3,064,481</b> | <b>Total</b> | <b>\$ 3,064,481</b> |

# Budget Restorations, Additions & Reductions

## Budget Restorations & Adjustments - Increases / (decreases)

| Department | Description       | FTE | \$      | Total   |
|------------|-------------------|-----|---------|---------|
| District   | Asst PPS Director | 1.0 | 110,000 | 110,000 |



# Salaries

|                               | FY20 Budget          | FY21 Budget          | FY22 Budget          | FY23 Budget          | FY24 Budget          | FY25 Budget          | Change              | %          |
|-------------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|---------------------|------------|
| <b>PAYROLL ACCOUNTS</b>       |                      |                      |                      |                      |                      |                      |                     |            |
| Regular Education Instruction | \$ 8,976,128         | \$ 8,880,967         | \$ 8,987,193         | \$ 9,691,814         | \$ 9,945,950         | \$ 10,194,363        | \$ 248,413          | 2%         |
| Special Education Instruction | \$ 4,602,347         | \$ 4,873,752         | \$ 4,918,799         | \$ 6,059,225         | \$ 6,848,587         | \$ 7,248,384         | \$ 399,796          | 6%         |
| Support Services              | \$ 2,060,586         | \$ 1,892,241         | \$ 1,999,357         | \$ 2,419,194         | \$ 2,611,995         | \$ 2,712,106         | \$ 100,110          | 4%         |
| School Administration         | \$ 1,752,265         | \$ 1,804,998         | \$ 1,827,919         | \$ 2,015,557         | \$ 2,033,889         | \$ 2,556,724         | \$ 522,834          | 20%        |
| Central Administration        | \$ 572,385           | \$ 597,267           | \$ 597,267           | \$ 636,521           | \$ 645,695           | \$ 713,461           | \$ 67,766           | 9%         |
| Information Services          | \$ 212,260           | \$ 218,796           | \$ 218,797           | \$ 266,488           | \$ 57,120            | \$ -                 | \$ (57,120)         | #DIV/0!    |
| Facilities                    | \$ 314,296           | \$ 275,605           | \$ 275,487           | \$ 354,633           | \$ 353,494           | \$ 367,449           | \$ 13,955           | 4%         |
| Substitutes                   | \$ 212,000           | \$ 217,000           | \$ 217,000           | \$ 217,000           | \$ 217,000           | \$ 217,000           | \$ -                | 0%         |
| <b>Total Payroll</b>          | <b>\$ 18,702,267</b> | <b>\$ 18,760,626</b> | <b>\$ 19,041,819</b> | <b>\$ 21,660,431</b> | <b>\$ 22,713,732</b> | <b>\$ 24,009,487</b> | <b>\$ 1,295,755</b> | <b>10%</b> |

# Expenses

| EXPENSE ACCOUNTS              | FY20 Budget         | FY21 Budget         | FY22 Budget         | FY23 Budget         | FY24 Budget         | FY25 Budget          | Change              | %          |
|-------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|----------------------|---------------------|------------|
| Regular Education instruction | \$ 164,726          | \$ 206,189          | \$ 219,421          | \$ 230,795          | \$ 243,274          | \$ 290,746           | \$ 47,472           | 16%        |
| Special Education Instruction | \$ 171,206          | \$ 177,219          | \$ 179,701          | \$ 202,494          | \$ 220,097          | \$ 428,341           | \$ 208,244          | 49%        |
| Support Services              | \$ 115,546          | \$ 117,582          | \$ 116,672          | \$ 124,842          | \$ 192,603          | \$ 224,423           | \$ 31,820           | 14%        |
| Program / Staff Development   | \$ 51,629           | \$ 83,335           | \$ 69,897           | \$ 81,460           | \$ 94,025           | \$ 146,270           | \$ 52,245           | 36%        |
| Other Programs (OOD)          | \$ 1,182,464        | \$ 1,129,361        | \$ 880,610          | \$ 1,041,887        | \$ 1,795,878        | \$ 2,528,835         | \$ 732,957          | 29%        |
| School Administration         | \$ 166,718          | \$ 168,609          | \$ 171,080          | \$ 167,330          | \$ 180,712          | \$ 203,623           | \$ 22,911           | 11%        |
| Central Administration        | \$ 170,983          | \$ 332,179          | \$ 329,642          | \$ 342,094          | \$ 686,966          | \$ 833,601           | \$ 146,635          | 18%        |
| Information Services          | \$ 281,087          | \$ 319,600          | \$ 362,898          | \$ 468,041          | \$ 491,909          | \$ 425,451           | \$ (66,458)         | -16%       |
| Facilities                    | \$ 1,327,032        | \$ 1,327,327        | \$ 1,451,680        | \$ 1,381,445        | \$ 1,494,584        | \$ 1,679,650         | \$ 185,066          | 11%        |
| Transportation                | \$ 1,603,311        | \$ 1,505,130        | \$ 1,556,790        | \$ 1,933,536        | \$ 2,068,169        | \$ 2,766,138         | \$ 697,969          | 25%        |
| Utilities                     | \$ 480,464          | \$ 490,021          | \$ 530,964          | \$ 618,956          | \$ 707,590          | \$ 592,500           | \$ (115,090)        | -19%       |
| Other Operations & Control Ac | \$ 372,502          | \$ 275,761          | \$ 717,174          | \$ 296,639          | \$ 428,039          | \$ 237,906           | \$ (190,133)        | -80%       |
| <b>Total Expenses</b>         | <b>\$ 6,087,668</b> | <b>\$ 6,132,313</b> | <b>\$ 6,586,529</b> | <b>\$ 6,889,520</b> | <b>\$ 8,603,846</b> | <b>\$ 10,357,484</b> | <b>\$ 1,753,638</b> | <b>17%</b> |

# Costs That Do NOT Apply to Net School Spending

|                                | Budgeted Costs that do not apply to NSS |              |              |              |              |            |         |
|--------------------------------|-----------------------------------------|--------------|--------------|--------------|--------------|------------|---------|
|                                | FY20                                    | FY22         | FY23         | FY24         | FY25         | Diff.      | % Diff. |
| Regular Transportation         | \$ 729,360                              | \$ 591,300   | \$ 657,000   | \$ 711,000   | \$ 782,100   | \$ 71,100  | 12%     |
| McKinney Vento Transportation: | \$ 185,000                              | \$ 90,000    | \$ 90,000    | \$ 90,000    | \$ 180,000   | \$ 90,000  | 100%    |
| Foster Care Transportation     |                                         | \$ 110,000   | \$ 157,000   | \$ 110,000   | \$ 200,000   | \$ 90,000  | 82%     |
| SPED Transportation            | \$ 688,951                              | \$ 825,490   | \$ 1,029,536 | \$ 1,157,169 | \$ 1,564,993 | \$ 407,824 | 49%     |
| Crossing Guard Expense         | \$ 600                                  | \$ 600       | \$ 500       | \$ 500       | \$ 500       | \$ -       | 0%      |
| Crossing Guards                | \$ 58,000                               | \$ 62,000    | \$ 65,000    | \$ 65,000    | \$ 76,388    | \$ 11,388  | 18%     |
| Bus Monitors                   | \$ 51,500                               | \$ -         | \$ -         | \$ -         | \$ -         | \$ -       |         |
|                                | \$ 1,713,411                            | \$ 1,679,390 | \$ 1,999,036 | \$ 2,133,669 | \$ 2,803,981 | \$ 670,312 |         |

# Revenue Projection

|                                    | FY20                 | FY22                 | FY23                 | FY24                 | FY25                 | Diff from FY 24     |
|------------------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|---------------------|
| State Funding (CH. 70)             | \$ 21,003,460        | \$ 21,072,010        | \$ 23,307,399        | \$ 27,428,246        | \$ 29,670,040        | \$ 2,241,794        |
| Required Net School Spending (NSS) | \$ 9,085,400         | \$ 10,329,492        | \$ 10,721,731        | \$ 11,262,118        | \$ 11,909,305        | \$ 647,187          |
| City Funding Over NSS              | \$ 1,070,794         | \$ 359,872           | \$ 495,460           | \$ -                 | \$ -                 | \$ -                |
| Homeless Emergency \$\$\$          | \$ -                 | \$ -                 | \$ -                 | \$ -                 | \$ 160,000           | \$ 160,000          |
| <b>Total Revenue</b>               | <b>\$ 31,159,654</b> | <b>\$ 31,761,374</b> | <b>\$ 34,524,590</b> | <b>\$ 38,690,364</b> | <b>\$ 41,579,345</b> | <b>\$ 2,888,981</b> |



# NSS Spending History



# THE BOTTOM LINE

Funding Gap as of April 8, 2024:

**\$0**

# Discussion and Vote

**REGULAR MEETING OF MAY 20, 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, May 20, 2024.

**CALL TO ORDER**

City Clerk Titi Siriphan 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.

Paul DeMeo of 9 Willis Road, Gardner, MA announced he was recording the meeting.

**READING & ACCEPTANCE OF MINUTES**

On a motion made by Councillor George Tyros 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, Paul Tassone, David Thibault-Muñoz and George Tyros to waive the reading and accept the MINUTES of March 4, 2024, Regular Meeting.

REGULAR MEETING OF MAY 20, 2024

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**Taken out of order #11278**

On a motion made by Councillor Paul Tassone 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, Paul Tassone, David Thibault-Muñoz and George Tyros to remove from the Council Calendar, *A Petition by National Grid, Parker Street – to install duct bank across Parker Street from 29 Parker Street to 2 Parker Street.*

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

**#11282**

On a motion made by Councillor George Tyros and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, as amended, 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 George Tyros; one (1) nay, Councillor Paul Tassone, to place on file and request a legal opinion from the law department as to which city department the City Solicitor represents, which ones he does not and an explanation for each as well, *A Communication from the Mayor Regarding Item #11232, A Resolution Relating to the Future of Helen Mae Sauter School and Item #11279: A Resolution Relating to the Future of Stone Field.*

**#11283**

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, Paul Tassone, David Thibault-Muñoz and George Tyros, to grant, *A Measure Authorizing an Intermunicipal Agreement between the City of Gardner and the Town of Princeton for Veterans Services FY2025 to FY2027.*

**#11284**

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, Paul Tassone, David Thibault-Muñoz and George Tyros, to grant, *A Measure Authorizing an Intermunicipal Agreement between the City of Gardner and the Town of Ashburnham for Animal Control Services FY2025 to FY2027.*

REGULAR MEETING OF MAY 20, 2024

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**#11290**

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, Paul Tassone, David Thibault-Muñoz and George Tyros, to place on file, *A Communication from the Mayor regarding the Collective Bargaining Agreement between the City of Gardner and the Massachusetts Coalition of Police (MassCOP), Local 400 – Superior Officers Union.*

**COMMUNICATIONS FROM THE MAYOR****ORDERS****#11285**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Judy Mack, 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 TRANSFERRING APPROPRIATIONS FREE CASH TO THE COUNCIL ON AGING REPAIRS & MAINTENANCE EXPENSE ACCOUNT.

ORDERED: That there be and is hereby appropriated sum of Five Thousand Dollars and No Cents (\$5,000.00) from Free Cash to The Council On Aging Repairs & Maintenance Expense Account.

**#11286**

Councillor Aleksander Dernalowicz requested MORE TIME on *An Order Appropriating \$30,000.00 from Free Cash to the Mayor's Unclassified – S. Graves vs City Lawsuit Expense Account.*

There were no objections, more time was granted.

REGULAR MEETING OF MAY 20, 2024

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**COMMUNICATIONS FROM THE MAYOR**  
**ORDINANCES****#11287**

Councillor Aleksander Dernalowicz requested MORE TIME on *An Order to Amend the Code of the City of Gardner, Chapter 171, thereof entitled "Personnel" to change the compensation schedule, Exhibit E NonUnion Personnel*. Councillor Aleksander Dernalowicz informed the Council that this item is related to the FY2025 Budget.

**#11289**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to the Finance Committee for further study and report, *An Ordinance to Amend the Code of the City of Gardner, Part 1, thereof entitled "Administrative Legislation."*

**PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.****#11291**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to allow the President to respond to the open meeting law complaint on behalf on the City Council and state that the executive sessions listed in the complaint were held in compliance with the law, *An Open Meeting Law Complaint Filed by Paul DeMeo Regarding Executive Session Meetings*.

**REPORTS OF STANDING COMMITTEES**  
**FINANCE COMMITTEE****#11256**

Councillor Judy Mack requested MORE TIME on, *A Resolution to Rename the City Council Chamber "The Ronald F. Cormier Council Chamber."*

There were no objections, more time was granted.



REGULAR MEETING OF MAY 20, 2024

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**#11272**

On a motion made by Councillor Judy Mack and seconded by Councillor Aleksander Dernalowicz, 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, Paul Tassone, David Thibault-Muñoz and George Tyros to adopt the following measure:

**ESTABLISHING A SPECIAL PURPOSE SCHOOLS RESERVE STABILIZATION FUND UNDER M. G. L. CHAPTER 40 SEC B**

VOTED: To establish a Special Purpose Schools Reserve Stabilization Fund, pursuant to Section 5B of Chapter 40 of the Mass General Laws, for the purpose of establishing a Schools Reserve fund.

Councillor Brad Heglin recused himself from the vote.

**#11273**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to adopt the following measure:

**ESTABLISHING A SPECIAL PURPOSE CAPITAL PROJECT RESERVE STABILIZATION FUND UNDER M. G. L. CHAPTER 40 SEC 5B**

VOTED: To establish a Special Purpose Capital Project Reserve Stabilization Fund, pursuant to Section 5B of Chapter 40 of the Mass General Laws, for the purpose of establishing a capital project reserve fund.

**#11270**

On a motion made by Councillor Judy Mack and seconded by Councillor Aleksander Dernalowicz, 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:



## REGULAR MEETING OF MAY 20, 2024

AN ORDER TRANSFERRING APPROPRIATIONS FROM CITY CLERK SALARIES & WAGES TO ELECTION & REGISTRATION PROFESSIONAL SERVICES OPERATING EXPENDITURES.

ORDERED: That there be and is hereby transferred the appropriations sum of Ten Thousand Dollars and No Cents (\$10,000.00) from City Clerk Dept Salaries & Wages to Election & Registration Professional Services Operating Expenditures.

**#11271**

On a motion made by Councillor Aleksander Dernalowicz 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 TRANSFERRING APPROPRIATIONS FROM HUMAN RESOURCES SALARIES & WAGES TO OPERATING EXPENDITURES.

ORDERED: That there be and is hereby transferred the appropriations sum of Sixteen Thousand Dollars, Two Hundred and No Cents (\$16,200.00) from Human Resources Salaries & Wages to Operating Expenditures.

|                       |             |
|-----------------------|-------------|
| PROFESSIONAL SERVICES | \$16,200.00 |
|-----------------------|-------------|

**#11277**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Dana Heath, 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 TRANSFERRING APPROPRIATIONS FROM MAYOR DEPT, EXECUTIVE AIDE SALARIES TO MAYOR UNCLASSIFIED DEPT, OPERATING EXPENDITURES.

ORDERED: That there be and is hereby transferred the appropriations sum of Thirty Thousand Dollars and No Cents (\$30,000.00) from Mayor Dept, Executive Aide Salaries to Mayor Unclassified Operating Expenditures as follows:



## REGULAR MEETING OF MAY 20, 2024

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|                              |          |
|------------------------------|----------|
| TELEPHONE EXPENSES           | \$25,000 |
| CAPITAL IMPROVEMENT EXPENSES | \$5,000  |

**#11281**

On a motion made by Councillor Aleksander Dernalowicz 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 TRANSFERRING APPROPRIATIONS FROM HEALTH DEPT SALARIES & WAGES TO HEALTH DEPT, OPERATING EXPENDITURES.

ORDERED: That there be and is hereby transferred the appropriations sum of Nine Thousand Five Hundred Dollars and No Cents (\$9,500.00) from Health Dept, Salaries & Wages to Health Dept Operating Expenditures as follows:

|                                  |         |
|----------------------------------|---------|
| Professional Services Expense    | \$7,500 |
| Professional Development Expense | \$2,000 |

**#11275**

On a motion made by Councillor Aleksander Dernalowicz 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 to send to first printing the following ordinance:

AN ORDINACNE 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

REGULAR MEETING OF MAY 20, 2024

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I. For the collection and handing 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.

**REPORTS OF STANDING COMMITTEES**  
**APPOINTMENTS COMMITTEE**

**#11139**

Councillor George Tyros requested 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 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.



REGULAR MEETING OF MAY 20, 2024

#11141

Councillor George Tyros requested 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.*

There were no objections. More time was granted.

#11255

Councillor George Tyros requested MORE TIME on, *A Measure Confirming the Mayor’s Appointment of Vincent Pusateri, to the position of Assistant City Solicitor, for term expiring January 1, 2025.*

**REPORTS OF STANDING COMMITTEES**  
**SAFETY COMMITTEE**

#11086

On a motion made by Councillor Craig Cormier 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, Paul Tassone, David Thibault-Muñoz and George Tyros, to approve and send to second and final printing:

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

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

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

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

REGULAR MEETING OF MAY 20, 2024

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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.

**#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.

**REPORTS OF STANDING COMMITTEES**  
**WELFARE COMMITTEE**

**#11211**

Councillor Judy Mack requested MORE TIME on, *An Ordinance to Amend the Code of the City of Gardner, to add a new Chapter 15 to be entitled "Agricultural Commission."*

There were no objections, more time was granted.

**11276**

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, Paul Tassone, David Thibault-Muñoz and George Tyros, to send to first printing:

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 City of Gardner, thereof entitled "Zoning Board of Appeals", be deleted in its entirety, and replaced by the following:

REGULAR MEETING OF MAY 20, 2024

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Section 182-4: The Zoning Board of Appeals, hereinafter called the “Board”, shall consist of five persons, up to four 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 the 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 effective upon passage and publication as required by law.

**COMMITTEE OF THE WHOLE**

**#11260**

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, Paul Tassone, David Thibault-Muñoz and George Tyros to refer to place on file, *A Notification from the Mayor regarding the Submission of the FY2025 School Department Budget.*

**#11261**

President Elizabeth Kazinskas requested more time on, *A Measure Authorizing FY2025 Revolving Funds for the City Pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½.*

There were no objections, more time was granted.

**#11263**

President Elizabeth Kazinskas requested more time on, *An Order to Raise and appropriate the sum of \$27,407,277.00 for the Various Departments of the City for the Expense Budget for the Fiscal Year Beginning July 1, 2024, and ending June 30, 2025.*

There were no objections, more time was granted.



REGULAR MEETING OF MAY 20, 2024

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**#11264**

President Elizabeth Kazinskas requested more time on, *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.*

There were no objections, more time was granted.

**#11265**

President Elizabeth Kazinskas requested more time on, *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.*

There were no objections, more time was granted.

**#11266**

President Elizabeth Kazinskas requested more time on, *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.*

There were no objections, more time was granted.

**#11267**

President Elizabeth Kazinskas requested more time on, *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.*

There were no objections, more time was granted.

**#11268**

President Elizabeth Kazinskas requested more time on, *An Order Authorizing a Transfer of the sum of \$322,709.43 from Sewer Retained Earnings/Surplus to Fund the FY2025 Revenue Budget.*

There were no objections, more time was granted.

REGULAR MEETING OF MAY 20, 2024

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**#11269**

President Elizabeth Kazinskas requested more time on, *An Order Authorizing the Transfer of the sum of \$93,687.00 from Landfill Retained Earnings/Surplus to fund the FY2025 Revenue Budget.*

There were no objections, more time was granted.

**CLOSING PRAYER**

President Elizabeth Kazinskas led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion made by Councillor Paul Tassone and seconded by Councillor Craig Cormier, 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, Paul Tassone, David Thibault-Muñoz and George Tyros to adjourn at 8:05 p.m.

**Accepted by the City Council:**



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**INFORMAL MEETING OF JUNE 3, 2024**

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Informal Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, June 3, 2024.

**CALL TO ORDER**

Council President Elizabeth Kazinskas called the meeting to order at 6:00 o'clock p.m.

**ATTENDANCE**

City Clerk Titi Siriphan called the Roll of Members. Eleven (11) Councillors present were present including 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. Councillor Craig Cormier attended via phone conference call.

Also in attendance and participating was Mayor Michael Nicholson and Auditor John Richard.

President Kazinskas announced that the Informal session was called to review the Mayor's FY2025 Budget Recommendations. She opened the meeting with an announcement to inform the public on how the budget process works. President Kazinskas said "We will go page by page through the budget packet that was included in our meeting packet this evening. For the public watching I'd like to begin by sharing information about the city's budget process. Up to this point, after meeting with city department heads in communicating with the City Auditor John Richard. Mayor Nicholson presented the City Council with his city budget recommendations on May 1<sup>st</sup>. His proposed budget also became available to the public that day on the city's website and the City Council's page. The public then had the opportunity to review the budget and contact the Mayor with questions. Since then the City Council standing committees consisting of the Finance, Public Safety, Public Service, and Public Welfare Committees have all met with city department heads. From the departments under each committee and Mayor Nicholson and City Auditor John Richard, during their individual standing committee, meetings for further study of the budget and answers to questions. I'd like to thank the City Council and our standing committee chairs for very promptly scheduling those meetings and being very efficient. After we had received the budget from Mayor Nicholson so that we were able to refer the item to the Council of the Whole and have this meeting this evening. Those standing committee meetings are available on the City of Gardner's YouTube page for anyone who would like to watch them this evening. The City Council is meeting as a whole committee to review and discuss the Mayor's budget recommendations. Mayor Nicholson and our City Auditor John Richard are



INFORMAL MEETING OF JUNE 3, 2024

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here this evening to assist with information and answers to questions. The City Council has the authority to cut line items from the proposed city budget with the exception of the school department where the City Council can only cut from the bottom line of the school department's proposed budget. Other than that, the City Council has the authority to cut line items from the city department budget.

The following budget proposal attached was discussed during the Informal Meeting.

The Informal Meeting concluded at 7:01 p.m.

Accepted by the City Council:

DRAFT



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

**Mayor Michael J. Nicholson**

May 1, 2024

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

RE: A Communication From the Mayor regarding the FY2025 Budget

Dear Madam President and Councilors,

I hereby submit the FY2025 Budget to the City Council for your consideration.

The full budget book with information on the proposal can be found at:  
<https://gardner-ma.gov/1414/FY2025-Budget>

Attached to this correspondence is the budget in the format that as submitted in the previously used format for ease of viewing in the City Council Packet.

I would like to thank the City's financial team of City Auditor John Richard, City Treasurer/Collector Jennifer Dymek, City Assessor Christine Kumar, and City Purchasing Director Joshua Cormier for the work they do to continue to build our strong financial foundation every day in the City.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

RECEIVED  
2024 MAY -1 PM 3:38  
CITY OF GARDNER'S OFFICE  
CITY OF GARDNER, MA



**CITY OF GARDNER - EXECUTIVE DEPARTMENT**  
**Mayor Michael J. Nicholson, J.D.**

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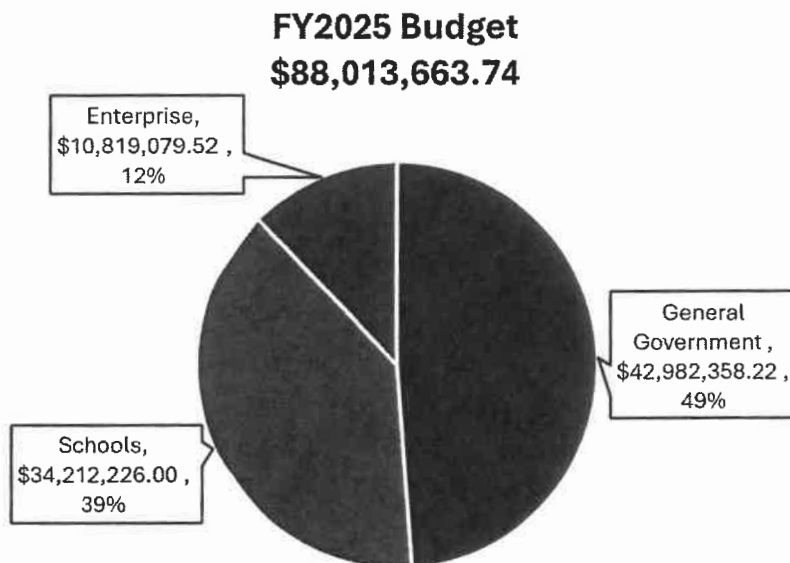
April 25, 2024

Hon. Elizabeth J. Kazinskas, City Council President  
And City Councilors  
Gardner City Hall, Rm 125  
95 Pleasant Street  
Gardner, MA 01440

RE: Fiscal Year 2025 Budget Book Submission

Dear Madam President and Councilors,

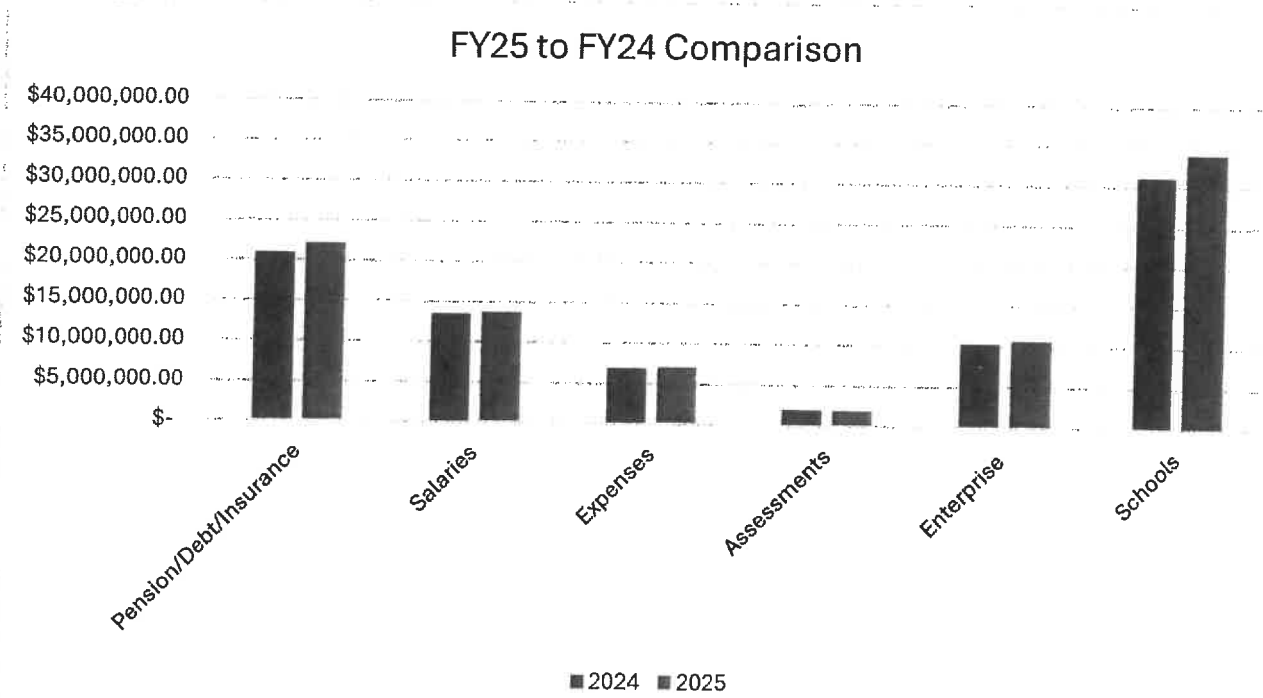
I hereby submit to you for your consideration the Administration's budget proposal for the 2025 fiscal year.



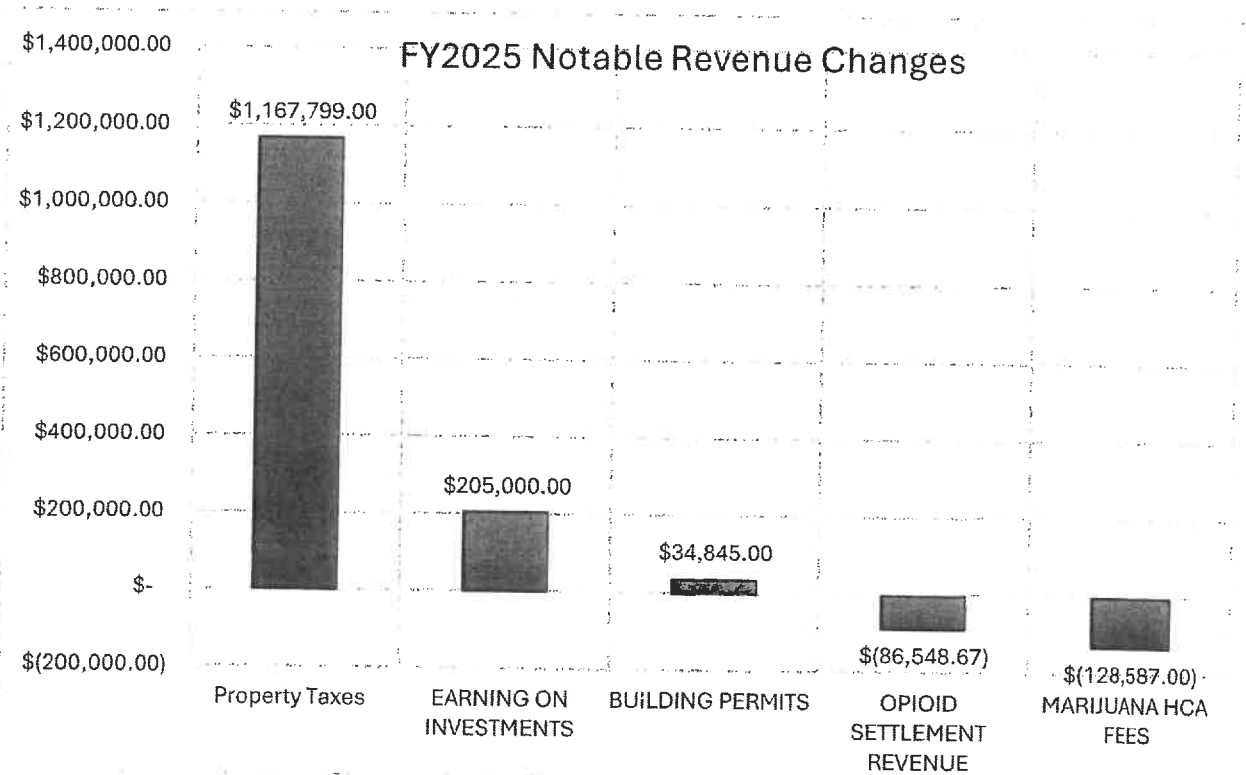
As previously mentioned in my correspondence with the City Council, this year's budget is being presented in a new format to allow for greater transparency in the budget process.

It is my hope that this new format, and the information provided, will help explain to the members of the City Council, and through the City Council to the residents of the City, where the money that funds this proposal is coming from, how these funds are being spent, and an overall picture of the City's financial state.

**FY2024 to FY2025 Budget Comparison:**



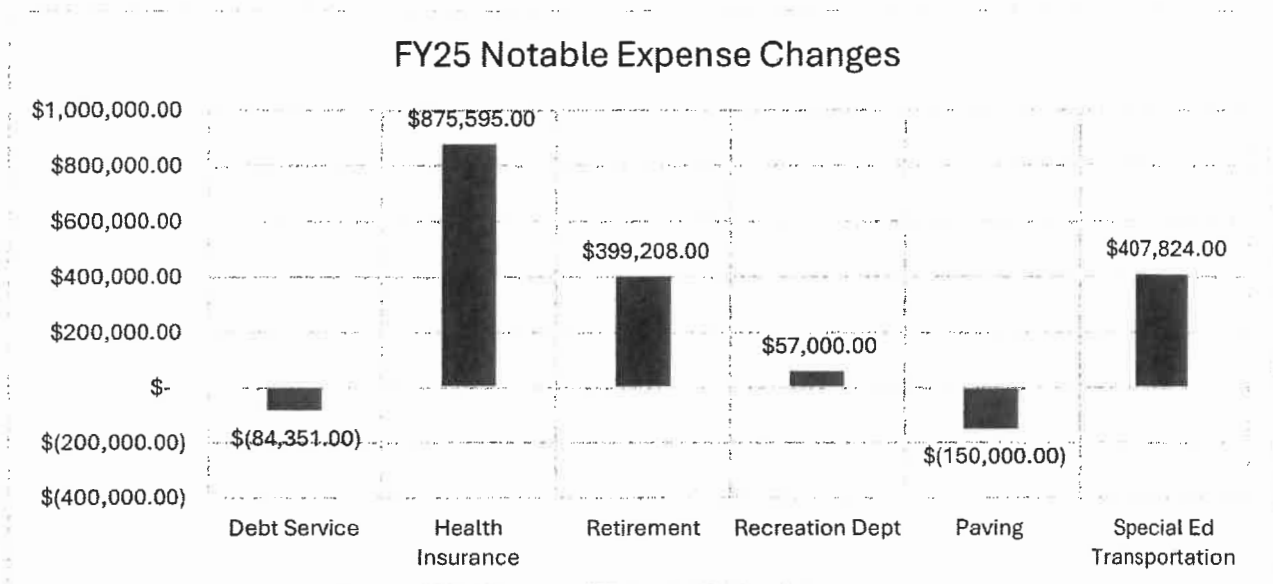
**FY2025 Notable Revenue Changes:**





1. The Tax Levy is based on a 2.5% increase as allowed under the provisions of Proposition 2 ½
2. Earnings on investments have been coming in significantly over budget due to the current high state of interest rates. The current year to date received in this account as of the date that this document was authored is around \$745,000, for a line item we budgeted \$35,000 for. As such, this has been increased this year to account for this trend in the previous three fiscal years of significantly high returns.
3. FY2024 was the first year the City's new building permit fee schedule that was adopted by the City Council took effect. This line item has been increased to reflect this new change.
4. The funds from the opioid settlement no longer fall to the general fund as they did previously, but instead are deposited into a new special revenue account, authorized by the Commonwealth's FY2023 Close Out Supplemental Budget that was signed by Governor Maura Healey in December of 2023 and created by the City Council in April of 2024. Since this now has its own special account, the funds have been completely removed from having to be appropriated in the annual operating budget.
5. The Cannabis Control Commission issued new regulations during this last calendar year that no longer allow municipalities to continue to issue Host Community Impact Fees to cannabis companies in the Commonwealth. As such, the City has discontinued the collection of these fees and they are no longer accounted for in our revenue projections for the General Fund.

**FY2025 Notable Expense Changes:**



1. The City's health insurance costs continue to increase following the recovery from the COVID-19 Pandemic. Unlike most cities and towns across Massachusetts, Gardner was

able to go seven (7) years without having to increase health insurance rates in order to cover our insurance costs. However, since FY2021, this has not been possible. The City is working with our insurance brokers to come up with the best plan to meet these challenges of these rising costs.

2. The City's retirement pension liability costs continue to rise in order to meet our funding schedule that has been set by the City's contracted actuarial service.
3. The City's Recreation Department saw increases in staff salaries in order to meet minimum staffing requirements for student to staff ratios with the substantial increase in the number of children participating in the City's summer recreation program.
4. Special Education Transportation Costs significantly increased for the school department as well, due to the addition of a student who requires out of district placement in order to meet their educational needs. Under the provisions of the General Laws of the Commonwealth, the City is required to cover the full cost of transporting this student from Gardner to their new school district.
5. Our debt service (principal and interest payments) have decreased as a result of the City paying off loans taken out for various projects in the past.
6. Paving costs were removed from the budget to balance the bottom line. It is still the plan of the Administration to appropriate funds from Free Cash for paving as has traditionally been done in accordance with the City's financial policies.

With all of the above, however, the FY2025 Budget Proposal has a revenue buffer of \$4,284.51

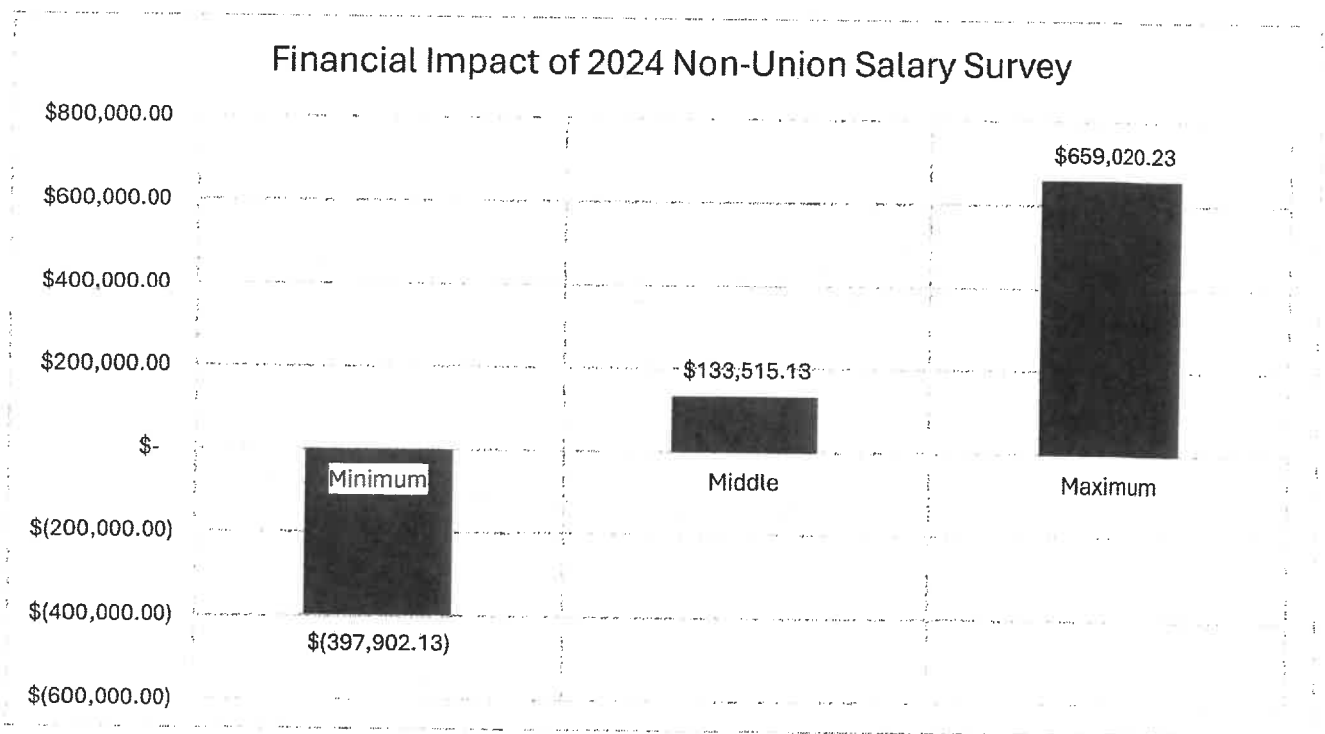
#### **Compensation Changes:**

The FY2025 Budget proposal was build with following all compensation trends included in the City's various collective bargaining agreements (union contracts):

- Collective Bargaining Agreement Between the City of Gardner School Committee and the AFSCME Local 1717- School Dept Clerical
- Collective Bargaining Agreement Between the City of Gardner and the MassCOP, Local 400 – Patrol Union
- Collective Bargaining Agreement Between the City of Gardner and the MassCOP, Local 400 – Superior Officer Union
- Collective Bargaining Agreement Between the City of Gardner and the MassCOP, Local 400 – Dispatchers (currently in negotiations)
- Collective Bargaining Agreement Between the City of Gardner and the AFSCME, Local 1717 – City Hall Clerical and Maintenance Staff

- Collective Bargaining Agreement Between the City of Gardner and the Teamsters, Local 170- Animal Control
- Collective Bargaining Agreement Between the City of Gardner and the Teamsters, Local 170- Inspectional Services (currently in negotiations)
- Collective Bargaining Agreement Between the City of Gardner and the Gardner Public Works Association (currently in negotiations)
- Collective Bargaining Agreement Between the City of Gardner and the Gardner DPW Supervisory Foremen Association (currently in negotiations)
- Collective Bargaining Agreement Between the City of Gardner and the Gardner Educators Association, Unit A (Licensed Educators) (currently in negotiations)
- Collective Bargaining Agreement Between the City of Gardner and the Gardner Educators Association, Unit B (Paraprofessionals, RBTs, Tutors) (currently in negotiations)

Additionally, recognizing that many of the City's unions received compensation changes in addition to their Cost of Living Adjustments (COLA), mainly through changes to their step scales, the FY2025 budget also contains a three percent (3%) cost of living adjustment (COLA) for all non-union employees. This is greater than the usual two percent (2%) cost of living adjustment that the operating budget usually contains.



Additionally, as you are well aware, the City contract with a firm to conduct a salary survey for the City's non-union personnel. The above figure shows the impact that this survey would have on the budget, above and beyond the three percent (3%) COLA that was included in the FY2025 Budget proposal, based on the ranges (Minimum, Medium, and Maximum) that were suggested for positions in each step.<sup>1</sup>

Currently, the City's budget is \$397,902.13 over what the salary survey recommends for the non-union positions of the City. However, in order to get all positions up to the high level recommended for each position, an additional \$659,010.23 would be needed.

Lastly, the FY2025 Budget proposal also includes all adjustments to elected official compensation that was adopted by the City Council before the current term began.

### **Staffing Levels:**

Staff levels and continuing to be competitive in the labor market is still a concern in some departments of the City.

### **Department of Public Works:**

As of the date that this document was drafted, the Department of Public Works currently has fourteen (14) vacancies with the following breakdown:

- 3 of 6 Mechanics
- 4 Municipal Grounds Positions
- 5 Highway Division Positions
- 2 Water/Sewer Positions

This causes concern with the amount of work that can be done both during construction season, and in the amount of work that can be done in house versus having to go outside for vehicle and equipment repairs.

The Administration and the two (2) DPW Unions are currently in negotiations to address this issue.

### **Police Department:**

The Police Department currently has an individual who will be beginning the Massachusetts Police Academy on May 1, 2024. We also have a vacancy that the Police Chief has decided to fill after July 1, 2024 as the City's first non-Civil Service hire. These two positions would bring the City's police department to fully staff per the budgeted amounts given to the department.

However, according to minimum staffing standards set by the Federal Bureau of Investigation (FBI), the City should have a total of 44 full-time police officers. (2.1 officers per every 1,000

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<sup>1</sup> See Appendix C(1)

residents). The Police Department is currently budgeted for 33 officers, including the Chief and Deputy Chief.

*Fire Department:*

As of the date that this document was written the Fire Department currently has three (3) vacancies due to resignations – one (1) from an individual who lives closer to Boston and transferred to the Belmont Fire Department, one (1) from an individual who left the fire service to pursue ordained ministry, and one (1) who transferred to another department in order to pursue paramedic training (Gardner Fire Department only has EMTs not paramedics).

This brings us three (3) positions under the amount budgeted for the department. However, according to the Occupational Safety and Health Administration (OSHA) and the National Fire Protection Association (NFPA) the City's fire department should be at a staffing level that include an additional sixteen (16) positions that are currently not budgeted for, based on our population level.

**Upcoming Areas of Potential Impact:**

As the Administration works to create a five (5) year financial projection for the City, there are a few areas that are being monitored that will likely have large impacts on future budgets for the City.

- Earlier this year, the United States Department of Labor promulgated new regulations increasing the minimum amount that an employee must earn in order to be considered to have exempt status under the Fair Labor Standards Act (FLSA). This means that for an employee to be considered exempt – ie: a salaried (not hourly) position/not eligible for overtime – must make a minimum of \$58,656 a year. The current minimum salary that an employee must earn in order to be considered exempt status is \$35,568. As a result of this new regulation, this will increase to \$43,888 on July 1, 2024, and \$58,656 on January 1, 2025. This will impact several positions in the City that currently fall under this dollar amount, as well that the positions that supervise those impacted in the domino effect that comes as a result of this change.
- The School's bus contract was approved as a five (5) year contract with pricing being locked in in 2019. This contract is set to expire at the conclusion of FY2025. As such, due to inflationary trends, it is likely that these costs will see large increases for FY2026.
- Minimum Net School Spending Costs continue to increase greater than revenue projections, leading to larger increases in required school budgetary expenditures.
- Software and Technology upgrades were able to be delayed a year in order to help balance the FY2025 budget proposal, however, these increased costs are expected to be required in FY2026 in order keep up with where the City needs to be working toward.

- Wood's Ambulance and the City of Gardner have been working together in a tremendous relationship to provide Advanced Life Support Ambulance services in the City. However, the current way the contract is being executed is not sustainable for Wood's Ambulance as a company. As such, the Administration and Wood's are negotiating a way to amend the way the contract is being executed in order to make the agreement more financially feasible for all parties while still not having too great of a detriment to the City. As such, there is potential that future ambulance revenue may be impacted as a result of changing the share of calls responded to by Wood's Ambulance alone compared to both a City of Gardner BLS Ambulance accompanied by a Wood's Ambulance ALS Ambulance.

As a result of all of the above concerns, it is imperative that the City look for new ways to increase our revenue in a way that does not over burden our taxpayers. By continuing to promote economic development efforts, work to increase housing production in the City, and working to bring in new grants, the Administration will continue to look at ways to increase our tax base and bring in new funding opportunities.

However, even with these concerns, the City is in a good financial position as is evident from the several years of clean financial audits that the City has received that are included in the appendices of this budget book.<sup>2</sup>

I welcome any additional questions or comments that the City Council may have regarding this proposal and the City's financial position for the upcoming fiscal year.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael J. Nicholson". The signature is written in a cursive style with a large initial "M".

Michael J. Nicholson  
Mayor, City of Gardner

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<sup>2</sup> See Appendix D

**CITY OF GARDNER**  
**FY2025 BUDGET PROPOSAL**  
**AS OF APRIL 25, 2024**

| LINE # | ORG   | OBJ                     | DESCRIPTION               | FY2023     |                       | FY2024     |            | FY2025      |              | FY2025     |            |
|--------|-------|-------------------------|---------------------------|------------|-----------------------|------------|------------|-------------|--------------|------------|------------|
|        |       |                         |                           | ACTUALS    | ACTUALS AS OF 4/25/24 | BUDGET     | BUDGET     | DEPT BUDGET | MAYOR BUDGET |            |            |
| 1      | 11111 | CITY COUNCIL            |                           |            |                       |            |            |             |              |            |            |
| 2      | 11111 | 51010                   | COUNCILORS SALARIES       | \$ 79,694  | \$ 71,726             | \$ 90,924  | \$ 97,416  | \$ 97,416   | \$ 97,416    | \$ 97,416  | \$ 97,416  |
| 3      | 11111 | 51012                   | CLERK/ASST SAL & WAGES    | \$ 3,591   | \$ 2,917              | \$ 4,000   | \$ 4,000   | \$ 4,000    | \$ 4,000     | \$ 4,000   | \$ 4,000   |
| 4      | 11111 | 51023                   | TEMP SALARY & WAGES       | \$ -       | \$ -                  | \$ 1,500   | \$ 1,500   | \$ 1,500    | \$ 1,500     | \$ 1,500   | \$ 1,500   |
| 5      | 11111 | 52050                   | MINOR EQUIPMENT           | \$ -       | \$ -                  | \$ 500     | \$ 500     | \$ 500      | \$ 500       | \$ 500     | \$ 485     |
| 6      | 11111 | 52150                   | COMMUNICATIONS            | \$ 12,526  | \$ 2,802              | \$ 10,500  | \$ 10,500  | \$ 10,500   | \$ 10,500    | \$ 10,500  | \$ 10,185  |
| 7      | 11111 | 52170                   | PROFESSIONAL DEV & TRAVEL | \$ 1,473   | \$ 566                | \$ 2,585   | \$ 2,585   | \$ 2,585    | \$ 2,585     | \$ 2,585   | \$ 2,507   |
| 8      | 11111 | 52190                   | PROFESSIONAL SERVICES     | \$ 2,000   | \$ -                  | \$ 2,000   | \$ 2,000   | \$ 2,000    | \$ 2,000     | \$ 2,000   | \$ 1,940   |
| 9      | 11111 | 52230                   | OFFICE SUPPLIES           | \$ 918     | \$ 322                | \$ 1,000   | \$ 1,000   | \$ 1,000    | \$ 1,000     | \$ 1,000   | \$ 970     |
| 10     | 11111 | 55010                   | GOVERNMENT PICTURE        | \$ -       | \$ -                  | \$ 1,000   | \$ 1,000   | \$ 1,000    | \$ 1,000     | \$ 1,000   | \$ -       |
| 11     |       |                         |                           |            |                       |            |            |             |              |            |            |
| 12     | TOTAL | CITY COUNCIL            |                           | \$ 100,202 | \$ 78,331             | \$ 114,009 | \$ 120,501 | \$ 120,501  | \$ 119,004   | \$ 119,004 | \$ 119,004 |
| 13     |       |                         |                           |            |                       |            |            |             |              |            |            |
| 14     | 11161 | CITY CLERK              |                           |            |                       |            |            |             |              |            |            |
| 15     | 11161 | 51010                   | DEPT HEAD SALARY & WAGES  | \$ 85,229  | \$ 70,034             | \$ 86,875  | \$ 88,613  | \$ 88,613   | \$ 89,310    | \$ 89,310  | \$ 89,310  |
| 16     | 11161 | 51011                   | ASSISTANT SALARY & WAGES  | \$ 93,345  | \$ 66,826             | \$ 80,500  | \$ 47,970  | \$ 47,970   | \$ 48,869    | \$ 48,869  | \$ 48,869  |
| 17     | 11161 | 51012                   | CLERK SAL & WAGES         | \$ 14,692  | \$ 16,118             | \$ 35,953  | \$ 74,340  | \$ 74,340   | \$ 76,075    | \$ 76,075  | \$ 76,075  |
| 18     | 11161 | 51013                   | PT CLERK/ASST SAL & WAGES | \$ 6,200   | \$ -                  | \$ -       | \$ -       | \$ -        | \$ -         | \$ -       | \$ -       |
| 19     | 11161 | 51023                   | TEMP CLERK SALARY & WAGES | \$ -       | \$ -                  | \$ -       | \$ 10,000  | \$ 10,000   | \$ -         | \$ -       | \$ -       |
| 20     | 11161 | 51030                   | OVERTIME                  | \$ 189     | \$ 9,262              | \$ 8,671   | \$ -       | \$ -        | \$ 4,000     | \$ 4,000   | \$ 4,000   |
| 21     | 11161 | 51460                   | LONGEVITY                 | \$ 540     | \$ 270                | \$ 600     | \$ 180     | \$ 180      | \$ 180       | \$ 180     | \$ 180     |
| 22     | 11161 | 51551                   | TERMINATION LEAVE         | \$ 9,216   | \$ 3,150              | \$ 3,150   | \$ -       | \$ -        | \$ -         | \$ -       | \$ -       |
| 23     | 11161 | 52050                   | MINOR EQUIPMENT           | \$ 297     | \$ -                  | \$ 700     | \$ 500     | \$ 500      | \$ 485       | \$ 485     | \$ 485     |
| 24     | 11161 | 52151                   | TELECOMMUNICATIONS        | \$ 491     | \$ 643                | \$ 700     | \$ 700     | \$ 700      | \$ 679       | \$ 679     | \$ 679     |
| 25     | 11161 | 52170                   | PROFESSIONAL DEV & TRAVEL | \$ 1,407   | \$ 626                | \$ 626     | \$ 500     | \$ 500      | \$ 485       | \$ 485     | \$ 485     |
| 26     | 11161 | 52190                   | PROFESSIONAL SERVICES     | \$ 6,994   | \$ 2,304              | \$ 3,874   | \$ 4,000   | \$ 4,000    | \$ 3,880     | \$ 3,880   | \$ 3,880   |
| 27     | 11161 | 52230                   | OFFICE SUPPLIES           | \$ 1,500   | \$ 804                | \$ 1,500   | \$ 1,500   | \$ 1,500    | \$ 1,455     | \$ 1,455   | \$ 1,455   |
| 28     |       |                         |                           |            |                       |            |            |             |              |            |            |
| 29     | TOTAL | CITY CLERK              |                           | \$ 220,099 | \$ 170,036            | \$ 223,149 | \$ 228,303 | \$ 228,303  | \$ 225,418   | \$ 225,418 | \$ 225,418 |
| 30     |       |                         |                           |            |                       |            |            |             |              |            |            |
| 31     | 11162 | ELECTION & REGISTRATION |                           |            |                       |            |            |             |              |            |            |
| 32     | 11162 | 51010                   | BD OF REGISTRATION SAL&WA | \$ 3,050   | \$ 2,333              | \$ 3,050   | \$ 3,050   | \$ 3,050    | \$ 3,050     | \$ 3,050   | \$ 3,050   |
| 33     | 11162 | 51013                   | ELECTION OFFICERS SAL&WGS | \$ 50,000  | \$ 90,016             | \$ 90,000  | \$ 60,000  | \$ 60,000   | \$ 50,000    | \$ 50,000  | \$ 50,000  |
| 34     | 11162 | 52050                   | MINOR EQUIPMENT           | \$ -       | \$ 1,477              | \$ 2,000   | \$ 7,500   | \$ 7,500    | \$ 1,940     | \$ 1,940   | \$ 1,940   |
| 35     | 11162 | 52150                   | COMMUNICATIONS            | \$ -       | \$ 480                | \$ 1,040   | \$ 2,500   | \$ 2,500    | \$ 1,009     | \$ 1,009   | \$ 1,009   |



| LINE # | ORG   | OBJ                    | DESCRIPTION                    | FY2023     |            | FY2024                |            | FY2025      |              | FY2025 |  |
|--------|-------|------------------------|--------------------------------|------------|------------|-----------------------|------------|-------------|--------------|--------|--|
|        |       |                        |                                | ACTUALS    | BUDGET     | ACTUALS AS OF 4/25/24 | BUDGET     | DEPT BUDGET | MAYOR BUDGET |        |  |
| 36     | 11162 | 52190                  | PROFESSIONAL SERVICES          | \$ 22,000  | \$ 43,854  | \$ 37,500             | \$ 22,000  | \$ 21,340   |              |        |  |
| 37     | 11162 | 52230                  | OFFICE SUPPLIES                | \$ 1,500   | \$ 2,093   | \$ 2,000              | \$ 5,000   | \$ 1,940    |              |        |  |
| 38     | TOTAL | ELECTION & REGISTRATIO |                                | \$ 76,550  | \$ 140,253 | \$ 135,590            | \$ 100,050 | \$ 79,279   |              |        |  |
| 40     |       |                        |                                |            |            |                       |            |             |              |        |  |
| 41     | 11121 | MAYOR                  |                                |            |            |                       |            |             |              |        |  |
| 42     | 11121 | 51010                  | MAYOR SALARY & WAGES           | \$ 92,435  | \$ 78,684  | \$ 105,905            | \$ 106,963 | \$ 106,963  |              |        |  |
| 43     | 11121 | 51011                  | EXECUTIVE AIDE SAL & WAGE      | \$ 55,671  | \$ 22,467  | \$ 56,738             | \$ 58,342  | \$ 58,342   |              |        |  |
| 44     | 11121 | 51012                  | EXECUTIVE ASSIST SALARY & WAGE | \$ 50,843  | \$ 41,778  | \$ 46,734             | \$ 53,277  | \$ 53,277   |              |        |  |
| 45     | 11121 | 51023                  | TEMP SALARY & WAGES            | \$ 2,500   | \$ 2,508   | \$ 2,508              | \$ 2,500   | \$ 2,500    |              |        |  |
| 46     | 11121 | 51460                  | LONGEVITY                      | \$ 240     | \$ -       | \$ 270                | \$ 300     | \$ 300      |              |        |  |
| 47     | 11121 | 52030                  | REPAIRS & MAINTENANCE          | \$ 252     | \$ 235     | \$ 500                | \$ 485     | \$ 485      |              |        |  |
| 48     | 11121 | 52050                  | MINOR EQUIPMENT                | \$ -       | \$ 148     | \$ 300                | \$ 291     | \$ 291      |              |        |  |
| 49     | 11121 | 52150                  | COMMUNICATIONS                 | \$ 947     | \$ 646     | \$ 2,500              | \$ 2,425   | \$ 2,425    |              |        |  |
| 50     | 11121 | 52151                  | TELECOMMUNICATIONS             | \$ 1,000   | \$ 2,018   | \$ 3,650              | \$ 3,541   | \$ 3,541    |              |        |  |
| 51     | 11121 | 52170                  | PROFESSIONAL DEV & TRAVEL      | \$ 7,388   | \$ 6,765   | \$ 6,290              | \$ 3,395   | \$ 3,395    |              |        |  |
| 52     | 11121 | 52190                  | PROFESSIONAL SERVICES          | \$ 15,057  | \$ 16,319  | \$ 16,301             | \$ 13,580  | \$ 13,580   |              |        |  |
| 53     | 11121 | 52230                  | OFFICE SUPPLIES                | \$ 1,971   | \$ 1,824   | \$ 1,500              | \$ 1,455   | \$ 1,455    |              |        |  |
| 54     | 11121 | 52240                  | VEHICLE SUPPLIES               | \$ -       | \$ 35      | \$ 100                | \$ 97      | \$ 97       |              |        |  |
| 55     | 11121 | 55010                  | MAYOR'S PORTRAIT               | \$ -       | \$ -       | \$ 1,000              | \$ 970     | \$ -        |              |        |  |
| 56     |       |                        |                                |            |            |                       |            |             |              |        |  |
| 57     | TOTAL | MAYOR                  |                                | \$ 228,304 | \$ 173,427 | \$ 244,296            | \$ 247,621 | \$ 246,651  |              |        |  |
| 58     |       |                        |                                |            |            |                       |            |             |              |        |  |
| 59     | 11151 | LAW                    |                                |            |            |                       |            |             |              |        |  |
| 60     | 11151 | 51010                  | DEPT HEAD SALARY & WAGES       | \$ 84,542  | \$ 70,840  | \$ 87,875             | \$ 89,633  | \$ 90,338   |              |        |  |
| 61     | 11151 | 51011                  | ASSISTANT SALARY & WAGES       | \$ 22,060  | \$ 36,763  | \$ 48,573             | \$ 65,000  | \$ 49,934   |              |        |  |
| 62     | 11151 | 51460                  | LONGEVITY                      | \$ 450     | \$ -       | \$ 480                | \$ 510     | \$ 510      |              |        |  |
| 63     | 11151 | 52170                  | PROFESSIONAL DEV & TRAVEL      | \$ 2,571   | \$ 2,761   | \$ 2,461              | \$ 2,000   | \$ 2,000    |              |        |  |
| 64     | 11151 | 52172                  | LEGAL RESEARCH                 | \$ 3,179   | \$ 2,217   | \$ 5,000              | \$ 5,000   | \$ 4,850    |              |        |  |
| 65     | 11151 | 52191                  | OUTSIDE COUNSEL                | \$ 8,986   | \$ 6,852   | \$ 6,852              | \$ 5,000   | \$ 4,850    |              |        |  |
| 66     | 11151 | 52193                  | ARBITRATION                    | \$ -       | \$ -       | \$ 100                | \$ 100     | \$ 97       |              |        |  |
| 67     | 11151 | 52230                  | OFFICE SUPPLIES                | \$ 1,200   | \$ (2,389) | \$ 288                | \$ 6,000   | \$ 3,492    |              |        |  |
| 68     | 11151 | 55051                  | DEPOSITION & DISCOVERY         | \$ 1,000   | \$ -       | \$ 500                | \$ 500     | \$ 485      |              |        |  |
| 69     | 11151 | 55052                  | LEGAL FEES/CLOSING COST        | \$ 2,410   | \$ 105     | \$ 2,500              | \$ 2,500   | \$ 2,425    |              |        |  |
| 70     |       |                        |                                |            |            |                       |            |             |              |        |  |
| 71     | TOTAL | LAW                    |                                | \$ 126,398 | \$ 117,148 | \$ 154,628            | \$ 176,243 | \$ 157,951  |              |        |  |
| 72     |       |                        |                                |            |            |                       |            |             |              |        |  |
| 73     | 11199 | MAYOR'S UNCLASSIFIED   |                                |            |            |                       |            |             |              |        |  |
| 74     | 11199 | 51551                  | TERMINATION LEAVE - RESERVE    | \$ -       | \$ -       | \$ 9,868              | \$ 250,000 | \$ 150,000  |              |        |  |



| LINE # |       | ORG   | OBJ                            | DESCRIPTION | FY2023        |           | FY2024    |           | FY2025      |           | FY2025       |           |
|--------|-------|-------|--------------------------------|-------------|---------------|-----------|-----------|-----------|-------------|-----------|--------------|-----------|
|        |       |       |                                |             | ACTUALS AS OF |           | BUDGET    |           | DEPT BUDGET |           | MAYOR BUDGET |           |
|        |       |       |                                |             | 4/25/24       |           |           |           |             |           |              |           |
|        |       |       |                                |             | ACTUALS       |           | BUDGET    |           | DEPT BUDGET |           | MAYOR BUDGET |           |
|        |       |       |                                |             | \$            | \$        | \$        | \$        | \$          | \$        | \$           | \$        |
| 114    | TOTAL |       | HISTORICAL COMMISSION          |             |               |           |           |           |             |           |              |           |
| 115    |       |       |                                |             |               |           |           |           |             |           |              |           |
| 116    | 12244 |       | WEIGHTS & MEASURES             |             |               |           |           |           |             |           |              |           |
| 117    | 12244 | 51010 | DEPT HEAD SALARY & WAGES       |             | 9,962         | 8,468     | 10,161    | 10,161    | 10,161      | 10,161    | 10,465       | 10,465    |
| 118    | 12244 | 52230 | OFFICE SUPPLIES                |             | 770           | 88        | 200       | 200       | 200         | 200       | 200          | 200       |
| 119    |       |       |                                |             |               |           |           |           |             |           |              |           |
| 120    | TOTAL |       | WEIGHTS & MEASURES             |             | 10,732        | 8,556     | 10,361    | 10,361    | 10,361      | 10,361    | 10,665       | 10,665    |
| 121    |       |       |                                |             |               |           |           |           |             |           |              |           |
| 122    | 13999 |       | REGIONAL SCHOOL DISTRICTS      |             |               |           |           |           |             |           |              |           |
| 123    | 13999 | 56500 | 9500-MONT VOC TEC SCH ASSESS   |             | 1,134,654     | 1,107,341 | 1,107,341 | 1,107,341 | 1,129,488   | 1,129,488 | 1,129,488    | 1,129,488 |
| 124    |       |       |                                |             |               |           |           |           |             |           |              |           |
| 125    | TOTAL |       | REGIONAL SCHOOL DISTRI         |             | 1,134,654     | 1,107,341 | 1,107,341 | 1,107,341 | 1,129,488   | 1,129,488 | 1,129,488    | 1,129,488 |
| 126    |       |       |                                |             |               |           |           |           |             |           |              |           |
| 127    | 11135 |       | CITY AUDITOR                   |             |               |           |           |           |             |           |              |           |
| 128    | 11135 | 51010 | DEPT HEAD SALARY & WAGES       |             | 89,884        | 73,859    | 91,620    | 91,620    | 96,201      | 96,201    | 94,187       | 94,187    |
| 129    | 11135 | 51011 | ASSISTANT SALARY & WAGES       |             | 52,032        | 42,751    | 53,037    | 53,037    | 59,402      | 59,402    | 54,517       | 54,517    |
| 130    | 11135 | 51460 | LONGEVITY                      |             | 360           | -         | 420       | 420       | 480         | 480       | 480          | 480       |
| 131    | 11135 | 52030 | REPAIRS & MAINTENANCE          |             | -             | -         | 200       | 200       | 200         | 200       | -            | -         |
| 132    | 11135 | 52050 | MINOR EQUIPMENT                |             | -             | -         | 100       | 100       | 100         | 100       | -            | -         |
| 133    | 11135 | 52151 | TELECOMMUNICATIONS             |             | 540           | 540       | 540       | 540       | 540         | 540       | 540          | 540       |
| 134    | 11135 | 52170 | PROFESSIONAL DEV & TRAVEL      |             | 993           | 1,046     | 3,000     | 3,000     | 3,000       | 3,000     | 2,000        | 2,000     |
| 135    | 11135 | 52190 | PROFESSIONAL SERVICES          |             | 62,227        | 66,237    | 68,250    | 68,250    | 70,850      | 70,850    | 70,850       | 70,850    |
| 136    | 11135 | 52230 | OFFICE SUPPLIES                |             | 44            | 387       | 1,000     | 1,000     | 1,000       | 1,000     | 110          | 110       |
| 137    |       |       |                                |             |               |           |           |           |             |           |              |           |
| 138    | TOTAL |       | CITY AUDITOR                   |             | 206,081       | 184,819   | 218,167   | 218,167   | 231,773     | 231,773   | 222,685      | 222,685   |
| 139    |       |       |                                |             |               |           |           |           |             |           |              |           |
| 140    | 19910 |       | CONTRIBUTORY RETIREMENT        |             |               |           |           |           |             |           |              |           |
| 141    | 19910 | 51011 | BOARD ADMINISTR SAL & WAGES    |             | 71,164        | 60,197    | 74,529    | 74,529    | 78,255      | 78,255    | 78,255       | 78,255    |
| 142    | 19910 | 51014 | BOARD & COMM SAL & WAGES       |             | 17,800        | 14,634    | 17,800    | 17,800    | 17,800      | 17,800    | 17,800       | 17,800    |
| 143    | 19910 | 51023 | TEMP SALARY & WAGES            |             | 1,680         | -         | 4,000     | 4,000     | 4,000       | 4,000     | 4,000        | 4,000     |
| 144    | 19910 | 51460 | LONGEVITY                      |             | 270           | -         | 300       | 300       | 300         | 300       | 330          | 330       |
| 145    | 19910 | 57070 | CONTRIB RETIRE ASSESSMENT      |             | 5,163,798     | 5,518,958 | 5,518,958 | 5,518,958 | 5,918,166   | 5,918,166 | 5,918,166    | 5,918,166 |
| 146    |       |       |                                |             |               |           |           |           |             |           |              |           |
| 147    | TOTAL |       | CONTRIBUTORY RETIREMEN         |             | 5,254,712     | 5,593,988 | 5,615,587 | 5,615,587 | 6,018,551   | 6,018,551 | 6,018,551    | 6,018,551 |
| 148    |       |       |                                |             |               |           |           |           |             |           |              |           |
| 149    | 11138 |       | PURCHASING                     |             |               |           |           |           |             |           |              |           |
| 150    | 11138 | 51010 | DEPT HEAD SALARY & WAGES       |             | 78,738        | 64,700    | 80,259    | 80,259    | 81,864      | 81,864    | 82,508       | 82,508    |
| 151    | 11138 | 51012 | SENIOR ACCOUNT CLERK SAL & WAG |             | 38,490        | 33,016    | 42,314    | 42,314    | 54,000      | 54,000    | 44,791       | 44,791    |
| 152    | 11138 | 51460 | LONGEVITY                      |             | 300           | -         | 330       | 330       | 360         | 360       | 360          | 360       |

| LINE # | ORG   | OBJ               | DESCRIPTION                   | FY2023     |                       | FY2024     |             | FY2025       |  |
|--------|-------|-------------------|-------------------------------|------------|-----------------------|------------|-------------|--------------|--|
|        |       |                   |                               | ACTUALS    | ACTUALS AS OF 4/25/24 | BUDGET     | DEPT BUDGET | MAYOR BUDGET |  |
| 153    | 11138 | 52150             | COMMUNICATIONS                | \$ 471     | \$ 108                | \$ 1,000   | \$ 3,500    | \$ 750       |  |
| 154    | 11138 | 52151             | TELECOMMUNICATIONS            | \$ 955     | \$ 373                | \$ 500     | \$ 500      | \$ 500       |  |
| 155    | 11138 | 52170             | PROFESSIONAL DEV & TRAVEL     | \$ 1,753   | \$ 1,326              | \$ 2,000   | \$ 2,000    | \$ 1,500     |  |
| 156    | 11138 | 52190             | PROFESSIONAL SERVICES         | \$ 300     | \$ 300                | \$ 500     | \$ 500      | \$ 500       |  |
| 157    | 11138 | 52230             | OFFICE SUPPLIES               | \$ 927     | \$ 763                | \$ 1,100   | \$ 1,100    | \$ 1,000     |  |
| 158    |       |                   |                               |            |                       |            |             |              |  |
| 159    | TOTAL | PURCHASING        |                               | \$ 121,935 | \$ 100,586            | \$ 128,003 | \$ 143,824  | \$ 131,909   |  |
| 160    |       |                   |                               |            |                       |            |             |              |  |
| 161    | 12293 |                   | CIVIL ENFORCEMENT             |            |                       |            |             |              |  |
| 162    | 12293 | 51010             | DEPT HEAD SALARY & WAGES      | \$ 2,500   | \$ 2,083              | \$ 2,500   | \$ 2,500    | \$ 2,500     |  |
| 163    | 12293 | 52190             | PROFESSIONAL SERVICES         | \$ 1,278   | \$ 905                | \$ 4,500   | \$ 4,500    | \$ 4,500     |  |
| 164    |       |                   |                               |            |                       |            |             |              |  |
| 165    | TOTAL | CIVIL ENFORCEMENT |                               | \$ 3,777   | \$ 2,988              | \$ 7,000   | \$ 7,000    | \$ 7,000     |  |
| 166    |       |                   |                               |            |                       |            |             |              |  |
| 167    | 11141 |                   | ASSESSORS                     |            |                       |            |             |              |  |
| 168    | 11141 | 51010             | CHAIRMAN ASSES SAL&WAGES      | \$ 78,197  | \$ 64,256             | \$ 79,708  | \$ 81,150   | \$ 81,941    |  |
| 169    | 11141 | 51012             | CLERK/ASST SAL & WAGES        | \$ 37,198  | \$ 31,543             | \$ 38,204  | \$ 39,300   | \$ 40,462    |  |
| 170    | 11141 | 51014             | BOARD & COMM SAL & WAGES      | \$ 4,000   | \$ 3,333              | \$ 4,001   | \$ 4,001    | \$ 4,001     |  |
| 171    | 11141 | 52151             | TELECOMMUNICATIONS            | \$ -       | \$ -                  | \$ 1,000   | \$ 1,000    | \$ -         |  |
| 172    | 11141 | 52170             | PROFESSIONAL DEV & TRAVEL     | \$ 1,694   | \$ 1,119              | \$ 2,500   | \$ 2,500    | \$ 2,400     |  |
| 173    | 11141 | 52190             | PROFESSIONAL SERVICES         | \$ 868     | \$ 261                | \$ 2,000   | \$ 2,000    | \$ 1,000     |  |
| 174    | 11141 | 52230             | OFFICE SUPPLIES               | \$ 750     | \$ 836                | \$ 1,500   | \$ 1,500    | \$ 1,500     |  |
| 175    | 11141 | 55030             | COMPUTER SOFTWARE             | \$ -       | \$ -                  | \$ 1,000   | \$ 7,500    | \$ -         |  |
| 176    | 11141 | 55040             | VALUATION MAINTENANCE         | \$ 13,861  | \$ 16,165             | \$ 16,400  | \$ 17,800   | \$ 17,800    |  |
| 177    | 11141 | 55050             | VALUATION UPDATE              | \$ 84,609  | \$ 40,707             | \$ 54,500  | \$ 56,000   | \$ 56,000    |  |
| 178    |       |                   |                               |            |                       |            |             |              |  |
| 179    | TOTAL | ASSESSORS         |                               | \$ 221,176 | \$ 158,220            | \$ 200,813 | \$ 212,751  | \$ 205,104   |  |
| 180    |       |                   |                               |            |                       |            |             |              |  |
| 181    | 11145 |                   | CITY TREASURER                |            |                       |            |             |              |  |
| 182    | 11145 | 51010             | DEPT HEAD SALARY & WAGES      | \$ 89,884  | \$ 73,859             | \$ 91,620  | \$ 110,000  | \$ 94,187    |  |
| 183    | 11145 | 51011             | ASSISTANT SALARY & WAGES      | \$ 57,063  | \$ 46,889             | \$ 58,165  | \$ 75,000   | \$ 59,795    |  |
| 184    | 11145 | 51012             | SENIOR ACCT CLERK SAL & WAGES | \$ 42,766  | \$ 35,840             | \$ 44,890  | \$ 50,000   | \$ 46,599    |  |
| 185    | 11145 | 51015             | COMP PROG/OP SAL & WAGES      | \$ -       | \$ -                  | \$ -       | \$ -        | \$ -         |  |
| 186    | 11145 | 51018             | PARKING METER CLERK           | \$ 6,679   | \$ 3,196              | \$ 15,092  | \$ 15,092   | \$ 15,417    |  |
| 187    | 11145 | 51030             | OVERTIME                      | \$ -       | \$ -                  | \$ 300     | \$ 300      | \$ 300       |  |
| 188    | 11145 | 51460             | LONGEVITY                     | \$ 600     | \$ -                  | \$ 630     | \$ 680      | \$ 660       |  |
| 189    | 11145 | 52030             | REPAIRS & MAINTENANCE         | \$ 275     | \$ -                  | \$ 500     | \$ 500      | \$ 250       |  |
| 190    | 11145 | 52033             | PARKING METER MAINTENANCE     | \$ 14,305  | \$ 408                | \$ 25,000  | \$ 25,000   | \$ 15,000    |  |
| 191    | 11145 | 52050             | MINOR EQUIPMENT               | \$ -       | \$ -                  | \$ 1,000   | \$ 1,000    | \$ 750       |  |



| LINE # | ORG   | OBJ                     | DESCRIPTION                   | FY2023       |                       | FY2024       |               | FY2025        |               | FY2025        |  |
|--------|-------|-------------------------|-------------------------------|--------------|-----------------------|--------------|---------------|---------------|---------------|---------------|--|
|        |       |                         |                               | ACTUALS      | ACTUALS AS OF 4/25/24 | BUDGET       | BUDGET        | DEPT BUDGET   | MAYOR BUDGET  |               |  |
| 231    | 16621 | GREENWOOD MEMORIAL POOL |                               |              |                       |              |               |               |               |               |  |
| 232    | 16621 | 51013                   | P/T LIFE GUARDS SAL&WGS       | \$ 37,905    | \$ 34,080             | \$ 55,000    | \$ 57,000     | \$ 57,000     | \$ 50,000     | \$ 50,000     |  |
| 233    | 16621 | 51030                   | OVERTIME                      | \$ 2,908     | \$ 574                | \$ 1,000     | \$ 1,000      | \$ 1,000      | \$ 1,000      | \$ 1,000      |  |
| 234    | 16621 | 52030                   | REPAIRS & MAINTENANCE         | \$ 2,416     | \$ 2,586              | \$ 4,000     | \$ 4,000      | \$ 4,000      | \$ 4,000      | \$ 4,000      |  |
| 235    | 16621 | 52050                   | MINOR EQUIPMENT               | \$ -         | \$ -                  | \$ 1,000     | \$ 1,000      | \$ 1,000      | \$ 750        | \$ 750        |  |
| 236    | 16621 | 52110                   | ENERGY & UTILITIES            | \$ 8,088     | \$ 5,042              | \$ 9,000     | \$ 9,000      | \$ 9,000      | \$ 8,750      | \$ 8,750      |  |
| 237    | 16621 | 52151                   | TELECOMMUNICATIONS            | \$ -         | \$ -                  | \$ 500       | \$ 500        | \$ 500        | \$ 100        | \$ 100        |  |
| 238    | 16621 | 52230                   | OFFICE SUPPLIES               | \$ -         | \$ -                  | \$ 200       | \$ 200        | \$ 200        | \$ 100        | \$ 100        |  |
| 239    | 16621 | 52231                   | POOL SUPPLIES                 | \$ 13,162    | \$ 14,537             | \$ 15,000    | \$ 17,500     | \$ 17,500     | \$ 17,250     | \$ 17,250     |  |
| 240    | 16621 | 55161                   | NEW POOL FILTRATION SYSTEM    | \$ 32,000    | \$ -                  | \$ -         | \$ -          | \$ -          | \$ -          | \$ -          |  |
| 241    |       |                         |                               |              |                       |              |               |               |               |               |  |
| 242    | TOTAL | GREENWOOD MEMORIAL POOL |                               | \$ 96,479    | \$ 56,818             | \$ 85,700    | \$ 90,200     | \$ 90,200     | \$ 81,950     | \$ 81,950     |  |
| 243    |       |                         |                               |              |                       |              |               |               |               |               |  |
| 244    | 19914 | EMPLOYEE BENEFITS       |                               |              |                       |              |               |               |               |               |  |
| 245    | 19914 | 52200                   | 111F CLAIMS REVIEW            | \$ 36,170    | \$ 43,653             | \$ 42,800    | \$ 43,656     | \$ 43,656     | \$ 43,656     | \$ 43,656     |  |
| 246    | 19914 | 57010                   | WORKER'S COMPENSATION         | \$ 145,533   | \$ 125,910            | \$ 128,400   | \$ 130,968    | \$ 130,968    | \$ 130,968    | \$ 130,968    |  |
| 247    | 19914 | 57011                   | WORKER'S COMPENSATION-SCHOOL  | \$ 182,983   | \$ 125,910            | \$ 128,400   | \$ 130,968    | \$ 130,968    | \$ 130,968    | \$ 130,968    |  |
| 248    | 19914 | 57021                   | UNEMPLOYMENT COMPENSATION     | \$ 14,382    | \$ 30,949             | \$ 84,530    | \$ 85,375     | \$ 85,375     | \$ 75,375     | \$ 75,375     |  |
| 249    | 19914 | 57022                   | UNEMPLOYMENT COMPENSATION-SCH | \$ 22,445    | \$ 49,742             | \$ 110,016   | \$ 111,116    | \$ 111,116    | \$ 91,116     | \$ 91,116     |  |
| 250    | 19914 | 57040                   | MEDICARE                      | \$ 204,497   | \$ 220,581            | \$ 224,700   | \$ 226,947    | \$ 226,947    | \$ 226,947    | \$ 226,947    |  |
| 251    | 19914 | 57041                   | MEDICARE-SCHOOL               | \$ 356,951   | \$ 231,800            | \$ 315,650   | \$ 318,807    | \$ 318,807    | \$ 318,807    | \$ 318,807    |  |
| 252    | 19914 | 57051                   | LIFE INSURANCE                | \$ 54,273    | \$ 44,937             | \$ 35,700    | \$ 36,057     | \$ 36,057     | \$ 36,057     | \$ 36,057     |  |
| 253    | 19914 | 57052                   | LIFE INSURANCE-SCHOOL         | \$ 14,029    | \$ 7,081              | \$ 38,892    | \$ 39,281     | \$ 39,281     | \$ 39,281     | \$ 39,281     |  |
| 254    | 19914 | 57060                   | HEALTH INSURANCE              | \$ 3,508,652 | \$ 1,785,796          | \$ 3,694,566 | \$ 3,859,517  | \$ 3,859,517  | \$ 3,859,517  | \$ 3,859,517  |  |
| 255    | 19914 | 57061                   | HEALTH INSURANCE-SCHOOL       | \$ 5,043,710 | \$ 4,409,734          | \$ 4,994,801 | \$ 5,705,444  | \$ 5,705,444  | \$ 5,705,444  | \$ 5,705,444  |  |
| 256    | 19914 | 57062                   | CHAP 41 MEDICAL ALLOWANCE     | \$ 10,940    | \$ 10,393             | \$ 58,850    | \$ 59,439     | \$ 59,439     | \$ 59,439     | \$ 59,439     |  |
| 257    |       |                         |                               |              |                       |              |               |               |               |               |  |
| 258    | TOTAL | EMPLOYEE BENEFITS       |                               | \$ 9,594,564 | \$ 7,086,486          | \$ 9,857,305 | \$ 10,747,575 | \$ 10,747,575 | \$ 10,717,575 | \$ 10,717,575 |  |
| 259    |       |                         |                               |              |                       |              |               |               |               |               |  |
| 260    | 15549 | DISABILITIES COMMISSION |                               |              |                       |              |               |               |               |               |  |
| 261    | 15549 | 52170                   | PROFESSIONAL DEV & TRAVEL     | \$ -         | \$ -                  | \$ 250       | \$ 250        | \$ 250        | \$ 250        | \$ 250        |  |
| 262    | 15549 | 52230                   | OFFICE SUPPLIES               | \$ -         | \$ -                  | \$ 250       | \$ 250        | \$ 250        | \$ 250        | \$ 250        |  |
| 263    |       |                         |                               |              |                       |              |               |               |               |               |  |
| 264    | TOTAL | DISABILITIES COMMISSIO  |                               | \$ -         | \$ -                  | \$ 500       | \$ 500        | \$ 500        | \$ 500        | \$ 500        |  |
| 265    |       |                         |                               |              |                       |              |               |               |               |               |  |
| 266    | 11155 | INFORMATION TECHNOLOGY  |                               |              |                       |              |               |               |               |               |  |
| 267    | 11155 | 51010                   | DEPT HEAD SALARY & WAGES      | \$ 104,216   | \$ 84,265             | \$ 104,528   | \$ 106,619    | \$ 106,619    | \$ 107,458    | \$ 107,458    |  |
| 268    | 11155 | 51013                   | P/T CLERK/ASST SAL & WAGES    | \$ -         | \$ -                  | \$ 3,160     | \$ 3,876      | \$ 3,876      | \$ 3,800      | \$ 3,800      |  |
| 269    | 11155 | 51015                   | COMP PROG/OP SAL & WAGES      | \$ 68,224    | \$ 56,060             | \$ 69,541    | \$ 70,932     | \$ 70,932     | \$ 71,490     | \$ 71,490     |  |

| LINE # | ORG   | OBJ                    | DESCRIPTION                    | FY2023     |            | FY2024                |            | FY2025      |              | FY2025 |            |
|--------|-------|------------------------|--------------------------------|------------|------------|-----------------------|------------|-------------|--------------|--------|------------|
|        |       |                        |                                | ACTUALS    | BUDGET     | ACTUALS AS OF 4/25/24 | BUDGET     | DEPT BUDGET | MAYOR BUDGET |        |            |
| 270    | 11155 | 51030                  | OVERTIME                       | \$ -       | \$ 97      | \$ -                  | \$ 100     | \$ -        | \$ -         | \$ -   | \$ -       |
| 271    | 11155 | 51460                  | LONGEVITY                      | \$ 840     | \$ -       | \$ 840                | \$ 900     | \$ -        | \$ 900       | \$ -   | \$ 960     |
| 272    | 11155 | 52040                  | INFORMATION TECHNOLOGY         | \$ 40,339  | \$ 29,122  | \$ 40,339             | \$ 37,485  | \$ -        | \$ 81,850    | \$ -   | \$ 37,485  |
| 273    | 11155 | 52041                  | SOFTWARE/SERVICE/LISC RENEWALS | \$ 266,895 | \$ 266,717 | \$ 266,895            | \$ 277,960 | \$ -        | \$ 306,058   | \$ -   | \$ 277,960 |
| 274    | 11155 | 52151                  | TELECOMMUNICATIONS             | \$ 9,684   | \$ 8,630   | \$ 9,684              | \$ 12,575  | \$ -        | \$ 13,494    | \$ -   | \$ 13,494  |
| 275    | 11155 | 52170                  | PROFESSIONAL DEV & TRAVEL      | \$ 1,409   | \$ 1,067   | \$ 1,409              | \$ 1,575   | \$ -        | \$ 2,800     | \$ -   | \$ 1,575   |
| 276    | 11155 | 52230                  | OFFICE SUPPLIES                | \$ 981     | \$ 36      | \$ 981                | \$ 750     | \$ -        | \$ 750       | \$ -   | \$ 750     |
| 277    | 11155 | 52231                  | PRINTER/COPIER SUPPLIES        | \$ 7,393   | \$ 4,718   | \$ 7,393              | \$ 10,420  | \$ -        | \$ 10,920    | \$ -   | \$ 10,420  |
| 278    |       |                        |                                |            |            |                       |            |             |              |        |            |
| 279    | TOTAL | INFORMATION TECHNOLOGY |                                | \$ 499,981 | \$ 450,712 | \$ 499,981            | \$ 518,995 | \$ -        | \$ 598,200   | \$ -   | \$ 525,392 |
| 280    |       |                        |                                |            |            |                       |            |             |              |        |            |
| 281    |       |                        |                                |            |            |                       |            |             |              |        |            |
| 282    | 11165 |                        | LICENSE COMMISSION             |            |            |                       |            |             |              |        |            |
| 283    | 11165 | 51014                  | LICENSE BD SALARY & WAGES      | \$ 2,500   | \$ 1,875   | \$ 2,500              | \$ 2,500   | \$ -        | \$ 2,500     | \$ -   | \$ 2,500   |
| 284    | 11165 | 51030                  | OVERTIME                       | \$ -       | \$ -       | \$ -                  | \$ 500     | \$ -        | \$ 500       | \$ -   | \$ 500     |
| 285    | 11165 | 52150                  | COMMUNICATIONS                 | \$ -       | \$ -       | \$ -                  | \$ 100     | \$ -        | \$ 100       | \$ -   | \$ 100     |
| 286    | 11165 | 52190                  | PROFESSIONAL SERVICES          | \$ -       | \$ -       | \$ -                  | \$ 200     | \$ -        | \$ 200       | \$ -   | \$ 200     |
| 287    | 11165 | 52230                  | OFFICE SUPPLIES                | \$ -       | \$ 18      | \$ -                  | \$ 200     | \$ -        | \$ 200       | \$ -   | \$ 200     |
| 288    |       |                        |                                |            |            |                       |            |             |              |        |            |
| 289    | TOTAL | LICENSE COMMISSION     |                                | \$ 2,500   | \$ 1,893   | \$ 2,500              | \$ 3,500   | \$ -        | \$ 3,500     | \$ -   | \$ 3,500   |
| 290    |       |                        |                                |            |            |                       |            |             |              |        |            |
| 291    | 15512 |                        | HEALTH                         |            |            |                       |            |             |              |        |            |
| 292    | 15512 | 51010                  | DEPT HEAD SALARY & WAGES       | \$ 60,692  | \$ 44,895  | \$ 60,692             | \$ 64,144  | \$ -        | \$ 67,352    | \$ -   | \$ 65,942  |
| 293    | 15512 | 51011                  | P/T AST SANI INSP SAL&WG       | \$ 40,224  | \$ 35,430  | \$ 40,224             | \$ 43,624  | \$ -        | \$ 45,805    | \$ -   | \$ 44,846  |
| 294    | 15512 | 51012                  | CLERK/ASST SAL & WAGES         | \$ 35,802  | \$ 31,384  | \$ 35,802             | \$ 38,204  | \$ -        | \$ 40,115    | \$ -   | \$ 40,462  |
| 295    | 15512 | 51013                  | PREVENT COORD SALARY & WAGES   | \$ 52,411  | \$ 43,056  | \$ 52,411             | \$ 53,423  | \$ -        | \$ 56,094    | \$ -   | \$ 54,920  |
| 296    | 15512 | 51014                  | BOARD & COMM SAL & WAGES       | \$ 4,000   | \$ 3,000   | \$ 4,000              | \$ 4,000   | \$ -        | \$ 4,000     | \$ -   | \$ 4,000   |
| 297    | 15512 | 51018                  | HEALTH FOOD/HOUS INSP SAL&W    | \$ 3,846   | \$ 20,596  | \$ 3,846              | \$ 51,000  | \$ -        | \$ 53,550    | \$ -   | \$ 52,530  |
| 298    | 15512 | 51030                  | OVERTIME                       | \$ -       | \$ -       | \$ -                  | \$ 500     | \$ -        | \$ 500       | \$ -   | \$ 500     |
| 299    | 15512 | 51090                  | CLOTH/UNIFORM ALLOWANCE        | \$ 350     | \$ 500     | \$ 350                | \$ 700     | \$ -        | \$ 700       | \$ -   | \$ 700     |
| 300    | 15512 | 51460                  | LONGEVITY                      | \$ 210     | \$ -       | \$ 210                | \$ 240     | \$ -        | \$ 240       | \$ -   | \$ 180     |
| 301    | 15512 | 51551                  | TERMINATION LEAVE              | \$ -       | \$ 766     | \$ -                  | \$ 766     | \$ -        | \$ -         | \$ -   | \$ -       |
| 302    | 15512 | 52030                  | REPAIRS & MAINTENANCE          | \$ 240     | \$ -       | \$ 240                | \$ 500     | \$ -        | \$ 500       | \$ -   | \$ 485     |
| 303    | 15512 | 52040                  | INFORMATION TECHNOLOGY         | \$ 8       | \$ 3       | \$ 8                  | \$ 600     | \$ -        | \$ 600       | \$ -   | \$ 582     |
| 304    | 15512 | 52050                  | MINOR EQUIPMENT                | \$ -       | \$ 160     | \$ -                  | \$ 500     | \$ -        | \$ 500       | \$ -   | \$ 485     |
| 305    | 15512 | 52150                  | COMMUNICATIONS                 | \$ -       | \$ -       | \$ -                  | \$ 300     | \$ -        | \$ 300       | \$ -   | \$ 291     |
| 306    | 15512 | 52151                  | TELECOMMUNICATIONS             | \$ 2,220   | \$ 691     | \$ 2,220              | \$ 3,000   | \$ -        | \$ 3,000     | \$ -   | \$ 2,910   |
| 307    | 15512 | 52170                  | PROFESSIONAL DEV & TRAVEL      | \$ 2,737   | \$ 4,439   | \$ 2,737              | \$ 2,500   | \$ -        | \$ 5,000     | \$ -   | \$ 2,425   |
| 308    | 15512 | 52190                  | PROFESSIONAL SERVICES          | \$ 4,591   | \$ 18,226  | \$ 4,591              | \$ 14,900  | \$ -        | \$ 20,000    | \$ -   | \$ 14,453  |





| LINE # | ORG   | OBJ                         | DESCRIPTION                    | FY2023     |            | FY2024                |            | FY2025      |            | MAYOR BUDGET |
|--------|-------|-----------------------------|--------------------------------|------------|------------|-----------------------|------------|-------------|------------|--------------|
|        |       |                             |                                | ACTUALS    | BUDGET     | ACTUALS AS OF 4/25/24 | BUDGET     | DEPT BUDGET | BUDGET     |              |
| 348    | 11176 | ZONING BOARD OF APPEALS     |                                |            |            |                       |            |             |            |              |
| 349    | 11176 | 51014                       | BOARD & COMM SAL & WAGES       | \$ 2,338   | \$ 2,900   | \$ 1,613              | \$ 2,900   | \$ 2,900    | \$ 2,900   | \$ 2,900     |
| 350    | 11176 | 52150                       | COMMUNICATIONS                 | \$ 5,411   | \$ 3,000   | \$ 3,967              | \$ 3,000   | \$ 3,000    | \$ 3,000   | \$ 3,000     |
| 351    | 11176 | 52170                       | PROFESSIONAL DEV & TRAVEL      | \$ 100     | \$ 200     | \$ 190                | \$ 200     | \$ 200      | \$ 200     | \$ 100       |
| 352    | 11176 | 52230                       | OFFICE SUPPLIES                | \$ 53      | \$ 300     | \$ 109                | \$ 300     | \$ 300      | \$ 300     | \$ 300       |
| 353    |       |                             |                                |            |            |                       |            |             |            |              |
| 354    | TOTAL | ZONING BOARD OF APPEAL      |                                | \$ 7,901   | \$ 24,396  | \$ 5,878              | \$ 6,400   | \$ 6,400    | \$ 6,300   | \$ 6,300     |
| 355    |       |                             |                                |            |            |                       |            |             |            |              |
| 356    | 11192 | PUBLIC BUILDING MAINTENANCE |                                |            |            |                       |            |             |            |              |
| 357    | 11192 | 51016                       | CUSTODIAN SALARY & WAGES       | \$ 80,019  | \$ 94,380  | \$ 75,045             | \$ 152,000 | \$ 152,000  | \$ 98,586  | \$ 98,586    |
| 358    | 11192 | 51030                       | OVERTIME                       | \$ 4,960   | \$ 4,000   | \$ 3,016              | \$ 8,000   | \$ 8,000    | \$ 4,000   | \$ 4,000     |
| 359    | 11192 | 51031                       | ON-CALL/STANDBY                | \$ 300     | \$ 500     | \$ 200                | \$ 2,000   | \$ 2,000    | \$ 1,000   | \$ 1,000     |
| 360    | 11192 | 51090                       | CLOTH/UNIFORM ALLOWANCE        | \$ 1,000   | \$ 1,000   | \$ 1,000              | \$ 2,000   | \$ 2,000    | \$ 1,000   | \$ 1,000     |
| 361    | 11192 | 51100                       | SHIFT DIFFERENTIAL             | \$ 315     | \$ 1,000   | \$ 449                | \$ 1,500   | \$ 1,500    | \$ 1,000   | \$ 1,000     |
| 362    | 11192 | 51551                       | TERMINATION LEAVE              | \$ 1,811   | \$ -       | \$ -                  | \$ -       | \$ -        | \$ -       | \$ -         |
| 363    | 11192 | 52030                       | REPAIRS & MAINTENANCE          | \$ 40,321  | \$ 25,979  | \$ 25,979             | \$ 60,000  | \$ 60,000   | \$ 25,000  | \$ 25,000    |
| 364    | 11192 | 52032                       | TRAFFIC LIGHTS MAINTENANCE     | \$ 57,485  | \$ -       | \$ -                  | \$ -       | \$ -        | \$ -       | \$ -         |
| 365    | 11192 | 52050                       | MINOR EQUIPMENT                | \$ 1,132   | \$ 3,450   | \$ 3,065              | \$ 37,000  | \$ 37,000   | \$ 3,450   | \$ 3,450     |
| 366    | 11192 | 52110                       | ENERGY & UTILITIES             | \$ 41,432  | \$ 35,200  | \$ 35,200             | \$ 35,000  | \$ 35,000   | \$ 33,552  | \$ 33,552    |
| 367    | 11192 | 52151                       | TELECOMMUNICATIONS             | \$ 755     | \$ 1,500   | \$ 772                | \$ 2,000   | \$ 2,000    | \$ 800     | \$ 800       |
| 368    |       |                             |                                |            |            |                       |            |             |            |              |
| 369    | TOTAL | PUBLIC BUILDING MAINTA      |                                | \$ 229,531 | \$ 165,830 | \$ 144,726            | \$ 299,500 | \$ 299,500  | \$ 168,387 | \$ 168,387   |
| 370    |       |                             |                                |            |            |                       |            |             |            |              |
| 371    | 12241 | BUILDING DEPT               |                                |            |            |                       |            |             |            |              |
| 372    | 12241 | 51010                       | DEPT HEAD SALARY & WAGES       | \$ 65,018  | \$ 85,336  | \$ 68,661             | \$ 110,000 | \$ 110,000  | \$ 87,559  | \$ 87,559    |
| 373    | 12241 | 51011                       | LOCAL BLDG INSP SAL & WGS      | \$ 104,094 | \$ 79,624  | \$ 56,789             | \$ 150,000 | \$ 150,000  | \$ 135,182 | \$ 135,182   |
| 374    | 12241 | 51012                       | CLERK/ASST SAL & WAGES         | \$ 18,584  | \$ 42,198  | \$ 20,606             | \$ 51,948  | \$ 51,948   | \$ 42,886  | \$ 42,886    |
| 375    | 12241 | 51013                       | P/T CLERK/ASST SAL & WGS       | \$ 35,765  | \$ 38,278  | \$ 31,009             | \$ 42,328  | \$ 42,328   | \$ 40,462  | \$ 40,462    |
| 376    | 12241 | 51018                       | PLUMBING & GAS INSP SAL & WAGE | \$ 34,864  | \$ 35,604  | \$ 23,870             | \$ 38,918  | \$ 38,918   | \$ 36,528  | \$ 36,528    |
| 377    | 12241 | 51019                       | WIRE INSPECTOR SAL & WAGES     | \$ 64,496  | \$ 65,616  | \$ 53,003             | \$ 72,000  | \$ 72,000   | \$ 67,591  | \$ 67,591    |
| 378    | 12241 | 51023                       | ALTERNATE INSPECTOR SALARY     | \$ 9,429   | \$ 19,991  | \$ 16,346             | \$ 19,982  | \$ 19,982   | \$ 18,264  | \$ 18,264    |
| 379    | 12241 | 51030                       | OVERTIME                       | \$ 561     | \$ 1,800   | \$ 1,976              | \$ 8,658   | \$ 8,658    | \$ 1,800   | \$ 1,800     |
| 380    | 12241 | 51090                       | CLOTH/UNIFORM ALLOWANCE        | \$ 1,788   | \$ 2,050   | \$ 1,525              | \$ 3,450   | \$ 3,450    | \$ 2,050   | \$ 2,050     |
| 381    | 12241 | 51460                       | LONGEVITY                      | \$ 870     | \$ 1,110   | \$ -                  | \$ 1,110   | \$ 1,110    | \$ 750     | \$ 750       |
| 382    | 12241 | 51551                       | TERMINATION LEAVE              | \$ 18,726  | \$ 1,596   | \$ 1,596              | \$ -       | \$ -        | \$ -       | \$ -         |
| 383    | 12241 | 52020                       | ABANDONED BUILDING MAINT       | \$ 294     | \$ 1,100   | \$ 209                | \$ 4,000   | \$ 4,000    | \$ 1,100   | \$ 1,100     |
| 384    | 12241 | 52030                       | REPAIRS & MAINTENANCE          | \$ 587     | \$ 14,875  | \$ 1,261              | \$ 3,000   | \$ 3,000    | \$ 2,875   | \$ 2,875     |
| 385    | 12241 | 52031                       | REPAIRS TO POLES & LIGHTS      | \$ -       | \$ 10,350  | \$ 63                 | \$ 25,000  | \$ 25,000   | \$ 10,350  | \$ 10,350    |
| 386    | 12241 | 52050                       | MINOR EQUIPMENT                | \$ -       | \$ 28,853  | \$ 1,186              | \$ 6,000   | \$ 6,000    | \$ 3,553   | \$ 3,553     |

| LINE # | ORG   | OBJ           | DESCRIPTION                    | FY2023       |              | FY2024                |              | FY2025       |              | FY2025       |  |
|--------|-------|---------------|--------------------------------|--------------|--------------|-----------------------|--------------|--------------|--------------|--------------|--|
|        |       |               |                                | ACTUALS      | BUDGET       | ACTUALS AS OF 4/25/24 | BUDGET       | DEPT BUDGET  | MAYOR BUDGET |              |  |
| 387    | 12241 | 52110         | ENERGY & UTILITIES             | \$ 12,805    | \$ 8,543     | \$ 8,543              | \$ 8,500     | \$ 10,500    | \$ 8,500     | \$ 8,500     |  |
| 388    | 12241 | 52151         | TELECOMMUNICATIONS             | \$ 2,636     | \$ 2,342     | \$ 2,342              | \$ 3,500     | \$ 3,500     | \$ 3,500     | \$ 3,000     |  |
| 389    | 12241 | 52170         | PROFESSIONAL DEV & TRAVEL      | \$ 4,740     | \$ 3,311     | \$ 3,311              | \$ 4,000     | \$ 8,000     | \$ 4,000     | \$ 4,000     |  |
| 390    | 12241 | 52190         | PROFESSIONAL SERVICES          | \$ 13,585    | \$ 2,057     | \$ 2,057              | \$ 5,000     | \$ -         | \$ -         | \$ -         |  |
| 391    | 12241 | 52230         | OFFICE SUPPLIES                | \$ 2,040     | \$ 1,125     | \$ 1,125              | \$ 2,000     | \$ 3,000     | \$ 3,000     | \$ 1,800     |  |
| 392    | 12241 | 52240         | VEHICLE SUPPLIES               | \$ 1,279     | \$ 2,336     | \$ 2,336              | \$ 3,000     | \$ 5,000     | \$ 5,000     | \$ 2,810     |  |
| 393    | 12241 | 52280         | COPIER EXPENSES                | \$ -         | \$ -         | \$ -                  | \$ 500       | \$ 1,000     | \$ 1,000     | \$ 500       |  |
| 394    | 12241 | 55120         | NEW VEHICLE EXPENSE            | \$ -         | \$ 41        | \$ 41                 | \$ -         | \$ 60,000    | \$ -         | \$ -         |  |
| 395    |       |               |                                |              |              |                       |              |              |              |              |  |
| 396    | TOTAL | BUILDING DEPT |                                | \$ 392,161   | \$ 297,855   | \$ 297,855            | \$ 454,881   | \$ 627,394   | \$ 471,559   | \$ 471,559   |  |
| 397    |       |               |                                |              |              |                       |              |              |              |              |  |
| 398    | 11194 |               | CABLE DEPT                     |              |              |                       |              |              |              |              |  |
| 399    | 11194 | 51010         | DEPT HEAD SALARY & WAGES       | \$ 69,351    | \$ 56,916    | \$ 56,916             | \$ 70,603    | \$ 80,000    | \$ 80,000    | \$ 72,581    |  |
| 400    | 11194 | 51011         | ASSISTANT SALARY & WAGES       | \$ 57,069    | \$ 41,260    | \$ 41,260             | \$ 58,099    | \$ 66,000    | \$ 66,000    | \$ 59,727    |  |
| 401    | 11194 | 51013         | PART TIME PRODUCTION ASST      | \$ 13,398    | \$ 10,894    | \$ 10,894             | \$ 16,449    | \$ 41,600    | \$ 41,600    | \$ 17,225    |  |
| 402    | 11194 | 51460         | LONGEVITY                      | \$ 690       | \$ -         | \$ -                  | \$ 870       | \$ 720       | \$ 720       | \$ 930       |  |
| 403    | 11194 | 51551         | TERMINATION LEAVE              | \$ -         | \$ 5,764     | \$ 5,764              | \$ -         | \$ -         | \$ -         | \$ -         |  |
| 404    | 11194 | 52030         | REPAIRS & MAINTENANCE          | \$ 154       | \$ -         | \$ -                  | \$ 500       | \$ 1,000     | \$ 1,000     | \$ 500       |  |
| 405    | 11194 | 52040         | INFORMATION TECHNOLOGY         | \$ 2,700     | \$ -         | \$ -                  | \$ 3,500     | \$ 6,000     | \$ 6,000     | \$ 6,000     |  |
| 406    | 11194 | 52050         | MINOR EQUIPMENT                | \$ 637       | \$ 108       | \$ 108                | \$ 1,000     | \$ 1,000     | \$ 1,000     | \$ 1,000     |  |
| 407    | 11194 | 52151         | TELECOMMUNICATIONS             | \$ 1,391     | \$ 2,217     | \$ 2,217              | \$ 2,500     | \$ 2,500     | \$ 2,500     | \$ 2,500     |  |
| 408    | 11194 | 52170         | PROFESSIONAL DEV & TRAVEL      | \$ -         | \$ -         | \$ -                  | \$ 200       | \$ 200       | \$ 200       | \$ 200       |  |
| 409    | 11194 | 52190         | PROFESSIONAL SERVICES          | \$ -         | \$ -         | \$ -                  | \$ 1,000     | \$ 1,000     | \$ 1,000     | \$ 1,000     |  |
| 410    | 11194 | 52230         | OFFICE SUPPLIES                | \$ 680       | \$ 177       | \$ 177                | \$ 500       | \$ 750       | \$ 750       | \$ 500       |  |
| 411    | 11194 | 52380         | INDIRECT COSTS REIMBURSE       | \$ -         | \$ -         | \$ -                  | \$ 22,000    | \$ 33,000    | \$ 33,000    | \$ 25,000    |  |
| 412    | 11194 | 55123         | NEW EQUIPMENT                  | \$ 17,953    | \$ 2,934     | \$ 2,934              | \$ 20,000    | \$ 40,000    | \$ 40,000    | \$ 14,000    |  |
| 413    |       |               |                                |              |              |                       |              |              |              |              |  |
| 414    | TOTAL | CABLE DEPT    |                                | \$ 164,024   | \$ 120,269   | \$ 120,269            | \$ 202,984   | \$ 273,770   | \$ 201,163   | \$ 201,163   |  |
| 415    |       |               |                                |              |              |                       |              |              |              |              |  |
| 416    |       |               |                                |              |              |                       |              |              |              |              |  |
| 417    | 12210 |               | POLICE                         |              |              |                       |              |              |              |              |  |
| 418    | 12210 | 51010         | DEPT HEAD SALARY & WAGES       | \$ 114,016   | \$ 90,684    | \$ 90,684             | \$ 112,492   | \$ 115,644   | \$ 115,644   | \$ 115,644   |  |
| 419    | 12210 | 51012         | SENIOR CLERKS SAL & WGS        | \$ 125,145   | \$ 99,230    | \$ 99,230             | \$ 131,995   | \$ 146,493   | \$ 146,493   | \$ 146,493   |  |
| 420    | 12210 | 51013         | POLICE OFFICERS SAL & WGS      | \$ 1,347,255 | \$ 1,110,104 | \$ 1,110,104          | \$ 1,492,100 | \$ 1,822,010 | \$ 1,822,010 | \$ 1,515,235 |  |
| 421    | 12210 | 51014         | POLICE SERGEANTS SAL&WGS       | \$ 443,965   | \$ 344,975   | \$ 344,975            | \$ 419,918   | \$ 460,279   | \$ 460,279   | \$ 460,279   |  |
| 422    | 12210 | 51015         | PUB SAFETY COMM DIR SAL & WAGE | \$ 79,648    | \$ 65,263    | \$ 65,263             | \$ 80,958    | \$ -         | \$ -         | \$ -         |  |
| 423    | 12210 | 51016         | CUSTODIAN SALARY & WAGES       | \$ 53,626    | \$ 44,071    | \$ 44,071             | \$ 54,662    | \$ 57,662    | \$ 57,662    | \$ 57,662    |  |
| 424    | 12210 | 51017         | POL LIEUTENANTS SAL & WGS      | \$ 177,733   | \$ 173,715   | \$ 173,715            | \$ 199,641   | \$ 206,854   | \$ 206,854   | \$ 206,854   |  |
| 425    | 12210 | 51018         | POL DV ADVOCATE SAL & WGS      | \$ -         | \$ 12,233    | \$ 12,233             | \$ 15,329    | \$ 21,849    | \$ 21,849    | \$ 21,849    |  |

| LINE # | ORG   | OBJ    | DESCRIPTION                    | FY2023       |              | FY2024                |              | FY2024       |              | FY2025       |              |
|--------|-------|--------|--------------------------------|--------------|--------------|-----------------------|--------------|--------------|--------------|--------------|--------------|
|        |       |        |                                | ACTUALS      | BUDGET       | ACTUALS AS OF 4/25/24 | BUDGET       | DEPT BUDGET  | MAYOR BUDGET |              |              |
| 426    | 12210 | 51021  | DEPUTY CHIEF SAL & WGS         | \$ 67,402    | \$ 97,468    | \$ 78,574             | \$ 97,468    | \$ 100,200   | \$ 100,200   | \$ 100,200   | \$ 100,200   |
| 427    | 12210 | 51030  | OVERTIME                       | \$ 469,961   | \$ 370,800   | \$ 435,376            | \$ 370,800   | \$ 350,000   | \$ 350,000   | \$ 350,000   | \$ 350,000   |
| 428    | 12210 | 51031  | ON-CALL/STANDBY                | \$ 500       | \$ 500       | \$ 300                | \$ 500       | \$ 500       | \$ 500       | \$ 500       | \$ 500       |
| 429    | 12210 | 51032  | COMPENSATORY TIME              | \$ 41,494    | \$ -         | \$ -                  | \$ -         | \$ -         | \$ -         | \$ -         | \$ -         |
| 430    | 12210 | 51050  | HOLIDAY PAY                    | \$ 147,609   | \$ 80,213    | \$ 80,213             | \$ 264,801   | \$ 204,392   | \$ 204,392   | \$ 204,392   | \$ 204,392   |
| 431    | 12210 | 51090  | CLOTH/UNIFORM ALLOWANCE        | \$ 1,413     | \$ 2,940     | \$ 2,940              | \$ 3,135     | \$ 3,135     | \$ 3,135     | \$ 3,135     | \$ 3,135     |
| 432    | 12210 | 51100  | SHIFT DIFFERENTIAL             | \$ 152,094   | \$ 191,976   | \$ 150,545            | \$ 191,976   | \$ 196,843   | \$ 196,843   | \$ 196,843   | \$ 196,843   |
| 433    | 12210 | 51101  | COLLEGE CREDITS                | \$ -         | \$ 26,245    | \$ 25,681             | \$ 26,245    | \$ 52,490    | \$ 52,490    | \$ 52,490    | \$ 52,490    |
| 434    | 12210 | 51102  | WORKING OUT OF GRADE           | \$ 1,134     | \$ 2,000     | \$ 701                | \$ 2,000     | \$ 2,000     | \$ 2,000     | \$ 2,000     | \$ 2,000     |
| 435    | 12210 | 51460  | LONGEVITY                      | \$ 1,080     | \$ 1,620     | \$ -                  | \$ 1,620     | \$ 1,680     | \$ 1,680     | \$ 1,680     | \$ 1,680     |
| 436    | 12210 | 51551  | TERMINATION LEAVE              | \$ 57,958    | \$ (6,725)   | \$ (6,725)            | \$ (6,725)   | \$ -         | \$ -         | \$ -         | \$ -         |
| 437    | 12210 | 52030  | REPAIRS & MAINTENANCE          | \$ 29,871    | \$ 35,000    | \$ 30,616             | \$ 35,000    | \$ 35,000    | \$ 35,000    | \$ 35,000    | \$ 35,000    |
| 438    | 12210 | 52033  | PARKING METER MAINTENANCE      | \$ 2,518     | \$ 7,600     | \$ 2,747              | \$ 7,600     | \$ 21,500    | \$ 21,500    | \$ 21,500    | \$ 21,500    |
| 439    | 12210 | 52040  | INFORMATION TECHNOLOGY         | \$ 31,962    | \$ 45,000    | \$ 40,829             | \$ 45,000    | \$ 50,000    | \$ 50,000    | \$ 50,000    | \$ 50,000    |
| 440    | 12210 | 52050  | MINOR EQUIPMENT                | \$ 1,457     | \$ 5,000     | \$ -                  | \$ 5,000     | \$ 5,000     | \$ 5,000     | \$ 5,000     | \$ 5,000     |
| 441    | 12210 | 52110  | ENERGY & UTILITIES             | \$ 10,362    | \$ 26,000    | \$ 18,544             | \$ 26,000    | \$ 36,000    | \$ 36,000    | \$ 36,000    | \$ 36,000    |
| 442    | 12210 | 52150  | COMMUNICATIONS                 | \$ 307       | \$ 1,500     | \$ 247                | \$ 1,500     | \$ 2,000     | \$ 2,000     | \$ 2,000     | \$ 2,000     |
| 443    | 12210 | 52151  | TELECOMMUNICATIONS             | \$ 25,343    | \$ 30,000    | \$ 24,874             | \$ 30,000    | \$ 35,000    | \$ 35,000    | \$ 35,000    | \$ 35,000    |
| 444    | 12210 | 52170  | PROFESSIONAL DEV & TRAVEL      | \$ 28,577    | \$ 33,100    | \$ 27,293             | \$ 33,100    | \$ 33,100    | \$ 33,100    | \$ 33,100    | \$ 33,100    |
| 445    | 12210 | 52190  | PROFESSIONAL SERVICES          | \$ 16,709    | \$ 36,100    | \$ 27,577             | \$ 36,100    | \$ 45,000    | \$ 45,000    | \$ 45,000    | \$ 45,000    |
| 446    | 12210 | 52230  | OFFICE SUPPLIES                | \$ 10,893    | \$ 16,500    | \$ 13,813             | \$ 16,500    | \$ 16,500    | \$ 16,500    | \$ 16,500    | \$ 16,500    |
| 447    | 12210 | 52240  | VEHICLE SUPPLIES               | \$ 34,418    | \$ 33,000    | \$ 25,802             | \$ 33,000    | \$ 25,000    | \$ 25,000    | \$ 25,000    | \$ 25,000    |
| 448    | 12210 | 55060  | ARMORY EQUIPMENT               | \$ 21,497    | \$ 65,460    | \$ 45,634             | \$ 65,460    | \$ 18,000    | \$ 18,000    | \$ 18,000    | \$ 18,000    |
| 449    | 12210 | 55080  | PORTABLE RADIOS                | \$ 689       | \$ 3,000     | \$ 1,183              | \$ 3,000     | \$ 10,000    | \$ 10,000    | \$ 10,000    | \$ 10,000    |
| 450    | 12210 | 55090  | NEW POLICE VEHICLES            | \$ 11,103    | \$ 212,510   | \$ -                  | \$ 212,510   | \$ 212,700   | \$ 212,700   | \$ 212,700   | \$ 212,700   |
| 451    | 12210 | 57090  | CLOTH/UNIFORM ALLOWANCE        | \$ 30,178    | \$ 7,500     | \$ 786                | \$ 7,500     | \$ 7,500     | \$ 7,500     | \$ 7,500     | \$ 7,500     |
| 452    | 12210 | 57800  | BUILDING REPAIRS               | \$ 3,232     | \$ 15,400    | \$ 15,400             | \$ 15,400    | \$ 15,000    | \$ 15,000    | \$ 15,000    | \$ 15,000    |
| 453    |       |        |                                |              |              |                       |              |              |              |              |              |
| 454    | TOTAL | POLICE |                                | \$ 3,541,151 | \$ 4,031,585 | \$ 2,983,227          | \$ 4,031,585 | \$ 4,309,331 | \$ 4,309,331 | \$ 4,309,331 | \$ 4,309,331 |
| 455    |       |        |                                |              |              |                       |              |              |              |              |              |
| 456    | 12240 |        | DISPATCHERS                    |              |              |                       |              |              |              |              |              |
| 457    | 12240 | 51010  | DISPATCH SUPERV SALARY & WAGES | \$ -         | \$ -         | \$ -                  | \$ -         | \$ -         | \$ -         | \$ -         | \$ -         |
| 458    | 12240 | 51013  | FULL TIME DISPATCHERS SAL      | \$ 407,566   | \$ 449,900   | \$ 347,954            | \$ 449,900   | \$ 463,595   | \$ 463,595   | \$ 463,595   | \$ 463,595   |
| 459    | 12240 | 51015  | PUB SAFETY COMM SAL & WAGES    | \$ -         | \$ -         | \$ -                  | \$ -         | \$ 83,226    | \$ 83,226    | \$ 83,226    | \$ 83,226    |
| 460    | 12240 | 51022  | PART TIME DISPATCHERS SAL      | \$ 64,948    | \$ 108,633   | \$ 27,503             | \$ 108,633   | \$ 86,517    | \$ 86,517    | \$ 86,517    | \$ 86,517    |
| 461    | 12240 | 51030  | OVERTIME                       | \$ 143,688   | \$ 120,000   | \$ 103,835            | \$ 120,000   | \$ 125,000   | \$ 125,000   | \$ 125,000   | \$ 125,000   |
| 462    | 12240 | 51032  | COMPENSATORY TIME              | \$ (1,462)   | \$ -         | \$ -                  | \$ -         | \$ -         | \$ -         | \$ -         | \$ -         |
| 463    | 12240 | 51050  | HOLIDAY PAY                    | \$ 41,982    | \$ 56,646    | \$ 23,015             | \$ 56,646    | \$ 57,762    | \$ 57,762    | \$ 57,762    | \$ 57,762    |
| 464    | 12240 | 51090  | CLOTH/UNIFORM ALLOWANCE        | \$ 7,402     | \$ 9,000     | \$ 6,063              | \$ 9,000     | \$ 9,000     | \$ 9,000     | \$ 9,000     | \$ 9,000     |

| LINE # | ORG   | OBJ                    | DESCRIPTION                    | FY2023     |            | FY2024                |            | FY2025      |              | FY2025     |            |
|--------|-------|------------------------|--------------------------------|------------|------------|-----------------------|------------|-------------|--------------|------------|------------|
|        |       |                        |                                | ACTUALS    | BUDGET     | ACTUALS AS OF 4/25/24 | BUDGET     | DEPT BUDGET | MAYOR BUDGET |            |            |
| 465    | 12240 | 51100                  | SHIFT DIFFERENTIAL             | \$ 33,574  | \$ 33,000  | \$ 26,331             | \$ 33,000  | \$ 33,000   | \$ 33,000    | \$ 33,000  | \$ 33,000  |
| 466    | 12240 | 51200                  | PHYSICAL FITNESS               | \$ -       | \$ 200     | \$ -                  | \$ 200     | \$ 200      | \$ 200       | \$ 200     | \$ 200     |
| 467    | 12240 | 51551                  | TERMINATION LEAVE              | \$ 1,263   | \$ 234     | \$ 234                | \$ 234     | \$ -        | \$ -         | \$ -       | \$ -       |
| 468    | 12240 | 52170                  | PROFESSIONAL DEV & TRAVEL      | \$ 6,890   | \$ 17,000  | \$ 2,507              | \$ 17,000  | \$ 17,000   | \$ 17,000    | \$ 17,000  | \$ 16,490  |
| 469    |       |                        |                                |            |            |                       |            |             |              |            |            |
| 470    | TOTAL | DISPATCHERS            |                                | \$ 705,850 | \$ 796,613 | \$ 537,442            | \$ 796,613 | \$ 875,300  | \$ 875,300   | \$ 864,791 | \$ 864,791 |
| 471    |       |                        |                                |            |            |                       |            |             |              |            |            |
| 472    | 12290 |                        | ANIMAL CONTROL OFFICER         |            |            |                       |            |             |              |            |            |
| 473    | 12290 | 51010                  | SENIOR ANIMAL OFFICER SAL & WA | \$ -       | \$ -       | \$ -                  | \$ -       | \$ -        | \$ -         | \$ -       | \$ -       |
| 474    | 12290 | 51011                  | ANIMAL CONT OFF SAL & WAGES    | \$ 90,063  | \$ 124,264 | \$ 95,867             | \$ 124,264 | \$ 136,150  | \$ 136,150   | \$ 158,797 | \$ 158,797 |
| 475    | 12290 | 51030                  | OVERTIME                       | \$ 4,655   | \$ 13,572  | \$ 10,332             | \$ 13,572  | \$ 5,000    | \$ 5,000     | \$ 2,000   | \$ 2,000   |
| 476    | 12290 | 51031                  | ON-CALL/STANDBY                | \$ 18,636  | \$ 20,060  | \$ 16,447             | \$ 20,060  | \$ 20,060   | \$ 20,060    | \$ 20,060  | \$ 20,060  |
| 477    | 12290 | 51090                  | CLOTH/UNIFORM ALLOWANCE        | \$ 1,750   | \$ 1,950   | \$ 1,913              | \$ 1,950   | \$ 1,950    | \$ 1,950     | \$ 1,950   | \$ 1,950   |
| 478    | 12290 | 51551                  | TERMINATION LEAVE              | \$ 344     | \$ 349     | \$ 349                | \$ 349     | \$ -        | \$ -         | \$ -       | \$ -       |
| 479    | 12290 | 52030                  | REPAIRS & MAINTENANCE          | \$ 220     | \$ 4,000   | \$ -                  | \$ 4,000   | \$ 4,000    | \$ 4,000     | \$ 3,880   | \$ 3,880   |
| 480    | 12290 | 52151                  | TELECOMMUNICATIONS             | \$ 1,967   | \$ 3,000   | \$ 1,600              | \$ 3,000   | \$ 3,000    | \$ 3,000     | \$ 2,910   | \$ 2,910   |
| 481    | 12290 | 52170                  | PROFESSIONAL DEV & TRAVEL      | \$ 799     | \$ 2,500   | \$ 600                | \$ 2,500   | \$ 2,500    | \$ 2,500     | \$ 2,425   | \$ 2,425   |
| 482    | 12290 | 52240                  | VEHICLE SUPPLIES               | \$ 660     | \$ 2,600   | \$ 194                | \$ 2,600   | \$ 2,600    | \$ 2,600     | \$ 2,522   | \$ 2,522   |
| 483    | 12290 | 55090                  | NEW VEHICLES                   | \$ -       | \$ -       | \$ -                  | \$ -       | \$ -        | \$ -         | \$ -       | \$ -       |
| 484    |       |                        |                                |            |            |                       |            |             |              |            |            |
| 485    | TOTAL | ANIMAL CONTROL OFFICER |                                | \$ 119,093 | \$ 172,295 | \$ 127,301            | \$ 172,295 | \$ 175,260  | \$ 175,260   | \$ 194,544 | \$ 194,544 |
| 486    |       |                        |                                |            |            |                       |            |             |              |            |            |
| 487    | 12291 |                        | EMERGENCY MANAGEMENT           |            |            |                       |            |             |              |            |            |
| 488    | 12291 | 51010                  | DEPT HEAD SALARY & WAGES       | \$ 9,781   | \$ 9,819   | \$ 8,314              | \$ 9,819   | \$ 10,015   | \$ 10,015    | \$ 10,276  | \$ 10,276  |
| 489    | 12291 | 52040                  | INFORMATION TECHNOLOGY         | \$ 514     | \$ 1,500   | \$ -                  | \$ 1,500   | \$ 1,500    | \$ 1,500     | \$ 1,455   | \$ 1,455   |
| 490    | 12291 | 52050                  | MINOR EQUIPMENT                | \$ 1,112   | \$ 1,500   | \$ 64                 | \$ 1,500   | \$ 1,500    | \$ 1,500     | \$ 1,455   | \$ 1,455   |
| 491    | 12291 | 52230                  | OFFICE SUPPLIES                | \$ 500     | \$ 500     | \$ -                  | \$ 500     | \$ 500      | \$ 500       | \$ 485     | \$ 485     |
| 492    | 12291 | 52996                  | EMERGENCY FUND                 | \$ -       | \$ 500     | \$ -                  | \$ 500     | \$ 500      | \$ 500       | \$ 485     | \$ 485     |
| 493    |       |                        |                                |            |            |                       |            |             |              |            |            |
| 494    | TOTAL | EMERGENCY MANAGEMENT   |                                | \$ 11,907  | \$ 13,819  | \$ 8,378              | \$ 13,819  | \$ 14,015   | \$ 14,015    | \$ 14,156  | \$ 14,156  |
| 495    |       |                        |                                |            |            |                       |            |             |              |            |            |
| 496    | 12292 |                        | ANIMAL SHELTER                 |            |            |                       |            |             |              |            |            |
| 497    | 12292 | 51012                  | ADM COORD SAL & WAGES          | \$ 12,940  | \$ 36,564  | \$ 31,031             | \$ 36,564  | \$ 41,676   | \$ 41,676    | \$ 41,676  | \$ 41,676  |
| 498    | 12292 | 51023                  | ALT ANIMAL CONT OFF SAL&W      | \$ 34,672  | \$ 39,876  | \$ 23,631             | \$ 39,876  | \$ 34,418   | \$ 34,418    | \$ 34,418  | \$ 34,418  |
| 499    | 12292 | 51030                  | OVERTIME                       | \$ 22      | \$ 1,500   | \$ 37                 | \$ 1,500   | \$ 1,000    | \$ 1,000     | \$ 1,000   | \$ 1,000   |
| 500    | 12292 | 52030                  | REPAIRS & MAINTENANCE          | \$ 5,504   | \$ 4,200   | \$ 3,953              | \$ 4,200   | \$ 4,200    | \$ 4,200     | \$ 4,074   | \$ 4,074   |
| 501    | 12292 | 52040                  | INFORMATION TECHNOLOGY         | \$ 2,466   | \$ 1,300   | \$ 1,702              | \$ 1,300   | \$ 1,300    | \$ 1,300     | \$ 1,261   | \$ 1,261   |
| 502    | 12292 | 52050                  | MINOR EQUIPMENT                | \$ 366     | \$ 2,200   | \$ 2,152              | \$ 2,200   | \$ 2,200    | \$ 2,200     | \$ 2,134   | \$ 2,134   |
| 503    | 12292 | 52110                  | ENERGY & UTILITIES             | \$ 10,487  | \$ 9,000   | \$ 7,407              | \$ 9,000   | \$ 9,000    | \$ 9,000     | \$ 8,730   | \$ 8,730   |

|        |       | FY2023         |                                                    | FY2024       |              | FY2024 |              | FY2025      |              | FY2025       |              |
|--------|-------|----------------|----------------------------------------------------|--------------|--------------|--------|--------------|-------------|--------------|--------------|--------------|
|        |       | ACTUALS AS OF  |                                                    | ACTUALS      |              | BUDGET |              | DEPT BUDGET |              | MAYOR BUDGET |              |
| LINE # | ORG   | OBJ            | DESCRIPTION                                        | ACTUALS      | 4/25/24      | BUDGET | BUDGET       | DEPT BUDGET | DEPT BUDGET  | MAYOR BUDGET | MAYOR BUDGET |
| 504    | 12292 | 52190          | PROFESSIONAL SERVICES                              | \$ -         | \$ -         | \$ -   | \$ 1,200     | \$ -        | \$ 1,200     | \$ -         | \$ 1,164     |
| 505    | 12292 | 52230          | OFFICE SUPPLIES                                    | \$ 606       | \$ 350       | \$ -   | \$ 750       | \$ -        | \$ 750       | \$ -         | \$ 728       |
| 506    | 12292 | 52240          | VEHICLE SUPPLIES                                   | \$ 470       | \$ 35        | \$ -   | \$ 1,500     | \$ -        | \$ 1,500     | \$ -         | \$ 1,455     |
| 507    | 12292 | 52997          | ANIMAL CARE & DISPOSAL                             | \$ 9,906     | \$ 22,276    | \$ -   | \$ 33,000    | \$ -        | \$ 33,000    | \$ -         | \$ 32,010    |
| 508    |       |                |                                                    |              |              |        |              |             |              |              |              |
| 509    | TOTAL | ANIMAL SHELTER |                                                    | \$ 77,438    | \$ 92,574    | \$ -   | \$ 131,090   | \$ -        | \$ 130,243   | \$ -         | \$ 128,649   |
| 510    |       |                |                                                    |              |              |        |              |             |              |              |              |
| 511    | 12220 | FIRE           |                                                    |              |              |        |              |             |              |              |              |
| 512    | 12220 | 51010          | DEPT HEAD SALARY & WAGES                           | \$ 106,451   | \$ 86,995    | \$ -   | \$ 107,915   | \$ -        | \$ 107,708   | \$ -         | \$ 110,939   |
| 513    | 12220 | 51011          | CAPTAINS SALARY & WAGES                            | \$ 94,173    | \$ 73,086    | \$ -   | \$ 92,167    | \$ -        | \$ 93,396    | \$ -         | \$ 92,892    |
| 514    | 12220 | 51012          | SENIOR CLERK SAL & WAGES                           | \$ 52,803    | \$ 44,353    | \$ -   | \$ 53,757    | \$ -        | \$ 62,607    | \$ -         | \$ 59,355    |
| 515    | 12220 | 51013          | PRIVATES SALARY & WAGES                            | \$ 1,200,368 | \$ 1,014,105 | \$ -   | \$ 1,401,083 | \$ -        | \$ 1,445,537 | \$ -         | \$ 1,412,235 |
| 516    | 12220 | 51014          | EMS COORD/TRAIN OFFICER SAL                        | \$ -         | \$ -         | \$ -   | \$ -         | \$ -        | \$ 45,515    | \$ -         | \$ -         |
| 517    | 12220 | 51015          | GROUP PVT FLOATER SAL&WG                           | \$ -         | \$ -         | \$ -   | \$ -         | \$ -        | \$ 58,378    | \$ -         | \$ -         |
| 518    | 12220 | 51016          | LIEUTENANTS SALARY&WAGES                           | \$ 481,446   | \$ 377,097   | \$ -   | \$ 546,175   | \$ -        | \$ 474,145   | \$ -         | \$ 499,479   |
| 519    | 12220 | 51020          | (4) CAPTAINS, (8) PVTs AND (4) LIEUTENANTS SAL&WGS | \$ -         | \$ -         | \$ -   | \$ -         | \$ -        | \$ 1,199,812 | \$ -         | \$ -         |
| 520    | 12220 | 51021          | DEPUTY FIRE CHIEF SAL & WAGES                      | \$ -         | \$ -         | \$ -   | \$ -         | \$ -        | \$ 100,000   | \$ -         | \$ -         |
| 521    | 12220 | 51030          | OVERTIME                                           | \$ 783,473   | \$ 407,656   | \$ -   | \$ 327,049   | \$ -        | \$ 400,000   | \$ -         | \$ 200,000   |
| 522    | 12220 | 51050          | HOLIDAY PAY                                        | \$ 211,601   | \$ 108,397   | \$ -   | \$ 214,121   | \$ -        | \$ 246,091   | \$ -         | \$ 210,484   |
| 523    | 12220 | 51090          | CLOTH/UNIFORM ALLOWANCE                            | \$ 37,045    | \$ 35,920    | \$ -   | \$ 39,375    | \$ -        | \$ 40,420    | \$ -         | \$ 38,250    |
| 524    | 12220 | 51101          | COLLEGE CREDITS                                    | \$ 26,000    | \$ 30,000    | \$ -   | \$ 34,000    | \$ -        | \$ 36,000    | \$ -         | \$ 32,000    |
| 525    | 12220 | 51102          | COLLATERAL JOBS                                    | \$ 57,588    | \$ 48,328    | \$ -   | \$ 55,000    | \$ -        | \$ 70,000    | \$ -         | \$ 55,000    |
| 526    | 12220 | 51103          | EDUCATIONAL INCENTIVE                              | \$ 9,123     | \$ 2,247     | \$ -   | \$ 10,000    | \$ -        | \$ 15,000    | \$ -         | \$ 10,000    |
| 527    | 12220 | 51105          | SICK LEAVE INCENTIVE                               | \$ 1,049     | \$ 463       | \$ -   | \$ 3,500     | \$ -        | \$ 3,500     | \$ -         | \$ 3,500     |
| 528    | 12220 | 51200          | PHYSICAL FITNESS                                   | \$ 10,800    | \$ 6,600     | \$ -   | \$ 12,800    | \$ -        | \$ 15,600    | \$ -         | \$ 12,800    |
| 529    | 12220 | 51415          | STIPEND SAL EXP                                    | \$ 14,050    | \$ 20,850    | \$ -   | \$ 15,000    | \$ -        | \$ 26,000    | \$ -         | \$ 26,000    |
| 530    | 12220 | 51460          | LONGEVITY                                          | \$ 1,050     | \$ -         | \$ -   | \$ 1,250     | \$ -        | \$ 1,280     | \$ -         | \$ 1,080     |
| 531    | 12220 | 51551          | TERMINATION LEAVE                                  | \$ 3,511     | \$ 2,270     | \$ -   | \$ 3,500     | \$ -        | \$ 284,940   | \$ -         | \$ -         |
| 532    | 12220 | 52030          | REPAIRS & MAINTENANCE                              | \$ 118,355   | \$ 69,701    | \$ -   | \$ 85,000    | \$ -        | \$ 90,000    | \$ -         | \$ 85,000    |
| 533    | 12220 | 52040          | INFORMATION TECHNOLOGY                             | \$ 4,134     | \$ 4,949     | \$ -   | \$ 10,000    | \$ -        | \$ 10,000    | \$ -         | \$ 9,700     |
| 534    | 12220 | 52050          | MINOR EQUIPMENT                                    | \$ 4,332     | \$ 11,999    | \$ -   | \$ 15,000    | \$ -        | \$ 15,000    | \$ -         | \$ 14,000    |
| 535    | 12220 | 52110          | ENERGY & UTILITIES                                 | \$ 33,155    | \$ 24,595    | \$ -   | \$ 32,000    | \$ -        | \$ 35,000    | \$ -         | \$ 31,000    |
| 536    | 12220 | 52150          | COMMUNICATIONS                                     | \$ 62        | \$ 67        | \$ -   | \$ 500       | \$ -        | \$ 500       | \$ -         | \$ 500       |
| 537    | 12220 | 52151          | TELECOMMUNICATIONS                                 | \$ 3,852     | \$ 2,908     | \$ -   | \$ 4,800     | \$ -        | \$ 4,800     | \$ -         | \$ 4,800     |
| 538    | 12220 | 52170          | PROFESSIONAL DEV & TRAVEL                          | \$ 9,843     | \$ 6,601     | \$ -   | \$ 10,000    | \$ -        | \$ 12,000    | \$ -         | \$ 10,000    |
| 539    | 12220 | 52190          | PROFESSIONAL SERVICES                              | \$ 1,375     | \$ 1,563     | \$ -   | \$ 5,000     | \$ -        | \$ 5,000     | \$ -         | \$ 5,000     |
| 540    | 12220 | 52230          | OFFICE SUPPLIES                                    | \$ 1,906     | \$ 4,305     | \$ -   | \$ 6,000     | \$ -        | \$ 6,000     | \$ -         | \$ 5,800     |
| 541    | 12220 | 52238          | FIRE PREVENT/TRAINING SUPPLIES                     | \$ 1,387     | \$ 1,218     | \$ -   | \$ 2,200     | \$ -        | \$ 2,200     | \$ -         | \$ 2,000     |

| LINE # | ORG   | OBJ         | DESCRIPTION                    | FY2023       |                       | FY2024       |              | FY2025       |  |
|--------|-------|-------------|--------------------------------|--------------|-----------------------|--------------|--------------|--------------|--|
|        |       |             |                                | ACTUALS      | ACTUALS AS OF 4/25/24 | BUDGET       | DEPT BUDGET  | MAYOR BUDGET |  |
| 542    | 12220 | 52240       | VEHICLE SUPPLIES               | \$ 15,763    | \$ 19,455             | \$ 25,000    | \$ 27,000    | \$ 25,000    |  |
| 543    | 12220 | 52985       | PHYSICAL FITNESS               | \$ 360       | \$ -                  | \$ 2,000     | \$ 2,000     | \$ 1,000     |  |
| 544    | 12220 | 55114       | PROTECTIVE FF CLOTHING         | \$ 24,894    | \$ 18,865             | \$ 40,000    | \$ 45,000    | \$ 38,500    |  |
| 545    | 12220 | 55123       | NEW EQUIPMENT                  | \$ 18,923    | \$ -                  | \$ -         | \$ -         | \$ -         |  |
| 546    | 12220 | 55146       | STUDENT AWARE OF FIRE EDU      | \$ -         | \$ -                  | \$ 2,000     | \$ 2,000     | \$ -         |  |
| 547    |       |             |                                |              |                       |              |              |              |  |
| 548    | TOTAL | FIRE        |                                | \$ 3,328,874 | \$ 2,420,050          | \$ 3,150,422 | \$ 4,997,429 | \$ 2,996,314 |  |
| 549    |       |             |                                |              |                       |              |              |              |  |
| 550    | 12231 | AMBULANCE   |                                |              |                       |              |              |              |  |
| 551    | 12231 | 51013       | PRIVATE AMBULANCE SAL&WAGES    | \$ 351,981   | \$ 282,956            | \$ 429,430   | \$ 394,782   | \$ 447,935   |  |
| 552    | 12231 | 51030       | OVERTIME                       | \$ 90,186    | \$ 82,006             | \$ 80,000    | \$ 100,000   | \$ 70,000    |  |
| 553    | 12231 | 51014       | EMS/TRAIN SAL&WAGES            | \$ -         | \$ -                  | \$ -         | \$ 45,573    | \$ -         |  |
| 554    | 12231 | 51050       | HOLIDAY PAY                    | \$ 33,813    | \$ 16,446             | \$ 45,090    | \$ 9,000     | \$ 47,033    |  |
| 555    | 12231 | 51090       | CLOTH/UNIFORM ALLOWANCE        | \$ 7,875     | \$ 7,875              | \$ 9,000     | \$ 2,000     | \$ 9,000     |  |
| 556    | 12231 | 51101       | COLLEGE CREDITS                | \$ 2,000     | \$ 2,000              | \$ 4,000     | \$ 45,000    | \$ 4,000     |  |
| 557    | 12231 | 51102       | COLLATERAL JOBS                | \$ 35,067    | \$ 36,877             | \$ 35,000    | \$ 2,000     | \$ 35,000    |  |
| 558    | 12231 | 51103       | EDUCATIONAL INCENTIVE          | \$ 602       | \$ 145                | \$ 2,000     | \$ 34,944    | \$ 2,000     |  |
| 559    | 12231 | 51415       | AMBULANCE SERV STIPEND         | \$ 50,302    | \$ 24,364             | \$ 35,040    | \$ 45,515    | \$ 40,000    |  |
| 560    | 12231 | 52030       | REPAIRS & MAINTENANCE          | \$ 18,915    | \$ 19,779             | \$ 10,000    | \$ 15,000    | \$ 10,000    |  |
| 561    | 12231 | 52037       | AMBULANCE SUPP/EXPENSES        | \$ 11,556    | \$ 18,989             | \$ 20,000    | \$ 22,000    | \$ 20,000    |  |
| 562    | 12231 | 52040       | INFORMATION TECHNOLOGY         | \$ 10,290    | \$ 11,311             | \$ 11,000    | \$ 21,000    | \$ 11,000    |  |
| 563    | 12231 | 52041       | LISC RENEWALS/FEES/ INSPECTION | \$ 5,036     | \$ 3,337              | \$ 7,000     | \$ 7,000     | \$ 7,000     |  |
| 564    | 12231 | 52050       | MINOR EQUIPMENT                | \$ 1,116     | \$ 1,144              | \$ 3,500     | \$ 3,500     | \$ 2,500     |  |
| 565    | 12231 | 52151       | TELECOMMUNICATIONS             | \$ 2,422     | \$ 1,684              | \$ 3,000     | \$ 3,000     | \$ 3,000     |  |
| 566    | 12231 | 52170       | PROFESSIONAL DEV & TRAVEL      | \$ 4,470     | \$ 3,233              | \$ 6,000     | \$ 6,000     | \$ 5,400     |  |
| 567    | 12231 | 52190       | PROFESSIONAL SERVICES          | \$ 313,924   | \$ 296,552            | \$ 320,000   | \$ 320,000   | \$ 310,000   |  |
| 568    | 12231 | 52230       | OFFICE SUPPLIES                | \$ -         | \$ 216                | \$ 500       | \$ 500       | \$ 500       |  |
| 569    | 12231 | 52240       | VEHICLE SUPPLIES               | \$ 3,919     | \$ 2,874              | \$ 5,000     | \$ 5,000     | \$ 5,000     |  |
| 570    |       |             |                                |              |                       |              |              |              |  |
| 571    | TOTAL | AMBULANCE   |                                | \$ 943,474   | \$ 811,789            | \$ 1,025,561 | \$ 1,081,814 | \$ 1,029,369 |  |
| 572    |       |             |                                |              |                       |              |              |              |  |
| 573    | 14410 | ENGINEERING |                                |              |                       |              |              |              |  |
| 574    | 14410 | 51010       | DEPT HEAD SALARY & WAGES       | \$ 45,447    | \$ 37,590             | \$ 46,503    | \$ 47,432    | \$ 47,714    |  |
| 575    | 14410 | 51013       | GIS /AUTOGAD TECHNICIAN        | \$ 50,443    | \$ 42,798             | \$ 57,713    | \$ 58,868    | \$ 59,217    |  |
| 576    | 14410 | 52030       | REPAIRS & MAINTENANCE          | \$ 778       | \$ 30                 | \$ 1,500     | \$ 1,500     | \$ 1,125     |  |
| 577    | 14410 | 52040       | INFORMATION TECHNOLOGY         | \$ 3,500     | \$ 1,376              | \$ 6,000     | \$ 6,000     | \$ 5,100     |  |
| 578    | 14410 | 52050       | MINOR EQUIPMENT                | \$ 735       | \$ -                  | \$ 1,500     | \$ 1,500     | \$ 1,125     |  |
| 579    | 14410 | 52150       | COMMUNICATIONS                 | \$ -         | \$ -                  | \$ 400       | \$ 400       | \$ 400       |  |
| 580    | 14410 | 52151       | TELECOMMUNICATIONS             | \$ 848       | \$ 748                | \$ 1,200     | \$ 1,200     | \$ 1,200     |  |



| LINE # | ORG   | OBJ         | DESCRIPTION                  | FY2023       |                       | FY2024       |              | FY2025      |              | FY2025 |              |
|--------|-------|-------------|------------------------------|--------------|-----------------------|--------------|--------------|-------------|--------------|--------|--------------|
|        |       |             |                              | ACTUALS      | ACTUALS AS OF 4/25/24 | BUDGET       | BUDGET       | DEPT BUDGET | MAYOR BUDGET |        |              |
| 581    | 14410 | 52170       | PROFESSIONAL DEV & TRAVEL    | \$ -         | \$ -                  | \$ 600       | \$ 600       | \$ -        | \$ 600       | \$ -   | \$ 510       |
| 582    | 14410 | 52190       | PROFESSIONAL SERVICES        | \$ 3,524     | \$ 16,000             | \$ 18,000    | \$ 18,000    | \$ -        | \$ 100,000   | \$ -   | \$ 18,000    |
| 583    | 14410 | 52230       | OFFICE SUPPLIES              | \$ 152       | \$ 13                 | \$ 1,500     | \$ 1,500     | \$ -        | \$ 1,500     | \$ -   | \$ 1,125     |
| 584    | 14410 | 52240       | VEHICLE SUPPLIES             | \$ -         | \$ -                  | \$ 500       | \$ 500       | \$ -        | \$ 500       | \$ -   | \$ 500       |
| 585    | 14410 | 58000       | CAPITAL IMPROVEMENT PLAN     | \$ 369       | \$ -                  | \$ -         | \$ -         | \$ -        | \$ -         | \$ -   | \$ -         |
| 586    | 14410 | 58100       | EPA NPDES                    | \$ -         | \$ 24,791             | \$ 40,000    | \$ 40,000    | \$ -        | \$ 215,000   | \$ -   | \$ 40,000    |
| 587    |       |             |                              |              |                       |              |              |             |              |        |              |
| 588    | TOTAL | ENGINEERING |                              | \$ 105,797   | \$ 123,346            | \$ 175,416   | \$ 175,416   | \$ -        | \$ 434,500   | \$ -   | \$ 176,016   |
| 589    |       |             |                              |              |                       |              |              |             |              |        |              |
| 590    | 14421 |             | PUBLIC WORKS                 |              |                       |              |              |             |              |        |              |
| 591    | 14421 | 51010       | DEPT HEAD SALARY & WAGES     | \$ 53,508    | \$ 43,969             | \$ 54,647    | \$ 54,647    | \$ -        | \$ 55,740    | \$ -   | \$ 56,071    |
| 592    | 14421 | 51012       | CLERK/ASST SAL & WAGES       | \$ 25,629    | \$ 21,524             | \$ 26,142    | \$ 26,142    | \$ -        | \$ 26,665    | \$ -   | \$ 29,052    |
| 593    | 14421 | 51013       | MAINTENANCE CREW SAL & WAGES | \$ 1,061,978 | \$ 872,816            | \$ 1,129,382 | \$ 1,129,382 | \$ -        | \$ 1,238,696 | \$ -   | \$ 1,214,831 |
| 594    | 14421 | 51014       | BOARD & COMM SAL & WAGES     | \$ 2,500     | \$ 1,876              | \$ 3,100     | \$ 3,100     | \$ -        | \$ 3,100     | \$ -   | \$ 3,100     |
| 595    | 14421 | 51030       | OVERTIME                     | \$ 96,050    | \$ 76,689             | \$ 80,000    | \$ 80,000    | \$ -        | \$ 50,000    | \$ -   | \$ 50,000    |
| 596    | 14421 | 51031       | WEEK-END STANDBY             | \$ 23,581    | \$ 17,781             | \$ 20,000    | \$ 20,000    | \$ -        | \$ 22,950    | \$ -   | \$ 20,000    |
| 597    | 14421 | 51090       | CLOTH/UNIFORM ALLOWANCE      | \$ 17,790    | \$ 18,470             | \$ 21,520    | \$ 21,520    | \$ -        | \$ 21,270    | \$ -   | \$ 21,580    |
| 598    | 14421 | 51100       | SHIFT DIFFERENTIAL           | \$ 857       | \$ 202                | \$ 1,000     | \$ 1,000     | \$ -        | \$ 1,000     | \$ -   | \$ 1,000     |
| 599    | 14421 | 51102       | WORKING OUT OF GRADE         | \$ 17,809    | \$ 29,731             | \$ 26,000    | \$ 26,000    | \$ -        | \$ 12,000    | \$ -   | \$ 12,000    |
| 600    | 14421 | 51105       | SICK LEAVE INCENTIVE         | \$ 3,370     | \$ 896                | \$ 3,500     | \$ 3,500     | \$ -        | \$ 3,500     | \$ -   | \$ 3,500     |
| 601    | 14421 | 51460       | LONGEVITY                    | \$ 660       | \$ -                  | \$ 690       | \$ 690       | \$ -        | \$ 720       | \$ -   | \$ 720       |
| 602    | 14421 | 51551       | TERMINATION LEAVE            | \$ 1,379     | \$ 43,034             | \$ 43,034    | \$ 43,034    | \$ -        | \$ -         | \$ -   | \$ -         |
| 603    | 14421 | 52030       | REPAIRS & MAINTENANCE        | \$ 196,590   | \$ 208,260            | \$ 200,000   | \$ 200,000   | \$ -        | \$ 220,000   | \$ -   | \$ 200,000   |
| 604    | 14421 | 52032       | TRAFFIC MAINTENANCE          | \$ 30,274    | \$ 23,367             | \$ 40,000    | \$ 40,000    | \$ -        | \$ 45,000    | \$ -   | \$ 40,000    |
| 605    | 14421 | 52033       | PARKING METER MAINTENANCE    | \$ 11,664    | \$ 5,632              | \$ 20,000    | \$ 20,000    | \$ -        | \$ 25,000    | \$ -   | \$ 20,000    |
| 606    | 14421 | 52034       | CRUSHER MAINTENANCE          | \$ -         | \$ -                  | \$ 2,000     | \$ 2,000     | \$ -        | \$ 2,000     | \$ -   | \$ 2,000     |
| 607    | 14421 | 52035       | CEMETERY MAINTENANCE         | \$ -         | \$ 9,000              | \$ 9,000     | \$ 9,000     | \$ -        | \$ 250,000   | \$ -   | \$ 9,000     |
| 608    | 14421 | 52038       | UNACCEPTED ROAD MAINTENAN    | \$ -         | \$ -                  | \$ 1,000     | \$ 1,000     | \$ -        | \$ 1,000     | \$ -   | \$ 1,000     |
| 609    | 14421 | 52040       | INFORMATION TECHNOLOGY       | \$ 460       | \$ 950                | \$ 2,500     | \$ 2,500     | \$ -        | \$ 2,500     | \$ -   | \$ 2,500     |
| 610    | 14421 | 52050       | MINOR EQUIPMENT              | \$ 5,654     | \$ (4,284)            | \$ 20,000    | \$ 20,000    | \$ -        | \$ 20,000    | \$ -   | \$ 20,000    |
| 611    | 14421 | 52070       | EQUIPMENT RENTAL             | \$ -         | \$ -                  | \$ 1,000     | \$ 1,000     | \$ -        | \$ 1,000     | \$ -   | \$ 1,000     |
| 612    | 14421 | 52110       | ENERGY & UTILITIES           | \$ 33,561    | \$ 31,847             | \$ 25,000    | \$ 25,000    | \$ -        | \$ 25,000    | \$ -   | \$ 25,000    |
| 613    | 14421 | 52120       | STREET LIGHTING              | \$ 157,270   | \$ 78,088             | \$ 100,000   | \$ 100,000   | \$ -        | \$ 100,000   | \$ -   | \$ 100,000   |
| 614    | 14421 | 52150       | COMMUNICATIONS               | \$ 1,173     | \$ -                  | \$ 3,000     | \$ 3,000     | \$ -        | \$ 3,000     | \$ -   | \$ 3,000     |
| 615    | 14421 | 52151       | TELECOMMUNICATIONS           | \$ 6,570     | \$ 8,210              | \$ 9,000     | \$ 9,000     | \$ -        | \$ 9,000     | \$ -   | \$ 9,000     |
| 616    | 14421 | 52170       | PROFESSIONAL DEV & TRAVEL    | \$ 2,322     | \$ 1,271              | \$ 5,000     | \$ 5,000     | \$ -        | \$ 5,000     | \$ -   | \$ 5,000     |
| 617    | 14421 | 52190       | PROFESSIONAL SERVICES        | \$ 14,201    | \$ 8,270              | \$ 27,500    | \$ 27,500    | \$ -        | \$ 15,000    | \$ -   | \$ 15,000    |
| 618    | 14421 | 52191       | OUTSIDE TREE WORK            | \$ -         | \$ -                  | \$ 40,000    | \$ 40,000    | \$ -        | \$ -         | \$ -   | \$ -         |
| 619    | 14421 | 52210       | SNOW & ICE                   | \$ 1,002,419 | \$ 617,100            | \$ 300,000   | \$ 300,000   | \$ -        | \$ 300,000   | \$ -   | \$ 300,000   |

| LINE # | ORG   | OBJ                 | DESCRIPTION                    | FY2023       |              | FY2024                |              | FY2025        |              | FY2025     |            |
|--------|-------|---------------------|--------------------------------|--------------|--------------|-----------------------|--------------|---------------|--------------|------------|------------|
|        |       |                     |                                | ACTUALS      | BUDGET       | ACTUALS AS OF 4/25/24 | BUDGET       | DEPT BUDGET   | MAYOR BUDGET |            |            |
| 620    | 14421 | 52230               | OFFICE SUPPLIES                | \$ 569       | \$ 416       | \$ 4,500              | \$ 4,500     | \$ 4,500      | \$ 4,500     | \$ 4,500   | \$ 4,500   |
| 621    | 14421 | 52243               | VEHICLE FUEL                   | \$ 274,822   | \$ 210,053   | \$ 250,000            | \$ 250,000   | \$ 250,000    | \$ 250,000   | \$ 250,000 | \$ 250,000 |
| 622    | 14421 | 52700               | ROAD MAINTENANCE               | \$ 62,292    | \$ 15,279    | \$ 120,000            | \$ 120,000   | \$ 150,000    | \$ 120,000   | \$ 120,000 | \$ 120,000 |
| 623    | 14421 | 55123               | NEW EQUIPMENT                  | \$ -         | \$ -         | \$ -                  | \$ -         | \$ 1,000,000  | \$ -         | \$ -       | \$ -       |
| 624    | 14421 | 55163               | BUILDING REHAB                 | \$ -         | \$ 1,024     | \$ 10,000             | \$ 10,000    | \$ 2,000,000  | \$ 10,000    | \$ 10,000  | \$ 10,000  |
| 625    | 14421 | 58602               | ROAD RESURFACING EXPENSES      | \$ 246,527   | \$ 97,664    | \$ 407,956            | \$ 407,956   | \$ 5,000,000  | \$ -         | \$ -       | \$ -       |
| 626    |       |                     |                                |              |              |                       |              |               |              |            |            |
| 627    | TOTAL | PUBLIC WORKS        |                                | \$ 3,351,483 | \$ 2,439,144 | \$ 3,006,472          | \$ 3,006,472 | \$ 10,863,642 | \$ 2,548,855 | \$ -       | \$ -       |
| 628    |       |                     |                                |              |              |                       |              |               |              |            |            |
| 629    | 16620 |                     | PARKS & PLAYGROUNDS            |              |              |                       |              |               |              |            |            |
| 630    | 16620 | 52112               | HOLIDAY LIGHT & DECORAT        | \$ 15,000    | \$ 15,000    | \$ 17,500             | \$ 17,500    | \$ 16,345     | \$ 16,345    | \$ 16,345  | \$ 16,345  |
| 631    | 16620 | 55057               | CELEBRATIONS&SPEC EVENTS       | \$ -         | \$ -         | \$ 1,000              | \$ 1,000     | \$ 1,000      | \$ 1,000     | \$ 1,000   | \$ 1,000   |
| 632    | 16620 | 58150               | PLAYGROUND IMPROVEMENTS        | \$ 4,346     | \$ 1,558     | \$ 20,000             | \$ 20,000    | \$ 300,000    | \$ 20,000    | \$ 20,000  | \$ 20,000  |
| 633    |       |                     |                                |              |              |                       |              |               |              |            |            |
| 634    | TOTAL | PARKS & PLAYGROUNDS |                                | \$ 19,346    | \$ 16,558    | \$ 38,500             | \$ 38,500    | \$ 317,345    | \$ 37,345    | \$ -       | \$ -       |
| 635    |       |                     |                                |              |              |                       |              |               |              |            |            |
| 636    | 15541 |                     | SENIOR CENTER                  |              |              |                       |              |               |              |            |            |
| 637    | 15541 | 51010               | DEPT HEAD SALARY & WAGES       | \$ 61,571    | \$ 50,594    | \$ 62,761             | \$ 62,761    | \$ 85,000     | \$ 64,520    | \$ 64,520  | \$ 64,520  |
| 638    | 15541 | 51012               | CLERKS/DISPATCHER SAL&WAG      | \$ 35,802    | \$ 34,128    | \$ 38,058             | \$ 38,058    | \$ 50,000     | \$ 40,462    | \$ 40,462  | \$ 40,462  |
| 639    | 15541 | 51016               | CUSTODIAN SALARY & WAGES       | \$ 35,731    | \$ 38,244    | \$ 54,662             | \$ 54,662    | \$ 55,755     | \$ 50,986    | \$ 50,986  | \$ 50,986  |
| 640    | 15541 | 51025               | OUTREACH PROGRAM SALARY & WAGE | \$ -         | \$ 8,266     | \$ 6,000              | \$ 6,000     | \$ 50,000     | \$ 9,000     | \$ 9,000   | \$ 9,000   |
| 641    | 15541 | 51030               | OVERTIME                       | \$ 324       | \$ 207       | \$ 500                | \$ 500       | \$ 1,000      | \$ 500       | \$ 500     | \$ 500     |
| 642    | 15541 | 51031               | ON-CALL/STANDBY                | \$ -         | \$ -         | \$ 500                | \$ 500       | \$ 500        | \$ 500       | \$ 500     | \$ 500     |
| 643    | 15541 | 51090               | CLOTH/UNIFORM ALLOWANCE        | \$ 500       | \$ 500       | \$ 500                | \$ 500       | \$ 500        | \$ 500       | \$ 500     | \$ 500     |
| 644    | 15541 | 51328               | COA MEAL SITE MGR              | \$ 7,718     | \$ 9,874     | \$ 9,928              | \$ 9,928     | \$ 10,250     | \$ 10,226    | \$ 10,226  | \$ 10,226  |
| 645    | 15541 | 51551               | TERMINATION LEAVE              | \$ 7,551     | \$ -         | \$ -                  | \$ -         | \$ -          | \$ -         | \$ -       | \$ -       |
| 646    | 15541 | 52030               | REPAIRS & MAINTENANCE          | \$ 14,337    | \$ 21,029    | \$ 13,500             | \$ 13,500    | \$ 20,000     | \$ 13,250    | \$ 13,250  | \$ 13,250  |
| 647    | 15541 | 52040               | INFORMATION TECHNOLOGY         | \$ 2,875     | \$ 2,556     | \$ 3,000              | \$ 3,000     | \$ 3,000      | \$ 3,000     | \$ 3,000   | \$ 3,000   |
| 648    | 15541 | 52050               | MINOR EQUIPMENT                | \$ 439       | \$ 302       | \$ 500                | \$ 500       | \$ 500        | \$ 500       | \$ 500     | \$ 500     |
| 649    | 15541 | 52110               | ENERGY & UTILITIES             | \$ 10,972    | \$ 5,747     | \$ 15,000             | \$ 15,000    | \$ 15,000     | \$ 14,500    | \$ 14,500  | \$ 14,500  |
| 650    | 15541 | 52151               | TELECOMMUNICATIONS             | \$ 540       | \$ -         | \$ 600                | \$ 600       | \$ 600        | \$ 600       | \$ 600     | \$ 600     |
| 651    | 15541 | 52170               | PROFESSIONAL DEV & TRAVEL      | \$ 570       | \$ 750       | \$ 500                | \$ 500       | \$ 500        | \$ 500       | \$ 500     | \$ 500     |
| 652    | 15541 | 52230               | OFFICE SUPPLIES                | \$ 2,872     | \$ 2,018     | \$ 2,000              | \$ 2,000     | \$ 2,000      | \$ 1,947     | \$ 1,947   | \$ 1,947   |
| 653    |       |                     |                                |              |              |                       |              |               |              |            |            |
| 654    | TOTAL | SENIOR CENTER       |                                | \$ 181,804   | \$ 174,214   | \$ 208,009            | \$ 208,009   | \$ 294,605    | \$ 210,490   | \$ 210,490 | \$ 210,490 |
| 655    |       |                     |                                |              |              |                       |              |               |              |            |            |
| 656    | 15543 |                     | VETERANS                       |              |              |                       |              |               |              |            |            |
| 657    | 15543 | 51010               | DEPT HEAD SALARY & WAGES       | \$ 62,021    | \$ 50,964    | \$ 63,341             | \$ 63,341    | \$ 80,000     | \$ 64,991    | \$ 64,991  | \$ 64,991  |
| 658    | 15543 | 51011               | ASSISTANT SALARY & WAGES       | \$ 17,786    | \$ 44,988    | \$ 56,208             | \$ 56,208    | \$ 65,000     | \$ 57,783    | \$ 57,783  | \$ 57,783  |

| LINE # | ORG   | OBJ             | DESCRIPTION                    | FY2023     |                       | FY2024     |            | FY2025      |              | FY2025     |            |
|--------|-------|-----------------|--------------------------------|------------|-----------------------|------------|------------|-------------|--------------|------------|------------|
|        |       |                 |                                | ACTUALS    | ACTUALS AS OF 4/25/24 | BUDGET     | BUDGET     | DEPT BUDGET | MAYOR BUDGET |            |            |
| 659    | 15543 | 51012           | CLERK/ASST SAL & WAGES         | \$ 39,896  | \$ 33,042             | \$ 38,278  | \$ 43,076  | \$ 44,791   | \$ 44,791    | \$ 43,076  | \$ 44,791  |
| 660    | 15543 | 52040           | INFORMATION TECHNOLOGY         | \$ 7,950   | \$ 2,010              | \$ 1,500   | \$ 3,000   | \$ 2,910    | \$ 2,910     | \$ 3,000   | \$ 2,910   |
| 661    | 15543 | 52050           | FLAG EXPENSE                   | \$ 11,323  | \$ 4,533              | \$ 12,000  | \$ 6,000   | \$ 5,820    | \$ 5,820     | \$ 6,000   | \$ 5,820   |
| 662    | 15543 | 52170           | PROFESSIONAL DEV & TRAVEL      | \$ 4,065   | \$ 2,545              | \$ 2,000   | \$ 4,000   | \$ 2,910    | \$ 2,910     | \$ 4,000   | \$ 2,910   |
| 663    | 15543 | 52230           | OFFICE SUPPLIES                | \$ 2,679   | \$ 1,793              | \$ 2,000   | \$ 2,000   | \$ 1,940    | \$ 1,940     | \$ 2,000   | \$ 1,940   |
| 664    | 15543 | 57100           | VETERANS BENEFITS              | \$ 494,304 | \$ 398,363            | \$ 388,000 | \$ 600,000 | \$ 450,000  | \$ 450,000   | \$ 600,000 | \$ 450,000 |
| 665    |       |                 |                                |            |                       |            |            |             |              |            |            |
| 666    | TOTAL | VETERANS        |                                | \$ 640,026 | \$ 538,239            | \$ 563,327 | \$ 803,076 | \$ 631,145  | \$ 631,145   | \$ 803,076 | \$ 631,145 |
| 667    |       |                 |                                |            |                       |            |            |             |              |            |            |
| 668    | 16610 | LIBRARY         |                                |            |                       |            |            |             |              |            |            |
| 669    | 16610 | 51010           | DEPT HEAD SALARY & WAGES       | \$ 80,855  | \$ 78,873             | \$ 82,343  | \$ 83,990  | \$ 84,488   | \$ 84,488    | \$ 83,990  | \$ 84,488  |
| 670    | 16610 | 51011           | ASST LIBRARY DIRECTOR SAL&WAG  | \$ 63,893  | \$ 51,986             | \$ 63,792  | \$ 65,068  | \$ 65,453   | \$ 65,453    | \$ 65,068  | \$ 65,453  |
| 671    | 16610 | 51012           | LIBRARY TECHNICIAN SAL&WAG     | \$ 120,807 | \$ 107,043            | \$ 134,224 | \$ 190,000 | \$ 154,275  | \$ 154,275   | \$ 190,000 | \$ 154,275 |
| 672    | 16610 | 51013           | SENIOR LIBRARY TECH SAL&WA     | \$ 90,359  | \$ 68,283             | \$ 84,655  | \$ 86,348  | \$ 89,618   | \$ 89,618    | \$ 86,348  | \$ 89,618  |
| 673    | 16610 | 51014           | STAFF LIBRARIAN SALARY & WAG   | \$ 153,335 | \$ 123,091            | \$ 162,276 | \$ 203,000 | \$ 155,456  | \$ 155,456   | \$ 203,000 | \$ 155,456 |
| 674    | 16610 | 51015           | LIBRARY CLERICAL STAFF SAL&WAG | \$ 6,709   | \$ 5,711              | \$ 6,809   | \$ 6,945   | \$ 6,952    | \$ 6,952     | \$ 6,945   | \$ 6,952   |
| 675    | 16610 | 51016           | CUSTODIAN SALARY & WAGES       | \$ 47,268  | \$ 49,112             | \$ 63,375  | \$ 64,643  | \$ 65,063   | \$ 65,063    | \$ 64,643  | \$ 65,063  |
| 676    | 16610 | 51030           | OVERTIME                       | \$ 3,582   | \$ 1,085              | \$ 500     | \$ 500     | \$ 500      | \$ 500       | \$ 500     | \$ 500     |
| 677    | 16610 | 51460           | LONGEVITY                      | \$ 3,000   | \$ 870                | \$ 3,735   | \$ 2,580   | \$ 2,730    | \$ 2,730     | \$ 2,580   | \$ 2,730   |
| 678    | 16610 | 51551           | TERMINATION LEAVE              | \$ 5,389   | \$ 63,251             | \$ 63,251  | \$ -       | \$ -        | \$ -         | \$ -       | \$ -       |
| 679    | 16610 | 52030           | REPAIRS & MAINTENANCE          | \$ 6,093   | \$ 35,457             | \$ 100     | \$ 100     | \$ 100      | \$ 100       | \$ 100     | \$ 100     |
| 680    | 16610 | 52040           | INFORMATION TECHNOLOGY         | \$ 7,560   | \$ 5,242              | \$ 8,700   | \$ 8,700   | \$ 8,700    | \$ 8,700     | \$ 8,700   | \$ 8,700   |
| 681    | 16610 | 52110           | ENERGY & UTILITIES             | \$ 49,765  | \$ 53,237             | \$ 46,600  | \$ 50,000  | \$ 46,600   | \$ 46,600    | \$ 50,000  | \$ 46,600  |
| 682    | 16610 | 52150           | COMMUNICATIONS                 | \$ 743     | \$ 681                | \$ 1,000   | \$ 1,000   | \$ 1,000    | \$ 1,000     | \$ 1,000   | \$ 1,000   |
| 683    | 16610 | 52151           | TELECOMMUNICATIONS             | \$ 5,929   | \$ 4,519              | \$ 6,000   | \$ 6,000   | \$ 6,000    | \$ 6,000     | \$ 6,000   | \$ 6,000   |
| 684    | 16610 | 52190           | PROFESSIONAL SERVICES          | \$ 37,704  | \$ 36,356             | \$ 37,070  | \$ 35,606  | \$ 35,606   | \$ 35,606    | \$ 35,606  | \$ 35,606  |
| 685    | 16610 | 52230           | OFFICE SUPPLIES                | \$ 8,414   | \$ 9,132              | \$ 10,000  | \$ 10,000  | \$ 9,825    | \$ 9,825     | \$ 10,000  | \$ 9,825   |
| 686    | 16610 | 52231           | LIBRARY SUPPLIES               | \$ 7,536   | \$ 5,187              | \$ 5,000   | \$ 5,000   | \$ 5,000    | \$ 5,000     | \$ 5,000   | \$ 5,000   |
| 687    | 16610 | 52270           | BOOKS & PERIODICALS            | \$ 84,925  | \$ 74,552             | \$ 104,000 | \$ 130,000 | \$ 109,000  | \$ 109,000   | \$ 130,000 | \$ 109,000 |
| 688    | 16610 | 53333           | LIBRARY DRAW IN TRANSIT        | \$ -       | \$ 17,044             | \$ -       | \$ -       | \$ -        | \$ -         | \$ -       | \$ -       |
| 689    | 16610 | 57500           | GENERAL LIABILITY              | \$ 13,834  | \$ 13,592             | \$ 13,000  | \$ 13,500  | \$ 13,500   | \$ 13,500    | \$ 13,500  | \$ 13,500  |
| 690    |       |                 |                                |            |                       |            |            |             |              |            |            |
| 691    | TOTAL | LIBRARY         |                                | \$ 797,700 | \$ 804,307            | \$ 896,430 | \$ 962,980 | \$ 859,868  | \$ 859,868   | \$ 962,980 | \$ 859,868 |
| 692    |       |                 |                                |            |                       |            |            |             |              |            |            |
| 693    | 16625 | RECREATION DEPT |                                |            |                       |            |            |             |              |            |            |
| 694    | 16625 | 51010           | DEPT HEAD SALARY & WAGES       | \$ 30,000  | \$ 30,000             | \$ 30,000  | \$ 30,000  | \$ 30,000   | \$ 30,000    | \$ 30,000  | \$ 30,000  |
| 695    | 16625 | 51011           | SUPERVISOR SALARY & WAGES      | \$ 7,500   | \$ 8,500              | \$ 8,500   | \$ 11,000  | \$ 11,000   | \$ 11,000    | \$ 11,000  | \$ 11,000  |
| 696    | 16625 | 51014           | COACHES SAL & WAGES            | \$ -       | \$ -                  | \$ -       | \$ 3,500   | \$ 3,500    | \$ 3,500     | \$ 3,500   | \$ 3,500   |
| 697    | 16625 | 51020           | P/T PLAYGROUNDS SAL&WGS        | \$ 28,000  | \$ 28,000             | \$ 28,000  | \$ 75,000  | \$ 75,000   | \$ 75,000    | \$ 75,000  | \$ 75,000  |

| LINE # | ORG   | OBJ                       | DESCRIPTION                    | FY2023        |                       | FY2024        |               | FY2025        |              | FY2025       |              |
|--------|-------|---------------------------|--------------------------------|---------------|-----------------------|---------------|---------------|---------------|--------------|--------------|--------------|
|        |       |                           |                                | ACTUALS       | ACTUALS AS OF 4/25/24 | BUDGET        | BUDGET        | DEPT BUDGET   | MAYOR BUDGET |              |              |
| 698    |       | 51090                     | CLOTH/UNIFORM ALLOWANCE        | \$ -          | \$ -                  | \$ -          | \$ -          | \$ -          | \$ -         | \$ 2,000     | \$ 2,000     |
| 699    |       | 52050                     | MINOR EQUIPMENT                | \$ -          | \$ -                  | \$ -          | \$ -          | \$ 1,000      | \$ -         | \$ 3,600     | \$ 3,000     |
| 700    |       |                           |                                |               |                       |               |               |               |              |              |              |
| 701    |       | RECREATION DEPT           |                                | \$ 65,500     | \$ 66,500             | \$ -          | \$ -          | \$ -          | \$ -         | \$ 125,100   | \$ 124,500   |
| 702    |       |                           |                                |               |                       |               |               |               |              |              |              |
| 703    |       | STATE & COUNTY ASSESSMENT |                                |               |                       |               |               |               |              |              |              |
| 704    | 18810 | 56100                     | COUNTY ASSESS-COUNTY TAX       | \$ 69,138     | \$ 52,011             | \$ -          | \$ -          | \$ 69,340     | \$ -         | \$ 74,376    | \$ 74,376    |
| 705    | 18810 | 56202                     | RMV NON-RENEWAL SURCHARGE      | \$ 27,900     | \$ 20,925             | \$ -          | \$ -          | \$ 27,900     | \$ -         | \$ 38,300    | \$ 38,300    |
| 706    | 18810 | 56204                     | AIR POLLUTION ASSESSMENT       | \$ 5,164      | \$ 4,023              | \$ -          | \$ -          | \$ 5,358      | \$ -         | \$ 5,492     | \$ 5,492     |
| 707    | 18810 | 56205                     | MONT RTA ASSESSMENT            | \$ 292,531    | \$ 192,780            | \$ -          | \$ -          | \$ 257,030    | \$ -         | \$ 252,824   | \$ 252,824   |
| 708    | 18810 | 56206                     | SPECIAL EDUCATION ASSESS       | \$ 16,237     | \$ 14,052             | \$ -          | \$ -          | \$ 16,799     | \$ -         | \$ 20,431    | \$ 20,431    |
| 709    | 18810 | 56209                     | CHARTER SCHOOL TUITION ASSESSM | \$ 247,133    | \$ 224,665            | \$ -          | \$ -          | \$ 325,962    | \$ -         | \$ 308,670   | \$ 308,670   |
| 710    | 18810 | 56210                     | SCHOOL CHOICE ASSESSMENT       | \$ 1,323,839  | \$ 927,632            | \$ -          | \$ -          | \$ 1,293,205  | \$ -         | \$ 1,209,574 | \$ 1,209,574 |
| 711    |       |                           |                                |               |                       |               |               |               |              |              |              |
| 712    | TOTAL | STATE & COUNTY ASSESSM    |                                | \$ 1,921,942  | \$ 1,436,088          | \$ -          | \$ -          | \$ 1,995,594  | \$ -         | \$ 1,909,667 | \$ 1,909,667 |
| 713    |       |                           |                                |               |                       |               |               |               |              |              |              |
| 714    | 19999 | OTHER EXPENDITURES        |                                |               |                       |               |               |               |              |              |              |
| 715    | 19999 | 59040                     | TRANSFER TO STABILIZATION      | \$ 356,983    | \$ 354,774            | \$ -          | \$ -          | \$ 354,774    | \$ -         | \$ -         | \$ -         |
| 716    | 19999 | 59980                     | TRANSFER TO CAPITAL FUND       | \$ 325,680    | \$ 491,838            | \$ -          | \$ -          | \$ 491,838    | \$ -         | \$ -         | \$ -         |
| 717    | 19999 | 59987                     | TRANSFER TO ENTERPRISE FUND    | \$ 147,500    | \$ 75,000             | \$ -          | \$ -          | \$ 75,000     | \$ -         | \$ -         | \$ -         |
| 718    |       |                           |                                |               |                       |               |               |               |              |              |              |
| 719    | TOTAL | OTHER EXPENDITURES        |                                | \$ 830,163    | \$ 921,612            | \$ -          | \$ -          | \$ 921,612    | \$ -         | \$ -         | \$ -         |
| 720    |       |                           |                                |               |                       |               |               |               |              |              |              |
| 721    | TOTAL | GENERAL FUND              |                                | \$ 38,419,441 | \$ 34,706,203         | \$ 41,800,116 | \$ 53,910,383 | \$ 41,072,691 | \$ -         | \$ -         | \$ -         |
| 722    |       |                           |                                |               |                       |               |               |               |              |              |              |
| 723    | 61440 | SEWER EXPENSES            |                                |               |                       |               |               |               |              |              |              |
| 724    | 61440 | 51010                     | DEPT HEAD SALARY & WAGES       | \$ 26,755     | \$ 21,984             | \$ -          | \$ -          | \$ 27,271     | \$ -         | \$ 27,817    | \$ 28,035    |
| 725    | 61440 | 51011                     | CITY ENGINEER SALARY & WAGES   | \$ 22,723     | \$ 18,796             | \$ -          | \$ -          | \$ 23,207     | \$ -         | \$ 23,671    | \$ 23,857    |
| 726    | 61440 | 51012                     | CLERK/ASST SAL & WAGES         | \$ 58,563     | \$ 50,030             | \$ -          | \$ -          | \$ 59,079     | \$ -         | \$ 60,260    | \$ 65,022    |
| 727    | 61440 | 51013                     | PT/CLERK/GIS                   | \$ 44,387     | \$ 29,892             | \$ -          | \$ -          | \$ 49,219     | \$ -         | \$ 50,204    | \$ 50,304    |
| 728    | 61440 | 51014                     | MAINTENANCE CREW-SAL&WGS       | \$ 298,262    | \$ 251,600            | \$ -          | \$ -          | \$ 359,165    | \$ -         | \$ 424,187   | \$ 427,945   |
| 729    | 61440 | 51015                     | DPW CLERK SALARY & WAGES       | \$ 12,815     | \$ 10,762             | \$ -          | \$ -          | \$ 12,996     | \$ -         | \$ 13,256    | \$ 14,839    |
| 730    | 61440 | 51016                     | ASSISTANT DIR SALARY & WAGES   | \$ -          | \$ -                  | \$ -          | \$ -          | \$ -          | \$ -         | \$ -         | \$ -         |
| 731    | 61440 | 51019                     | BUSINESS MANAGER SAL & WAGES   | \$ 18,647     | \$ 15,401             | \$ -          | \$ -          | \$ 20,073     | \$ -         | \$ 20,474    | \$ 20,638    |
| 732    | 61440 | 51020                     | ENGINEERS SALARY & WAGES       | \$ -          | \$ -                  | \$ -          | \$ -          | \$ 14,084     | \$ -         | \$ 14,365    | \$ 14,506    |
| 733    | 61440 | 51030                     | OVERTIME                       | \$ 14,308     | \$ 2,219              | \$ -          | \$ -          | \$ 20,000     | \$ -         | \$ 25,000    | \$ 25,000    |
| 734    | 61440 | 51031                     | WEEK-END STANDBY               | \$ 13,570     | \$ 11,310             | \$ -          | \$ -          | \$ 20,000     | \$ -         | \$ 20,230    | \$ 20,000    |
| 735    | 61440 | 51090                     | CLOTH/UNIFORM ALLOWANCE        | \$ 5,130      | \$ 4,380              | \$ -          | \$ -          | \$ 7,230      | \$ -         | \$ 7,230     | \$ 6,480     |
| 736    | 61440 | 51102                     | WORKING OUT OF GRADE           | \$ -          | \$ 144                | \$ -          | \$ -          | \$ 2,000      | \$ -         | \$ 2,000     | \$ 2,000     |

| LINE # | ORG          | OBJ               | DESCRIPTION                  | FY2023              |                       | FY2024              |                     | FY2025              |                     | FY2025              |            |
|--------|--------------|-------------------|------------------------------|---------------------|-----------------------|---------------------|---------------------|---------------------|---------------------|---------------------|------------|
|        |              |                   |                              | ACTUALS             | ACTUALS AS OF 4/25/24 | BUDGET              | BUDGET              | DEPT BUDGET         | MAYOR BUDGET        |                     |            |
| 737    | 61440        | 51105             | SICK LEAVE INCENTIVE         | \$ -                | \$ -                  | \$ -                | \$ 2,500            | \$ -                | \$ 2,500            | \$ -                | \$ 2,500   |
| 738    | 61440        | 51551             | TERMINATION LEAVE            | \$ -                | \$ -                  | \$ -                | \$ -                | \$ -                | \$ -                | \$ -                | \$ -       |
| 739    | 61440        | 52030             | REPAIRS & MAINTENANCE        | \$ 9,091            | \$ 17,969             | \$ 20,000           | \$ 20,000           | \$ 25,000           | \$ 25,000           | \$ 25,000           | \$ 25,000  |
| 740    | 61440        | 52031             | REPAIRS TO MAINS             | \$ 194,406          | \$ 10,019             | \$ 100,000          | \$ 100,000          | \$ 200,000          | \$ 200,000          | \$ 200,000          | \$ 200,000 |
| 741    | 61440        | 52040             | INFORMATION TECHNOLOGY       | \$ 5,000            | \$ -                  | \$ 5,000            | \$ 5,000            | \$ 5,000            | \$ 5,000            | \$ 5,000            | \$ 5,000   |
| 742    | 61440        | 52050             | NEW EQUIPMENT                | \$ 50,000           | \$ 50,000             | \$ 50,000           | \$ 50,000           | \$ 50,000           | \$ 50,000           | \$ 50,000           | \$ 50,000  |
| 743    | 61440        | 52110             | ENERGY & UTILITIES           | \$ 152,124          | \$ 155,062            | \$ 229,473          | \$ 229,473          | \$ 236,400          | \$ 236,400          | \$ 236,400          | \$ 236,400 |
| 744    | 61440        | 52150             | COMMUNICATIONS               | \$ 758              | \$ 400                | \$ 4,000            | \$ 4,000            | \$ 4,000            | \$ 4,000            | \$ 4,000            | \$ 4,000   |
| 745    | 61440        | 52151             | TELECOMMUNICATIONS           | \$ 2,595            | \$ 2,520              | \$ 10,000           | \$ 10,000           | \$ 10,000           | \$ 10,000           | \$ 10,000           | \$ 10,000  |
| 746    | 61440        | 52170             | PROFESSIONAL DEV & TRAVEL    | \$ 172              | \$ 1,900              | \$ 5,000            | \$ 5,000            | \$ 5,000            | \$ 5,000            | \$ 5,000            | \$ 5,000   |
| 747    | 61440        | 52190             | PROFESSIONAL SERVICES        | \$ 11,339           | \$ 1,200              | \$ 38,000           | \$ 38,000           | \$ 38,000           | \$ 38,000           | \$ 38,000           | \$ 38,000  |
| 748    | 61440        | 52192             | WPAT ADMINISTRATIVE FEES     | \$ -                | \$ 1,702              | \$ -                | \$ -                | \$ -                | \$ -                | \$ -                | \$ -       |
| 749    | 61440        | 52230             | OFFICE SUPPLIES              | \$ 15,562           | \$ 20,000             | \$ 20,000           | \$ 20,000           | \$ 20,000           | \$ 20,000           | \$ 20,000           | \$ 20,000  |
| 750    | 61440        | 52231             | CHEMICALS/LAB SUPPLIES       | \$ 224,010          | \$ 333,400            | \$ 370,729          | \$ 370,729          | \$ 237,700          | \$ 237,700          | \$ 237,700          | \$ 237,700 |
| 751    | 61440        | 52240             | VEHICLE SUPPLIES             | \$ 22,816           | \$ 12,232             | \$ 20,000           | \$ 20,000           | \$ 20,000           | \$ 20,000           | \$ 20,000           | \$ 20,000  |
| 752    | 61440        | 52360             | AWWTP CONTRACT OPERATIONS    | \$ 724,673          | \$ 732,171            | \$ 883,370          | \$ 883,370          | \$ 910,000          | \$ 910,000          | \$ 910,000          | \$ 910,000 |
| 753    | 61440        | 55030             | SEWER SYSTEM MODEL SOFTWARE  | \$ -                | \$ -                  | \$ 35,000           | \$ 35,000           | \$ 35,000           | \$ 35,000           | \$ 35,000           | \$ 35,000  |
| 754    | 61440        | 55035             | NPDES REPORT/MWTF STUDY      | \$ -                | \$ -                  | \$ -                | \$ -                | \$ -                | \$ -                | \$ -                | \$ -       |
| 755    | 61440        | 55163             | FACILITY MAINTENANCE         | \$ -                | \$ -                  | \$ 50,000           | \$ 50,000           | \$ 95,000           | \$ 95,000           | \$ 95,000           | \$ 95,000  |
| 756    | 61440        | 56902             | TAXES OTHER TOWNS            | \$ -                | \$ -                  | \$ 300              | \$ 300              | \$ 300              | \$ 300              | \$ 300              | \$ 300     |
| 757    | 61440        | 57601             | PRINCIPAL - OUTSIDE DEBT     | \$ 662,331          | \$ 829,353            | \$ 853,590          | \$ 853,590          | \$ 841,223          | \$ 841,223          | \$ 841,223          | \$ 841,223 |
| 758    | 61440        | 57611             | INTEREST - OUTSIDE DEBT      | \$ 235,831          | \$ 226,329            | \$ 226,830          | \$ 226,830          | \$ 222,810          | \$ 222,810          | \$ 222,810          | \$ 222,810 |
| 759    | 61440        | 58616             | SLUDGE LANDFILL              | \$ 2,668            | \$ -                  | \$ -                | \$ -                | \$ -                | \$ -                | \$ -                | \$ -       |
| 760    | 61999        | 59996             | TRANSFER TO GENERAL FUND     | \$ 379,348          | \$ 365,000            | \$ 365,000          | \$ 365,000          | \$ 365,000          | \$ 365,000          | \$ 365,000          | \$ 390,000 |
| 761    |              |                   |                              |                     |                       |                     |                     |                     |                     |                     |            |
| 762    | <b>TOTAL</b> | <b>SEWER FUND</b> |                              | <b>\$ 3,207,886</b> | <b>\$ 3,175,775</b>   | <b>\$ 3,903,115</b> | <b>\$ 3,903,115</b> | <b>\$ 4,011,627</b> | <b>\$ 4,011,627</b> | <b>\$ 4,046,559</b> |            |
| 763    |              |                   |                              |                     |                       |                     |                     |                     |                     |                     |            |
| 764    | 62450        |                   | WATER EXPENSES               |                     |                       |                     |                     |                     |                     |                     |            |
| 765    | 62450        | 51010             | DEPT HEAD SALARY & WAGES     | \$ 26,755           | \$ 21,984             | \$ 27,217           | \$ 27,217           | \$ 27,762           | \$ 27,762           | \$ 28,035           | \$ 28,035  |
| 766    | 62450        | 51011             | CITY ENGINEER SALARY & WAGES | \$ 22,723           | \$ 18,796             | \$ 23,207           | \$ 23,207           | \$ 23,671           | \$ 23,671           | \$ 23,857           | \$ 23,857  |
| 767    | 62450        | 51012             | CLERK/ASST SAL & WAGES       | \$ 59,047           | \$ 42,664             | \$ 61,941           | \$ 61,941           | \$ 63,180           | \$ 63,180           | \$ 65,022           | \$ 65,022  |
| 768    | 62450        | 51013             | PT/CLERK/GIS                 | \$ 6,039            | \$ 7,597              | \$ 10,205           | \$ 10,205           | \$ 10,409           | \$ 10,409           | \$ 10,511           | \$ 10,511  |
| 769    | 62450        | 51014             | MAINTENANCE CREW SAL&WGS     | \$ 296,149          | \$ 253,428            | \$ 333,259          | \$ 333,259          | \$ 424,187          | \$ 424,187          | \$ 424,945          | \$ 424,945 |
| 770    | 62450        | 51015             | DPW CLERK SALARY & WAGES     | \$ 13,060           | \$ 10,517             | \$ 13,046           | \$ 13,046           | \$ 13,307           | \$ 13,307           | \$ 14,526           | \$ 14,526  |
| 771    | 62450        | 51016             | ASSISTANT DIR SALARY & WAGES | \$ -                | \$ -                  | \$ -                | \$ -                | \$ -                | \$ -                | \$ -                | \$ -       |
| 772    | 62450        | 51019             | BUSINESS MANAGER SAL & WAGES | \$ 18,648           | \$ 15,401             | \$ 20,073           | \$ 20,073           | \$ 20,474           | \$ 20,474           | \$ 20,638           | \$ 20,638  |
| 773    | 62450        | 51020             | ENGINEERS SALARY & WAGES     | \$ -                | \$ -                  | \$ 14,084           | \$ 14,084           | \$ 14,365           | \$ 14,365           | \$ 14,506           | \$ 14,506  |
| 774    | 62450        | 51030             | OVERTIME                     | \$ 22,845           | \$ 51,209             | \$ 60,000           | \$ 60,000           | \$ 35,000           | \$ 35,000           | \$ 35,000           | \$ 35,000  |
| 775    | 62450        | 51031             | WEEK-END STANDBY             | \$ 13,613           | \$ 11,310             | \$ 20,000           | \$ 20,000           | \$ 20,230           | \$ 20,230           | \$ 20,000           | \$ 20,000  |

| LINE # | ORG          | OBJ               | DESCRIPTION                   | FY2023       |                       | FY2024       |              | FY2025       |              | FY2025       |              |
|--------|--------------|-------------------|-------------------------------|--------------|-----------------------|--------------|--------------|--------------|--------------|--------------|--------------|
|        |              |                   |                               | ACTUALS      | ACTUALS AS OF 4/25/24 | BUDGET       | DEPT BUDGET  | MAYOR BUDGET | MAYOR BUDGET |              |              |
| 776    | 62450        | 51090             | CLOTH/UNIFORM ALLOWANCE       | \$ 5,130     | \$ 4,380              | \$ 7,665     | \$ 5,940     | \$ 5,940     | \$ 5,940     | \$ 6,915     | \$ 6,915     |
| 777    | 62450        | 51102             | WORKING OUT OF GRADE          | \$ -         | \$ 1,815              | \$ 2,000     | \$ 2,000     | \$ 2,000     | \$ 2,000     | \$ 2,000     | \$ 2,000     |
| 778    | 62450        | 51105             | SICK LEAVE INCENTIVE          | \$ -         | \$ 463                | \$ 2,500     | \$ 2,500     | \$ 2,500     | \$ 2,500     | \$ 2,500     | \$ 2,500     |
| 779    | 62450        | 51551             | TERMINATION LEAVE             | \$ -         | \$ 1,349              | \$ 1,349     | \$ -         | \$ -         | \$ -         | \$ -         | \$ -         |
| 780    | 62450        | 52030             | REPAIRS & MAINTENANCE         | \$ 23,451    | \$ 35,733             | \$ 25,000    | \$ 25,000    | \$ 25,000    | \$ 25,000    | \$ 25,000    | \$ 25,000    |
| 781    | 62450        | 52031             | REPAIRS TO MAINS              | \$ 192,304   | \$ 158,681            | \$ 200,000   | \$ 125,000   | \$ 125,000   | \$ 125,000   | \$ 125,000   | \$ 125,000   |
| 782    | 62450        | 52039             | REPAIRS TO TRANSM MAINS       | \$ -         | \$ -                  | \$ 390,000   | \$ -         | \$ -         | \$ -         | \$ -         | \$ -         |
| 783    | 62450        | 52040             | INFORMATION TECHNOLOGY        | \$ 3,600     | \$ 1,981              | \$ 5,000     | \$ 5,000     | \$ 5,000     | \$ 5,000     | \$ 5,000     | \$ 5,000     |
| 784    | 62450        | 52050             | NEW EQUIPMENT                 | \$ 40,270    | \$ 16,680             | \$ 50,000    | \$ 50,000    | \$ 50,000    | \$ 50,000    | \$ 50,000    | \$ 50,000    |
| 785    | 62450        | 52110             | ENERGY & UTILITIES            | \$ 192,829   | \$ 78,257             | \$ 338,745   | \$ 349,000   | \$ 349,000   | \$ 349,000   | \$ 349,000   | \$ 349,000   |
| 786    | 62450        | 52150             | COMMUNICATIONS                | \$ 828       | \$ 900                | \$ 5,000     | \$ 5,000     | \$ 5,000     | \$ 5,000     | \$ 5,000     | \$ 5,000     |
| 787    | 62450        | 52151             | TELECOMMUNICATIONS            | \$ 2,595     | \$ 1,755              | \$ 7,500     | \$ 7,500     | \$ 7,500     | \$ 7,500     | \$ 7,500     | \$ 7,500     |
| 788    | 62450        | 52170             | PROFESSIONAL DEV & TRAVEL     | \$ 6,693     | \$ 4,056              | \$ 8,000     | \$ 8,000     | \$ 8,000     | \$ 8,000     | \$ 8,000     | \$ 8,000     |
| 789    | 62450        | 52190             | PROFESSIONAL SERVICES         | \$ 431       | \$ -                  | \$ 25,000    | \$ 25,000    | \$ 25,000    | \$ 25,000    | \$ 25,000    | \$ 25,000    |
| 790    | 62450        | 52192             | WPAT ADMINISTRATIVE FEES      | \$ 7,486     | \$ 12,300             | \$ 12,300    | \$ 12,300    | \$ 12,300    | \$ 12,300    | \$ 12,300    | \$ 12,300    |
| 791    | 62450        | 52194             | DAM INSPECTIONS               | \$ -         | \$ 6,000              | \$ 7,000     | \$ 7,000     | \$ 7,000     | \$ 7,000     | \$ 7,000     | \$ 7,000     |
| 792    | 62450        | 52230             | OFFICE SUPPLIES               | \$ 6,520     | \$ 12,372             | \$ 20,000    | \$ 20,000    | \$ 20,000    | \$ 20,000    | \$ 20,000    | \$ 20,000    |
| 793    | 62450        | 52231             | CHEMICALS/LAB SUPPLIES        | \$ 114,740   | \$ 118,178            | \$ 118,178   | \$ 121,800   | \$ 121,800   | \$ 121,800   | \$ 121,800   | \$ 121,800   |
| 794    | 62450        | 52240             | VEHICLE SUPPLIES              | \$ 23,711    | \$ 12,232             | \$ 20,000    | \$ 20,000    | \$ 20,000    | \$ 20,000    | \$ 20,000    | \$ 20,000    |
| 795    | 62450        | 52359             | CONTRACT OPERATIONS           | \$ 724,537   | \$ 730,072            | \$ 883,370   | \$ 910,000   | \$ 910,000   | \$ 910,000   | \$ 910,000   | \$ 910,000   |
| 796    | 62450        | 55030             | WATER SYSTEM SOFTWARE MODEL   | \$ -         | \$ -                  | \$ 50,000    | \$ 50,000    | \$ 50,000    | \$ 50,000    | \$ 50,000    | \$ 50,000    |
| 797    | 62450        | 55163             | FACILITY MAINTENANCE          | \$ 10,854    | \$ -                  | \$ 75,000    | \$ 75,000    | \$ 75,000    | \$ 75,000    | \$ 75,000    | \$ 75,000    |
| 798    | 62450        | 56902             | TAXES OTHER TOWNS             | \$ -         | \$ -                  | \$ 3,000     | \$ 3,000     | \$ 3,000     | \$ 3,000     | \$ 3,000     | \$ 3,000     |
| 799    | 62450        | 57601             | PRINCIPAL - OUTSIDE DEBT      | \$ 589,923   | \$ 465,000            | \$ 465,000   | \$ 440,000   | \$ 440,000   | \$ 440,000   | \$ 440,000   | \$ 440,000   |
| 800    | 62450        | 57611             | INTEREST - OUTSIDE DEBT       | \$ 296,959   | \$ 412,345            | \$ 442,053   | \$ 396,000   | \$ 396,000   | \$ 396,000   | \$ 396,000   | \$ 396,000   |
| 801    | 62999        | 59996             | TRANSFER TO GENERAL FUND      | \$ 350,000   | \$ 380,000            | \$ 380,000   | \$ 380,000   | \$ 380,000   | \$ 380,000   | \$ 380,000   | \$ 380,000   |
| 802    |              |                   |                               |              |                       |              |              |              |              |              |              |
| 803    | <b>TOTAL</b> | <b>WATER FUND</b> |                               | \$ 3,071,739 | \$ 2,887,457          | \$ 4,126,692 | \$ 3,697,625 | \$ 3,697,625 | \$ 3,697,625 | \$ 3,713,055 | \$ 3,713,055 |
| 804    |              |                   |                               |              |                       |              |              |              |              |              |              |
| 805    | 63640        |                   | GOLF COURSE EXPENSES          |              |                       |              |              |              |              |              |              |
| 806    | 63640        | 51010             | DEPT HEAD SALARY & WAGES      | \$ 81,751    | \$ 67,493             | \$ 83,450    | \$ 83,450    | \$ 83,450    | \$ 83,450    | \$ 85,789    | \$ 85,789    |
| 807    | 63640        | 51011             | GOLF PRO SALARY & WAGES       | \$ 48,344    | \$ 36,193             | \$ 52,842    | \$ 52,842    | \$ 52,842    | \$ 52,842    | \$ 52,842    | \$ 52,842    |
| 808    | 63640        | 51012             | CLERK/ASST SAL & WAGES        | \$ 15,386    | \$ 17,094             | \$ 18,615    | \$ 18,615    | \$ 18,615    | \$ 18,615    | \$ 22,869    | \$ 22,869    |
| 809    | 63640        | 51013             | LABORERS SALARY & WAGES       | \$ 207,498   | \$ 177,987            | \$ 228,601   | \$ 228,601   | \$ 228,601   | \$ 228,601   | \$ 248,111   | \$ 248,111   |
| 810    | 63640        | 51018             | PRO SHOP STAFF SALARY & WAGES | \$ 32,477    | \$ 14,009             | \$ 30,000    | \$ 30,000    | \$ 30,000    | \$ 30,000    | \$ 35,000    | \$ 35,000    |
| 811    | 63640        | 51030             | OVERTIME                      | \$ 6,748     | \$ 3,966              | \$ 10,396    | \$ 10,396    | \$ 10,396    | \$ 10,396    | \$ 10,000    | \$ 10,000    |
| 812    | 63640        | 51090             | CLOTH/UNIFORM ALLOWANCE       | \$ 2,650     | \$ 2,950              | \$ 2,950     | \$ 1,950     | \$ 1,950     | \$ 1,950     | \$ 2,950     | \$ 2,950     |
| 813    | 63640        | 51460             | LONGEVITY                     | \$ 2,040     | \$ -                  | \$ 1,950     | \$ 1,950     | \$ 1,950     | \$ 1,950     | \$ 2,070     | \$ 2,070     |
| 814    | 63640        | 51551             | TERMINATION LEAVE             | \$ 2,620     | \$ 3,693              | \$ -         | \$ -         | \$ -         | \$ -         | \$ -         | \$ -         |









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**REGULAR MEETING OF JULY 1, 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, July 1, 2024.

**CALL TO ORDER**

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

**CALL OF THE ROLL**

Assistant City Clerk Elizabeth Doiron 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.

**COMMUNICATIONS FROM THE MAYOR**

**#11323**

Councillor Alek Dernalowicz requested for MORE TIME

**There were no objections. More time was granted.**

REGULAR MEETING OF JULY 1, 2024

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PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.**#11317**

Councillor Alek Dernalowicz made a motion to schedule an informal meeting for the purpose of a presentation on the proposal and to schedule a public hearing and seconded by Councillor Geroge Tyros.

Councillor Brad Heglin moves the motion be amended by adding the following: (1) City Council recommend BSR request a “pre-permitting” meeting with MassDEP, (2) that the City of Gardner be notified and invited to send representation to this meeting to observe. Seconded by Councillor Dernalowicz

Motion on amendment was voted viva voce, eleven (10) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, David Thibault-Muñoz, George Tyros, Craig Cormier; (1) No, Paul Tassone.

**The amendment passes.**

Vote on motion to hold an informal & public hearing with amended motion by Councillor Brad Heglin was voted on call of the roll, nine (9) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, David Thibault-Muñoz, George Tyros; (2) no's, Craig Cormier, Paul Tassone.

**The motion passes.****#11324**

Councillor George Tyros moves to authorize President Kazinskas to respond on behalf of the Council. Seconded by Councillor Alek Dernalowicz.

**There were no objections, motion passes.**

**#11325**

Councillor George Tyros motions to place this item on file, seconded by Councillor Alek Dernalowicz.

**There were no objections, motion passes.**

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REGULAR MEETING OF JULY 1, 2024

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REPORTS OF STANDING COMMITTEES

FINANCE COMMITTEE

**#11289**

Councillor Alek Dernalowicz requested for MORE TIME

**There were no objections. More time was granted.**

**#11314**

On a motion made by Councillor Alek Dernalowicz and seconded by Councillor Judy Mack, to send to FINAL PRINTING

**There were no objections, motion passes.**

APPOINTMENTS COMMITTEE

**#11140**

Motion made by Councillor George Tyros and seconded by Councillor Alek Dernalowicz, to CONFIRM the Mayor's appointment of Robert Swartz to Planning Board Member.

**There were no objections, motion passes.**

**#11141**

Motion made by Councillor George Tyros and seconded by Councillor Dana Heath, to CONFIRM the Mayor's appointment of Stephen Cormier to Planning Board Member.

**There were no objections, motion passes.**

**#11255**

Motion made by Councillor George Tyros and seconded by Councillor Alek Dernalowicz, to CONFIRM the Mayor's appointment of Vincent Pusateri to Assistant City Solicitor.

**There were no objections, motion passes.**

**#11315**

Motion made by Councillor Brad Heglin and seconded by Councillor Dana Heath, to CONFIRM the Mayor's appointment of Melory Cornett to Zoning Board Member.

**There were no objections, motion passes.**



REGULAR MEETING OF JULY 1, 2024

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**#11316**

Motion made by Councillor Brad Heglin and seconded by Councillor Dana Heath, to CONFIRM the Mayor's appointment of Laurie Wiita to Zoning Board Member.

**There were no objections, motion passes.**

**Recess was taken at 8:15pm to swear in Appointees that are present.**

**Meeting called back to order by President Kazinskas at 8:20pm.**

**SAFETY COMMITTEE**

**#11115**

Councillor Craig Cormier requested for MORE TIME

**There were no objections. More time was granted.**

**#11204**

Councillor Craig Cormier requested for MORE TIME

**There were no objections. More time was granted.**

**#11318**

Councillor Craig Cormier moves to approve the application, seconded by Councillor Dana Heath

**There were no objections, motion passes.**

**#11319**

Councillor Craig Cormier moves to approve the application, seconded by Councillor David Thibeault-Munoz

**There were no objections, motion passes.**

**#11320**

Councillor Craig Cormier moves to approve the application, seconded by Councillor Dana Heath

**There were no objections, motion passes.**



REGULAR MEETING OF JULY 1, 2024

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**#11320**

Councillor Craig Cormier moves to approve the application, seconded by Councillor Karen Hardern.

**There were no objections, motion passes.**

**#11321**

Councillor Craig Cormier moves to approve the application, seconded by Councillor David Thibault-Munoz.

**There were no objections, motion passes.**

**WELFARE COMMITTEE**

**#11211**

Councillor Judy Mack requested MORE TIME

**There were no objections, more time was granted.**

**UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION**

**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, meeting adjourned at 8:32 p.m.

**Elizabeth Doiron**

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**From:** John Stefanini <stefanini143@gmail.com>  
**Sent:** Thursday, August 1, 2024 11:48 AM  
**To:** Titi Siriphan; Jayen Kumar; Elizabeth Doiron  
**Cc:** Mayor; Vincent Pusateri II  
**Subject:** [EXTERNAL] Materials for August 5 City Council Meeting  
**Attachments:** BSR HCA Summary.pdf; BSR Draft 3 Gardner HCA CLEAN.pdf; BSR City Council 1 August 24.pdf

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

Good morning.

Please find attached correspondence to the City Council with two attachments for their next City Council meeting on Monday, August 5. As always, we are available to answer any and all questions related to our project.

Thank you.

John

RECEIVED  
2024 AUG - 1 PM 12: 22  
CITY OF GARDNER  
ADMINISTRATIVE SERVICES



## Host Community Agreement Summary: City of Gardner & Baystate Racing, LLC

The Host Community Agreement (HCA) is a contract between the City of Gardner and Baystate Racing, LLC.

### Financial Benefits for Gardner

- **Annual Payments:** Baystate Racing will pay the city more than \$700,000 each year.
- **Initial Payment:** \$10,000 non-refundable payment for the city's expenses in reviewing the project.
- **Upfront Payment:** \$650,000 payment to the city within 30 days after getting all required licenses and permits.
- **Other Costs Covered:** Baystate will pay for all peer reviews, consulting costs, police, fire, and EMS services on festival days.

### Environmental Contributions

- **Stormwater Management:** Baystate will use strong stormwater management systems to protect the watershed.
- **Environmental Compliance:** The MA Department of Environmental Protection will review the site plans, inspect at any time, and require Water Quality Certificate.
- **Water Testing:** Baystate will test the surface water runoff quality quarterly.
- **Manure Management:** Baystate will properly collect and dispose of horse manure offsite, following environmental regulations.
- **Tree Planting:** 500 trees will be planted throughout Gardner.

### Community Benefits

- **Job Creation:** 15 to 25 permanent jobs and 100 temporary jobs for Gardner residents.
- **Community Events:** At least one event per year, like fundraisers for local charities, sports teams, or schools.
- **Educational Programs:** An "Ag in the Classroom" program for students and a mentoring program for local graduates.
- **Charity Donations:** \$20,000 donated annually to a local or regional non-profit that benefits Gardner.
- **Open Space Preservation:** Baystate will preserve open spaces and trails, provide access from the equine center to the North Central Pathway.
- **Support for GAAMHA:** Helps the GAAMHA build a new facility with double the capacity.

### Local Regulations & Controls

- **Community Oversight:** A community member appointed by the Mayor will join Baystate's Racing Oversight Committee.
- **No Casino License:** Baystate commits to never applying for a casino license.
- **Wagering Rules:** Betting onsite is only allowed on days with live racing.
- **Late Payment Penalty:** Baystate will pay a 5% penalty for any late payments.
- **Traffic Management:** Baystate will handle traffic impacts, including plans for transportation and parking, which will be reviewed by the Planning Board.
- **Festival Days:** Likely only one or two weekends per year, with a maximum of 20 days per year.
- **No Transfer of Commitments:** Baystate cannot transfer or assign its commitments in this contract without permission from the City of Gardner.
- **Annual Review:** The City will review operations each year and the state will convene a hearing in Gardner annually.

## HOST COMMUNITY AGREEMENT

FOR THE SITING OF A RACETRACK IN THE CITY OF GARDNER

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

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

### RECITALS

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

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

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

WHEREAS, the City recognizes the development of the Equine Center at the Site will benefit the City and its citizens through increased economic development, additional employment opportunities for residents, bringing in more than \$700,000 per year in new revenue and benefits when fully operational, and further that the Equine Center operation will enhance and protect the agricultural designation of the site, accordingly the City desires to support Baystate in the development of the Equine Center at the Site; and

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

WHEREAS, Baystate anticipates that as a result of the Equine Center’s operation, the City will incur additional expenses and impacts on the City’s roads and other infrastructure systems, law enforcement, fire protection services, inspectional services, permitting and consulting

services, as well as unforeseen impacts, both quantifiable and unquantifiable on the City; and provided further that Baystate is committed to paying the cost of such expenses and impacts; and

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

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

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

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

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

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

1. **Recitals**

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

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

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

A. **Annual Community Impact Fee**

Baystate anticipates that the City will incur additional expenses and impacts on the City's road and other infrastructure systems, law enforcement, fire protection services, inspectional services, and permitting and consulting services, as well as unforeseen impacts, both quantifiable and unquantifiable, on the City. Accordingly,

in order to mitigate the financial impact on the City and use of City resources, Baystate agrees to pay an “Annual Community Impact Fee” to the City, in the amount and under the terms as follows:

1. Baystate shall pay an annual mitigation fee of \$650,000. This amount shall increase, after the first five years, each year thereafter by the percent increase to the real estate tax levy, not including new growth, up to two and one half (2.5%) percent per year.
2. The City shall deposit the Annual Community Impact Fee in the City’s new Capital Improvement Stabilization Fund.

**B. Additional Costs, Payments and Reimbursements**

1. Initial Community Benefit Payment: Notwithstanding the forgoing, within thirty (30) days after receipt of all licenses and permits necessary to operate the Equine Center but in any event before undertaking any horse racing wagering operations, Baystate shall pay to the City an initial community benefit payment in the amount of Six-hundred Fifty Thousand dollars (\$650,000).
2. Permit and Connection Fees: Baystate hereby acknowledges and accepts, and waives all rights to challenge, contest or appeal, the City’s building permit application fees and all other local charges and fees generally applicable to other commercial developments in the City and the PILOT payment except as provided for herein.
3. Equine Center Consulting Fees and Costs: In addition to the Annual Community Impact Fee, Baystate shall reimburse the City for any and all reasonable consulting costs and fees related to any land use applications concerning the Equine Center, negotiation of this Agreement and any other related agreements, and any reviews concerning the Equine Center, including planning, engineering, legal and/or environmental professional consultants and any related reasonable disbursements at standard rates charged by the above-referenced consultants in relation to the Equine Center not otherwise covered by this agreement.
4. Other Costs: Baystate shall reimburse the City for the actual costs incurred by the City in connection with holding public meetings and forums substantially devoted to discussing the Equine Center and/or reviewing the Equine Center and for any and all reasonable consulting costs and fees related to the monitoring and enforcement of the terms of this Agreement, including, but not limited to independent financial auditors and legal fees.
5. Meals Tax Revenues: Baystate shall be responsible to collect and remit to the Commonwealth on behalf of the City any local meals taxes with respect to the Equine Center in accordance with applicable law. It is estimated that said tax will be approximately \$10,000 per year from increased sales in local restaurants, food trucks and concessions.
6. Motor Vehicle Excise Taxes: Baystate shall principally garage all vehicles owned by it or its affiliates and used in connection with the Equine Center in the City, so that excise taxes shall be paid to the City consistent with applicable law.



7. Late Payment Penalty: Baystate acknowledges that time is of the essence with respect to its timely payment of all funds required under Section 2 of this Agreement. In the event that any such payments are not fully made with thirty (30) days of the date they are due, Baystate shall be required to pay the City a late payment penalty equal to five percent (5%) of such required payment. Baystate shall pay an additional penalty equal to five percent (5%) of the required payment to be made directly to City for each thirty days that accrues without full payment.
8. Real & Personal Property Taxes: Baystate understands and accepts that its property will be assessed and taxed in accordance with state law and will pay all such tax bills in a timely fashion. Provided, however, that in lieu of said payment, Baystate shall, as a Payment In Lieu Of Taxes, be at least \$50,000 per municipal fiscal year. This amount shall increase, after the first five years, each year thereafter by the percent increase to the real estate tax levy, not including new growth, up to two and one half (2.5%) percent per year.

C. Public Amenities

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

1. Community Events: Baystate shall work with the community to host at least one event per year at the Equine Center for the benefit of the community, such as fundraisers for local charities, athletic teams, and schools, and for celebration of community.
2. Local Preference: Baystate shall develop a program for preferential access to at Festivals conducted at the Equine Center for Gardner residents.
3. Education & Mentoring Program: Baystate shall work with local schools to develop an “Ag in the Classroom” program for students and a mentoring program to provide jobs for local graduates of agricultural schools.
4. North Central Pathway: Baystate shall provide easy access from the trail to the Equine Center.
5. Tree Replacement Program: Baystate shall cause 500 trees to be planted throughout Gardner consistent with a program approved by the Mayor.
6. Infrastructure: Baystate shall be solely responsible for any necessary cost incurred in connection with improvements to the public infrastructure, which are incurred in connection with developing the Equine Center for the operation of the Equine Center on race days.

D. Annual Charitable/Non-Profit Contributions

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

Agreement. This amount shall increase after the first five years by an amount equal to one (1%) percent of the previous year's payment each year thereafter.

E. Commencement of Baystate Payments to City

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

3. **Vehicular Access To and From the Project**

A. Traffic Plan & Improvements

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

B. Transportation, Marketing & Parking Management Plans

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

C. Traffic Peer Reviewer

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

D. Setup, Removal & Cleanup

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

E. Stone Street Neighborhood

Baystate shall work with neighbors to minimize any impact of festival days on the neighborhood, including but not limited to, hiring a police detail for the end of Stone Street to ensure that the public does not use or park on Stone Street on Festival days.

4. **Local Permit Review**

Baystate acknowledges that, in accordance with the City's Zoning Bylaws, the operation of the Equine Center is subject to the issuance of a permit and or decision(s) by City agencies. Nothing in this Agreement is intended to or shall have the effect of binding or otherwise limiting the discretion of the local officials to conduct such reviews and impose such conditions as it deems appropriate in connection with its review of Baystate's application for a permit and or a decision(s). Any permit, decision(s) or license required for the Equine Center and issued by any City board, committee, commission or official, including any amendments or changes to said City permits, decision(s) or licenses approved by any such board, committee, commission or official, shall be enforceable by the City consistent with any regulatory or administrative enforcement remedies that may be available to the City.

Notwithstanding the Zoning Ordinance, the Applicant agrees to submit to the Planning Board for a site plan review to review its traffic plan.

## **5. Operational Issues**

### **A. Limitation on Race Days**

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

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

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

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

- B.** Baystate acknowledges that it shall be required to keep horses for a commercial enterprise will require it to keep horses at the site as a principal use. It is estimated that Baystate will have no less than 5.
- C.** Use regulations. Baystate acknowledges that the site is in the Surface Water Protection Overlay District and that some of the site is subject to significant control uses. Baystate agrees to comply with said requirements.
- D.** Water Quality Monitoring Program. Baystate shall undertake a water quality monitoring program to test and document the quality of the surface water runoff from the site. Testing locations will be determined in coordination with the City's Conservation Commission during the Project's Notice of Intent review process. The testing program shall begin prior to construction to establish existing condition baseline data. Sampling shall be conducted on a quarterly basis. The testing will include a test suite for the normal drinking water parameters and an additional test suite for water chemistry. As the data is collected and evaluated, the testing suites



may be modified in coordination with the City's Conservation Commission based on the test results. All the data will be submitted to the City's Board of Health and Conservation Commission.

**6. Treatment of Horses**

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

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

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

**7. Responsible Gaming in Gardner**

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

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

**8. Local Vendors and Employment**

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

To the extent such practice and its implementation are consistent with federal, state, and local statutes, bylaws and regulations, Baystate will make every effort, in a legal and non-discriminatory manner, to give priority to local businesses, suppliers, contractors, builders and vendors in the provision of goods and services for the "non-initial" construction,

maintenance and continued operation of the Equine Center when such contractors and suppliers are properly qualified and price competitive and shall use best faith efforts to hire City residents and utilize women-owned, minority-owned, and veteran-owned vendors within the City. Baystate also shall use best faith efforts to offer job skills assessments and provide guidance for interested persons to receive training to qualify for certain positions at the Equine Center.

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

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

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

**9. Local Taxes**

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

**10. Security and Safety**

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

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

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

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

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

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

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

**12. Support**

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

**13. Term**

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

**14. Annual Reporting**

Baystate shall file an annual written report with the City Council each year, on or before June 1, for the purpose of reporting on compliance with each of the terms of this Agreement

during the preceding calendar year and shall, at the request of the City Council, appear at a regularly or specially scheduled meeting to discuss such annual report.

**15. Successors/Assigns**

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

**16. Notices**

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

To City:

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

Copy to:

Attorney Vincent Pusateri II, Assisitant City Solicitor  
128 Prichard Street  
95 Pleasant Street  
Fitchburg, MA 01420

To Baystate:

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

Copy to:

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

**17. Severability**

If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless the City or Baystate would be substantially or materially prejudiced. Further, Baystate agrees that it will not challenge, in any



jurisdiction, the enforceability of any provision included in this Agreement; and to the extent the validity of this Agreement is challenged by Baystate in a court of competent jurisdiction, Baystate shall pay for all reasonable fees and costs incurred by the City in enforcing this Agreement.

**18. Governing Law**

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

**19. Indemnification**

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

**20. Entire Agreement**

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

**21. Amendments/Waiver**

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

**22. Headings**

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

**23. Counterparts**

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

**24. Signatures**

Each party hereto, and their respective successors and assigns agree that the execution of this Agreement by electronic means (including by use of DocuSign (or similar) and/or by use of digital signatures) and/or delivery of an executed copy of this agreement by e-mail shall be legal and binding and shall have the same full force and effect as if an original executed copy of this Agreement had been delivered.

**25. No Joint Venture**

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

**26. Nullity**

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

**27. Third-Parties**

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

**28. Representation of Authority**

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

**29. Force Majeure**

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

agency. A Force Majeure Event may justify delay of performance of one or more payment obligations hereunder but shall not justify excusal of performance.

**30. Enforcement.**

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

{ INTENTIONALLY BLANK }



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

CITY OF GARDNER

BAYSTATE RACING LLC

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

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

True Copy attested by

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

**Elizabeth Doiron**

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**From:** Elizabeth Kazinskas  
**Sent:** Wednesday, June 26, 2024 1:05 PM  
**To:** Elizabeth Doiron  
**Subject:** RE: Request - Bay State Racing Contact Information

Good afternoon Liz,

The website address that Bay State Racing provided to Atty. Pusateri in the previous email was incorrect. The corrected contact information that Bay State Racing has since provided to Atty. Pusateri is as follows:

www.BayStateRacingLLC.com  
Email: marykate@baystateracingllc.com  
Call or Text: (978) 277-3382

Please forward this email to the City Council, and include this email and all subsequent emails related to it within this chain, in the July 1, 2024 regular meeting packet with items #11323 and #11317.

Thank you again, for your assistance.

Best,  
Lizzy

Elizabeth Kazinskas  
City Council President  
Finance Committee Chair  
Councillor at-Large  
City of Gardner  
(978) 337-1533  
[ekazinskas@gardner-ma.gov](mailto:ekazinskas@gardner-ma.gov)

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**From:** Elizabeth Doiron <edoiron@gardner-ma.gov>  
**Sent:** Wednesday, June 26, 2024 11:43 AM  
**To:** CityCouncil <CityCouncil@gardner-ma.gov>  
**Subject:** FW: [EXTERNAL] RE: Request - Bay State Racing Contact Information

President Kazinskas and Councillors,

Please see email below.

Regards,

Elizabeth Doiron

**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.

I have received the following contact information from Baystate. Please let me know if you need anything else.

They advise that , people with questions should visit Baystate's website or contact Mary Kate Feeney at:

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

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

Call or Text: (978) 277-3382

They will take additional steps to inform the public of this information.

Thank you.



Vincent P. Pusateri, II, Esquire

Assistant Solicitor, Law Department - City of Gardner, Massachusetts

O: 978-342-6081 | [vpusateri@pusaterilaw.com](mailto:vpusateri@pusaterilaw.com)

Confidentiality: This information contained in this electronic message is confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any reading, dissemination, distribution, copying or other use of this communication is strictly prohibited. If you have received this communication in error, please immediately notify me by telephone (978) 342-6081.

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**From:** Elizabeth Kazinskas <[ekazinskas@gardner-ma.gov](mailto:ekazinskas@gardner-ma.gov)>

**Sent:** Wednesday, June 26, 2024 7:50 AM

**To:** Vincent Pusateri II <[vpusateri@pusaterilaw.com](mailto:vpusateri@pusaterilaw.com)>

**Subject:** Request - Bay State Racing Contact Information

Good morning Attorney Pusateri,

I am writing to request for you to please contact Bay State Racing and ask that they provide at least one name, email address, and telephone number of a contact person for their proposal. The contact information that they provide will be made available to the City Council and general public, and included in the City Council packet to be published this Thursday, June 27th. The purpose of them providing this contact is for City Councillors and the general public to have a resource directly at Baystate Racing for answers to questions and requests for additional information regarding their proposal.

Thank you for your assistance.

Best,  
Lizzy

Elizabeth Kazinskas



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

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June 13, 2024

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

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

Dear Madam President and Councilors,

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

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

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

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

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

Respectfully submitted,

Michael J. Nicholson  
Mayor, City of Gardner

## ORDERED – THAT

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

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

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

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

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

## HOST COMMUNITY AGREEMENT

FOR THE SITING OF A RACETRACK IN THE CITY OF GARDNER

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

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

### RECITALS

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

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

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

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

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

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

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

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

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

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

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

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

**1. Recitals**

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

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

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

A. Annual Community Impact Fee



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

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

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

B. Additional Costs, Payments and Reimbursements

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

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

C. Public Amenities

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

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

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

D. Annual Charitable/Non-Profit Contributions

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

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

E. Commencement of Baystate Payments to City

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

3. Vehicular Access To and From the Project

A. Traffic Plan & Improvements

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

B. Transportation, Marketing & Parking Management Plans

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

C. Traffic Peer Reviewer

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

D. Setup, Removal & Cleanup

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

4. Local Permit Review

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

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

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

## 5. **Operational Issues**

### A. Limitation on Race Days

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

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

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

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

## 6. **Treatment of Horses**

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

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

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

7. **Responsible Gaming in Gardner**

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

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

8. **Local Vendors and Employment**

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

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

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

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

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



9. **Local Taxes**

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

10. **Security and Safety**

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

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

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

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

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

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

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

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

**12. Support**

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

**13. Term**

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

**14. Annual Reporting**

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

**15. Successors/Assigns**

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

**16. Notices**

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

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

Copy to:

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

Copy to:

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

**17. Severability**

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

**18. Governing Law**

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

19. **Indemnification**

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

20. **Entire Agreement**

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

21. **Amendments/Waiver**

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

22. **Headings**

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

23. **Counterparts**

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

24. **Signatures**

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

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

**25. No Joint Venture**

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

**26. Nullity**

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

**27. Third-Parties**

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

**28. Representation of Authority**

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

**29. Force Majeure**

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

**30. Enforcement.**

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

{ INTENTIONALLY BLANK }

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

CITY OF GARDNER

BAYSTATE RACING LLC

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

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

True Copy attested by

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





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

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July 23, 2024

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

RE: A Communication from the Mayor Regarding Ovila Case Playground

Dear Madam President and Councilors,

On April 7<sup>th</sup>, 2024, as a result of a strong wind storm, a large tree fell and crush a large portion of the playground equipment located at Ovila Case Playground in Ward 2.

A claim was filed with the City's insurance provider, the Massachusetts Interlocal Insurance Company (MIIA), who assigned the claim to United Service Adjustment, Inc.

The Insurance Adjusters deemed the structure a total loss after conducting their site inspection on July 8<sup>th</sup>, 2024.

Per the policy that MIIA has with the City, MIIA is currently obtaining quotes to replace the equipment that was damaged and will contract with a vendor for the purchase and install of the replacement equipment directly themselves, and will be covering 100% of the cost of this transaction. As such, at this point, the City must wait until MIIA secures these contracts and the vendors install the equipment.

Current estimates have the new equipment being installed sometime this fall due to lead times between ordering the equipment and its arrival.

As more information  
Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

# Photo Sheet

United Service Adjustment Inc.

Insured: City of Gardner - Olivia Case Playground

Claim #: M24PR000774

Policy #:



1

Date Taken:



2

Date Taken:



# Photo Sheet

United Service Adjustment Inc.

Insured: City of Gardner - Olivia Case Playground

Claim #: M24PR000774

Policy #:



3

Date Taken:



4

Date Taken:



# Photo Sheet

United Service Adjustment Inc.

Insured: City of Gardner - Olivia Case Playground

Claim #: M24PR000774

Policy #:



5

Date Taken:



6

Date Taken:

# Photo Sheet

United Service Adjustment Inc.

Insured: City of Gardner - Olivia Case Playground

Claim #: M24PR000774

Policy #:



7

Date Taken:



8

Date Taken:



# Photo Sheet

United Service Adjustment Inc.

Insured: City of Gardner - Olivia Case Playground

Claim #: M24PR000774

Policy #:



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Date Taken:



10

Date Taken:



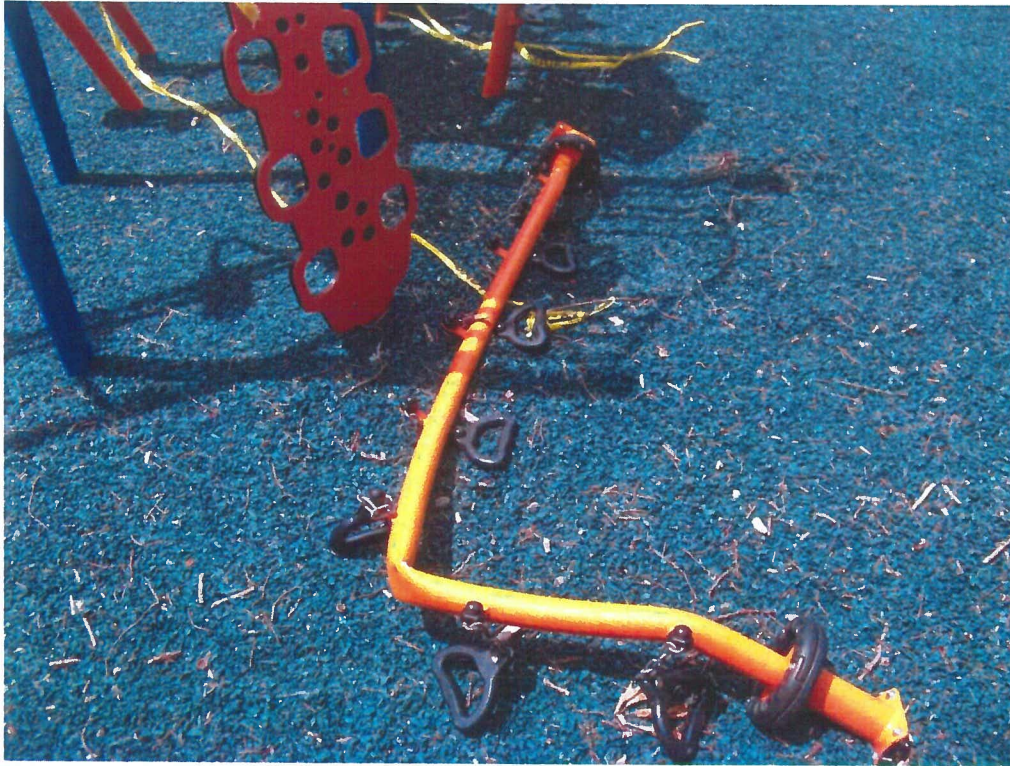
# Photo Sheet

United Service Adjustment Inc.

Insured: City of Gardner - Olivia Case Playground

Claim #: M24PR000774

Policy #:



11

Date Taken:



12

Date Taken:



# Photo Sheet

United Service Adjustment Inc.

Insured: City of Gardner - Olivia Case Playground

Claim #: M24PR000774

Policy #:



13

Date Taken:



14

Date Taken:



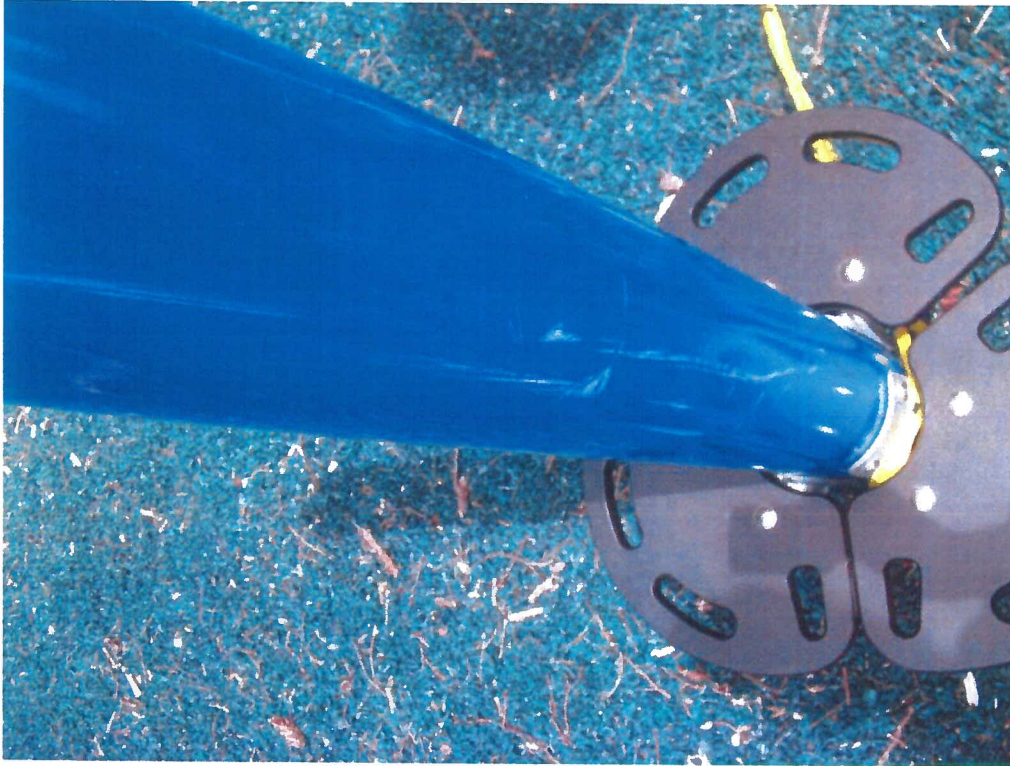
# Photo Sheet

United Service Adjustment Inc.

Insured: City of Gardner - Olivia Case Playground

Claim #: M24PR000774

Policy #:



15

Date Taken:



16

Date Taken:



# Photo Sheet

United Service Adjustment Inc.

Insured: City of Gardner - Olivia Case Playground

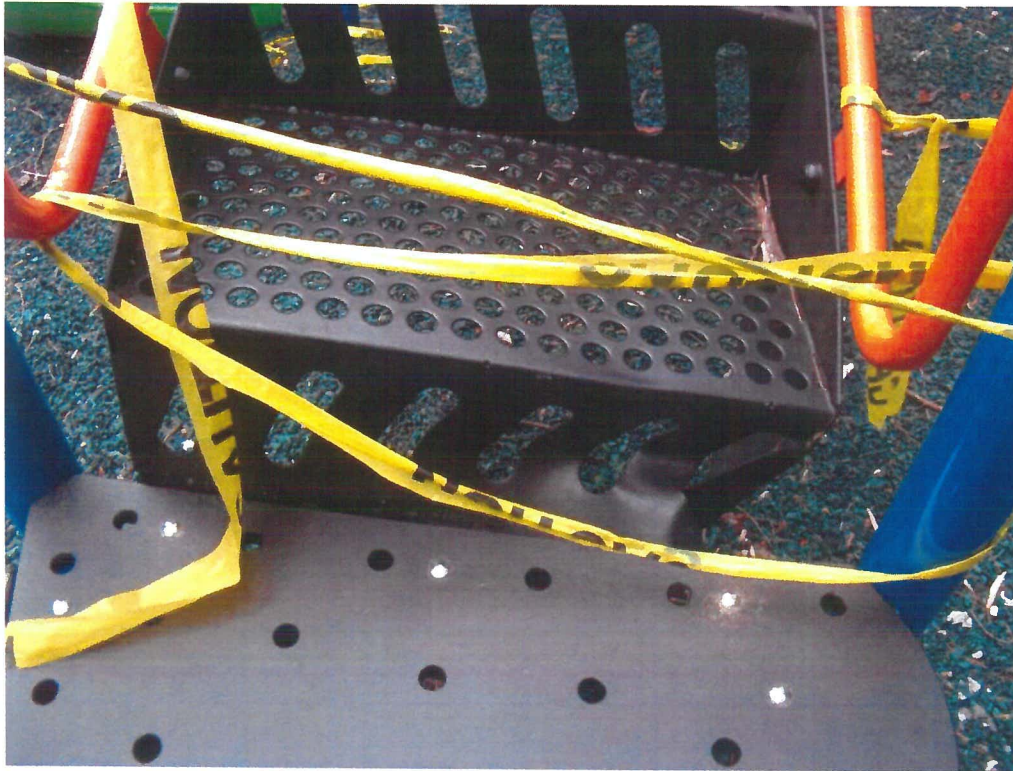
Claim #: M24PR000774

Policy #:



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Date Taken:



18

Date Taken:



# Photo Sheet

United Service Adjustment Inc.

Insured: City of Gardner - Olivia Case Playground

Claim #: M24PR000774

Policy #:



19

Date Taken:



20

Date Taken:



# Photo Sheet

United Service Adjustment Inc.

Insured: City of Gardner - Olivia Case Playground

Claim #: M24PR000774

Policy #:



21

Date Taken:



22

Date Taken:



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

**Mayor Michael J. Nicholson**

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July 23, 2024

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

RE: A Communication from the Mayor Regarding the City's New Disc Golf Course

Dear Madam President and Councilors,

At the June 21, 2022 meeting of the Gardner City Council, it was voted to appropriate \$15,000 from Free Cash to purchase equipment to create a new disc golf course in the City. This was matched by an additional \$10,000 from the funds the City received from the federal American Rescue Plan Act.

The Department of Public Works (DPW) began working on this project in September of 2023 and recently completed work on the front nine (9) holes of the course- installing both the pins (baskets) and tee boxes for the course – at Bailey Brook Park. Even before construction on this portion of the course was completed, many people began using the site. There is already a group of disc golfers who have organized a league for the facility. The trails for the course also connect directly to the Bailey Brook Look Out porch that was constructed at the park.

The DPW workers assigned to this project have been re-assigned to other projects around the City for the summer months and will be going back to finish the back nine (9) holes in the fall after the summer construction season is completed.

I would like to thank Director Dane Arnold for overseeing this project, DPW Foreman Gilbert Gravel for being the main staff member assigned to perform this work, and Firefighter Benjamin Tucker who assisted in the design of the course.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner





City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

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July 27, 2024

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

RE: A Communication from the Mayor Regarding Gubernatorial Appointments

Dear Madam President and Councilors,

At the City Council Meeting of November 20, 2023, I provided the City Council with notification of different Gardner residents and employees who had been appointed to different advisory appointments by Governor Healey and Lieutenant Governor Driscoll. This was done to ensure that the members of the City Council and the public were aware of the impact that the City was having across the Commonwealth.

To that end, I am writing to notify you that Dr. Stephanie Marchetti, Executive Director of the Montachusett Veterans Outreach Center, was recently appointed and sworn into the Governor's Advisory Council to End Veteran Homelessness.

It is great to see the members of our community continue to make a difference and have such a large influence around Massachusetts.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



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

---

July 27, 2024

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

RE: A Communication from the Mayor Regarding Upcoming Paving and Infrastructure Projects

Dear Madam President and Councilors,

Governor Healey recently signed the latest Chapter 90 Bond Bill Authorization, releasing funds for cities and towns across the Commonwealth to improve roadways and infrastructure in their communities.

With this funding released, the City is able to continue with our paving list for this calendar year.

Please note that these schedules are subject to changed based on weather, but are generally within the correct timeframes for each location.

Century Way will have the new sidewalk installation completed on or about July 26<sup>th</sup>.

Washington Street and Logan Street will be worked on between July 31<sup>st</sup> and August 1<sup>st</sup>.

Suffolk Lane will begin to be milled on Monday, June 29<sup>th</sup> with work being done into the first week of August.

As other projects move forward, the Administration will be sure to notify the Council to keep you informed.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

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July 27, 2024

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

RE: A Communication from the Mayor Regarding Knowlton Street Parking Lot Electric Vehicle Charging Infrastructure Project

Dear Madam President and Councilors,

At the April 1, 2024, meeting of the City Council, I informed the Council that the City had been awarded a \$750,000 grant from the Massachusetts Department of Public Utilities to install electric vehicle chargers in the Knowlton Street Parking Lot.

In working with the consultants that Councilor Dana Heath connected with the City, the final conceptual plans for the project have recently been approved and the project is now in its engineering stage.

The final project will have a new electrical transformer for City Hall installed as well as ten (10) new fast chargers that will be available to the public. These chargers will not be an added expense to the City, as they will have credit card capabilities and the hosting company takes a percentage of the charge given to the individual utilizing the charging stations.

This also provides a major benefit to the City due to the new electrical transformer being installed. This cuts the cost of upgrading the City Hall electrical service, which is original to the building's 1938 construction, in half. The Administration is working to find ways to get this work done in order to make the building more suitable for a modern office environment.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



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

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July 27, 2024

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

RE: A Communication from the Mayor Regarding the City's Solar Canopy Initiative

Dear Madam President and Councilors,

At the April 14<sup>th</sup>, 2024 meeting of the City Council, the Council voted to declare several roofs of City owned buildings (Public Works Administration, Garage, and Cold Storage; City Hall, Waterford Street Community Center, and the Gardner Fire Department Headquarters) and the air rights over the Knowlton Street Parking Lot as surplus for the purpose of installing solar photovoltaic arrays.

In working with our solar consultants, Solect Energy, we are currently in the first stages of these projects. National Grid recently launched a new pilot program for solar arrays that are located "before the grid," meaning that the connection would be attached before the electrical meter of each building. If the City's projects are accepted into this pilot program, then the projects are looking at a potential start to construction in Spring of 2025. However, if we are not selected for this pilot program, then the projects will likely have a twenty-four (24) month lead time for National Grid to perform their usually required energy impact study to ensure that the new arrays have the right connections for the current capacity of the grid in the area.

The Administration has also begun to work on adding locations to the City's Solar Canopy Initiative. This includes the roofs of all of our school buildings (to be voted on by the School Committee in September), the roof of the City's water treatment plant, as well as land at the wastewater treatment plant, airport, golf course, and landfill. As these projects progress, they will each come before the City Council for approval.

It is likely that all ground mounted arrays will likely also have a twenty-four (24) month lead time between approval and construction, but the plans are in place to move forward as fast as we are able to with the regulations that are in place.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

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July 27, 2024

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

RE: A Communication from the Mayor Regarding the City's Downtown and Timpany Corridor  
Vacant Storefront Revitalization Districts

Dear Madam President and Councilors,

As you may remember, on June 30<sup>th</sup>, 2022, the Commonwealth approved the City's Vacant Storefront Revitalization District designation application for the Downtown and Timpany Boulevard corridors in the City.

This program formalizes the City's and State's efforts to fill storefronts that have been vacant for more than twelve (12) months in designated commercial centers.

At the time this program was approved and implemented, the Commonwealth's Economic Assistance Coordinating Council (EACC) certified the presence of thirty-four (34) eligible storefronts in the Downtown and eight (8) in the Timpany Boulevard area.

I am writing today to provide you an update on this initiative and to inform you that as of the date that this letter was authored- only twelve (12) storefronts remain vacant in the designated downtown area and only one (1) remains in the Timpany Boulevard area.

The Administration remains committed to furthering the City's economic development goals and diversifying and growing our business community and economic base in Gardner to create a stronger future for the City.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner





City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

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July 18, 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 the Mayor to enter into an Intermunicipal Agreement between the City of Gardner and the Town of Princeton for Veterans Services for the period of July 1, 2024 through June 30, 2027

Dear Madam President and Councilors,

As you are aware, the City of Gardner provides Veterans Services to the City, as well as the Towns of Ashburnham, Westminster, Ashby, and Princeton.

The City's Intermunicipal Agreement for this with the Town of Princeton expired at the beginning of the fiscal year.

The attached proposal represents a two percent (2%) increase in the assessment per fiscal year.

I respectfully request that the Council authorize the Administration to enter into this agreement on behalf of the City.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



AUTHORIZING AN INTERMUNICIPAL AGREEMENT  
BETWEEN THE CITY OF GARDNER AND  
THE TOWN OF PRINCETON  
FOR VETERAN'S SERVICES

VOTED: To authorize the Mayor to enter into an Intermunicipal Agreement with the Town of Princeton for the purpose of providing Veteran's services among the two communities for the remainder of this fiscal year and through Fiscal Year 2027, under such terms and conditions as the Mayor deems appropriate and in accordance with the provisions of Section 4A of Chapter 40 of the General Laws.

**TOWN OF PRINCETON AND CITY OF GARDNER  
MUNICIPAL AGREEMENT  
VETERAN SERVICES**

This Intermunicipal Agreement, made and entered into this 25 day of June 2024, pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 4A, by and between the town of Princeton, a municipal corporation within the County of Worcester and the Commonwealth of Massachusetts, acting by and through its Board of Selectmen, hereinafter referred to as "Princeton," and the City of Gardner, a municipal corporation within the County of Worcester and the Commonwealth of Massachusetts, acting by and through its Mayor, hereinafter referred to as "Gardner" (collectively referred to as the "Municipalities").

WITNESSETH

WHEREAS, the Municipalities have determined that they share a need for veteran services; and

WHEREAS, the Municipalities have determined that the sharing of the benefits and costs of those services would be beneficial to each Municipality, and

WHEREAS, this Agreement shall provide for the terms, conditions and liabilities of the parties with respect to these services, including, but not limited to terms of cooperation and obligations of each Municipality relative to cost of shared human resources, training, facilities, and operating costs; and

WHEREAS, the voters at Princeton Town Meeting authorized the Board of Selectmen and the Gardner City Council authorized the Mayor to enter into this agreement in accordance with the provisions of G.L.c. 40, Section 4A.

NOW, THEREFORE, in consideration of the promises and mutual benefits to be derived by the parties hereto, the parties agree as follows:

1. The Princeton Town Administrator and the Gardner Mayor will be the Municipalities respective representatives to oversee the cooperative arrangement. The approval of the Princeton Board of Selectman and Gardner Mayor will be required to amend this Agreement.
2. All the privileges and immunities from liability and exemptions from laws, by-laws, ordinances and regulations that veteran services officers employed by any of the parties hereto have in their own jurisdictions shall be effective in the jurisdiction in which they are giving assistance unless otherwise prohibited by law.
3. The shared veteran services officer shall have all of the authority under the applicable provisions of the Massachusetts General Laws as well as the by-laws of

Princeton and the City of Gardner city ordinances in which veteran services are being provided.

4. Term. The term of this Agreement is for three (3) years from FY2025 to FY2027 commencing on July 1, 2024 and ending on June 30, 2027 unless or until terminated by the parties hereto on written notice. Such notice shall be provided one hundred eighty (180) days prior to the end of the then current fiscal year and withdrawal from the agreement will be effective as of the last day of the succeeding fiscal year. In the event that Princeton fails to pay any invoice to Gardner in a timely manner, or in the event Princeton fails to approve a veteran services budget, as provided for herein and that is subject to appropriation by the Princeton Town Meetings, then Gardner may immediately suspend its services under this Agreement for non-performance. Upon receipt of the past due payments, together with adequate assurances of payment for future services, Gardner may commence performing its services again.
5. Cost sharing. During the term of this Agreement, Princeton will bear the costs of the Veteran's Service Officer according to the following fee schedules:
  - a. Princeton:
    - i. Fiscal Year 2025: \$7,200.00
    - ii. Fiscal Year 2026: \$7,400.00
    - iii. Fiscal Year 2027: \$7,600.00

with said costs based upon an approved veteran service budget subject to appropriation by Town Meeting and appropriation by the Gardner City Council, which will provide for the complete cost of wages, maintenance of the Veterans' Services Office, employee stipends, and supplies and training. Any modification(s) to this schedule must be agreed to in writing by each of the respective Town Select Boards and Gardner City Council and will take effect in the following fiscal year.

6. Services and Office Community Hours. Veterans' Services to be provided as part of the intermunicipal agreement are outlined in Massachusetts General Law Chapter 115, the by-laws of Princeton, Gardner ordinances, and the job description of the Veteran Services Officer, incorporated herein by reference.

Gardner, as the host municipality, shall provide office space and adequate support during designated office hours. Each municipality will allow the Veteran Services Officer to assist veterans and other eligible persons from each of the participating municipalities in this agreement during designated office hours to facilitate regional service delivery.

7. Dispute Resolution. In the event any disputes or questions arise between the parties as to the interpretation of the agreement or the satisfactory performance by any of the parties of the services and other responsibilities provided for in the contract, the parties first agree to try in good faith to settle the dispute through

negotiation, then try resorting to other dispute resolution procedures, before proceeding to litigation.

8. Reports. In accordance with M.G.L. c. 40, § 4A, Gardner shall upon request of Princeton, provide Princeton with reports on the services provided to the Town of Princeton residents, inclusive of reports of expenditures and revenues of all accounts related to the services provided in accordance herewith. In addition, Gardner shall annually provide Princeton with financial statements of the department or departments providing services in accordance with this Agreement. Princeton may, at its sole cost and expense, perform an audit of such records as required by law.
9. Notice. Any and all notices, or other communications required or permitted under this Agreement, shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, to the Boards of Selectmen and the Gardner Mayor at the addresses set forth below or furnished from time to time in writing hereafter by one party to the other party. Any such notice or correspondence shall be deemed given when so delivery by hand, if so mailed, when deposited with the U.S. Postal Service or, if sent by private overnight or other delivery service, when deposited with such delivery service.

Town Administrator  
Town of Princeton  
6 Town Hall Drive  
Princeton, MA 01541

Mayor  
City of Gardner  
95 Pleasant Street  
Gardner, MA 01440

10. This Agreement constitutes the entire agreement of the parties and supersedes any prior agreements or understandings, whether oral or in writing, between them. This Agreement may not be changed or modified except by a written instrument in accordance with the provisions above.
11. This Agreement shall be governed by, construed, and enforced in accordance with the laws of the Commonwealth of Massachusetts, the provisions of which shall not be deemed waived by any provision hereof, and the parties hereto submit to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.
12. If any provision of this Agreement is declared to be illegal, unenforceable, or void, then the parties shall be relieved of all obligations under that provision provided,

however, that the remainder of the Agreement shall be enforced to the fullest extent permitted by law.

In witness thereof, the parties hereto have executed this Agreement as of the first date written above.

**For the City of Gardner**

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

**For Town of Princeton**

  
\_\_\_\_\_  
Sherry Patch, Town Administrator



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

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July 18, 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 the Mayor to enter into an Intermunicipal Agreement between the City of Gardner and the Town of Westminster for Animal Control Services for the period of July 1, 2024 through June 30, 2027

Dear Madam President and Councilors,

As you are aware, the City of Gardner provides Animal Control Services to the City, as well as the Towns of Ashburnham, Westminster, and Hubbardston.

The City's Intermunicipal Agreement for this with the Town of Westminster expired at the beginning of the fiscal year.

The attached proposal represents a two- and one-half percent (2.5%) increase in the assessment per fiscal year.

I respectfully request that the Council authorize the Administration to enter into this agreement on behalf of the City.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



AUTHORIZING AN INTERMUNICIPAL AGREEMENT  
BETWEEN THE CITY OF GARDNER AND  
THE TOWN OF WESTMINSTER  
FOR ANIMAL CONTROL SERVICES

VOTED: To authorize the Mayor to enter into an Intermunicipal Agreement with the Town of Westminster for the purpose of providing Animal Control services among the two communities, under such terms and conditions as the Mayor deems appropriate and in accordance with the provisions of Section 4A of Chapter 40 of the General Laws.

TOWN OF WESTMINSTER AND CITY OF GARDNER  
MUNICIPAL AGREEMENT  
ANIMAL CONTROL SERVICES

This Inter-municipal Agreement, made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2024, pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section between the town of Westminster, municipal corporations within the County of Worcester and the Commonwealth of Massachusetts, acting by and through its Board of Selectmen, hereinafter referred to as "Westminster" and the City of Gardner, a municipal corporation within the County of Worcester and the Commonwealth of Massachusetts, acting by and through its Mayor, hereinafter referred to as "Gardner" (collectively referred to as the "Municipalities").

WITNESSETH

WHEREAS, the Municipalities have determined that they share a need for animal control services; and

WHEREAS, the Municipalities have determined that the sharing of the benefits and costs of those services would be beneficial to each Municipality, and

WHEREAS, this Agreement shall provide for the terms, conditions and liabilities of the parties with respect to these services, including, but not limited to terms of cooperation and obligations of each Municipality relative to cost of shared human resources, facilities, and operating costs; and

WHEREAS, the voters at Westminster Town Meetings authorized the Boards of Selectmen and the Gardner City Council authorized the Mayor to enter into this agreement in accordance with the provisions of G.L.c. 40, Section 4A.

NOW, THEREFORE, in consideration of the promises and mutual benefits to be derived by the parties hereto, the parties agree as follows:

1. The Westminster Town Administrator and the Gardner Mayor will be the Municipalities respective representatives to oversee the cooperative arrangement. The approval of the Westminster Board of Selectmen and the Gardner Mayor will be required to amend this Agreement.
2. All the privileges and immunities from liability and exemptions from laws, by-laws, ordinances and regulations that animal control officers employed by any of the parties hereto have in their own jurisdictions shall be effective in the jurisdiction in which they are giving assistance unless otherwise prohibited by law.
3. The shared Senior Animal Control Officer and Animal Control Officers ("Animal Control Personnel") shall have all of the authority under the applicable provisions of the Massachusetts General Laws as well as the by-laws of Westminster and/or City ordinances in which animal control services are being provided.

4. Each Municipality will be responsible for payment of legal services for court appearances by a cooperating animal control officer for enforcement actions taken in its own community. All immunities from liability enjoyed by the sending Municipality within its boundaries shall extend to its participation in rendering animal control services under this Agreement outside its boundaries.

5. Each party to this Agreement shall waive any and all claims against the other party hereto, which may arise out of their activities outside of their respective jurisdictions while rendering or receiving services under this Agreement.

6. In the event that any claims, demands, suits, causes of action, and costs and expenses arise with respect to animal control services provided pursuant to this Agreement, the receiving municipality shall be liable for and shall indemnify, defend, and hold the other community harmless from and against any and all such claims, demands, suits, causes of actions, costs and expenses, including reasonable attorney's fees, including those arising from the handling and care of any animals from the receiving Municipality.

7. Animal Control Officers injured or killed while performing duties for a receiving Municipality or returning to the sending Municipality following a request for services under this Agreement shall be deemed to be on active duty and within the scope of their employment for all purposes. Animal Control Personnel shall be covered by Gardner's Worker's Compensation insurance while performing duties.

8. Term. The term of this Agreement is for three (3) years from FY2025 to FY2027 unless or until terminated by the parties hereto on written notice. Such notice shall be provided one hundred eighty (180) days prior to the end of the then current fiscal year and withdrawal from the agreement will be effective as of the last day of the succeeding fiscal year. In the event that Westminster fails to pay any invoice to Gardner in a timely manner, or in the event Westminster fails to approve an Animal Control Budget, as provided for herein and that is subject to appropriation by Westminster Town Meeting, then Gardner may immediately suspend its services under this Agreement for non-performance. Upon receipt of the past due payments, together with adequate assurances of payment for future services, Gardner may commence performing its services again.

9. Cost sharing.

A. During the term of this Agreement Westminster shall pay to Gardner a percentage of costs for each year of this agreement in the following amounts:

FISCAL YEAR 2025: \$34,126

FISCAL YEAR 2026: \$34,808

FISCAL YEAR 2027: \$35,504

with said costs based upon an approved Animal Control Budget subject to appropriation by Town Meeting and appropriation by the Gardner City Council, which will provide the cost of wages, maintenance of the Animal Shelter and Animal, general maintenance of the shelter, food for the animals, vehicle maintenance, uniforms and equipment for the Animal Control Officers, and a share of the health and other insurance premiums, including worker's compensation insurance, paid by Gardner for the Animal Control Personnel. Westminster shall pay their respective percentage of costs on an annual basis to Gardner for the purposes and in accordance with the terms as stated herein. Should the budget amount be increased by agreement of the parties hereto, any deficiencies in the annual payment shall be included in the next year's payment in accordance with the cost-sharing formula established herein.

B. A budget shall be developed by Gardner and shall be provided to Westminster annually on or before April 1, for review and approval by the Westminster and Boards of Selectmen. Westminster shall be responsible for payment of its share of costs as stated herein on a quarterly basis, said payments to be made on July 1, October 1, January 1, and April 1 of the then-current fiscal year.

C. Should the budget, as submitted by Gardner to Westminster provide for the purchase of a new vehicle, Westminster shall be responsible to pay for a percentage, based upon each Municipality's population as determined by the most recent census, for the cost of such vehicle, such percentage cost to be paid in equal installments together with Westminster quarterly payments as specified herein. In the event that Westminster withdraws from this Agreement in accordance with the provisions of Paragraph 13, Westminster shall be reimbursed the percentage said Municipality contributed as calculated in accordance with the cost-sharing formula established herein of the then current NADA Blue Book value for that vehicle as of the date of the notice of withdrawal, said reimbursement to be applied in equal installments as a reduction in the monthly payments owed by Westminster to Gardner. Westminster shall, however, remain responsible for payment of its share of the cost of purchase of the vehicle until termination of this Agreement.

D. Should Gardner submit purchase of capital items for consideration, Westminster, contingent on Westminster Meeting approval, shall be responsible for the cost of such capital item for the same percentage as attributed to the cost-sharing formula established herein, to be paid in equal installments together with Westminster's quarterly payments as specified herein. Furthermore, Gardner shall not fund any portion of their percentage from the line item budget.

#### 10. Services.

Animal Control Services to be provided as part of the inter-municipal agreement are as outlined in applicable provisions of Massachusetts General Law, bylaws of Westminster, Gardner ordinances and the job descriptions of Animal Control Personnel for Gardner, incorporated herein by reference. Animals shall be detained at the Gardner Animal Control Facility.



11. Dispute Resolution.

In the event any disputes or questions arise between the parties as to the interpretation of the agreement or the satisfactory performance by any of the parties of the services and other responsibilities provided for in the contract, the parties first agree to try in good faith to settle the dispute through negotiation, then try resorting to other dispute resolution procedures, before proceeding to litigation.

12. Reports.

Gardner may, upon request provide Westminster reports on the services provided and annual reports of expenditures and revenues of all accounts necessary to provide a complete picture of the financial condition of the shared function. Additionally, Gardner shall communicate to the applicable dispatch call centers for Westminster and Hubbardston upon instances where a call requires the Veteran Services Officer to travel outside of Gardner to either Westminster or Hubbardston. Additionally, Gardner shall communicate to the applicable dispatch call centers for Westminster upon instances where a call requires an Animal Control Officer to travel outside of Gardner to Westminster

13. Notice.

Any and all notices, or other communications required or permitted under this Agreement, shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, to the Boards of Selectmen and the Gardner Mayor at the addresses set forth below or furnished from time to time in writing hereafter by one party to the other party. Any such notice or correspondence shall be deemed given when so delivered by hand, if so mailed, when deposited with the U.S. Postal Service or, if sent by private overnight or other delivery service, when deposited with such delivery service.

14. This Agreement contains the entire agreement of the parties and supersedes any prior agreements or understandings, whether oral or in writing, between them. This Agreement may not be changed or modified except by a written instrument in accordance with the provisions herein. This Agreement shall be governed by the laws of the Commonwealth of Massachusetts. The provisions of those laws shall not be deemed waived by any provision of this Agreement.

15. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts, the provisions of which shall not be deemed waived by any provision hereof, and the parties hereto submit to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.

16. If any provision of this Agreement is declared to be illegal, unenforceable, or void, then the parties shall be relieved of all obligations under that provision provided, however, that the remainder of the Agreement shall be enforced to the fullest extent permitted by law.

In witness thereof the parties hereto have executed this Agreement as of the first date written above.

For the City of Gardner

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

For the Westminster Board of Selectmen

\_\_\_\_\_  
Stephanie Lahtinen, Town Administrator





City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

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July 18, 2024

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

RE: A Measure Declaring Surplus for the Purpose of Disposal (Lease) Waterford Street School

Dear Madam President and Councilors,

On October 4, 2022, the Administration announced its plan to convert the former Waterford Street School into a new non-profit community center to help local non-profits expand their services and increase opportunities for our residents.

At the April 1, 2024, meeting of the City Council, the Council voted to send a Home Rule Petition to the General Court of the Commonwealth to allow for the change of use of the property from educational purposes to general municipal purposes. This bill was recently passed by both houses of the General Court and signed by Governor Healey.

The attached measure seeks to declare the entirety of the Waterford Street School building surplus for the purpose of leasing spaces in the building to launch the new community center. By declaring the entire building surplus as a whole, it allows the City to have more flexibility in assigning spaces in the building as this process moves forward.

Any leases that are agreed upon for spaces in this building will have to be approved by vote of the City Council before the Mayor would be allowed to sign them on behalf of the City.

The Administration plans to move all of the operations currently being done at the 294 Pleasant Street (The Gardner Senior Center and the Gardner Community Action Committee, hereafter "CAC") to this new location. The City currently has what is called a "Grant Agreement Lease" with the CAC, meaning that the City does not charge the CAC rent for the space, but provides the space as an in-kind grant to the organization. This is what the Administration plans to do again with the Gardner CAC in the new Waterford location, and this process exempts this lease from the Request for Proposal (RFP) bidding process set forth in the General Laws.

The Senior Center and the Historical Commission are also exempt from the RFP Bidding Process.

All other leases will have to be put out for RFP, as required by the General Laws of the Commonwealth for a minimum period of thirty (30) days, for which the proposals will have to be graded and evaluated, just like when the City has sold property in the recent past.

I respectfully request the City Council vote to declare the property surplus in order to begin the next steps in the creation of our new Community Center.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

**DECLARING SURPLUS FOR PURPOSE OF DISPOSAL  
WATERFORD STREET SCHOOL**

***VOTED:*** To declare Waterford Street School available for disposition for the purpose of leasing to certain non-profits to benefit the city as negotiated by the Mayor for \$16 per square foot, in accordance with prevailing General Laws, as further identified on the City of Gardner Assessor's Map M22-13-4 Bldgs. 1 & 2 (Cards 1 and 2), and upon such other terms as the mayor shall consider proper in accordance with this Vote.

Chapter 137  
of the Acts of 2024

THE COMMONWEALTH OF MASSACHUSETTS

In the One Hundred and Ninety-Third General Court

AN ACT AUTHORIZING THE CITY OF GARDNER TO CHANGE THE USE OF A CERTAIN PARCEL OF LAND.

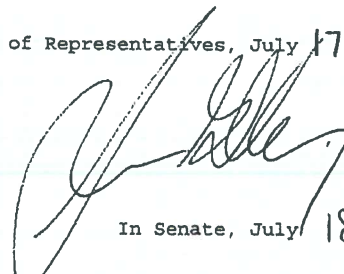
Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The city of Gardner may use a parcel of land, and a building located thereon, known as the Waterford Street school, previously authorized to be used for public school purposes pursuant to chapter 561 of the acts of 1950, for general municipal purposes. The parcel of land is more particularly described as Lot 1 on a plan of land entitled "Plan of Land in Gardner, Mass. Prepared For City of Gardner" prepared by Tauper Land Survey, Inc. and dated March 21, 2024, a copy of which is recorded in the Worcester district registry of deeds in plan book 976, page 76.

SECTION 2. This act shall take effect upon its passage.

House of Representatives, July 17, 2024.


Passed to be enacted,



Speaker.

In Senate, July 18, 2024.

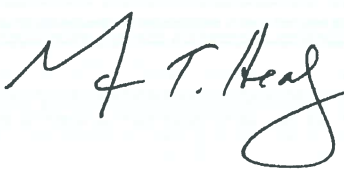
Passed to be enacted,



President.

July 25, 2024.  
Approved,

at 12 o'clock and 28 minutes, P. M.



Governor.





**CONSTRUCTION DETAIL**

**CONSTRUCTION DETAIL (CONTINUED)**

| Element          | Cd    | Description         | Element | Cd | Description |
|------------------|-------|---------------------|---------|----|-------------|
| Style: 802       |       | Elementary School   |         |    |             |
| Model: 94        |       | Commercial          |         |    |             |
| Grade: 05        |       | Average +20         |         |    |             |
| Stories: 2       |       |                     |         |    |             |
| Occupancy: 1.00  |       |                     |         |    |             |
| Exterior Wall 1  | 20    | Brick/Masonry       |         |    |             |
| Exterior Wall 2  | 01    | Flat                |         |    |             |
| Roof Structure   | 04    | Tar & Gravel        |         |    |             |
| Interior Wall 1  | 01    | Minim/Masonry       |         |    |             |
| Interior Wall 2  | 05    | Drywall/Sheet       |         |    |             |
| Interior Floor 1 | 05    | Vinyl/Asphalt       |         |    |             |
| Interior Floor 2 | 14    | Carpet              |         |    |             |
| Heating Fuel     | 02    | Oil                 |         |    |             |
| Heating Type     | 06    | Steam               |         |    |             |
| AC Type          | 01    | None                |         |    |             |
| Bldg Use         | 9341  | Gardner Education C |         |    |             |
| Total Rooms      | 00    |                     |         |    |             |
| Total Bedrms     | 00    |                     |         |    |             |
| Total Baths      | 00    |                     |         |    |             |
| Heat/AC          | 00    | NONE                |         |    |             |
| Frame Type       | 03    | MASONRY             |         |    |             |
| Baths/Plumbing   | 02    | AVERAGE             |         |    |             |
| Ceiling/Wall     | 03    | SUS-CELL/MN WL      |         |    |             |
| Rooms/Ptrns      | 02    | AVERAGE             |         |    |             |
| Wall Height      | 12.00 |                     |         |    |             |
| % Corn Wall      | 0.00  |                     |         |    |             |
| 1st Floor Use:   | 9033  |                     |         |    |             |

Year Built: 1982  
 Effective Year Built: 1981  
 Depreciation Code: G  
 Remodel Rating: 1  
 Year Remodeled: 0  
 Depreciation %: 0  
 Functional Obsol: 0  
 Economic Obsol: 0  
 Trend Factor: 1  
 Condition: 1  
 Condition %: 1  
 Percent Good: 57  
 RCNLD: 10,782,300  
 Dep % Ovr: 57  
 Dep Ovr Comment: 10,782,300  
 Misc Imp Ovr: 57  
 Misc Imp Ovr Comment: 10,782,300  
 Cost to Cure Ovr: 57  
 Cost to Cure Ovr Comment: 10,782,300

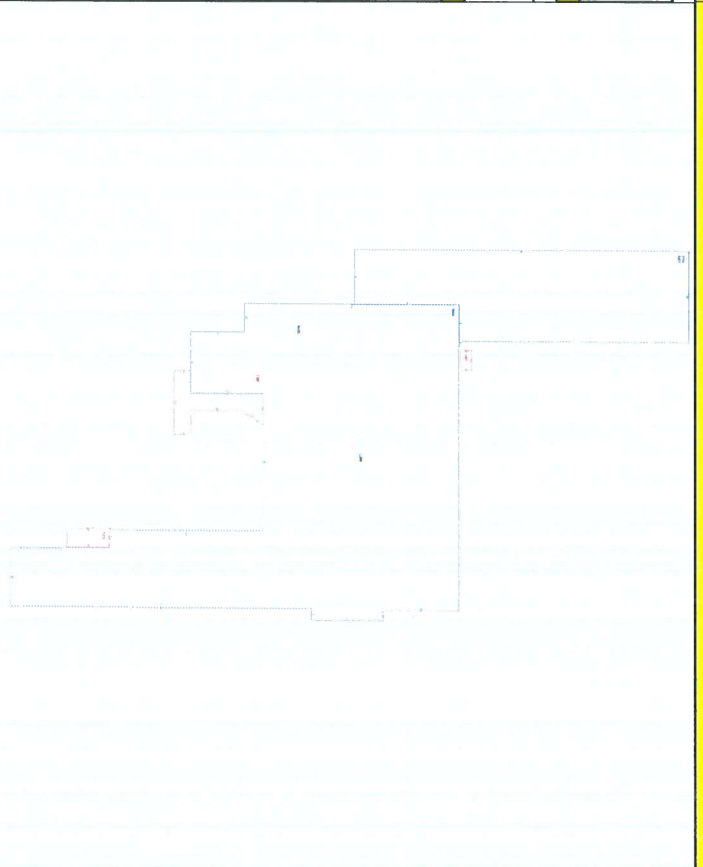
**OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)**

| Code | Description    | L/B | Units  | Unit Price | Yr Bit | Cond. Cd | % Good | Grade | Grade Adj | Appr. Value |
|------|----------------|-----|--------|------------|--------|----------|--------|-------|-----------|-------------|
| FN3  | Fence 6' Chain | L   | 2,400  | 16.00      | 1981   |          | 50     |       | 0.00      | 19,200      |
| PAV1 | Paving Aspha   | L   | 80,000 | 1.80       | 2010   |          | 100    |       | 0.00      | 144,000     |
| SHD1 | Shed - A       | L   | 80     | 18.00      | 2000   |          | 50     |       | 0.00      | 700         |
| TNK5 | Tank Elevated  | L   | 1,000  | 2.80       | 2000   |          | 0      |       | 0.00      | 0           |

**BUILDING SUB-AREA SUMMARY SECTION**

| Code | Description                  | Living Area | Floor Area | Eff Area | Unit Cost | Undeprec Value |
|------|------------------------------|-------------|------------|----------|-----------|----------------|
| BAS  | First Floor                  | 54,840      | 54,840     | 54,840   | 276.06    | 15,139,213     |
| FOP  | Porch, Open, Finished        | 0           | 1,617      | 404      | 68.97     | 111,529        |
| FUS  | Upper Story, Finished        | 13,244      | 13,244     | 13,244   | 276.06    | 3,656,159      |
| UST  | Utility, Storage, Unfinished | 0           | 112        | 34       | 83.80     | 9,386          |

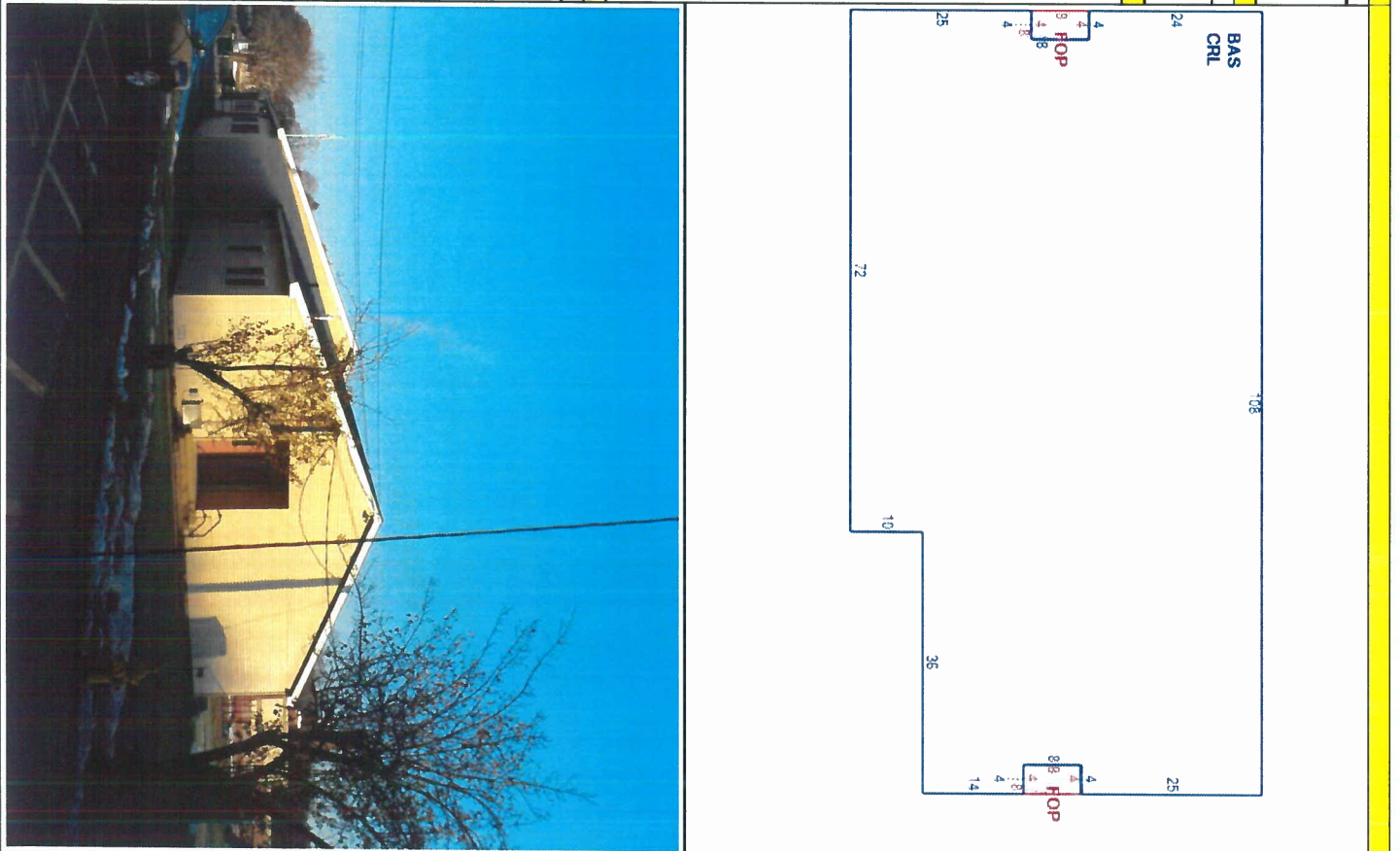
| Ttl Gross Liv / Lease Area |  | 68,084 | 69,813 | 68,522 | 0.00 | 18,916,287 |
|----------------------------|--|--------|--------|--------|------|------------|
|----------------------------|--|--------|--------|--------|------|------------|







| CONSTRUCTION DETAIL                                                           |                       |                     |            | CONSTRUCTION DETAIL (CONTINUED) |             |                |             |
|-------------------------------------------------------------------------------|-----------------------|---------------------|------------|---------------------------------|-------------|----------------|-------------|
| Element                                                                       | Cd                    | Description         | Element    | Cd                              | Description | Element        | Description |
| Style: 100                                                                    | 94                    | Elementary School   |            |                                 |             |                |             |
| Model: 01                                                                     | 01                    | Commercial          |            |                                 |             |                |             |
| Grade: 1                                                                      | 1                     | Minimum             |            |                                 |             |                |             |
| Stories: 1                                                                    | 1,00                  |                     |            |                                 |             |                |             |
| Occupancy                                                                     | 25                    | Vinyl Siding        |            |                                 |             |                |             |
| Exterior Wall 1                                                               | 03                    | Gable/Hip           |            |                                 |             |                |             |
| Exterior Wall 2                                                               | 03                    | Asph/F Gls/Cmp      |            |                                 |             |                |             |
| Roof Structure                                                                | 02                    | Wall Brd/Wood       |            |                                 |             |                |             |
| Roof Cover                                                                    | 14                    | Carpet              |            |                                 |             |                |             |
| Interior Wall 1                                                               | 03                    | Gas                 |            |                                 |             |                |             |
| Interior Wall 2                                                               | 05                    | Hot Water           |            |                                 |             |                |             |
| Interior Floor 1                                                              | 04                    | Unit/AC             |            |                                 |             |                |             |
| Interior Floor 2                                                              | 9341                  | Gardner Education C |            |                                 |             |                |             |
| Heating Fuel                                                                  | 00                    |                     |            |                                 |             |                |             |
| Heating Type                                                                  | 02                    | NONE                |            |                                 |             |                |             |
| AC Type                                                                       | 02                    | WOOD FRAME          |            |                                 |             |                |             |
| Bldg Use                                                                      | 02                    | AVERAGE             |            |                                 |             |                |             |
| Total Rooms                                                                   | 06                    | CEIL & WALLS        |            |                                 |             |                |             |
| Total Bedrms                                                                  | 02                    | AVERAGE             |            |                                 |             |                |             |
| Total Baths                                                                   | 02                    |                     |            |                                 |             |                |             |
| Total Bedrms                                                                  | 00                    |                     |            |                                 |             |                |             |
| Total Baths                                                                   | 00                    |                     |            |                                 |             |                |             |
| Heat/AC                                                                       | 02                    |                     |            |                                 |             |                |             |
| Frame Type                                                                    | 02                    |                     |            |                                 |             |                |             |
| Baths/Plumbing                                                                | 02                    |                     |            |                                 |             |                |             |
| Ceiling/Wall                                                                  | 06                    |                     |            |                                 |             |                |             |
| Rooms/Ptns                                                                    | 02                    |                     |            |                                 |             |                |             |
| Wall Height                                                                   | 10,00                 |                     |            |                                 |             |                |             |
| % Conn Wall                                                                   | 0,00                  |                     |            |                                 |             |                |             |
| 1st Floor Use:                                                                | 903C                  |                     |            |                                 |             |                |             |
| <b>OB - OUTBUILDING &amp; YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)</b> |                       |                     |            |                                 |             |                |             |
| Code                                                                          | Description           | LB                  | Units      | Unit Price                      | Yr Bit      | Cond. Cd       | % Good      |
| Code                                                                          | Description           | Grade               | Grade      | Grade Adj                       | Appr. Value |                |             |
| <b>BUILDING SUB-AREA SUMMARY SECTION</b>                                      |                       |                     |            |                                 |             |                |             |
| Code                                                                          | Description           | Living Area         | Floor Area | Eff Area                        | Unit Cost   | Undeprec Value |             |
| BAS                                                                           | First Floor           | 5,732               | 5,732      | 5,732                           | 133.07      | 762,757        |             |
| CRL                                                                           | Crawl Space           | 0                   | 5,732      | 0                               | 0.00        | 0              |             |
| FOP                                                                           | Porch, Open, Finished | 0                   | 64         | 16                              | 33.27       | 2,129          |             |
| Ttl Gross Liv / Lease Area                                                    |                       | 5,732               | 11,528     | 5,748                           | 0.00        | 764,886        |             |





Pelletier Properties at Keller Williams NC  
670 Mechanic St Leominster MA  
978-840-9000  
[npelletier@kw.com](mailto:npelletier@kw.com)

***City of Gardner***  
***95 Pleasant St, Gardner MA 01440***

Dear Mayor Nicholson,

As requested, I have completed an analysis of the value of renting out the Waterford Street School through a gross lease model. In other words, the tenant won't be charged their portion of any common expenses, insurance, water and sewer, etc. Below are the comparables.

**166 Hamilton St Leominster** was a 1,700 sqft space which rented at \$17.6/sqft. In this lease the tenant was responsible for electric and gas utilities but landscaping, plowing, water/sewer etc were all included.

**109 Main Street Gardner** this is the only recent lease comparable in MLS for Gardner. It was a considerably smaller space at 875 sqft and rented for \$13.7/sqft. This property does have limited parking which limited the value slightly.

**40 Spruce Street Leominster** is a 3,800 sqft space that was successfully leased as a gross lease at \$5,070 a month which is equivalent to \$16/sqft.

**16 Wyman Rd in Westminster** is a 4,200 sqft property currently listed triple net at \$12/sqft. With the tenant still having to pay their portion of the expenses, this would be considered a low end comparable when compared to a the higher rental amount for a typical Gross lease.

As of July 2024 and based on these comparables I would put a range on the value of the gross lease of the Waterford St School as \$14-\$17/sqft with a recommended lease value of \$16/sqft.

**Nicholas Pelletier - President**

*Nicholas Pelletier*



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

July 18, 2024

Hon. Elizabeth J. Kazinskas, Council President

And City Councilors

Gardner City Hall, Rm 121

95 Pleasant Street

Gardner, MA 01440

RE: A Measure Declaring Surplus for the Purpose of Disposal (Sale) the Land and Buildings at 94 Pleasant Street

Dear Madam President and Councilors,

At the August 1, 2022 meeting of the City Council, the City Council voted to take the land and buildings located at 94 Pleasant Street by eminent domain after almost three (3) decades in land court with the previous owner due to unpaid taxes.

On April 1, 2024, the City Council voted to confirm the taking, allowing the City to be able to sell the property and get it back on the tax rolls.

The attached surplus declaration request would allow the Administration to sell place the property on the market. This would be done through a Request for Proposals (RFP) process, just as was done with the previous properties that were recently sold by the City. If this process is sold, it would be the first time the City would collect property taxes on the location since 1991.

During my time as Mayor, I have made it a practice not to place properties before City Council for surplus, requesting the minimum sale of the property be set at \$1. However, I do believe this to be an exception. The City has a full appraisal of the property done and the appraisal came back at \$0.00 due to the amount of work and asbestos remediation that would need to be done to make the property habitable. The City also had a study done to see what it would cost to demolish the structure, and that came in at \$354,000, also due to the amount of asbestos on the building.

Due to the very high costs associated with either rehabbing or demolishing the building, I am requesting that the minimum sale price be set at \$1. Any money the City receives from this property will be more than we have gotten since I have been alive. I truly believe it is in the best interest of the city to simply get the property back as a functional location in the City rather than the nuisance, trouble, and decaying property it has been for too long.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

**DECLARING SURPLUS FOR PURPOSE OF DISPOSAL  
LAND AND BUILDINGS AT 94 PLEASANT STREET**

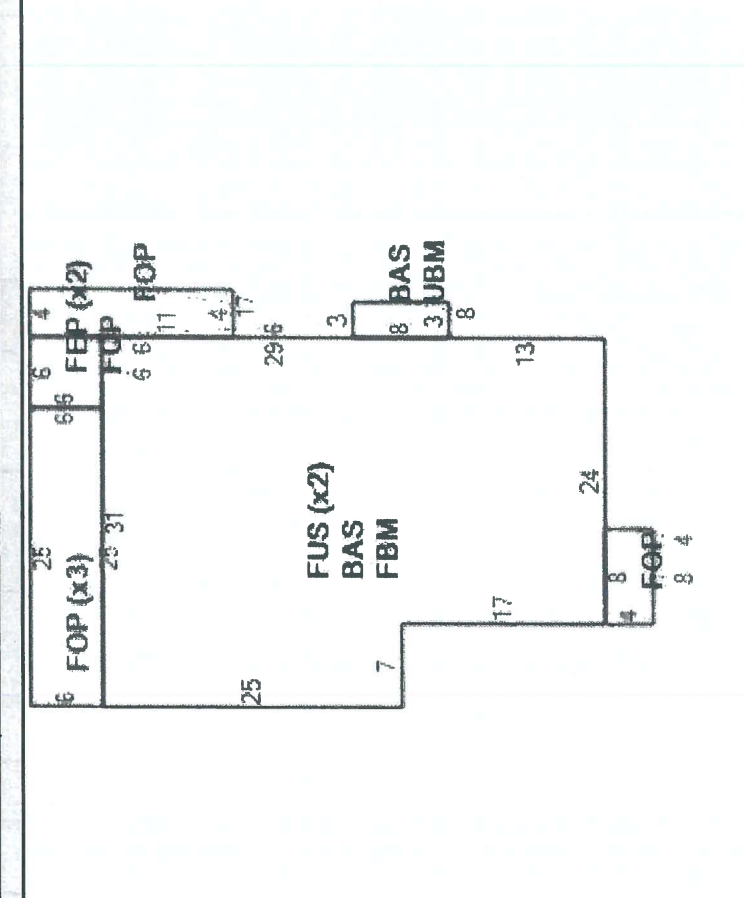
***VOTED:*** To declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at 94 Pleasant Street, further identified on the City of Gardner Assessor's Map as M22-10-15, to establish as a minimum amount of \$1.00 to be paid for any conveyance of said property, and to authorize the Mayor to convey said land, or part thereof, for such amount or a larger amount, and upon such other terms as the mayor shall consider proper in accordance with this Vote.





| CONSTRUCTION DETAIL |                | CONSTRUCTION DETAIL (CONTINUED) |             |
|---------------------|----------------|---------------------------------|-------------|
| Element             | Description    | Element                         | Description |
| 00                  | 4 to 8 Fam     | Usrflid 108                     |             |
| 03                  | Multi-Family   | Usrflid 101                     |             |
| 03                  | Average        | Usrflid 102                     |             |
| 3                   | 3 Stories      | Usrflid 100                     |             |
| 4                   | Asbest Shingle |                                 |             |
| 07                  | Gable/Hip      |                                 |             |
| 03                  | Slate          |                                 |             |
| 11                  | Plastered      |                                 |             |
| 03                  | Hardwood       |                                 |             |
| 12                  | Carpet         |                                 |             |
| 14                  | Oil            |                                 |             |
| 02                  | Hot Water      |                                 |             |
| 05                  | None           |                                 |             |
| 01                  | 5 Bedrooms     |                                 |             |
| 05                  | 0              |                                 |             |
| 24                  | 24 Rooms       |                                 |             |
| 01                  | Old Style      |                                 |             |
| 01                  | Old Style      |                                 |             |
| 01                  |                |                                 |             |

| OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B) |                | BUILDING SUB-AREA SUMMARY SECTION |       |            |        |        |      |     |      |            |
|--------------------------------------------------------------------|----------------|-----------------------------------|-------|------------|--------|--------|------|-----|------|------------|
| Code                                                               | Description    | Sub Type                          | Units | Unit Price | Yr Blt | % Dep. | Cond | Gra | Qual | Apprais Va |
|                                                                    | Living         |                                   |       | 1,207      |        |        |      |     |      |            |
|                                                                    | Gross          |                                   |       | 1,207      |        |        |      |     |      |            |
|                                                                    | Eff Area       |                                   |       | 1,207      |        |        |      |     |      |            |
|                                                                    | Unit Cost      |                                   |       | 146.86     |        |        |      |     |      |            |
|                                                                    | Undeprec Value |                                   |       | 177,260    |        |        |      |     |      |            |



11362



# Appraisal Report

94 Pleasant Street  
Gardner, Massachusetts



Owned By  
The City of Gardner

Value as of  
February 7, 2024

**Prepared For:**

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

**Prepared By:**

Joel A. Buthray, MAI  
O'Hara-Buthray Associates, Inc.  
1 West Boylston Street, Suite 306  
Worcester, MA 01605

O'Hara-Buthray Associates, Inc.  
1 West Boylston Street, Suite 306  
Worcester, MA 01605

Ph: (508) 757-9381  
Fax: (508) 752-1544

February 23, 2024

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

Dear Mayor Nicholson:

An Appraisal Report of the property at 94 Pleasant Street, Gardner, Massachusetts, owned by the City of Gardner has been completed at your request.

The subject is a 3,787+/- square foot (SF) site, zoned Commercial (C1). The site is improved with a 3,573+/-SF, three story, wood framed former rooming house. Based on an exterior inspection, the rooming house is vacant and appears to be in poor condition. The highest and best use of the subject is to demolish and remove the rooming house for assemblage, parking or future development. The rooming house does not meet the parking requirement and has been vacant for over two-years, therefore, is no longer grand-fathered for this use. The subject has been appraised as a vacant commercial lot, factoring in a demolition and removal expense of the building. The estimated demolition and removal cost exceeds the estimated value of the lot, therefore, the subject is of no value.

The subject is not leased, therefore, the property rights appraised are the fee simple estate.

The Appraisal Report has been prepared for the City of Gardner, the client and intended user. The purpose of the Appraisal Report is to estimate the market value of the subject. The intended use of this Appraisal Report is for internal use.

The analysis and conclusion within the attached report are based on field research, interviews with market participants and publicly available data collected by the appraiser.

February 23, 2024  
Mayor Michael J. Nicholson

### **COVID-19**

The global outbreak of a “novel coronavirus” known as COVID-19 was officially declared a pandemic by the World Health Organization (WHO). It is currently unknown what direct, or indirect, effect, if any, this event may have on the national economy, the local economy or the market in which the subject property is located. The reader is cautioned, and reminded that the conclusions presented in this appraisal report apply only as of the effective date(s) indicated. The appraiser makes no representation as to the effect on the subject property of this event, or any event, subsequent to the effective date of the appraisal.

### **Extraordinary Assumptions & Hypothetical Conditions**

*The value conclusions are subject to the following extraordinary assumptions that may affect the assignment results. An extraordinary assumption is an assignment-specific assumption as of the effective-date regarding uncertain information used in the analysis, which, if found to be false, could alter the appraiser's opinions or conclusions.*

*There are no extraordinary assumptions used in this analysis.*

*The value conclusions are based on the following hypothetical conditions that may affect the assignment results. A hypothetical condition is a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis.*

*There are no hypothetical conditions used in this report.*

The accompanying Appraisal Report has been prepared in accordance with the Uniform Standards of Professional Appraisal Practice. Included is an analysis of the real estate, all pertinent data, valuation methodology, supporting relevant exhibits and Addendum to the attached report.

I have appraised the subject property within the past year.

February 23, 2024  
Mayor Michael J. Nicholson

As of February 7, 2024, the estimated market value of the subject is:

**Zero Dollars**  
**\$0**

This firm disclaims the validity of appraisal reports which lack original signatures on the letter of transmittal, on the Certification, and after the reconciliation of value estimates.

Respectfully submitted,



Joel A. Buthray, MAI  
Certified General  
Real Estate Appraiser  
Commonwealth of MA #929

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**Executive Summary**

|                                          |                                                                           |
|------------------------------------------|---------------------------------------------------------------------------|
| Intended User and Client                 | City of Gardner                                                           |
| Purpose of The Appraisal Report          | Estimate the market value of the subject                                  |
| Intended Use of Appraisal Report         | Internal use                                                              |
| Property Owner                           | City of Gardner                                                           |
| Property Classification                  | Former rooming house                                                      |
| Property Location                        | 94 Pleasant Street<br>Gardner, MA                                         |
| Property Rights Appraised                | Fee simple estate                                                         |
| Date of Inspection                       | February 7, 2024                                                          |
| Date of Valuation                        | February 7, 2024                                                          |
| Date of Appraisal Report                 | February 23, 2024                                                         |
| Zone Classification                      | Commercial (C1)                                                           |
| Assessment Data                          | The property is tax exempt                                                |
| Size of Parcel                           | 3,787+/-SF                                                                |
| Property Improvements                    | 3,573+/-SF, three story, wood framed former rooming house                 |
| <b>Highest and Best Use</b><br>If Vacant | Assemblage or parking use                                                 |
| As Improved                              | Demolition and removal of the improvements for assemblage, or parking use |
| Marketing & Exposure Time                | 1 month                                                                   |

|                                |                |
|--------------------------------|----------------|
| <b>Valuation Analysis</b>      |                |
| Site Value                     | \$0            |
| Cost Approach                  | Not applicable |
| Sales Comparison Approach      | See site value |
| Income Capitalization approach | Not developed  |
| <b>Final Estimate of Value</b> | \$0            |

**Subject Photographs**



**Front and South Side of the Building**



**North Side of the Building**





Facing South on Pleasant Street



Facing North on Pleasant Street



### **Identification of the Real Estate**

The subject former rooming house property at 94 Pleasant Street, Gardner fronts the east side of Pleasant Street, just south of the intersection of Pleasant Street and City Hall Avenue. The site is identified in assessor records as Map 22, Block 10, Lot 15. The deed references the address as 92-94 Pleasant Street, Gardner.

### **History**

**August 12, 2022:** The City of Gardner acquired the subject via an order of taking from Ry-Co International, Ltd. And Eldorado Canyon Properties, LLC for \$0.00, recorded in the Worcester District Registry of Deeds (WDRD) in Book 68058, Page 204.

A copy of the deed is included in the addendum. The prior sale of the property exceeds 3-years.

### **Personal Property**

There is no personal property included in the value of the real estate.

### **Intended User and Client of Appraisal Report**

The intended user and client of the Appraisal Report is the City of Gardner.

### **Purpose of Appraisal Report**

The purpose of the Appraisal Report is to estimate the value of the subject.

### **Intended Use of Appraisal Report**

The intended use of this Appraisal Report is for internal use.

### **Property Rights Appraised**

The subject is not leased, therefore, the property rights appraised are the fee simple estate.

Fee simple estate is defined as: "*Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by governmental powers of taxation, eminent domain, police power, and escheat*". [The Dictionary of Real Estate Appraisal, 7th ed. (Appraisal Institute, 2022), 73].

### **Effective Date of Value**

The appraiser inspected the property on February 7, 2024, the effective date of valuation.

### **Effective Date of the Appraisal Report**

The effective date of the Appraisal Report is February 23, 2024.

### **Definition of Market Value**

Market value is defined by the federal financial institutions' regulatory agencies as: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition are the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. *Buyer and seller are typically motivated;*
2. *Both parties are well informed or well advised, and acting in what they consider their own best interests;*
3. *A reasonable time is allowed for exposure in the open market;*
4. *Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and*
5. *The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.*

Source: 12 CFR Section 34.42 (f)

### **Appraisal Development and Reporting Process**

This Appraisal Report format is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice for an Appraisal Report.

### **Scope of Work**

The preparation of this appraisal consisted of:

Joel A. Buthray, MAI of O'Hara-Buthray Associates, Inc. inspected the property from the exterior only on February 7, 2024. Additional steps taken to complete this assignment included the following.

- Photographs of the subject exterior were taken.
- A tour through the neighborhood and the general area of the city to note predominant characteristics such as land use, condition of properties, neighborhood influences, vacancy, etc.
- Research at the Gardner Assessor records to review the Assessor field card for assessment/tax data and for information about the property.

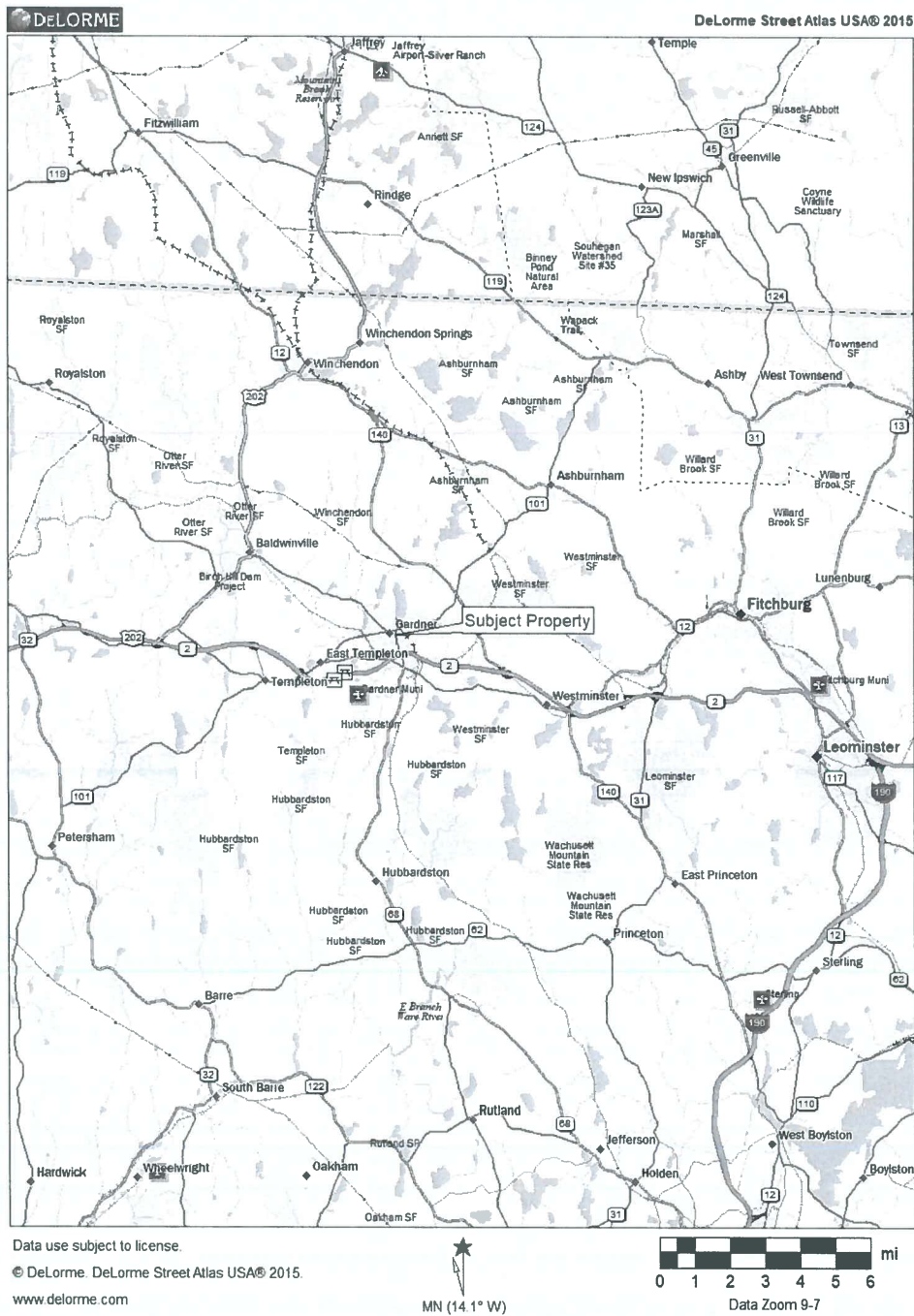
- The most recent zoning bylaws were reviewed. Site data and soil characteristics were researched in resources such as the applicable floodplain insurance rate map; the Web Soil Survey, published by the United States Department of Agriculture soil maps and descriptions and the DEP Transition List of Confirmed Disposal Sites and Locations to be Investigated.
- Area demographics such as population trends, unemployment statistics, etc. were researched in publications such as Employment and Unemployment Statistics published by the Massachusetts Department of Employment and Training.
- Pertinent area information was researched from in-house resources and news articles: Telegram & Gazette, Worcester Business Journal, The Wall Street Journal, Bankers and Tradesmen, CoStar Comps data and an in-house data base.
- Market area research included contacting brokers, property owners, etc. for the purpose of obtaining and verifying comparable sales, etc.; and updating information on the latest events affecting the city or the neighborhood. This also included contacting local financial institutions to obtain current lending policies.
- Also researched at the Registry of Deeds were recorded deeds for a 3-year sales history of the subject and sales used for comparison purposes.
- The value of the lot was developed by the sales comparison approach based on a comparison to five comparables. The estimated cost of demolition and removal of the improvements has been deducted from the estimated site value.

Please note this appraisal process did not include:

- The cost approach was not developed because the improvements are considered to be of no contributory value.
- The sales comparison approach was not developed for the property as improved because the improvements are considered to be of no contributory value. The site value was developed by the sales comparison approach.
- The income capitalization approach was not developed for the property as improved because the improvements are considered to be of no contributory value. The site value was not developed by the income capitalization approach because small commercial lots are not typically leased in this market area.

All properties considered for comparative purposes were visited and photographed.

### Area Map





### **Area Description**

The city of Gardner is in north central Massachusetts in North Worcester County, bordered by the towns of Winchendon and Ashburnham on the north, Templeton on the west, Westminster on the east, and Hubbardston on the south. Gardner is approximately 28 miles northwest of Worcester, 59 miles northwest of Boston, and 61 miles northeast of Springfield.

Gardner is easily accessible via Route 2, which provides a link to Interstates 190, 495, and 91. Other main roads within the city are Routes 2A, 68, 101, and 140.

Following are the most recent unemployment rates (December of 2023) for the United States, Massachusetts, Worcester County and Gardner, reported by the [Massachusetts Department of Employment and Training](#).

| <u>United States</u> | <u>Massachusetts</u> | <u>Worcester County</u> | <u>Gardner</u> |
|----------------------|----------------------|-------------------------|----------------|
| 3.7%                 | 3.2%                 | 3.6%                    | 3.8%           |

Prior to the Coronavirus, the unemployment rates throughout the country including Worcester were very low. Once the pandemic impacted the United States, the rates initially escalated substantially as many businesses previously closed or downsized throughout the country. Most have reopened once again, and unemployment rates are currently low including a low rate of 3.8% in Gardner. It is difficult to determine how long the Coronavirus will impact the country. Favorably, vaccinations have taken place, and the virus has subsided.

Following is the census data for Gardner in 2000, 2010 and 2020 as reported in [U.S. Census data](#).

| <u>City</u> | <u>2000</u> | <u>2010</u> | <u>% Change</u> | <u>2020</u> | <u>% Change</u> |
|-------------|-------------|-------------|-----------------|-------------|-----------------|
| Gardner     | 20,770      | 20,228      | -2.7%           | 21,287      | +5.2%           |

The population in Gardner has fluctuated up and down over the past couple of decades. There was a decline from 2000 to 2010 of 2.7%, however, population increased moderately from 2010 to 2020 by 5.2%. There is minimal new residential development taking place in the city. Population increases are favorable for the local housing market and businesses.



The following is a comparison of the median household income for 2022 (most recent available) in Worcester, Worcester County and Massachusetts.

| <u>Location</u>  | <u>Median Income 2022</u> |
|------------------|---------------------------|
| Gardner          | \$56,974                  |
| Worcester County | \$88,524                  |
| Massachusetts    | \$96,505                  |

**Source: U.S. Census**

As indicated by the figures presented, Gardner's median household incomes for 2022 were lower than those in Worcester County, and Massachusetts, which negatively impacts on property values in the city.

New commercial, industrial and residential development in Gardner has been stagnant over the past several years. There is proposed revitalization of the downtown Main Street area of Gardner including the development of a new 56-unit apartment complex, an event center and parking area.

The Timpany Crossroads at the corner of Timpany Boulevard and West Broadway Street is comprised of a new three building commercial development with a free-standing Pub 99 in place, a Starbucks, an Edward Jones, a cannabis retail store, a Verizon store, and a skin care tenanted space. At 529 Timpany Boulevard, a 20,000+/-SF medical building was recently constructed for owner occupancy by Community Health Connections. A couple of mixed-use buildings at 42-52 Parker Street that were in poor condition have been updated with 29 apartments. There have been a couple of new industrial buildings constructed on Matthews Street for investment purposes.

### Economic Influences

A factor influencing investment in real estate is current lending criteria. Financing is available, but underwriting criteria are more exacting. The prime rate increased steadily to as high as 9.5% on May 17, 2000. With the slowdown in the economy, the prime rate was reduced numerous times to the low rate of 4.00% as of June 27, 2003. The rate increased numerous times to 8.25% as of June 26, 2006, to slow inflation. The prime rate was later reduced numerous times to 3.25% on December 16, 2008, to stimulate the economy once again. The prime rate remained fixed until it increased to 3.5% on December 17, 2015, followed by eight increases reaching 5.50% on December 20, 2018. The feds then cut the prime rate to 5.25% on August 1, 2019, to 5.0% on September 19, 2019, to 4.75% on October 30, 2019, and bigger cuts to 4.25% on March 4, 2020, and again to 3.25% on March 16, 2020, due to economic growth slowing and the negative impact on the economy and general health concerns from the Coronavirus. The prime rate increased to 3.50% on March 16, 2022, to slow the increase in inflation. An additional increase to 4.0% took place on May 5, 2022, then to 4.75% on June 22, 2022, to 5.50% on July 28, 2022, to 6.25% on September 22, 2022, to 7.00% on November 3, 2022, to 7.5% on December 15, 2022, to 7.75% on February 2, 2023, to 8.00% on March 23, 2023, to 8.25% on May 4, 2023, and to 8.5% on July 27, 2023. Inflation has decreased significantly, although not yet to the goal of 2% annually, however, there appears to be a pause on further interest rate increases, and there actually have been discussions of interest rate cuts.

Prior to the Coronavirus, some of the major factors that had previously negatively impacted on consumer confidence levels and the economy in the country included high fuel and food prices, weak job growth and manufacturing figures, stagnant retail sales, and the weak state of several European countries. Oil and gas prices had dropped substantially in the past partly due to an oversupply, and because of the virus. Prices escalated once again, however, more recently have decreased somewhat. There previously had been job growth, however, income levels were typically lower than in prior stronger economic times. Due to the difficulty of being able to fill job needs at many businesses, income requirements for many jobs have increased. Many larger companies have had layoffs because of the weakened economy in some sectors.

The stock market has had significant volatility with major upward and downward fluctuations. A lot of the volatility is attributed to factors such as the so called "trade wars" with China, weaker retail figures, a result of the negative impact of the virus, high inflation levels, supply chain shortages, rising fuel costs, rising interest rates, the wars in Ukraine and Israel, the difficulty filling employment needs, difficulty meeting trucking, shipping and production needs, and the recent downgrading of the Nations credit rating from Triple AAA to AA+. There also have been some recent bank failures which has adversely impacted the economy.

The consumer confidence index, a good indicator of the current state of the economy has been fluctuating up and down over the past few years. The rate decreased to 106.0 for January of 2023 and again to 103.4 for February of 2023. Favorably, the rate reversed to 104.0 for March of 2023, however, decreased slightly to 103.7 in April of 2023 and further to 102.5 in May of 2023. The index increased sharply to 110.1 in June of 2023 and again to 114.0 in July of 2023, however dropped over the next three months to 99.1 in October of 2023. Favorably the index increased to 101.0 in November of 2023, substantially upward to 108.0 for December of 2023, and again to 114.8 for January of 2024.

“January’s increase in consumer confidence likely reflected slower inflation, anticipation of lower interest rates ahead, and generally favorable employment conditions as companies continue to hoard labor,” said **Dana Peterson, Chief Economist at The Conference Board**. “The gain was seen across all age groups, but largest for consumers 55 and over. Likewise, confidence improved for all incomes groups except the very top; only households earning \$125,000+ saw a slight dip. January’s write-in responses revealed that consumers remain concerned about rising prices although inflation expectations fell to a three-year low. Buying plans dipped in January, but consumers continued to rate their income and personal finances favorably currently and over the next six months. *Consumers’ Perceived Likelihood of a US Recession over the Next 12 Months* continued to gradually ease in January, consistent with an *Expectations Index* rising above 80.”

### **Market Analysis**

The highest and best use of the subject is either for assemblage, a commercial development lot, or parking following demolition and removal of the building, the focus of this market analysis.

To provide some assessment of the demand for commercial land in Gardner, a review of the vacancy rate of existing commercial space in the city was reviewed. According to CoStar Comps data (see addendum), there is approximately 1,800,000+/-SF of retail and office space in Gardner and only 33,900+/-SF (1.9%) is listed as vacant, a low amount, however, the low vacancy appears overly optimistic based on general observation.

Sales of small commercial sites like the subject have not been extensive in the market area over the past several years. This is previously partly due to the Coronavirus, also due to the very high costs of development and more recently due to the high interest rates. The feasibility of new commercial development in Gardner is questionable at the present time.

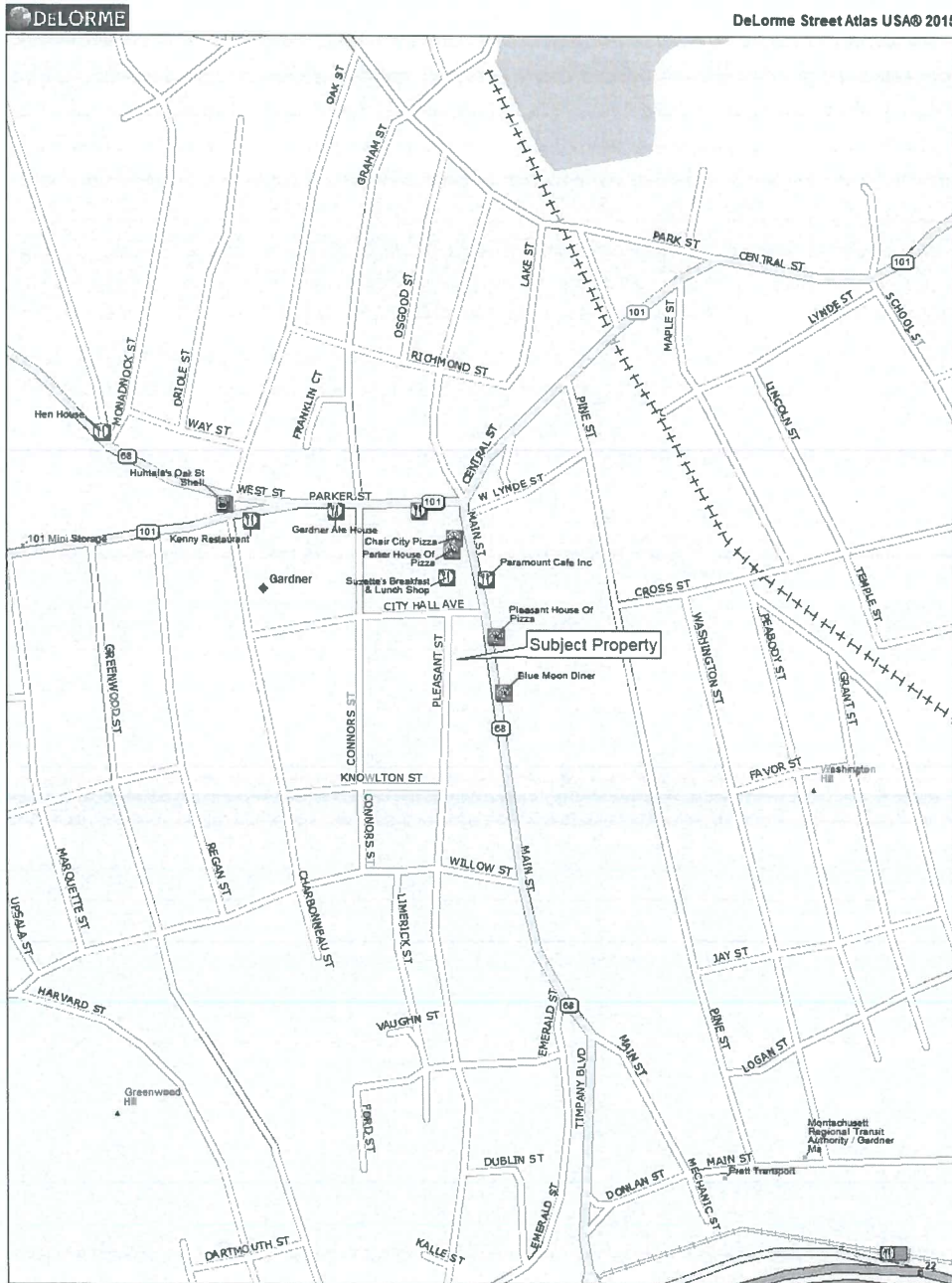
The commercial market has weakened, particularly the office market with many working from home. The retail market has also been negatively impacted by inflation, high interest rates, the strengthened once again following a difficult period during the Coronavirus. Given the low vacancy rates, the demand for new commercial development will likely increase.

Based on Comparable land sales data, small sites are selling at a range of approximately \$3.55/SF to \$24.10/SF.

In summary, Gardner has recently experienced moderate population increases, which combined with declining unemployment rates favorably impacts the local economy and real estate market. The below average income levels in Gardner are a negative. The low vacancy rates have created demand for commercial land in the market area, however, the very high costs of new construction and rising interest rates have been a challenge to the financial feasibility of new commercial construction.



# Neighborhood Map



Data use subject to license.  
© DeLorme DeLorme Street Atlas USA® 2015.  
www.delorme.com

MN (14 1° W)

0 180 360 540 720 900 ft  
Data Zoom 15-0



## **Neighborhood Description**

The subject rooming house, in poor condition, fronts the west side of Pleasant, a short distance south of the intersection of Pleasant Street and City Hall Avenue.

Pleasant Street is a moderately travelled secondary road. The neighborhood is a mix of uses. The property is directly across the street from the City Hall. Other improvements along Pleasant Street include single-families, multi-families and apartments, retail buildings, a restaurant, a post office, banks, and mixed-use properties.

Pleasant Street intersects with Main Street, a short distance to the north. Proximate to the subject along Main Street is some modern commercial development including a newer Cumberland Farms gas station/convenience store, a newer police station, a nearby newer retail strip center anchored by Rite Aid and Advanced Auto Parts and a CVS property. Also within this neighborhood is a Hannaford's supermarket. At 354 Main Street is a modern investor grade multi-tenanted office building.

Off nearby Main Street includes a mixture of older and modern properties including office and mixed-use properties, banks and credit unions, gas stations, restaurants, a large apartment and assisted living facility on Pine Street and a newer library at the corner of West Lynde Street and Derby Drive, other apartment properties, the large multi-tenanted former Simplex Complex, etc.

Approximately 1 to 2 miles to the north is the Heywood Memorial Hospital, the Mount Wachusett Community College, the Gardner Municipal golf course and a district court house. There are several industrial parks and older industrial mill buildings nearby.

There have been a couple of recent sales of commercial properties on Pleasant Street including 313 Pleasant Street, comprised of a 1,464+/-SF retail building on an 1,812+/-SF lot sold May 18, 2022 for \$60,000 (\$40.98/SF). The property at 331-337 Pleasant Street, comprised of a 2,249+/-SF retail building on a 4,455+/-SF lot sold February 25, 2022 for \$85,000 (\$37.79/SF). These two sales are an indication that values are low in the neighborhood.

The condition of properties in the neighborhood ranges from poor to good. Vacancy rates for the properties in good condition is minimal; the vacancy levels are higher for the properties in below average condition.

Utilities available to the neighborhood include public electricity, water, sewer and gas. Local and regional access is good as the property is just off Route 68 and is in close proximity to Routes 2, 101 and 140.

Of importance, the subject is within the Urban Renewal Area (URA) section of the city comprised of 337 parcels and 151+/-AC. The neighborhood is comprised of several blighted properties, contaminated properties, vacant sites and underutilized or vacant parcels.

According to the URA report “This evaluates data from a variety of sources to support its recommendation that the Project Area meets the eligibility standards defined in M.G.L. Chapter 121B for consideration as a decadent area, and that it is improbable that the area would be redeveloped per the ordinary operations of private enterprise. The data evaluated include parcel ownership, land and building assessments, parcels size and condition. The finding that the URA is decadent is based upon all properties within the URA, not only the properties slated for acquisition. The following statements synthesize the findings based on the assembled data.

1. The loss of the manufacturing economic base in the URA has resulted in substantial detriment to local economic and business conditions, with current commercial vacancy rates, currently estimated to range from 20 to 30 percent.
2. Residual contamination and small-scale hazardous waste sites mean that redevelopment projects require site assessment, and developers are often unwilling to accept the uncertainty associated with potential cleanup efforts.
3. Predominantly small and irregularly shaped lot sizes with diverse ownership limits the ability of businesses to develop or expand in the URA and thwarts land assemblage.
4. Over 50 acres in the URA are undeveloped, vacant and underutilized.
5. With 88 percent of the structures predating World War II, there are significant structural maintenance requirements which exceed the financial capabilities of owners to reinvest.
6. Approximately 38 percent of the properties with buildings in the URA were found to be in moderate or severe disrepair.
7. In certain areas, pedestrian access has been inhibited due to limited interconnections and the perception that vacant, underutilized areas are unsafe.

“While previous planning activities have provided an important framework, the ongoing national economic crisis has taken a toll on the City’s ability to implement the full range of recommendations. The City has concluded that the ordinary operations of private enterprise, without public investment and designation as an urban renewal area, will not be sufficient to stimulate sufficient activity. The purpose of this URP is to set forth a series of City initiatives intended to stimulate private investment to restore vitality within the URA and overall improve the quality-of-life experience for those who live, work and visit Gardner.”

In summary, the property is in a mixed area of residential, industrial, and commercial development with convenient local and regional access. Proposed improvements to the neighborhood should have a positive impact on local values.

### **Marketing and Exposure Time**

The marketing and exposure times is estimated at one month, assuming the lot is marketed at or near the estimated value and it is free and unencumbered.

### **Zoning Data**

The subject is zoned Commercial (C1).

### **Dimensional Requirements**

The following are the dimensional requirements.

| <b><u>Item</u></b>        | <b><u>Requirement</u></b> |
|---------------------------|---------------------------|
| Minimum Lot Area          | 10,000 SF                 |
| Minimum Frontage          | 80 FT                     |
| Minimum Front Yard        | 10 FT                     |
| Minimum Side Yard         | 10 FT                     |
| Minimum Rear Yard         | 20 FT                     |
| Maximum Height (stories)  | 5                         |
| Maximum Height (feet)     | 60                        |
| Maximum Building Coverage | 30%                       |

The subject does not meet the lot size, frontage and maximum building coverage requirements. It does not appear to meet the side and rear yard requirements as well.

According to Mr. Roland Jean of the Gardner Building Department, the subject land is legally-non-conforming and the lot could be re-developed on the existing foundation if destroyed.

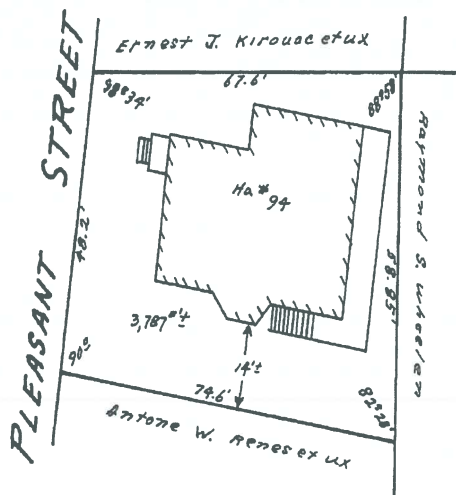
### **Permitted Uses**

The C1 zone allows a diverse number of commercial uses by right including retail and office, banks, restaurants, etc. Apartments require a special permit. The improvements existed prior to current zoning, therefore, were previously exempt from the special permit requirements. The subject exempt status no longer exists for two reasons. First the subject was vacant for over two years, therefore, the subject is no longer exempt from the special permit requirement. Secondly, the subject does not meet the parking space requirement for a rooming house. This leaves the options of the subject to be bought for assemblage by an abutter, or the building razed and a one-story building constructed on the existing foundation, or the site could be purchased for parking use.

**Tax and Assessment Data**

The subject is tax exempt.

**Site Plan**



**CITY OF GARDNER  
PLANNING BOARD**

Approval of Plan under the Sub-  
division Control Law is NOT  
Required. DATE: Jan. 19, 1973

By: Jarvis H. Leonard  
BEING TAP AUTH. agent

COMPILED PLAN OF LAND  
to be conveyed to  
**ROBERT W. WAXLAX et ux**  
GARDNER, MASS.

Scale: 1 inch = 20 ft. - Jan. 8, 1973  
Michael S. Szoc  
Surveyor



1/10/73  
Michael S. Szoc

WORCESTER DISTRICT REGISTRY  
OF DEEDS-WORCESTER, MA

PLAN BOOK 376 PLAN 112  
Received JAN 24 1973  
3 h 32 m P M

Sheet 1 of 1

ATTEST: [Signature]  
Register



## **Site Analysis**

### **Size and Configuration**

The site is 3,787+/-SF according to the site plan. The deed states a land area of 5,438+/-SF or .0869+/-AC, however, .0869+/-AC is 3,785+/-SF, which is close to the amount of land shown on the site plan. The land area of 3,787+/-SF has been used in this analysis.

There is 48.20+/- feet of frontage (FF) along Pleasant Street. The depth of the lot ranges from 167.6+/-feet (FT) to 74.6+/-FT. The parcel is nearly square shaped which is favorable. The small size of the lot negatively impacts the functional utility of the site.

### **Environmental**

The subject has not been listed as a confirmed disposal site in the Transition List of Confirmed Disposal Sites and Locations to be Investigated by the Department of Environmental Protection (DEP). The estimated value is based on the assumption that the subject is free of contamination and conforms to all local, state and federal environmental regulations.

### **Topography**

The terrain of the site is gently sloping and at street grade. There is an estimated 3+/-FT difference between the low and high elevations. The terrain is favorable.

### **Floodplain**

According to Flood Insurance Rate Map (FIRM) #250305 0008 B, dated July 2, 1981, the subject is not in a flood prone area.

### **Easements/Restrictions**

There are no known easements or restrictions impacting the property.

### **Utilities**

Utilities servicing the property consists of public electricity, sewer, and water. The heat is reportedly oil in the property record card. Public gas is available to the property.

### **Site Improvements**

The site improvements include an asphalt paved driveway, chain link fencing, a sidewalk, stairs, grass, and trees.

### **Depreciation and Obsolescence**

Two forms of depreciation or obsolescence may impact site improvements: physical deterioration, curable or incurable and functional obsolescence, curable and incurable.

Evidence of physical depreciation includes cracked and faded asphalt pavement and sidewalks, and the landscaping is in poor condition.

Functional obsolescence results from a defect in design, structure, and material, which reduces utility and affects value. There is no evidence of functional obsolescence impacting the subject.

### **Building Analysis**

The subject is improved with a 124+/- year old, 3,573+/-SF former rooming house that appears in generally poor condition, based on an exterior inspection. The improvements are of no contributory value. A cost to demolish and remove the improvements will be factored into the valuation to follow.

### **Highest and Best Use Analysis**

Highest and best use is defined as:

*"1. The reasonably probable use of property that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity.*

*2. The use of an asset that maximizes its potential and that is possible, legally permissible, and financially feasible. The highest and best use may be for continuation of an asset's existing use or for some alternative use. This is determined by the use that a market participant would have in mind for the asset when formulating the price that it would be willing to bid. (IVS)*

*3. [The] highest and most profitable use for which the property is adaptable and needed or likely to be needed in the reasonable near future." [Uniform Appraisal Standards for Federal Land Acquisitions] [The Dictionary of Real Estate Appraisal, 7th ed. (Appraisal Institute, 2022), 88]*

Applying the four criteria to determine the highest and best use:

### **As if Vacant**

**Legally permitted:** The site is zoned Commercial (C1). The subject does not meet the lot area and frontage requirement, however, it is a grandfathered lot. The C1 zone allows a diverse number of commercial uses by right including retail and office, banks, restaurants, etc. Apartments require a special permit.

Development of the lot with one of the uses allowed by zoning on the existing foundation footprint would be permitted assuming parking requirements are met. The subject would not be able to meet the dimensional requirements.

**Physically possible:** The property has legal frontage, all utilities are available, the terrain is favorable, and there are no known adverse easements. The small size of the lot negatively impacts the functional utility of the site.

Based on development in the neighborhood, and on the subject site, development appears physically possible.

**Financially feasible:** The property is on a modestly travelled main route in a mixed area of primarily commercial and residential development. Local and regional access is good. There has been extensive newer commercial development that has taken place in the neighborhood over the past approximately 10-15+/- years.

The weakened economy has had a negative impact on the financial feasibility of commercial properties. Favorably, the reported vacancy rates in Gardner are low, however, the low rate appears overly optimistic. Given the zoning and neighborhood improvements, and the high costs of development, it would not appear to be financially feasible to construct a commercial building at the present time in Gardner. The subject interim use would be for assemblage by an abutter or use as a parking lot.

**Maximally productive:** The highest and best use of the site as if vacant and unimproved would be for assemblage or use as a parking lot.

### **As Improved**

**Legally permitted:** The subject does not meet the lot size, frontage, and maximum building coverage requirements, and it does not appear that the improvements meet the side and rear yard setback requirements. Multi-family dwellings require a special permit in this zone. The subject also does not meet the parking requirement.

According to Mr. Roland Jean, previously of the Gardner Building Department, the subject was previously legally non-conforming from the dimensional requirements and the rooming house was exempt from the special permit requirements because the building was constructed prior to current zoning. The subject rooming house is no longer exempt because the building was vacant for over two years and the subject does not appear to meet the parking requirements. The best option for the property is to demolish and remove the building and the property can either be bought for assemblage, or used for parking.

**Physically possible:** The property has legal frontage, all utilities are available, the terrain is favorable, and there are no known adverse easements. The small size of the lot negatively impacts the functional utility of the site.

Based on development in the neighborhood, and on the subject site, development appears physically possible.

**Financially feasible:** The property is on a modestly travelled main road in a mixed area of primarily commercial and residential development. Local and regional access is good. There has been extensive newer commercial development that has taken place in the neighborhood over the past approximately 10-15+/- years.

The economy has weakened which has negatively impacted the financial feasibility of ownership of real estate. Favorably, the commercial market has strengthened, evidenced by the low vacancy rates. Given the zoning and neighborhood improvements, there appears to be no other use of the subject that would result in a higher return than demolition and removal of the existing building and use of the lot for assemblage. Development of the site does not appear financially feasible at the present time due to the high costs of construction and high interest rates.

**Maximally productive:** The highest and best use of the site as improved would be to demolish and remove the existing building and use of the lot for assemblage, or as parking.

### **Valuation Analysis**

A well supported estimate of value utilizes a valuation process based on consideration of all pertinent general and specific data. This process reflects three distinct methods for analyzing the data mathematically: cost approach, sales comparison approach, and income capitalization approach.

If applicable to the estimation of value, all three methods, or approaches, may be utilized. Use of one or more approaches, or the application of greater significance of one or another, is dependent on the type of subject property and other critical factors.

The cost approach is "A set of procedures through which a value indication is derived for the fee simple estate by estimating the cost new as of the effective date of the appraisal to construct a reproduction of (or replacement for) the existing structure, including an entrepreneurial incentive; deducting depreciation from the total cost; and adding the estimated land value. The contributory value of any site improvements that have not already been considered in the total cost can be added on a depreciated-cost basis. Adjustments may then be made to the indicated value of the fee simple estate in the subject property to reflect the value of the property interest being appraised". [*The Dictionary of Real Estate Appraisal*, 7<sup>th</sup> ed. (Appraisal Institute, 2022), 43]



*The sales comparison approach is "The process of deriving a value indication for the subject property by comparing sales of similar properties to the property being appraised, identifying appropriate units of comparison, and making adjustments to the sale prices (or unit prices, as appropriate) of the comparable properties based on relevant, market-derived elements of comparison. The sales comparison approach may be used to value improved properties, vacant land, or land being considered as though vacant when an adequate supply of comparable sales is available." [The Dictionary of Real Estate Appraisal, 7th ed. (Appraisal Institute, 2022), 170]*

*The income capitalization approach is "Specific appraisal techniques applied to develop a value indication for a property based on its earning capability and calculated by the capitalization of property income." [The Dictionary of Real Estate Appraisal, 7th ed. (Appraisal Institute, 2022), 94]*

### **Site Value**

The sales comparison approach was used to estimate the value of the subject as a vacant lot. Research conducted in Gardner and the market area for sales of comparable small commercial sites revealed limited data comprised of three 2022 sales in Clinton, a 2023 sale in Fitchburg, and a 2023 sale in Fitchburg.

Following are the data summaries of the five properties considered most comparable, an adjustment grid and a narrative explanation of the adjustments made to each in comparison to the subject. The unit of comparison is price/SF.



Land Comparables

## COMMERCIAL LOT COMPARABLE # 1



ADDRESS TOWN CLINTON STATE MASSACHUSETTS  
 STREET 224-230 HIGH STREET  
 TYPE OF PROPERTY COMMERCIAL LOT  
 STATE CLASS CODE 390 ZONING BUSINESS RETAIL  
 GRANTOR \* GRANTEE \*\*  
 SALE DATE 06/29/22 BOOK 67830 PAGE 152 REGISTRY WDRD  
 SALE PRICE \$125,000.00 VERIFIED GRANTOR (JB) 9/22  
 MORTGAGE 1ST NONE NOTED 2ND NONE NOTED  
 ASSESSMENT LAND \$ 108,400 TOTAL \$ 108,400 TAXES \$ 1,616.24  
 UTILITIES WATER PUBLIC SEWER PUBLIC GAS PUBLIC ELECTRIC PUBLIC  
 LAND AREA +/-SF 5,186 +/-AC 0.119 +/-FF 143.99  
 TOPOGRAPHY MODERATE SLOPE EASEMENTS RIGHT-OF-WAY  
 PRICE/ACRE \$1,050,420.17 PRICE/SF \$24.10 PRICE/FF \$868.12  
 REMARKS SALE OF A SMALL VACANT LOT. THE PROPOSED USE IS UNKNOWN.

\* SOUTH MIDDLESEX NON-PROFIT HOUSING CORPORATION  
 \*\* THE UNITED WAY OF TRI-COUNTY, INC.

THERE IS A RESTRICTION ON THE LOT THAT IT CAN'T BE USED FOR THE  
 SALE OF HARDWARE, PAINT, WALLPAPER, OR BUILDING AND PLUMBING  
 SUPPLIES.

## COMMERCIAL LOT COMPARABLE # 2



ADDRESS TOWN CLINTON STATE MASSACHUSETTS  
 STREET 835 MAIN STREET (ROUTE 70)

TYPE OF PROPERTY PARKING LOT

STATE CLASS CODE 337 ZONING COMMERCIAL

GRANTOR SIMON FAMILY REVOCABLE TRUST GRANTEE MHROSE INC.

SALE DATE 08/05/22 BOOK 68028 PAGE 105 REGISTRY WDRD

SALE PRICE \$250,000.00 VERIFIED BROKER (JB) 9/22

MORTGAGE 1ST \$986,250.00 2ND NONE NOTED

ASSESSMENT LAND \$ 156,500 TOTAL \$ 156,500 TAXES \$ 3,921.89

UTILITIES WATER PUBLIC SEWER PUBLIC GAS PUBLIC ELECTRIC PUBLIC

LAND AREA +/-SF 14,085 +/-AC 0.323 +/-FF 238.80

TOPOGRAPHY LEVEL EASEMENTS NONE NOTED

PRICE/ACRE \$773,993.81 PRICE/SF \$17.75 PRICE/FF \$1,046.90

REMARKS SALE OF A PARKING LOT SIMULTANEOUSLY WITH AN ABUTTING INDUSTRIAL  
 PROPERTY IN A SECOND TRANSACTION. THE SITE FRONTS THE CORNER OF  
 MAIN AND PLAIN STREETS.

THE MORTGAGE INCLUDES AN ADDITIONAL PROPERTY AS COLLATERAL.

**ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST**  
**Project:** Abatement and Demolition of 94 Pleasant Street  
**Location:** 94 Pleasant Street Gardner, MA

**Estimate Type:** Conceptual / Preliminary Design

Prepared By: Tighe & Bond  
 Date Prepared: 1/30/2024  
 T&B Project No.: G03840.090

| Spec. Section                                           | Item No. | Description                                            | Qty | Units | Material/Installed Cost |                  |
|---------------------------------------------------------|----------|--------------------------------------------------------|-----|-------|-------------------------|------------------|
|                                                         |          |                                                        |     |       | \$/Unit                 | Total            |
| <b>DIVISION 1 - GENERAL REQUIREMENTS</b>                |          |                                                        |     |       |                         |                  |
| 01570                                                   | 1        | Temp Controls / Security Fencing                       | 1   | LS    | \$3,500                 | \$3,500          |
| DIV 0                                                   | 2        | Preparation of Contract Documents, H&S Plan, SOV, etc. | 1   | LS    | \$3,500                 | \$3,500          |
| <b>SUBTOTAL - DIVISION 1</b>                            |          |                                                        |     |       |                         | <b>\$7,000</b>   |
| <b>DIVISIONS 2 and 13 - SITE WORK</b>                   |          |                                                        |     |       |                         |                  |
| 02222                                                   | 1        | Building Demolition                                    | 1   | LS    | \$116,000               | \$116,000        |
| 02280                                                   | 2        | Cut and Cap / Utility Terminations                     | 1   | LS    | \$3,000                 | \$3,000          |
| 13281                                                   | 4        | Asbestos Abatement (Survey not Performed Yet)          | 1   | LS    | \$85,000                | \$85,000         |
| 02222                                                   | 8        | Foundation and Pavement Removals                       | 1   | LS    | \$6,000                 | \$6,000          |
| 02222                                                   | 10       | Site Restoration (includes Borrow & Loam / Seed)       | 1   | LS    | \$12,000                | \$12,000         |
| <b>SUBTOTAL - DIVISIONS 0,1,2 and 13</b>                |          |                                                        |     |       |                         | <b>\$222,000</b> |
| <b>CONSTRUCTION TOTAL COST</b>                          |          |                                                        |     |       |                         | <b>\$229,000</b> |
| <b>CONTRACTOR OH &amp; P</b>                            |          |                                                        |     |       | 15%                     | <b>\$34,350</b>  |
| <b>SUBTOTAL</b>                                         |          |                                                        |     |       |                         | <b>\$263,350</b> |
| <b>CONTINGENCY AS A PERCENTAGE OF CONSTRUCTION COST</b> |          |                                                        |     |       | 20%                     | <b>\$52,670</b>  |
| <b>TOTAL</b>                                            |          |                                                        |     |       |                         | <b>\$316,020</b> |
| <b>ENGINEERING CONSTRUCTION PHASE MANAGEMENT</b>        |          |                                                        |     |       | 12%                     | <b>\$37,922</b>  |
| <b>TOTAL:</b>                                           |          |                                                        |     |       |                         | <b>\$354,000</b> |

**NOTES**  
 This is an engineer's Opinion of probable Construction Cost (OPCC). Tighe & Bond has no control over the cost or availability of labor, equipment or materials, or over market conditions or the Contractor's method of pricing, and that the estimates of probable construction costs are made on the basis of the Tighe & Bond's professional judgment and experience. Tighe & Bond makes no guarantee nor warranty, expressed or implied, that the bids or the negotiated cost of the Work will not vary from this estimate of the Probable Construction Cost.



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

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July 27, 2024

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

RE: A Measure Declaring the roof of the Water Treatment Plant, located at 100 Heywood Street, surplus for the purpose of leasing to a solar photovoltaic array

Dear Madam President and Councilors,

At the April 14<sup>th</sup>, 2024 meeting of the City Council, the Council voted to declare several roofs of City owned buildings (Public Works Administration, Garage, and Cold Storage; City Hall, Waterford Street Community Center, and the Gardner Fire Department Headquarters) and the air rights over the Knowlton Street Parking Lot as surplus for the purpose of installing solar photovoltaic arrays.

The attached declaration request continues that progress by adding the roof of the water treatment plant, located at 100 Heywood Street, to this initiative as well.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



**DECLARATION OF SURPLUS FOR THE PURPOSE OF LEASING SPACE FOR A  
PHOTOVOLTAIC SOLAR ARRAY AT 100 HEYWOOD STREET – WATER  
TREATMENT PLANT**

VOTED: To declare surplus for the purpose of leasing space for a photovoltaic solar array with prevailing General Laws, the roof of the Water Treatment Plant, located at 100 Heywood Street, further identified on the City of Gardner Assessor’s Map as R27-16-7, with an approximate area of thirteen thousand (13,000) square feet, to establish as a minimum amount of \$0.50 per square foot to be paid for any lease payment of said property, to authorize the Mayor to negotiate the lease agreement, subject to approval by the City Council of the City of Gardner, of part thereof, for such amount or a larger amount, and upon such other terms as the Mayor shall consider proper in accordance with this Vote.



Pelletier Properties  
670 Mechanic St Leominster  
978-674-7146  
npelletier@kw.com  
www.pelletierprops.com



### **City of Gardner**

95 Pleasant St Gardner, MA 01440

Dear Mayor Michael Nicholson,

As requested, Pelletier Properties at Keller Williams North Central has conducted an analysis on the value of leasing rooftops on city owned property for use as solar arrays as well as parking lot canopy leases. As there is no known database of solar lease contracts, we made our best effort to compile information from publicly available sources including websites, town meeting minutes, and news articles. The following represents our analysis.

According to SolarKal, a company in Somerville that serves as a solar energy advisor, on average Massachusetts solar roof leases range from \$50,000 - \$70,000 per year per 100,000 sqft. In other words, \$0.50 - \$0.70 per sqft annually.

In an article in the Falmouth Enterprise from March 2024 a carport solar array over the Thomas Landers Road Parking Lot is discussed. The site is 18.5 Acres and accommodates 1,900 vehicles. The system will include 32 carports to be constructed with solar panels on top. The Steamship Authority which owns the lot will be paid \$415,000 a year in year 1 and the lease rate will increase to \$727,705 per year in year 20 which is an increase of about 3.7% a year. Per the data provided this results in an estimate of \$218 a year per parking spot or \$22,432 per year per acre.



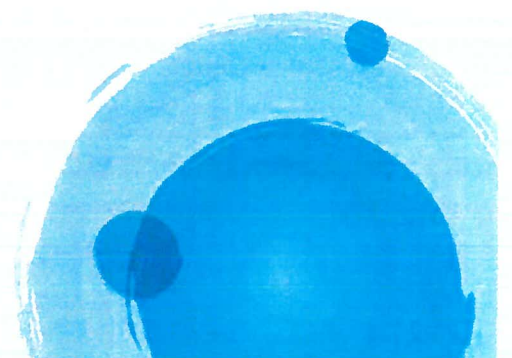
In an article in the Standard Times from May 2023 Acushnet Public Schools entered into an agreement with a solar company for a solar canopy over their parking lot. It is estimated to save the district about \$48,000 a year. Based on google maps the size of the parking lot appears to be approximately 2 acres resulting in a valuation of \$24,000 per acre per year.

**Based on the complexities of solar pricing including sun exposure and roof direction, we would recommend a conservative valuation for both types of installation. For rooftop leasing we find a value of \$0.50 per sqft. For parking canopy lease, we would set the valuation for at \$20,000 per acre per year.**

Warm regards,

A handwritten signature in blue ink that reads "Nicholas Pelletier". The signature is written in a cursive style and is positioned above the printed name and title.

**Nicholas Pelletier**  
**President of Pelletier Properties**





City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

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July 18, 2024

Hon. Elizabeth J. Kazinskas, Council President

And City Councilors

Gardner City Hall, Rm 121

95 Pleasant Street

Gardner, MA 01440

RE: A Measure Declaring Land at the Gardner Landfill Surplus for the Purpose of Installing a Solar Photovoltaic Array

Dear Madam President and Councilors,

As part of the Administration's solar initiative, we have begun to work with a solar consultant on the process to install a solar array on the hill that used to be Gardner's landfill, located at 744 West Street.

The hill is approximately 21 acres in size.

The General Laws of the Commonwealth require that a market study be done to determine the minimum amount that the lease would be set at, however, the lease itself is exempt from public bidding since the City would be entering into a Power Purchase Agreement "PPA" for the electricity produced by the panels.

I respectfully request that the City Council vote to declare this land surplus to allow this project to move forward to its next steps.

This parcel is already located in the West Street Solar Overlay.

Respectfully Submitted,

Michael J. Nicholson

Mayor, City of Gardner

**DECLARATION OF SURPLUS FOR THE PURPOSE OF LEASING SPACE FOR A  
PHOTOVOLTAIC SOLAR ARRAY AT 744 WEST STREET – GARDNER SOLID  
WASTE LANDFILL**

VOTED: To declare surplus for the purpose of leasing space for a photovoltaic solar array with prevailing General Laws, the Gardner Solid Waste Landfill, located at 744 West Street, further identified on the City of Gardner Assessor's Map as M32-16-4, with an approximate area of twenty-one (21) acres, to establish as a minimum lease amount of \$30,000 per megawatt, to be paid for any lease payment of said property, to authorize the Mayor to negotiate the lease agreement, subject to approval by the City Council of the City of Gardner, of part thereof, for such amount or a larger amount, and upon such other terms as the Mayor shall consider proper in accordance with this Vote.



Length:

ft



Area:

20.98 acres

ac...



850

42.58920 -72.09164 LAT LON





Pelletier Properties at Keller Williams NC  
670 Mechanic St Leominster MA  
978-840-9000  
[npelletier@kw.com](mailto:npelletier@kw.com)

*City of Gardner*  
*95 Pleasant St, Gardner MA 01440*

Dear Mayor Nicholson,

As requested, I have completed an analysis of the value of leasing out the capped Gardner landfill for a solar array. There are many factors that affect the potential value of a site for solar make valuing a challenge. For this reason, we recommend a conservative assumption that the 21 acres have the potential for a 2 megawatt system. Solar lease agreements are commonly paid based on megawatts produced so it is important to be able to estimate the potential production of the site.

**Town of Dudley Landfill** - In 2018 the Town of Dudley entered into a lease agreement for their capped landfill. This site had the potential to produce 2.2 megawatts and was leased at \$135,000 or \$61,363 per megawatt.

**Town of Beverly Landfill** – In 2019 the Town of Beverly entered into an agreement to lease their old landfill. The lease term is 20 years. The lease payments over the 20-year term will generate over \$2.7 million in revenue (not including additional payment in lieu of taxes). The town would receive \$27,551 per megawatt per year.

**Riverhead NY Landfill** In 2023 Riverhead NY entered into an agreement to lease Youngs Avenue landfill for a Solar Array. Rent for the developer will be \$22,000 per megawatt per year for the first 15 years, with the price increasing \$20,000 in the years following. The rent will also increase by 2% annually. This will result in an average rent of \$30,000 per megawatt (not including additional payment in lieu of taxes).



**Based on the data available I would value the potential to lease the Gardner Landfill at \$30,000 per megawatt per year with expected potential or 2 megawatts or \$60,000 a year. This analysis does not include additional potential PILOT (payment in lieu of taxes) and energy savings which could be negotiated as well**

**Nicholas Pelletier - President**

*Nicholas Pelletier*



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

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August 1, 2024

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

RE: A Communication from the Mayor Regarding Stone Field

Dear Madam President and Councilors,

At the May 6, 2024 City Council Meeting, the City Council voted to adopt a resolution (Item #11279) by Councilor Brad Heglin to request that the Administration create an ad hoc advisory committee to come up with a long term plan for the use of Stone Field.

The following individuals have been selected for the committee:

- State Representative Jonathan Zlotnik
- Mr. Jay Gearan
- Ms. Sally Johnson
- Mr. Walter Dubzinski
- Mr. Pete Gamache

All of these individuals are either former Gardner High School Athletes, Current/Former Coaches, or abutters to the site.

The committee recently met and had its first meeting and has come up with a schedule to come up with a strategic plan for the site to be submitted to the Administration and shared with the City Council.

I would also like to thank Councilor Calvin Brooks and his family for recently volunteering to mow the lawn at the site.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

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July 27, 2024

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

RE: A Resolution from the City Council in Support of the City's Application for the Community Change for Environmental Justice Communities Grant from the United States Environmental Protection Agency.

Dear Madam President and Councilors,

As you are aware, the City of Gardner contracted with Keller Partners and Company to provide grant writing services to the City for federal grant applications.

The City of Gardner, the Gardner Community Action Committee (CAC), St. Paul's Episcopal Church, Chair City Church, and the Gardner Emergency Housing Mission (GEHM) have all partnered to seek \$20 million in funding from the US EPA's Community Change Grants for Environmental Justice Communities.

This funding would go toward infrastructure upgrades to the streets and sidewalks on Cross Street, Chestnut Street, and Sherman Street, upgrades to Jackson Playground and Bickford Playground, expanded community garden space at St. Paul's, and renovations at the former Caring Place building at Chair City Church for their new employment based homeless housing initiative with GEHM.

This funding must only be used in the City's one federally designated environmental district, of which, a map has been attached to this correspondence for your information.

I respectfully request that the City Council vote to adopt the attached resolution in support of the City's application and authorize the Council President to sign the resolution on the Council's behalf.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



# RESOLUTION

**IN SUPPORT OF THE APPLICATION BY THE CITY OF GARDNER FOR THE  
COMMUNITY CHANGE GRANT FOR ENVIRONMENTAL JUSTICE COMMUNITIES  
BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

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

**WHEREAS,** the City of Gardner is committed to building a safe and sustainable community for all of its residents; and

**WHEREAS,** the City of Gardner has made a concerted effort to invest in our recreational facilities and infrastructure; and

**WHEREAS,** the City of Gardner has one (1) federally designated Environmental Justice Zone encompassing the area of South Gardner and the Washington Heights/Jackson Playground area; and

**WHEREAS,** the City is looking to invest in this area to improve the quality of life for those individuals who live in this area of the City, but due to financial constraints is not able to keep up at the pace it desires to; and

**WHEREAS,** the City of Gardner has partnered with St. Paul's Episcopal Church, Chair City Church, the Gardner Community Action Committee, and the Gardner Emergency Housing Mission to apply for a grant to transform the infrastructure in this area, reduce the City's carbon footprint, expand community gardens, combat issues of homelessness and other provide other services to those in this area of the City;

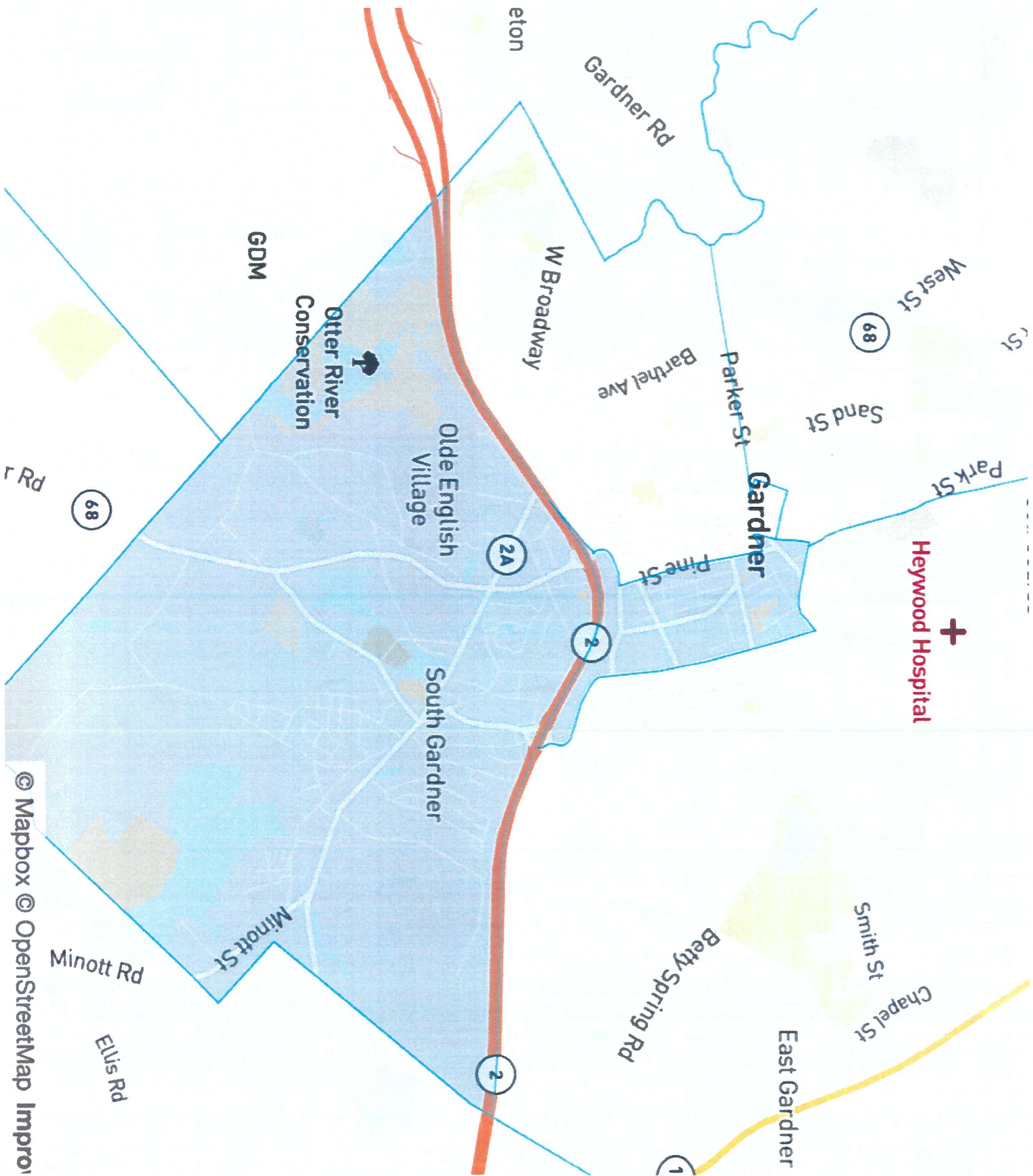
**NOW THEREFORE,** the City Council of the City of Gardner hereby officially endorses and supports the City's application for the Community Change Grant for Environmental Justice Communities issued by the United States Environmental Protection Agency, and believe this to be in the best interest of the City.

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Hon. Elizabeth J. Kazinskas  
City Council President  
on behalf of the Gardner City Council

Voted on by the City Council: \_\_\_\_\_







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

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July 18, 2024

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

RE: A Measure Accepting the Donation of Picnic Tables to the Gardner Farmers Market

Dear Madam President and Councilors,

The General Laws of the Commonwealth require that the City Council periodically vote to accept all donations made to the City. According to this section of the General Laws, this may be done retroactively.

Maki Building Supply donated three picnic tables to the City to be used for the new Gardner Farmers Market.

This donation had a value of \$600.00

I respectfully ask that the City Council vote to accept this donation from Maki Building Supply.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

**ACCEPTANCE OF DONATIONS AND GIFTS  
FARMER'S MARKET PICNIC TABLES DONATION**

***VOTED:*** That the City of Gardner is authorized to accept certain donations and gifts namely three picnic tables, with an estimated value of \$600, said acceptance in accordance with the provisions of Chapter 44, Section 53A½ of the General Laws.

**Mayor**

---

**From:** Dana Maki <dmaki@makicorp.com>  
**Sent:** Wednesday, June 12, 2024 7:39 AM  
**To:** Mayor  
**Subject:** [EXTERNAL] Gardner Farmers Market Picnic Tables

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**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.

6/12

Mayor Mike Nicholson  
City Hall  
95 Pleasant Street  
Gardner, MA, 01440

Dear Mayor Nicholson,  
I am writing on behalf of Maki Building Supply to inform you of a recent donation we have made to the Gardner Farmers Market. We are pleased to have donated three picnic tables, valued at \$600, for use at the market. At Maki Building Supply, we believe in supporting our local community, and we are delighted to contribute to the Gardner Farmers Market. We hope that these picnic tables will enhance the market experience for all visitors, providing a welcoming space for people to gather, relax, and enjoy their time at the market. We understand the importance of community spaces and the role they play in bringing people together. It is our hope that this donation will help in fostering a stronger sense of community and encourage more people to visit and enjoy the market. Thank you for your attention to this donation. If you have any questions or require further information, please do not hesitate to contact me.  
Sincerely,

Dana Maki  
General Management  
Maki Building Supply

www.makibuildingcenters.com Notice: This transmission is for the sole use of the intended recipient(s) and may contain information that is confidential and/or privileged. If you are not the intended recipient, please delete this transmission and any attachments and notify the sender by return email immediately. Any unauthorized review, use, disclosure or distribution is prohibited



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

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July 18, 2024

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

RE: A Measure Accepting the Donation of Flyers to the Gardner Farmers Market

Dear Madam President and Councilors,

The General Laws of the Commonwealth require that the City Council periodically vote to accept all donations made to the City. According to this section of the General Laws, this may be done retroactively.

The Gardner Staples store donated all of the marketing flyers that were printed to advertise for Gardner's new farmer's market that is being put on by a group of volunteers who are partnering with the City.

This donation had an value of \$190.84

I respectfully ask that the City Council vote to accept this donation from Staples Store #1277.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



**ACCEPTANCE OF DONATIONS AND GIFTS**  
**FARMERS MARKET FLYERS DONATION**

***VOTED:*** That the City of Gardner is authorized to accept certain donations and gifts, namely one hundred forty flyers, with an estimated value of \$190.84, said acceptance in accordance with the provisions of Chapter 44, Section 53A½ of the General Laws.



11369

# Faughnan, Erica

**Easy Rewards.**

## Order Due: Saturday, 06/08/24, 6:00 PM

Order Number



2241127847

Order Received:

Friday, 06/07/24, 2:55 PM

Contact Phone:

(802) 299-7512

Company Name:

Olympus Biotech

Notification Method:

Call

Easy Rewards Number



5376353388

### Job 1 of 5 - Documents

| SKU     | Description | Qty | Price |
|---------|-------------|-----|-------|
| 1980563 | Documents   | 30  | 40.89 |

### Job 2 of 5 - Documents

| SKU     | Description | Qty | Price |
|---------|-------------|-----|-------|
| 1980563 | Documents   | 20  | 27.28 |

### Job 3 of 5 - Documents

| SKU     | Description | Qty | Price |
|---------|-------------|-----|-------|
| 1980563 | Documents   | 30  | 40.89 |

### Job 4 of 5 - Documents

| SKU     | Description | Qty | Price |
|---------|-------------|-----|-------|
| 1980563 | Documents   | 30  | 40.89 |

### Job 5 of 5 - Documents

| SKU     | Description | Qty | Price |
|---------|-------------|-----|-------|
| 1980563 | Documents   | 30  | 40.89 |

### Order Summary

Total Price: **\$190.84**

## Your satisfaction is our goal.

If your order doesn't meet your expectations, let us know so we can fix it.

Donated by Gardner Staples  
Keith Osgood  
Store Manager

For the Farmers Market

*paid on*  
*#120 pre-*



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

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July 18, 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 560, thereof entitled "Solid Waste," to Change the Fee for Solid Waste Collections

Dear Madam President and Councilors,

On May 20, 2024, the City Council voted to amend the fee structure for solid waste (trash and recycling) collection rates for FY25 through FY28.

However, with the beginning for FY2025 approaching when the ordinance was drafted, the ordinance contained a scrivener's error for the starting date. A redlined version showing the errors and corrections is attached to this proposal.

I respectfully request that the City Council vote to pass the attached ordinance after passage and publication, in order to correct the scheduling error.

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, 2024:

- \$68.00 per quarter

(b) Effective July 1, 2025:

- \$72.00 per quarter

(c) Effective July 1, 2026:

-\$75.00 per quarter

(d) Effective July 1, 2027:

- \$79.00 per quarter

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

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

**FOR EXPLANATION PURPOSES ONLY – RED LINED EDIT VERSION -**

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: (Should have been 2024 for the rate to be effective at the start of Fiscal Year 2025, with the schedule following from there. Proposed amendment corrects this to adequately reflect the rate study that was done)

- \$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.

**AS ADOPTED BY CITY COUNCIL  
MAY 6, 2024**





City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

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July 18, 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, Section 90 of Chapter 553, thereof entitled "Sewer Rates"

Dear Madam President and Councilors,

On July 1, 2024, the City Council voted to amend sewer rate collection fees for FY25 through FY29.

However, with the beginning for FY2025 approaching when the ordinance was drafted, the ordinance contained a scrivener's error for the starting date. A redlined version showing the errors and corrections is attached to this proposal.

I respectfully request that the City Council vote to pass the attached ordinance after passage and publication, in order to correct the scheduling error.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

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

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

**SECTION 1:**

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

A. Uniform Rate

- 1) Uniform Rate (per 100 cubic feet of metered use): \$5.50
  - i. Effective July 1, 2024
- 2) Uniform Rate (per 100 cubic feet of metered use): \$6.10
  - i. Effective July 1, 2025
- 3) Uniform Rate (per 100 cubic feet of metered use): \$6.80
  - i. Effective July 1, 2026
- 4) Uniform Rate (per 100 cubic feet of metered use): \$7.50
  - i. Effective July 1, 2027
- 5) Uniform Rate (per 100 cubic feet of metered use): \$8.30
  - i. Effective July 1, 2028

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

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

**FOR EXPLANATION PURPOSES ONLY- RED LINED EDIT VERSION!**

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

**SECTION 1:**

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

**A. Uniform Rate**

- 1) Uniform Rate (per 100 cubic feet of metered use): \$5.50
  - i. Effective FY2025 (Effective Date: July 1, 2024)
- 2) Uniform Rate (per 100 cubic feet of metered use): \$6.10
  - i. Effective July 1, 2026 (Skips FY25 which starts on July 1, 2025.  
Proposed Corrections fix this issue to meet scheduled outlined in rate study)
- 3) Uniform Rate (per 100 cubic feet of metered use): \$6.80
  - i. Effective July 1, 2027
- 4) Uniform Rate (per 100 cubic feet of metered use): \$7.50
  - i. Effective July 1, 2028
- 5) Uniform Rate (per 100 cubic feet of metered use): \$8.30
  - i. Effective July 1, 2029

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

**AS ADOPTED BY THE CITY COUNCIL ON  
JULY 1, 2024**



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

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July 25, 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, Chapter 171, thereof entitled "Personnel" to amend Schedule E- Non Union Compensation Schedule

Dear Madam President and Councilors,

When the City Council voted to pass the FY2025 Compensation Schedule Ordinance, there were a few typographical errors in the rates for certain positions.

These errors resulted in certain positions not receiving the Cost of Living Adjustments that were given to our employees.

This proposal reflects that.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

**Amendment to City Code  
Chapter 171: Personnel  
Article XVI: Classification and Compensation  
§171-68  
Compensation Schedule**

**An amendment to §171-68 Compensation Schedule, 171b 5**

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           |                  |                   | GRADE |
|----------------------------------------------|-------|--------------------|------------------|-------------------|-------|
|                                              |       | Annual             |                  | Weekly            |       |
| Building Commissioner                        | G-10  | \$87,558.74        |                  | \$1,683.82        | 02    |
|                                              |       | \$350.00           |                  |                   |       |
|                                              |       | \$87,908.74        |                  |                   |       |
| Chief of Police                              | G-13  | <i>Masters</i>     | <i>Bachelors</i> | <i>Associates</i> | 03    |
|                                              |       | \$145,600.27       | \$139,818.06     | \$128,253.64      |       |
| City Assessor                                | G-9   | \$81,941.40        |                  | \$1,575.80        | 01    |
| City Auditor                                 | G-10  | \$94,187.47        |                  |                   | 04    |
|                                              |       | MGL c. 32, §20(6)  |                  |                   |       |
|                                              |       | Total Compensation |                  | \$1,878.61        |       |
| City Clerk                                   | G-10  | \$89,309.91        |                  |                   | 05    |
|                                              |       | MGL c. 41, §19F    |                  |                   |       |
|                                              |       | MGL c. 41, §19G    |                  |                   |       |
|                                              |       | Total Compensation |                  | \$1,795.38        |       |
| City Collector/Treasurer                     | G-10  | \$94,187.47        |                  |                   | 08    |
|                                              |       | MGL c. 32, §20     |                  |                   |       |
|                                              |       | Total Compensation |                  | \$1,817.07        |       |
| City Engineer                                | G-11  | \$95,428.04        |                  | \$1,835.15        | G11   |
| City Solicitor                               | G-10  | \$90,337.92        |                  | \$1,737.27        | 07    |
| Council on Aging Director                    | G-6   | \$64,519.52        |                  | \$1,240.76        | 21    |
| Director of Community Development & Planning | G-10  | City               |                  |                   |       |
|                                              |       | GRA                |                  |                   |       |
|                                              |       | Total Compensation |                  | \$1,997.82        | 10    |
| Director of Cable Operations                 | G-6   | \$72,581.23        |                  | \$1,395.79        | 44    |
| Director of Public Health                    | G-10  | Step 1             |                  | \$1,515.91        | 14    |
|                                              |       |                    |                  |                   |       |



|        |                    |          |             |            |    |
|--------|--------------------|----------|-------------|------------|----|
|        | Article XI §171-45 | Clothing | \$350.00    |            |    |
|        |                    | Total    | \$79,177.12 |            |    |
| Step 2 |                    |          | \$83,374.84 | \$1,603.36 | 14 |
|        | Article XI §171-45 | Clothing | \$350.00    |            |    |
|        |                    | Total    | \$83,724.84 |            |    |
| Step 3 |                    |          | \$87,922.56 | \$1,690.82 | 14 |
|        | Article XI §171-45 | Clothing | \$350.00    |            |    |
|        |                    | Total    | \$88,272.56 |            |    |

**A. DEPARTMENT HEADS (Cont.)**

| Position                                    | Grade | 07/01/24           |                    |              |              |              |            |            |
|---------------------------------------------|-------|--------------------|--------------------|--------------|--------------|--------------|------------|------------|
|                                             |       | Annual             |                    |              |              | Weekly       |            |            |
|                                             |       |                    | Masters            | Bachelors    | Associates   | Masters      | Bachelors  | Associates |
| Fire Chief                                  | G-12  |                    | \$117,983.63       | \$115,983.63 | \$113,983.63 | \$2,268.92   | \$2,230.45 | \$2,191.99 |
|                                             |       | Article X §171-44  | Holiday            | \$11,975.34  | \$11,772.34  | \$11,569.34  |            |            |
|                                             |       |                    | Total              | \$129,958.97 | \$127,755.97 | \$125,552.97 |            | 11         |
| Golf Course Driving Range/Superintendent    | G-9   |                    | \$85,788.97        |              |              | \$1,649.79   |            | 13         |
|                                             |       | Article XI §171-45 | Clothing           | \$350.00     |              |              |            |            |
|                                             |       |                    | Total              | \$86,138.97  |              |              |            |            |
| Human Resources Director                    | G-11  |                    | \$99,245.52        |              |              | \$1,908.57   |            | 24         |
| Information Technology Director             | G-11  |                    | \$107,457.64       |              |              | \$2,066.49   |            | 25         |
| Library Director                            | G-9   |                    | \$84,488.49        |              |              | \$1,624.78   |            | 15         |
| Public Works Director                       | G-12  |                    | \$112,141.58       |              |              | \$2,156.57   |            | 18         |
|                                             |       | Article XI §171-45 | Clothing           | \$350.00     |              |              |            |            |
|                                             |       |                    | Total              | \$112,491.58 |              |              |            |            |
| Purchasing Agent/Civil Enforcement Director | G-10  |                    | \$82,508.29        |              |              |              |            | 17         |
|                                             |       | MGL c. 148A, §5    | Total Compensation | \$2,500.00   |              |              |            |            |
|                                             |       |                    |                    | \$85,008.29  |              | \$1,634.77   |            |            |
| Veterans' Director                          | G-6   |                    | \$64,991.14        |              |              | \$1,249.83   |            | 22         |

**B. NON-UNION DIRECT AND SUPERVISORY STAFF POSITIONS**

| Position                                      | Grade | 07/01/24           |             |  |            |         |    |
|-----------------------------------------------|-------|--------------------|-------------|--|------------|---------|----|
|                                               |       | Annual             |             |  | Weekly     | Hourly  |    |
| Airport Manager                               |       | \$26,790.30        |             |  | \$515.20   | AM24    |    |
| Assistant City Clerk                          | G-3   | \$47,913.33        |             |  | \$921.41   | \$24.90 | 65 |
|                                               |       | Step 2 (5 Yrs)     | \$48,871.59 |  | \$939.84   | \$25.40 | 65 |
|                                               |       | Step 3 (10 Yrs)    | \$49,849.04 |  | \$958.64   | \$25.91 | 65 |
| Assistant City Auditor                        | G-4   | \$54,523.62        |             |  | \$1,048.53 | \$28.34 | 1C |
| Assistant City Engineer                       | G-8   | \$75,180.45        |             |  | \$1,445.78 |         | 33 |
| Assistant City Solicitor                      | G-3   | \$49,934.02        |             |  | \$960.27   |         | 03 |
| Assistant City Treasurer/Collector            | G-5   | \$59,795.13        |             |  | \$1,149.91 |         | 18 |
| Assistant Director of Community Development** | G-7   | City               | \$3,745.19  |  |            |         |    |
|                                               |       | CDBG               | \$71,158.42 |  |            |         |    |
|                                               |       | Total Compensation | \$74,903.61 |  | \$1,440.45 |         | 53 |

**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   | 04         |              |
|                                                    |       | \$350.00    |              |           |              |            |              |
|                                                    |       | \$60,145.11 |              |           |              |            |              |
| Assistant Library Director                         | G-6   | \$65,453.39 |              |           | \$1,258.72   | 05         |              |
| Assistant Veteran's Service Agent                  |       | \$57,783.00 |              |           | \$1,111.21   | 22A        |              |
| Senior Civil Engineer                              | G-9   | \$81,941.40 |              |           | \$1,575.80   | G9         |              |
|                                                    |       | \$350.00    |              |           |              |            |              |
|                                                    |       | \$82,291.40 |              |           |              |            |              |
| Conservation/Planning Agent                        | G-6   | \$66,115.63 |              |           | \$1,271.45   | 20         |              |
|                                                    |       | Masters     | \$126,294.75 | Bachelors | \$121,284.76 | Associates | \$111,264.78 |
| Deputy Chief of Police                             | G-11  |             |              |           |              | 10         |              |
| Director of Public Safety Regional Dispatch Center | G-9   | \$83,226.22 | \$1,600.50   |           |              | 34         |              |
|                                                    |       | \$350.00    |              |           |              |            |              |
|                                                    |       | \$83,576.22 |              |           |              |            |              |
| Economic Development Coordinator**                 | G-7   | \$65,453.39 |              |           | \$1,258.72   | 51         |              |



|                                            |      |         |         |     |
|--------------------------------------------|------|---------|---------|-----|
| Staff Librarian                            |      | \$24.49 |         | 07  |
| Senior Library Technician                  |      | \$22.31 |         | 08  |
| Library Technician                         |      | \$21.04 |         | 09  |
| Library Clerical Staff                     |      | \$15.76 | \$16.28 | 12  |
| Certified Pool Operator/<br>Head Lifeguard | S-4  | \$24.76 |         | 15  |
| Certified Pool Operator/Lifeguard          |      | \$20.80 |         | L15 |
| Election Warden                            |      | \$17.00 |         | 03  |
| Election Inspector                         |      | \$15.00 |         | 01  |
| Election Clerk                             |      | \$16.00 |         | 02  |
| Golf Course Laborer/Pro Shop<br>Assistant  | GC-4 | \$15.50 |         | 25  |
| Golf Course Groundsman                     | GC-5 | \$16.50 |         | 24  |
| Golf Course Ranger                         | GC-6 | \$15.50 |         | 26  |
| Head Life Guard                            |      | \$17.86 | \$18.91 | 19  |
| Lifeguard                                  | S-6  | \$16.50 |         | 18  |

**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                              |         |         | A5     |
| Recreation Season Coach                     |       | \$750.00 Annual (per sport & season) |         |         | 49     |
| Recreational Playground Supervisor<br>(T-5) |       | \$17.50                              | \$18.25 |         | 5      |
| Recreational Support Staff                  |       | \$15.50                              |         |         | 27     |
| Special Detail Police Officer               |       | \$54.00                              |         |         | 01     |
| Temporary Seasonal Laborer                  | T-4   | \$15.75                              | \$16.25 | \$16.75 | T4     |
| Temporary Seasonal Technical                | T-6   | \$17.00                              |         |         | 66/66A |

\*\*Compensation increase contingent upon positive evaluation of oversight commission, Board or individual (Mayor or City Council) with the approval of the Mayor.



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

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July 25, 2024

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

RE: A Communication from the Mayor Regarding the FY2024 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Awards

Dear Madam President and Councilors,

On July 26, 2024, the City of Gardner was notified that the City was awarded a grant of \$1,253,500.00 from the United States Department of Transportation's Rebuilding American Infrastructure with Sustainability and Equity Awards – more commonly referred to as the RAISE Grants.

As you may recall, at the February 5, 2024 meeting of the City Council, the Council voted to endorse a resolution to support the City's application for this grant- to undertake a full mobility study of the Downtown and engineer and design a four (4) story parking garage over the West Street Parking Lot.

Only three Massachusetts municipalities received an award from this program – Gardner, Boston, and Salem.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

City of Gardner, MA - Downtown Mobility Plan

FY 2024 RAISE Application: Budget Narrative

**OVERVIEW**

The City of Gardner, MA requests **\$1,253,500** in RAISE funding to complete the Downtown Mobility Plan and associated planning activities, including the design and engineering of the parking garage in West Street.

**COST SHARE OR NON-FEDERAL MATCH**

No non-federal funding match is required based on the target area’s designation as an Area of Persistent Poverty.

**PROPOSED BUDGET**

| <b>COMPONENT 1:<br/>DOWNTOWN MOBILITY PLAN</b>                    | <b>AMOUNT</b>      | <b>SOURCE</b> |
|-------------------------------------------------------------------|--------------------|---------------|
| Parking Study                                                     | \$80,000           | RAISE         |
| Low-Impact Development / Nature-Based Solutions Feasibility Study | \$60,000           | RAISE         |
| Pedestrian Accessibility and Connectivity Analysis                | \$80,000           | RAISE         |
| Micromobility Study                                               | \$100,000          | RAISE         |
| Microtransit Feasibility Study                                    | \$250,000          | RAISE         |
| Curb and asset management dashboards                              | \$100,000          | RAISE         |
| 75% Design and engineering                                        | \$420,000          | RAISE         |
| Subtotal                                                          | \$1,090,000        | RAISE         |
| Contingency (15%)                                                 | \$163,500          | RAISE         |
| <b>Component 1 RAISE Request</b>                                  | <b>\$1,253,500</b> | <b>RAISE</b>  |

**CONTINGENCY AMOUNT**

**Downtown Mobility Plan (planning):** A 15% contingency has been added to cover unanticipated cost increases. To mitigate cost overruns, the City will include budgetary considerations among the bid criteria and contractually obligate vendors to provide services within the agreed-upon budget. If additional planning costs arise, the City has the option of retaining the planning services of a Massachusetts Regional Planning Agency (RPA). Massachusetts’ RPAs offer planning services at lower rates than the private sector, and pro-bono planning services are often available to member communities through District Local Technical Assistance (DLTA) funding.

**COST ESTIMATES**

**Multimodal Comprehensive Plan**

- **Parking study:** Written statement of work and cost estimate provided by engineering firm Tighe and Bond on 2/20/2024. [Link to Downtown Parking Study Cost Estimate](#)



- **Low-Impact Development/ Nature-based Solutions Study:** Written statement of work and cost estimate provided by engineering firm Tighe and Bond on 2/20/2024. [Link to Stormwater Management Study Cost Estimate](#)
- **Pedestrian Accessibility and Connectivity Analysis:** Costs estimated by Central Massachusetts Regional Planning Commission staff based on typical products.
- **Micromobility Feasibility Study:** Costs estimated by Central Massachusetts Regional Planning Commission staff based on typical products.
- **Microtransit Feasibility Study:** Costs estimated by Central Massachusetts Regional Planning Commission staff based on typical products.
- **Curb and Asset Management Dashboards:** Written statement of work and cost estimate provided by the Central Massachusetts Regional Planning Commission on 2/10/2024. [Link to Transportation Data Cost Estimate](#)
- **Design and Engineering:** Written statement of work and cost estimate provided by engineering firm Tighe and Bond on 2/26/2024. [Link to Parking Garage Cost Estimate](#)

## LEVEL OF DESIGN

- **Downtown Mobility Plan:** This component includes several planning studies and the design/engineering of a parking garage. For the studies, preliminary scopes of services and cost estimates are available. Conceptual designs for the parking garage are available.

## SOURCES, USES, AND AVAILABILITY

### Parking Study

#### **100% RAISE Funding (general obligation bond approved by City Council)**

The City seeks funds for a parking study of Downtown Gardner to assess current and projected needs associated with business, residential, and other uses. A qualified vendor will analyze and map existing public and private parking needs and provide recommendations. The study will include inventories and maps of existing public and private on-street, off-street, and surface parking. Utilization, availability, times of peak and low demand, and parking violation enforcement will be assessed. The existing parking supply will be analyzed to determine if there are parking spaces that are nonconforming with state law. Potential modifications to parking spaces or parking lots to comply with the Americans with Disabilities Act (ADA), Architectural Access Board (AAB), and other applicable state and federal laws will be identified. The consultant will assess present parking demand within the study area and project new demand based on current land use ordinances and anticipated business and residential growth. The consultant will identify suitable locations and/or corridors for curbside EV charging stations. Pricing/collection strategies and parking management systems, such as parking apps, will also be evaluated. The consultant will source successful examples from urban centers of similar size and character. The consultant will develop on-street parking priorities and recommendations to facilitate a vibrant mixed-use urban center.

### **Low-Impact Development / Nature-Based Solutions Feasibility Study:**

#### **100% RAISE funding (general obligation bond approved by City Council)**

The City seeks funds for a Nature-based, Low-Impact Development (LID) Study of green infrastructure engineering interventions for stormwater runoff quality and temperature management in Downtown Gardner. This feasibility study will explore the potential implementation of LID features to improve water quality and improve resiliency within the Downtown. The consultant will identify recommended improvements and their benefits accompanied by the conceptual design sketches. Stormwater runoff quality benefits will be quantified for each of the conceptual designs through pollutant removal estimate calculations. The report will also include an outline of anticipated permitting efforts required for implementation of LID improvements, and a project phasing plan with estimated timelines for the design, permitting, and construction. Conceptual designs will include the location, site layout, topography, key features, property boundaries, existing infrastructure, protected resources or wetlands, and proposed stormwater management features of each site. LID improvements, such as reduction and disconnection of impervious surfaces, surface water improvement measures, and green space improvements and implementation will be incorporated into the designs where feasible. The incorporation of nature-based solutions and natural infrastructure will be prioritized to promote native ecology while managing stormwater runoff for multiple water quality parameters, including nutrient loading, total suspended solids loading, and temperature reduction.

### **Curb and Asset Management Dashboard**

#### **100% RAISE funding (general obligation bond approved by City Council)**

Funds will be used to develop a comprehensive web-based dashboard for displaying City transportation assets for the benefit of the public and City staff. The dashboard will include the location of the various assets (roads, sidewalks, curb ramps, bicycle parking, guardrails, signals, signs, parking, EV charging, and culverts) as well as condition data as it is available from local, regional, and state sources. The project will include data aggregation and summarization at the City-wide level, as well as the street, neighborhood, or district level. In addition to assets, the dashboard will include an investment component displaying and tracking local investments across the city to inform the public and policymakers how funding is being allocated.

### **Pedestrian Accessibility and Connectivity Analysis**

#### **100% RAISE funding (general obligation bond approved by City Council)**

The City of Gardner seeks funding to perform a Pedestrian Accessibility and Connectivity Analysis. The analysis will focus on three aspects: infrastructure, land use, and priority corridors. The consultant will collect data related to current infrastructure (sidewalk, curb ramps, crosswalks, pedestrian signals, powered wheelchair charging stations, on-street parking, obstructions, etc.) to identify needs and gaps of the overall pedestrian network. The consultant will analyze the accessibility to essential services, local destinations, and places within the downtown area. Pedestrian priority corridors will be identified. The consultant will develop urban design guidelines for the priority corridors to incorporate safety countermeasures, green infrastructure and transit amenities.

### **Micromobility Feasibility Study**

#### **100% RAISE funding (general obligation bond approved by City Council)**

The City of Gardner seeks funding to perform a Micromobility Feasibility Study. Working with a dedicated subcommittee of the Downtown Advisory Committee, the selected consultant will

investigate the feasibility of a micromobility program in Downtown Gardner. Should a micromobility program be deemed feasible, the consultant will establish a mobility vision, along with goals and performance measures. The consultant will study other community systems to identify best practices and document trends. Following that, the consultant will conduct a market analysis to identify potential high-ridership areas in the City and offer short-term and long-term implementation recommendations. Recommendations will include program guidelines, a micromobility permit application template, equity measures, and draft ordinance language.

**Microtransit Feasibility Study**

**100% RAISE funding (general obligation bond approved by City Council)**

The City of Gardner seeks funding to perform a microtransit feasibility study. Working with a dedicated subcommittee of the Downtown Advisory Committee and the Montachusett Regional Transit Authority (MART) and other stakeholders including transit operators, community groups, persons with disabilities, and other interested parties, the selected consultant will develop criteria to identify opportunity zones for microtransit service. Criteria may be based on existing transit service, transit potential, transit need, et al indicators. The transit need analysis will include an evaluation of socioeconomic, age, disability, and other conditions that affect transit dependence. Once the opportunity zones have been identified, the consultant will host workshops to solicit public input. The study will provide recommendations and cost estimates for microtransit service levels for each of the priority zones.

**Design, Engineering, and Permitting for Parking Garage**

**100% RAISE Funding (general obligation bond approved by City Council)**

The City of Gardner seeks funding to perform design, engineering, and permitting services for the construction of a four-tier parking garage structure in Downtown Gardner. The proposed parking structure would consist of 130 parking spaces and span four tiers with a precast concrete roof to support solar panels. Electrical vehicle charging stations, an elevator, bike racks, and lockers will be considered in the design. The consultant will conduct a site survey, prepare preliminary permit-level design plans, incorporate any regulatory feedback into the design, and advance the documents to a final design level. Final design drawings will incorporate additional detailing necessary for the contractor to lay out and construct the proposed improvements. The designs will include necessary civil, geotechnical, subsurface, structural, mechanical, electrical, architectural, materials, and permitting to bring the project to 75% design and permitting.

**Table 1**

| <b>Funding Source</b>     | <b>Component 1</b> | <b>Total Funding</b> |
|---------------------------|--------------------|----------------------|
| RAISE Funds               | \$1,253,500        | \$1,253,500          |
| Other Federal Funds       | \$0.00             | \$0.00               |
| Non-Federal Funds         | \$0.00             | \$0.00               |
| <b>TOTAL PROJECT COST</b> | <b>\$1,253,500</b> | <b>\$1,253,500</b>   |

**Table 2a**



| 2020 Census Tracts | Project Cost per Census Tract         |
|--------------------|---------------------------------------|
| 7073               | \$1,253,500                           |
|                    | <b>Total Project Cost \$1,253,500</b> |

**Table 2b**

| 2010 Census Tracts | Project Cost per Census Tract         |
|--------------------|---------------------------------------|
| 7073               | \$1,253,500                           |
|                    | <b>Total Project Cost \$1,253,500</b> |

**Table 2c**

| Urban/Rural                                                                                           | Project Costs                         |
|-------------------------------------------------------------------------------------------------------|---------------------------------------|
| Urban (2020 Census-designated urban area with a population greater than 200,000)                      | \$0                                   |
| Rural (Located outside of a 2020 Census-designated urban area with a population greater than 200,000) | <b>\$1,253,500</b>                    |
|                                                                                                       | <b>Total Project Cost \$1,253,500</b> |



City of Gardner - *Executive Department*

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Mayor Michael J. Nicholson

July 25, 2024

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

RE: A Communication from the Mayor Regarding the FY2024 Massachusetts Electric Vehicle Incentive Program (MassEVIP) Grants

Dear Madam President and Councilors,

I am writing to inform you that the City of Gardner received a \$7,500 grant from the Massachusetts Department of Environmental Protection (MassDEP) to purchase a new fully electric pick-up truck for the City's Engineering Department.

The remaining costs associated with the vehicle are already budgeted for in the approved operating budgets for the General Fund and the Water and Sewer Enterprise accounts, as the City Engineering Department works with the Department of Public Works to oversee the enterprise systems.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner





Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey  
Governor

Kimberley Driscoll  
Lieutenant Governor

Rebecca L. Tepper  
Secretary

Bonnie Heiple  
Commissioner

July 25, 2024

City of Gardner  
50 Manca Drive  
Gardner, MA 01440

Dear Robert Olivia,

The Massachusetts Department of Environmental Protection (MassDEP) is pleased to announce that City of Gardner (Grantee) has been awarded a grant of \$7,500.00 to acquire one electric vehicle(s) (EVs) under the Massachusetts Electric Vehicle Incentive Program (MassEVIP) Fleets in the following amounts:

- An amount not to exceed \$7,500.00 each for the purchase of one Battery Electric Vehicle(s).

Contract documents are attached. You will need to sign and return any that require signatures within **30** days of receipt. The contract documents include:

- *End User Agreement*, signature required.

Please email scanned copies of all documents requiring signature to [MassEVIP.MassDEP@mass.gov](mailto:MassEVIP.MassDEP@mass.gov).

MassDEP will execute the *Commonwealth of Massachusetts – End User Agreement* and return a scanned copy for your records.

You have 180 days from MassDEP's execution of the contract documents to acquire the EV(s).

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.  
TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

Printed on Recycled Paper

If you are acquiring the EVs through a state contract, MassDEP will provide the incentive directly to the vendors on state contract. If the EV(s) are not acquired through a state contract, MassDEP will typically direct the incentive to the Grantee.

You have up to 90 days from the date the EVs are acquired to request payment by completing and submitting the *End-User Agreement Attachment A Payment Request Form* and required attachments. MassDEP will not issue payment until receiving a complete *Payment Request Form* and required attachments. Required attachments include:

- Final invoice or lease agreement for EV(s).
- Copy of Massachusetts registration for EV(s).
- Photographs of EV(s).

You may begin to move forward with your project; however, grant funding is not guaranteed until there is a fully executed contract, signed by both you and MassDEP. You may order your vehicle(s) but will not be reimbursed for any vehicles delivered before the effective date (i.e., the date of MassDEP's signature) on the contract.

The state's fiscal year begins on July 1st and ends on June 30th. Payment requests for any vehicle(s) received before June 30th must be submitted for payment no later than July 15th for payment to be processed.

No payment for vehicle(s) received through June 30 can be made if the payment request is received after July 15.

On behalf of Commissioner Heiple, I want to congratulate City of Gardner for taking this important step towards making Massachusetts a leader in deploying these clean vehicles and helping the Commonwealth achieve its ambitious climate goals.

If you have any questions or comments regarding MassEVIP or the awarded grant, please contact us at [MassEVIP.MassDEP@mass.gov](mailto:MassEVIP.MassDEP@mass.gov).

Sincerely,



Christine Kirby,  
Assistant Commissioner  
Bureau of Air and Waste

Attachments: *End-User Agreement*



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

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August 1, 2024

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

RE: A Communication from the Mayor Regarding the 2024 MassTrails Grant Awards

Dear Madam President and Councilors,

On June 21, 2024, the City of Gardner was awarded a \$300,000 grant from the Commonwealth's MassTrails Grant issued by the Executive Office of Energy and Environmental Affairs.

The funding from this award is being used toward the completion of the engineering and design of the future pedestrian/bicycle bridge that will be constructed over Route 140 through the Massachusetts Traffic Improvement Program grants.

I would like to thank City Engineer Rob Oliva for authoring this successful grant application for the City.

The Massachusetts Traffic Improvement Program (TIP) is comprised of roadway and transit projects that across the Commonwealth for which the Federal Government has given money to the Department of Transportation to construct on the recommendation of local regional planning commissions. The City pays for the design portions, and this program covers 100% of the construction. The funding for the construction of the bridge itself was recently pushed back to 2027.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



OFFICE OF THE GOVERNOR  
COMMONWEALTH OF MASSACHUSETTS  
STATE HOUSE BOSTON, MA 02133  
(617) 725-4000



June 21, 2024

Robert Oliva  
City of Gardner  
50 Manca Drive  
Gardner, MA 01440

Dear Robert Oliva,

Congratulations! We are pleased to notify you that **North Central Pathway Bike Bridge** has been awarded a 2024 MassTrails Grant in the amount of **\$300,000**. Thank you for your commitment towards the enhancement of trails and trail access in your community. We look forward to working with you on this important project!

Your project was one of 132 proposals requesting \$18.6 million submitted during the grant application period. This year, 66 projects will receive awards totaling \$13 million in funding.

You will be receiving further instructions and information regarding your MassTrails Grant in the coming days. If you have any questions or would like to notify us of any changes to your grant project, please contact Amanda Lewis, MassTrails Director, at 617-645-8314 or [amanda.lewis@mass.gov](mailto:amanda.lewis@mass.gov).

Governor Maura Healey

Handwritten signature of Maura Healey.

Lt. Governor Kim Driscoll

Handwritten signature of Kim Driscoll.



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

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July 27, 2024

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

RE: A Communication from the Mayor regarding the City's on-call grant writing services

Dear Madam President and Councilors,

At the April 1, 2024 meeting of the City Council, the Council voted to appropriate funds from Free Cash to allow the Administration to contract with a grant writing service for the City.

Following this vote, the City contracted with Keller Partners and Company, out of Washington, DC, for this service.

Representatives from Keller Partners visited Gardner on June 17, 2024 and met with various department heads regarding the projects they are working on.

The attached report is what they have generated as a result of their visit to the City. While they are applying for grants other than those projects that are listed here, this is what they have deemed their priority list based on the interactions they had with department heads on that day.

The City does still maintain its on-call contract with the Central Massachusetts Regional Planning Commission as well, but utilize their services more for state grants until that contract is exhausted.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



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# KELLER PARTNERS

& COMPANY

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## MEMORANDUM

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**TO:** Mr. Michael Nicholson, Mayor  
City of Gardner

**FROM:** Thomas Keller, Ben Picciano, and Jon Boehmer

**DATE:** June 17, 2024

**RE:** The City of Gardner's Priority Projects and Strategy

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Mayor Nicholson,

Thank you for your hospitality during our visit to Gardner on May 30, 2024, to conduct our Resource Review and Analysis (RRA) process. We enjoyed meeting with you and the city's department heads to review your goals for the city and its priority projects. We thank Rachel for organizing and coordinating what we thought was an excellent day.

We are pleased to provide you with this suggested Strategy Plan for 2024-2025 that lists your top priorities, as we understand them, and current potential grant targets. As you know, the federal government has provided significant funding for infrastructure, economic development, transportation and transit, law enforcement, firefighting, mental health, environmental cleanup, and other needs. Funding opportunities continue in full swing even as the White House and Congress begin another round of funding measures.

Additionally, as we've discussed, Congress allows "Congressionally Directed Spending" (CDS or earmarks) in its annual appropriations bills, a process by which individual members of Congress and senators can request funding for specific municipalities/organizations they represent. We have submitted a CDS request for FY25 for the Gardner Community Center project, which has been selected by Rep. Trahan, Sen. Warren, and Sen. Markey. While this funding is not yet guaranteed, we are pleased the project was deemed a priority and will continue to advocate for it.

In coordination with you and the various municipal departments, we will be continuously targeting the most relevant grant opportunities as they are announced and gathering "intel" on expected funding from our contacts in the Congress and the Executive Branch. This also helps us build "wrap-around" and "forward push" political support for your grant applications, which makes them more competitive in the review process.

Based on our discussion, the city's priorities are outlined below. We consider the priorities that are best aligned with the current federal opportunities, the Administration's interests, and traditional federal, state, and local annual grant/loan funding options. These are preliminary suggestions and may evolve as new funding sources become available or as priorities change.

Once this plan is agreed to, the Keller Partners team, in coordination with you, will implement the following:

- Pursuing federal (and some state) competitive grants and earmarks
- Mobilizing congressional and Administration support
- Deploying local community and state support for Gardner's objectives

Please keep in mind that some of the city's projects that are similar in nature and may compete for the same pot of funding. Therefore, when this happens, as we see below, the city will have to decide which of the projects are the highest priorities. We can also determine if these projects can be combined.

We look forward to your feedback on this strategy document and will proceed with pursuing relevant funding as soon as you approve this plan.

### Immediate Objectives

#### Water and Sewer

- A. Pursue funding for water system improvements, including wastewater treatment plant upgrades, potential lead service line replacements, dam rehabilitation, and stormwater retrofits.

**IMMEDIATE ACTION:** Public works projects can make for compelling **Congressionally Directed Spending** (earmark) requests. While our pending FY25 CDS project is the Gardner Community Center, the city should strongly consider water infrastructure needs for future requests.

**IMMEDIATE ACTION:** Consider FEMA's various **Hazard Mitigation Assistance Grants** that aim to reduce or eliminate long-term risk to people and property from future disasters. These programs are typically offered annually. Award amounts and cost matching requirements vary by program.

**IMMEDIATE ACTION:** Funding is available to improve public infrastructure for industrial/business use through the Economic Development Administration's (EDA's) **Public Works & Economic Development Assistance (PWEAA)** grant program. PWEAA typically provides funding in the range of \$2,000,000 - \$3,000,000 with a 100% required match for capital projects. Projects must be located in an economically disadvantaged census tract and must serve multiple "beneficiaries" committed to job creation, job retention, and/or leveraged private investment.

#### Community and Economic Development

- A. Secure federal and state funding to attract and retain businesses, increase housing supply, and improve quality of life.

**IMMEDIATE ACTION:** Secure funding to complete the development of the Gardner Community Center. Our application for **FY25 Congressionally Directed Spending** has

been selected by Rep. Trahan, Sen. Warren, and Sen. Markey and has advanced to the second round of review by the Appropriations Committee. We expect to know if this project is included in the House and/or Senate bills (and if so, for what amount) by August. Having Mayor Nicholson visit Washington, D.C. in the coming months will be important to speak to the city's need for this funding. The CDS process can continue to be a source of funding for community and economic development activities in future fiscal years, unless other city needs are prioritized.

**IMMEDIATE ACTION:** Make infrastructure improvements for industrial/business use through the Economic Development Administration's (EDA's) **Public Works & Economic Development Assistance (PWEAA)** grant program. PWEAA typically provides funding in the range of \$2,000,000 - \$3,000,000 with a 100% required match for capital projects. Projects must be located in an economically disadvantaged census tract and must serve multiple "beneficiaries" committed to job creation, job retention, and/or leveraged private investment. Housing projects are generally ineligible for PWEAA funds.

**IMMEDIATE ACTION:** Consider projects involving climate resilience, green infrastructure, pollution reduction, or community health. The **Environmental Protection Agency (EPA)'s Community Change** grants provide between \$10 million and \$20 million with no cost match to advance climate justice priorities. This funding may support multiple priorities including recreation space, stormwater retention, trail development, bike lanes, and other climate change solutions. The grants require partnerships with community-based non-profit organizations and have several areas of focus that projects should address. Applications are open and being accepted until November 2024. \$1 billion in funding is available through this program, and funding is first come, first serve.

**IMMEDIATE ACTION:** The **Recreational Trails Program (RTP)** is a federal funding opportunity through the Department of Transportation that flows through to the States. Massachusetts administers a grant program with its funds where it provides up to \$500,000 (with a 20% match) for project development, design, engineering, permitting, construction, and maintenance of recreational trails, shared-use pathways, and the amenities that support trails. Grant solicitations are typically released in the fall and due in the winter or early spring each year.

**IMMEDIATE ACTION:** If needed, eliminate blighted properties to allow for additional redevelopment projects in Gardner. Consider **EPA Brownfields Grants** (Assessment and Cleanup Grants due November/December annually).

**IMMEDIATE ACTION:** If there is an interest, financing options are available through the **Department of Agriculture's Community Facilities Programs** to improve or construct public facilities in rural areas. For a city of Gardner's size, eligibility and loan terms would need to be confirmed with USDA.



- A. Meaningfully advance a multimodal transportation system in the city, including improvements to roadways, pedestrian and bike trails, and railways, and further develop EV infrastructure.

IMMEDIATE ACTION: One of the city's highest priorities is establishing a commuter rail connection in Gardner, making it part of the Massachusetts Bay Transportation Authority (MBTA). This would require construction of a new train station (or repurposing of an existing structure) as well as the implementation of a new multifamily zoning ordinance to comply with state regulations. We have already taken the first step toward zoning review and revision with our pending application to the **Massachusetts One Stop Program**. Arranging a meeting with DOT while Mayor Nicholson is in Washington, D.C. will be helpful for identifying funding sources and understanding approaches other communities have taken for similar projects.

IMMEDIATE ACTION: Contact the state about funding sources for planning/design and/or construction for the commuter rail project. Ask about the **Federal-State Partnership for Intercity Passenger Rail (FSP) Grant Program**, which requires projects to first be listed on the Northeast Corridor (NEC) Project Inventory. Consider other grant programs through the Department of Transportation such as the **Consolidated Rail Infrastructure and Safety Improvements (CRISI)** grant program, which is annually available.

IMMEDIATE ACTION: Improved electric vehicle infrastructure, including charging stations, is among the city's transportation priorities. Consider pursuing funding from DOT's **Charging and Fueling Infrastructure (CFI) Grant Program**. This grant is available now and closes August 28<sup>th</sup>. The minimum award amount is \$500,000, so it may require a regional or county application.

IMMEDIATE ACTION: The city is seeking to replace some of its light-duty municipal vehicles with electric alternatives. Consider **MassEVIP Fleets Incentives**, which provides incentives for public entities to buy or lease EVs. Maximum funding amounts depend on vehicle type and means of acquisition. This is a rolling grant program available on a first-come, first-served basis until all funding is spent.

IMMEDIATE ACTION: Consider DOT's **Active Transportation Infrastructure Investment Program (ATIIP)** for the planning or construction of an inter-city bike trail. This is a new, annual program with the next round expected in spring 2025. Planning grants can be between \$100,000 and \$2,000,000, and construction grants must have a total project cost of at least \$15,000,000. All projects require a 20% cost match.

IMMEDIATE ACTION: For significant transportation projects (e.g. potential Route 140 improvements), pursue **RAISE Grant** funding for planning or capital construction. The maximum award amount is \$25 million with a required 20% cost share. Grant solicitations are typically released in the fall and due in the winter or early spring each year.

- A. Secure funding to address equipment needs (e.g., portable radios) and staffing shortage. Monitor opportunities at the state level for capital improvements to public buildings.

**IMMEDIATE ACTION:** Assist the Fire Department as needed with the development of **Staffing for Adequate Fire and Emergency Response Grant (SAFER)** and/or **Assistance to Firefighters Grant (AFG)**. These programs can be used for staffing or equipment, respectively. Both programs opened earlier this year and occur annually according to a similar timeframe. The city has a pending AFG application this cycle.

## Law Enforcement

- A. Pursue funding for full-time officer(s)

**IMMEDIATE ACTION:** Consider **COPS Hiring Program** funding for additional police personnel if the positions are fully sustainable after three years. Awards have a ceiling of \$125,000 for each awarded position over three years (not \$125,000 per year) with a minimum 25 percent match requirement. The grant opens annually in the spring.

- B. Pursue funding for technology to support law enforcement

**IMMEDIATE ACTION:** Identify funding resources for cameras, bulletproof vests, or other police technology systems. Consider **DOJ Body-Worn Camera Policy and Implementation Program** (up to \$2,000/camera with 50% match) or **DOJ Patrick Leahy Bulletproof Vest Partnership** (covers up to 50% of costs). Both grants are annual opportunities and typically open in the spring. Also explore state funding opportunities for law enforcement.

- C. Pursue funding for law enforcement and mental health collaborations

**IMMEDIATE ACTION:** GPD is seeking to provide mental health and wellness support for its sworn officers. Consider the **DOJ Law Enforcement Mental Health and Wellness Act Grant (LEMHWA)**, which provides up to \$200,000 over 2 years with no cost match. This year's cycle has closed, but we expect future rounds of the program (subject to annual Congressional appropriations). GPD also seeks to improve its responses and crisis intervention capabilities for incidents involving individuals with mental health disorders or co-occurring mental health and substance use disorders. Consider the **Safer Outcomes: Enhancing De-Escalation and Crisis Response Training for Law Enforcement Grant**, available now and due July 23<sup>rd</sup> (up to \$350,000 with no cost match). Also consider similar DOJ opportunities typically offered annually, including the **Justice and Mental Health Collaboration Program (JMHCPC)** and **Connect and Protect: Law Enforcement Behavioral Health Response Program**.

## School System

- A. Identify programmatic, equipment, or capital projects for the school system and pursue funding as needed. Monitor opportunities at the state level for capital improvements to public buildings.

**IMMEDIATE ACTION:** Consider the Department of Justice's **School Violence Prevention Grant Program (SVPP)** or the **STOP School Violence Program**, which are annual opportunities for local governments, law enforcement agencies, or school districts



to pursue activities that advance certain school safety. These programs can support training, technology and equipment, or personnel.

## CONCLUSION

Gardner has compelling projects worthy of major federal funding – and funding is available, though it's very competitive. We're eager to help you tell Gardner's story and to have you in Washington, DC for meetings. We look forward to discussing this plan further with you on our regular calls.

# # # #



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

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July 23, 2024

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

RE: A Communication from the Mayor Regarding the City's Community Development Block Grant

Dear Madam President and Councilors,

At the March 4, 2024, meeting, the City Council voted to approve a motion made by Councilor George Tyros to hold an informal meeting to review the City's Community Development Block Grant Program.

This meeting was held on March 25<sup>th</sup>, 2024. At this meeting, I informed the Council that the Administration would provide the City Council with an update on the matter as more information became available.

An update regarding all of the City's projects that are currently funded by Community Development Block Grant Funds is attached to this correspondence.

Additionally, on March 18, 2024, the City Council voted to approve a resolution supporting the Administration's application for the FY2024 Community Development Block Grant Program. On July 22, 2024, the Administration was notified that the City received full funding for our application. A copy of the grant award letter and the projects that are being funded by the grant are also attached to this correspondence.

As a reminder, the Community Development Block Grant (commonly referred to as CDBG) is a federal grant issued by the United States Department of Housing and Urban Development (HUD). For communities with a population greater than 50,000, the funding goes directly from the Federal Government to those communities. These communities are known as entitlement communities. Gardner is designated as a mini-entitlement community. Mini-entitlement communities are municipalities with less than 50,000 people who are further broken down through a formula calculation based on a high statistical indication of need, poverty rate and size.

In Gardner, the CDBG Steering Committee (made up of City Staff, City Council Representatives, and members of the Community) meets annually to determine the projects that are included in the City's annual application.

The FY2024 Award will be funding the demolition of School Street School, covering athletic user fees for Gardner Public Schools, and grant funding for the Gardner Emergency Housing Mission, Voices of Truth, and Gardner CAC food pantry.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

**Community Development Block Grant  
Award Letter**

**Federal Fiscal Year 2024**

**Awarded July 22, 2024**



Commonwealth of Massachusetts  
EXECUTIVE OFFICE OF HOUSING &  
LIVABLE COMMUNITIES

Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

SENT VIA EMAIL

July 22, 2024

The Honorable Michael J. Nicholson  
Mayor  
City of Gardner  
115 Pleasant Street  
Gardner, MA 01440

Dear Mayor Nicholson:

On behalf of Governor Maura T. Healey and Lt. Governor Kimberley Driscoll, I am pleased to award the City of Gardner an FFY 2024 Mini Entitlement Program grant in the amount of up to \$925,000 from the Massachusetts Community Development Block Grant (CDBG) Program. Congratulations on being one of the successful applicants.

This award is contingent upon the execution of a CDBG grant contract between the Executive Office of Housing and Livable Communities (EOHLC), formerly Department of Housing and Community Development (DHCD), and the U.S. Department of Housing and Urban Development, as well as on the City of Gardner's execution of a grant contract with EOHLC and the satisfaction of its special conditions and requirements. We will send your grant contract to the contact with signatory authority to complete the Adobe sign process and thereby execute the contract on behalf of the municipality. The City of Gardner may incur pre-agreement costs for administrative and other start-up costs not subject to 24 CFR Part 58, Environmental Review, as of July 1, 2024.

All grantees will be provided guidance regarding grant administration and contract requirements. This will help ensure that all grantees understand their contractual and regulatory obligations before proceeding with activities for which EOHLC has authorized grant funding. If you have any questions concerning this award, please contact Kathryn McNelis, Community Development Manager, Livable Communities Division, at [kathryn.mcnelis@mass.gov](mailto:kathryn.mcnelis@mass.gov).

Finally, please note that public announcement of this award is embargoed until the Administration has had the opportunity to formally announce it through a local event and/or media release. Please refrain from sharing or publicizing news about this award outside of your organization until it is officially announced.

Congratulations once again. I look forward to working with you to address the City of Gardner's community development needs.

Sincerely,



Edward M. Augustus, Jr.  
Secretary, EOHLIC

cc: State Representative Jonathan Zlotnik  
State Senator Peter Durant



**Current Status of Community  
Development Block Grant Projects  
(As of 7/18/2024)**

## Current CBDG Projects and Updates – City of Gardner, MA (as of 7/18/24)

1. Downtown Phase IV
  - a. Funds have been released; the design phase has been completed.
  - b. Project has gone out to bid and bid award has been issued to the lowest bidding contractor.
  - c. Waiting for the contract to be executed. Once executed, the Assistant Director will begin project oversight, schedule confirmation following the completion of necessary contracts to begin work.
2. 205-213 Main Street Demolition
  - a. Notice to proceed has been sent to the contractor.
  - b. Waiting for contractor to get back to the city in terms of dates to complete the necessary hazard/pcp inspection process.
    - i. The contractor also will need to put the project (the demolition itself) out for bid following the completion of these required inspections.
  - c. Following this completion, the city will need to coordinate with National Grid to turn of services in the building.
  - d. Following completion of services shut down, the city will work with the awarded contractor on project oversight and specific dates/scheduling as to when the demolition will begin and end.
3. Greenwood Pavilion Project
  - a. The city received confirmation from Mass Historic (via telephone) that the necessary Section 106 MOA (which outlines the guidelines/historic pieces of the building in which will be kept/given to Gardner Historical Commission) was sent via mail to City Hall. Still waiting for this to come in.
  - b. Following receiving this, the Assistant Director will work with the Gardner Historical Commission to facilitate a meeting date in which the Committee will review Section 106 MOA, and sign.
  - c. Following the completion of the signed MOA, the Assistant Director will then need to file this with the Advisory Council of Preservation, which can be done online.
  - d. Following completion of this, the project will be able to move forward. Necessary hazard inspections will need to be scheduled before demolition/bidding process on the actual demolition will take place, and a better timeline will be established as to when the new Pavilion will be built.
4. Gardner Athletic Program, Project Learn STEAM, Gardner Emergency Housing Mission
  - a. Funds have been approved by the state.

- b. Next steps include receiving appropriate signatures for the City CDBG Contract.
- c. Will need to follow up with each social service provider to obtain appropriate invoices, and Low to Median Income residents served.
- d. Will be able to process claims once all steps have been completed for each social service project.

The City is still waiting for the Massachusetts Executive Office of Housing and Livable Communities to send official approval for the City's FY 24 Community Development Block Grant submission.

**Federal Fiscal Year 2022 and 2023  
Community Development Block Grant  
Release of Funds Notification**





Commonwealth of Massachusetts  
**EXECUTIVE OFFICE OF HOUSING &  
 LIVABLE COMMUNITIES**

Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

SENT VIA EMAIL

May 17, 2024

The Honorable Michael J. Nicholson  
 Office of the Mayor  
 City of Gardner  
 115 Pleasant Street  
 Gardner, MA 01440

Re: **Community Development Block Grant –  
 FFY 2022/2023 Environmental Release: City of West Springfield - Grant #00207**

Dear Mayor Nicholson,

The period for public comment on the City of Gardner’s Request for Release of Massachusetts Community Development Block Grant (CDBG) funds has expired. The Executive Office of Housing and Livable Communities (EOHLC), formerly the Department of Housing and Community Development (DHCD), received no objections during this time. Consequently, I am happy to inform you that the following activities subject to Request for Release of Funds and Certification procedures, have cleared environmental review for Program Year 2022/2023:

- Downtown Phase IV Construction
- Hazardous Material Removal and Demolition of 205-213 Main Street
- Greenwood Pavilion

Funds may be expended on these activities ***upon completion of the following***: a signed Grant Agreement between the City of Gardner and EOHLC and completion of CDBG start-up procedures. In addition, any other special conditions in the Grant Agreement must be met before funds may be expended on any activity related to those special conditions. Finally, funds may not be expended on the above activity prior to the date of this letter or the completion of the Tier 2 review, as applicable.

The grantee must maintain, as part of the FFY 2022/2023 Environmental Review Record (ERR), all Findings and Checklists, a description of each activity, correspondence with the State Historic Preservation Officer, and the Request for Release of Funds and Certification and any related correspondence. For projects reviewed as “activities with unspecified sites” (e.g., Housing Rehabilitation, Economic Development loan programs, Commercial Facade Programs), site-specific reviews of assisted properties must be signed and dated by the responsible entity, maintained in each case file in addition to a log of assisted properties that is included in the ERR. ***No funds may be committed for these projects which are subject to a Tier 2 review until after the review is completed, signed, and dated.***

The grantee must comply with Section 106 Historic Preservation requirements if it is determined by the Massachusetts Historical Commission (MHC) that the use of CDBG funds could potentially affect historically significant resources. We encourage the community to enter into a negotiated Programmatic Agreement with MHC to fully comply with Section 106 requirements. The Greenwood Pavilion project has triggered a “finding of adverse effect”. We understand that Gardner, as the responsible entity, is working with MHC and other consulting parties to



identify ways to avoid, minimize or mitigate adverse effects. The resulting Memorandum of Understanding (MOU) must be signed by all applicable parties prior to the commencement of work on this project. Once the work commences, it must be completed in accordance with the terms of the MOU agreement. If you have any questions regarding your Massachusetts Community Development Block Grant, please contact your Program Representative, Charles Sanderson at [charles.sanderson@mass.gov](mailto:charles.sanderson@mass.gov)

Sincerely,



Kathryn McNelis  
Community Development Manager  
Livable Communities Division

cc: Evan Cudmore, Assistant Director of Community Development and Planning

**Federal Fiscal Year 2021**  
**Community Development Block Grant**  
**Monitoring Report by Executive Office**  
**of Housing and Livable Communities**



Commonwealth of Massachusetts  
EXECUTIVE OFFICE OF HOUSING &  
LIVABLE COMMUNITIES

Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

April 3, 2024

The Honorable Michael J. Nicholson  
Office of the Mayor  
City of Gardner  
115 Pleasant Street  
Gardner, MA 01440

**RE: Community Development Block Grant – Mini Entitlement Program (ME)  
FFY 2021 Monitoring Report ~ City of Gardner #00189**

Dear Mayor Nicholson:

On February 6, 2024, Community Development Unit (CDU) Deputy Manager Patricia Roushanaei, Program Representative Charles Sanderson, Program Representative Dimple Rana and Fiscal Representative Don Martin from the Executive Office of Housing and Livable Communities monitored the City's FFY 2021 Mini-Entitlement grant. The fiscal review was conducted remotely via Dropbox by the Fiscal Representative, and on-site by the Deputy Manager and Program Representatives. EOHLIC Community Development Unit (CDU) staff met with Trevor Beauregard, Executive Director of the Department of Community Development and Planning and Laura Cassady, Budget Finance Manager for the Department of Community Development and Planning. The review considered the financial and programmatic operations of the grant and was designed to measure compliance with selected federal and state requirements contained in the following:

- 1) Title I of the Housing and Community Development Act of 1974, as amended;
- 2) Federal regulations including but not limited to:
  - 24 CFR Part 570.480, HUD Community Development Block Grant Regulations for State Programs;
  - 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
  - 31 CFR Section 205 (as interpreted by Massachusetts CDBG policy)
- 3) The City of Gardner's EOHLIC Grant Contract and Program Management Manual

Attached please find the report which details the results of the monitoring of the FFY 2021 grant. There were four (4) Findings of Non-Compliance and one (1) Issue of Concern as a result of this monitoring. The City must respond to this report through a letter signed by you, addressed to me addressing the corrective actions no later than thirty days from the receipt of this letter. Please contact Charles Sanderson, Program Representative, at [charles.sanderson@mass.gov](mailto:charles.sanderson@mass.gov) or Don Martin, Fiscal Representative, at [don.martin@mass.gov](mailto:don.martin@mass.gov) if you have any questions.

We appreciate the cooperation of the city during this review.

Sincerely,

Kathryn McNelis  
Community Development Manager  
Division of Community Services

cc: Trevor Beauregard, Gardner  
Laura Cassady, Gardner  
Evan Cudmore, Gardner  
Patricia Roushanaei, EOHLC



**FFY 2021 Mini Entitlement Fund Grant  
Grant #00189: City of Gardner**

The City of Gardner received a federal FY 2021 Community Development Block Grant award in the amount of \$824,710 from the Executive Office of Housing and Livable Communities (EOHLC). These funds were awarded to the City of Gardner to conduct Downtown Phase III Construction, Downtown Phase III Design, Maki Park Design, and four public social service projects.

**Program Review**

Program staff reviewed the construction, design services and public social service activities.

The goal of Downtown Phase III was to revitalize the Downtown Commercial Area and the Downtown Target Area in the City of Gardner and encourage economic development. Additionally, the project should remove barriers and obstacles to economic growth while also aiding in reducing slum & blight, while creating opportunities for the local businesses and serving the low-to-moderate individuals and families. This project was not complete as of the date of the monitoring visit. EOHLC staff used the CDBG Construction Program Monitoring Packet to review both activities. Specifically, the project was monitored for compliance with the following areas: the procurement for construction services, construction contract, change orders, wage rate monitoring, and overall contract management.

The City sub-granted four organizations to administer various CDBG funded public social services. The goal of the City's After School Program administered by the Boys and Girls Club located at the Clubhouse in the library at Gardner High School served 30 low-to-moderate income students tracked through an application/intake form which is a part of the program's development. This program operated from 2:30 to 6:00 pm. which included the Summer Blast Program that operated from 8:00 am to 6:00 pm each weekday. The specific program offered within each, known as Project Learn STEAM (Science, Technology, Engineering, Arts, and Math), offered an educational and recreational academic program to local youth in a safe, positive place helping them learn and grow by participating in STEAM-focused activities. At the time of the monitoring and review of files, information such as periodic monitoring by the grantee/City, subgrantee quarterly reports, beneficiary information, and subgrantee contract agreement with reporting requirements including an updated scope of services were not available. There were four findings and one issue of concern as a result of this program review.

**Finding #1: Noncompliance with the Davis-Bacon Act of 1935, as amended (and related Acts), and Department of Labor regulations, 29 CFR Part 5 - Wage rates, interviews and workplace posting.**

Davis Bacon is a federal regulation that applies to construction projects using CDBG funds. There are a few exemptions, but overall, the regulation requires the payment of prevailing wage rates to all laborers and mechanics on CDBG funded construction projects more than \$2,000. The files did not contain proof that the following Davis Bacon requirements were met:



- a) There was no proof in the file that the City checked to see if any updated Davis-Bacon wage rates for this construction project were issued ten days prior to bid opening as required. Grantees must verify ten days before bid opening that there were no changes to the wage rates that were included in the bid packet. If new rates were issued, bidders must be informed and those new rates are locked in at the bid opening, provided the contract is awarded within 90 days.
- b) Construction projects funded in whole or in part with CDBG funds must abide by Federal Labor Standards which require that workers receive no less than the prevailing Davis Bacon wage rates. The labor standards requirements include periodically conducting job site interviews with workers. The purpose of the interviews is to capture observations of the work being performed and to get direct information from the laborers on the job as to the hours they work, the type of work they perform and the wage they receive. Interviews should occur throughout the course of the construction and include a sufficient sample of job classifications represented on the job as well as workers from various companies to allow for a reasonable judgment as to compliance. Information gathered during an interview is recorded on the Record of Employee Interview form (HUD-11). The employee interviews are an excellent tool for cross-checking the information reported in the payroll reports. Identification of discrepancies should trigger follow-up with the contractor, closer scrutiny of reports, and more frequent interviews.

A representative number of trades were not covered in the interviews, and interviews were not compared against wage rates. Only three interviews were conducted in total, and one person was interviewed twice in those three interviews.

- c) There was no evidence a community development official conducted regular field visits to the project site, and no official reports to verify compliance with the grant agreement and to indicate satisfactory progress.

**Corrective Action:**

The City must also certify in its response that it will adhere to all Davis Bacon and Related Acts requirements for all CDBG-funded projects. This includes a) adherence to the 10-day wage lock-in requirement, b) compliance with Davis Bacon poster and wage rates posted at job site c) sufficient conducting, timing, and frequency of Davis Bacon interviews d) a review and evidence of each weekly payroll submitted by a CD official to verify that appropriate wages have been paid, and that the Federal Statement of compliance was submitted for all future CDBG projects.

For any future construction projects of the same size and length of time, the City should conduct interviews during different phases of the construction period and for each job classification to obtain a comprehensive sampling of interviews.

**Finding #2: Non-Compliance with 24 CFR PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS (§ 570.489 Program administrative requirements) (I) *Debarment and suspension***

CDBG funds may not be provided to excluded or disqualified persons. There was no evidence in either construction file that the federal debarment list was consulted to verify contractors were not suspended or debarred.

**Corrective Action:**

Contractors must be checked for exclusion from the federal contractor debarment list using the System for Award Management (SAM) U.S. Federal Contractor Registration system: <https://sam.gov>. The City must certify to EOHLIC that they will document that this database will be checked to verify that contractors awarded contracts with CDBG funds are not listed on this federal debarment list.

**Finding #3: Non-compliance with 2 CFR 200.327 – “Contract provisions. The non-Federal entity's contracts must contain the applicable provisions described in appendix II to this part.”**

The contracts for design services and public social service programs did not include all required federal language as included in EOHLIC's boilerplate professional services contract.

The Boys and Girls Club program files did not contain an initialed copy of the updated subgrantee agreement reflecting the FFY 2021 Mini-Entitlement grant year, income verification of beneficiaries, or quarterly updates from the Boys and Girls Club, Project Learn STEAM. The boilerplate EOHLIC professional services contract is not utilized for all Public Social Service entities leaving key items out of the agreement leading to limited or no reporting by or of subgrantees, complete beneficiary reporting, and program goals. There are no periodic grantee monitoring reports and proof that the program had been monitored by Community Development staff.

**Corrective Action:**

The City must certify in its response that the boilerplate EOHLIC professional services contract will be used for all applicable services and Public Social Service entities. The City must also submit to EOHLIC a detailed description of how their CDBG PSS programs will be overseen and monitored by Community Development staff going forward.

**Finding #4: Non-Compliance with 24 CFR Part 570-Community Development Block Grants -§570.431: Citizen Participation- (b) Citizen Participation Plan - Second Public Hearing**

As of the date of the monitoring visit, a second public hearing had not been held to discuss the progress of Garnder's FFY 2021 grant. Since this grant started in early 2021, it would have been reasonable to hold a second public hearing before December 2023. This required public hearing is essential to obtain input from the community and remain in compliance with grant requirements. Staff were not aware of this requirement.

**Corrective Action**

In accordance with 24 CFR Part 570: Citizen Participation requirements for this grant, a second Public Hearing for the public to receive updates and provide feedback on the progress of the grant activities was required during the CDBG grant cycle. The City must hold a public hearing for this grant as soon as possible, and submit documentation of the hearing to EOHLIC. The City must also certify in its response that the City will adhere to this requirement for all future CDBG awards.

**Issue of Concern #1: Non-compliance with 2 CFR Part 200.303 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards - Management Controls**

Grantees that receive federal Community Development Block Grant funds must establish and maintain fiscal as well as operational controls over the Federal award that provides reasonable assurance that the management of the grant is following Federal statutes, regulations, and the terms and conditions of the award.

The files, in general, were found to be poorly labeled, disorganized, and difficult to track the progress and compliance with required elements of the CDBG-funded activities. Additionally, in the past few years, there has been frequent staff turnover in the Department of Community Development and Planning which has impacted the City's progress in implementing grant activity and may have contributed to the deficient record-keeping and compliance issues identified in this letter. In recent months, there has been insufficient reporting and record-keeping in the EOHLIC's grant management system for the grant.

**Corrective Action:**

The City must submit a new management plan identifying a staffing plan that addresses the management deficiencies described above. Project staffing and operation structures should provide for a system of adequate internal controls, demonstrate an ability to ensure compliance with CDBG program requirements, provide for delegation of duties and staff oversight and be reasonable. The City must identify a plan to train new staff and a hierarchy that ensures oversight and coverage to mitigate any future staffing changes.

**Financial Review**

The financial review was conducted using the evaluation procedure that follows. The financial management system was reviewed to determine if minimum standards for compliance were being met. Grant records were inspected for completeness, evidence of regulatory compliance, consistency with the approved grant application and internal controls. The City's financial records and reports were reviewed and compared to source documentation such as grant contracts and procurement files, change orders, grant fund drawdown forms, bank statements and vendor invoices. Procurement files for the Downtown Phase IV Design Project were examined to verify that the process conformed to the requirements of the CDBG program as outlined in the Grant Agreement and Program Management Manual for adequacy of source documentation as well as verification of cost reasonableness.

**Certification**

The fiscal monitoring visit was conducted in accordance with a standard monitoring checklist appropriate to the program for the purposes of forming an opinion on the general administration of the grant. A representative sample of transactions and associated source documentation were tested to ensure that costs charged to the program are in overall compliance with OMB Financial Management Standards, U.S. Treasury cash management regulations, and general program eligibility.

This was not an audit, and therefore all areas examined were only examined for the purposes of obtaining an assessment of fiscal compliance related to federal program requirements.

There were no fiscal findings of non-compliance as a result of this review.

Prepared By:

Charles Sanderson  
Charles Sanderson, Program Representative

3/29/2024  
Date

Dimple Rana

Dimple Rana, Program Representative

3/29/2024

Date

Don Martin

Don Martin, Fiscal Representative

4/2/24

Date

Reviewed By:

K Crowley  
Kristen Crowley, Fiscal Director

4/2/24  
Date



**Katharine Jablonski**

---

**From:** Roushanaei, Patricia (EOHLC) <patricia.rousanaei@mass.gov>  
**Sent:** Monday, February 12, 2024 2:24 PM  
**To:** Trevor Beauregard  
**Cc:** Sanderson, Charles (EOHLC); Martin, Don (EOHLC); Rana, Dimple (EOHLC); McNelis, Kathryn (EOHLC)  
**Subject:** [EXTERNAL] Gardner Monitoring follow-up  
**Attachments:** Summary\_Gardner FFY21 PSS Monitoring Findings.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**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.

Hi Trevor-

Here are the issues that were identified during our monitoring last week. Attached is a summary document of the public social service review. Below are the summary notes from the construction/design review. Overall the files were disorganized and this make it hard to follow and locate documentation. If you can locate any additional information that addresses our issues, please provide by Charles by the end of the day on 2/23/24.

**Construction Review**

1. It was unclear whether payrolls were signed and dated submitted weekly due to a lack of organization
2. No evidence payrolls were checked against prevailing wages
3. After the bid award, there was no evidence contractor eligibility was verified
4. No evidence wage rates were checked and updated 10 days prior to bid opening
5. Unclear whether the first payroll was submitted for each contractor and subcontractor due to the submissions not being numbered and a lack of organization.
6. The Federal statement of compliance was not submitted with each payroll. The state statement of compliance was used, not the federal statement of compliance. Only one contractor submitted the federal form.
7. Payrolls did not include gross and net wages paid
8. Can not verify whether wage rates on payrolls equal the rates in the Wage Decisions because the classifications used for each employee are missing.
9. Unclear whether the higher of either federal or state wages were paid.
10. No evidence that payrolls are signed by review (labor officer).
11. No evidence of Davis Bacon poster at job site.
12. For employee interviews, only three interviews were conducted total and one person was interviewed twice in those three interviews. A representative number of trades were not covered in the interviews, and interviews were not compared against wage rates.
13. No evidence of period reports submitted by Tighe and Bond verifying conformance with specifications and indicating progress and satisfactory work.
14. No evidence a CD official conducted regular field visits to the project site, and no CD official reports to verify compliance with the grant agreement and satisfactory progress.
15. Undetailed invoices for both design projects leading to an inability to verify progress and work completed, and EOHLC's professional services contract was not used.
16. Gardner does not have adequate staff to administer the program
17. Files were not adequately organized to effectively track the progress of each project.



As a reminder, it appears that the City will need to apply for a timely expenditure waiver to apply for FFY 2024 funds. Additionally please submit the job posting, the selection criteria, results and resumes of candidates for the open position before extending an offer.

Thank you.

*Patricia Roushanaei*

Deputy Manager, Community Development Unit  
The Executive Office of Housing and Livable Communities  
100 Cambridge Street, Suite 300  
Boston, MA 02114

## Gardner FFY21 PSS Monitoring Findings

Prepared by Dimple Rana, CDBG Program Representative (Temp. One Year)

February 8, 2024

- PSS Monitoring of:
  - Gardner Athletics, Gardner Public Schools Athletics
  - Gardner Athol Area Mental Health Association, GAAHMA, Drug Abuse Recovery Supportive Housing
  - Boys and Girls Club, Project Learn STEAM
  - Voices of Truth, Domestic Violence Prevention
- Overall Observations:
  - The grantee/City of Gardner does not have adequate staff to administer the program.
  - Files are not adequately organized to effectively track the progress of each project.
  - The boilerplate DHCD/EOHLC professional services contract is not utilized leaving key items out of agreement leading to limited or no reporting by or of sub-grantees.
  - There are no periodic reports by the grantee that are required to adequately monitor compliance with the national objective.
  - There are no quarterly reports from sub-grantees except for Voices of Truth, Domestic Violence Prevention.
  - There are no reports to indicate that the activities of 3 of the 4 funded activities are being accomplished in a timely manner.
  - The contracts with sub-grantees do not indicate a timetable for completion of the assistance and goals to be accomplished within the time period(s) nor revised goals and updates to the number of beneficiaries to benefit after final funding amounts are awarded and listed in contracts.
  - There is no documentation by the grantee to report beneficiaries correctly.
  - There is not sufficient documentation on file to identify how beneficiary information was collected except from the Drug Abuse Recovery Supportive Housing program.
- Other notes
  - Gardner Athletics Program
    - In GMS the project description it is listed that “This program will continue to use an intake form, referred to as the Athletic Fee Invoice, to evaluate students for LMI qualifications and then waive the family fee allowing all students the opportunity to participate, regardless of income.”
      - No intake form as a reference is included in the file. No completed forms by beneficiaries are on file.
    - No progress reports from the sub-grantee and no period monitoring by grantee.
    - Included in the folder are:
      - Signed agreement made July 28, 2022 for FY21
        - Not the DHCD boilerplate
        - There is no reporting section
        - Attachments only include
          - Attachment A – Scope of Services, HUD LMI Income Limits
            - This was not updated to reflect the number of LMI beneficiaries to benefit due to the reduced funding amount of \$10,000. In the original project



**City of Gardner Response to  
Federal Fiscal Year 2021  
Community Development Block Grant  
Monitoring Report by Executive Office  
of Housing and Livable Communities**



# City of Gardner, *Executive Department*

Michael J. Nicholson, Mayor



April 29, 2024

**Ms. Kathryn McNelis**  
**Community Development Manager**  
**Division of Community Services**  
**Executive Office of Housing and Livable Communities**  
**100 Cambridge Street, Suite 300**  
**Boston, MA 02114**

**RE: City of Gardner Response – CDBG Mini Entitlement FFY 2021 Monitoring Report Grant #00189**

Dear Ms. McNelis:

I am in receipt of your correspondence dated April 3, 2024 related to the above referenced matter. Please accept this response as the City of Gardner's corrective actions to address the findings and issue of concern outlined in your Report.

**Response to Finding #1: Noncompliance with the Davis Bacon Act of 1935, as amended (and related Acts), and Department of Labor regulations, 29 CFR Part 5 – Wage rates, interviews and workplace posting.**

The City of Gardner certifies that it will adhere to all David Bacon and Related Acts and requirements for all CDBG funded projects. This includes:

- a) Adherence to the 10-day wage lock in requirement;
- b) Compliance with the David Bacon poster and wage rates posted at the job site, which the City provided to EOHLIC in its response to the Audit.
- c) Sufficient conducting, timing, and frequency of Davis Bacon interviews.
- d) Providing sufficient review and evidence of each weekly payroll submitted by a CD official to verify that appropriate wages have been paid and that the Federal Statement of compliance is submitted for all future CDBG projects.

**Response to Finding #2: Non Compliance with 24 CFR PART 570 – Community Development Block Grants (Section 570.489 Program administrative requirements) (1) Debarment and suspension**

The City of Gardner certifies to EOHLIC that contractors will be checked for exclusion from the federal contractor debarment list using the System for Award Management (SAM) U.S. Federal



Ms. Kathryn McNelis

-2-

April 29, 2024

Contractor Registration system to verify that contractors awarded contracts with CDBG funds are not listed on the debarment list.

**Response to Finding #3: Non-Compliance with 2 CFR 200.327 – “Contract provisions. The non-Federal Contracts must contain the applicable provisions described in appendix II to this part.”**

The City of Gardner certifies it will use the boilerplate EOHLC professional services contract for all applicable services and Public Social Service (PSS) entities. The City is in receipt of this contact document to utilize for the FY22/23 social service programs once the funding is released.

The Assistant Director (AD) of Community Development and Planning (CDP) is responsible for processing the contractual agreements with the PSS subgrantees and general oversight of each subgrantee program. The Budget Project Manager is responsible for receiving and reviewing quarterly reports for consistency with contractual requirements, and reviewing and processing related invoices. The Director of CDP approves all invoices for payment following review of all related documentation. The City of Gardner CDP personnel meet monthly to provide program and project updates, including CDBG. The Assistant Director and Budget Project Manager provide detailed overview of the process above at these meetings.

**Response to Finding #4: Non-Compliance with 24 CFR Part 570 – Community Development Block Grants – Section 570.431: Citizen Participation – (b) Citizen Participation Plan – Second Public Hearing**

The City of Gardner CDBG is managed by the Assistant Director of CDP. Prior to the current Assistant Director coming on board, the most recent Assistant Director who administered the program resigned her position as of January 19, 2023 after only three months on the job. The previous Assistant Director resigned her position on September 22, 2023 after being in the position for 2.5 years. Through this transition there was an oversight on holding a second public hearing to update the public and solicit feedback regarding the FFY 2021 Grant. The City has scheduled a second public hearing on Tuesday, April 30, 2024 at 5:00 p.m. to meet this requirement. All relevant documentation is on file in the DCDP and will be forwarded to EOHLC Personnel. The city certifies that it will adhere to this requirement for future CDBG awards.

**Response to Issue of Concern #1: Non-compliance with 2 CFR Part 200.303 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards – Management Controls**

Please see attached Management Plan (MP) being submitted to EOHLC on behalf of the City of Gardner. The City is confident that this MP provides adequate internal controls while demonstrating the ability to ensure compliance with CDBG program requirements when all project personnel are performing their duties adequately. When fully staffed with adequately performing personnel the City has a proven track record of successfully administering the CDBG program. The MP identifies a plan to train new personnel to ensure oversight and coverage to mitigate any future CDBG personnel changes to the best of our ability.

Please do not hesitate to contact me or Evan Cudmore, Assistant Director of the CDP, if you have any questions or need additional information.

Sincerely,

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

Michael J. Nicholson  
Mayor

Enclosures: Management Plan 2024

cc: Trevor Beauregard, Director  
Evan Cudmore, Assistant Director  
Laura Cassady, Budget Project Manager  
Patricia Roushanaei, EOHLC  
Charles Sanderson, EOHLC

**FY21 Grant Audit Response (2) – City of Gardner****Construction Review Comments from February 6, 2023 (Second Submission – Final)**

1. It was unclear whether payrolls were signed and dated submitted weekly due to a lack of organization.
  - a. All signed and dated payroll sheets have been provided in chronological order on Federal Wage Sheets. Still waiting on one sub and will receive prior to paying out final retainage payment to General Contractor.
2. No evidence payrolls were checked against prevailing wages
  - a. The payrolls submitted on the federal forms have been reviewed and initialed, and checked against prevailing wages.
3. After the bid award, there was no evidence contractor eligibility was verified
  - a. Contractor eligibility letter was provided in the February 23, 2024 response and/or in an email to Charles and Patricia on March 1, 2024.
4. No evidence wage rates were checked and updated 10 days prior to bid opening.
  - a. Acknowledged – wage rate posting and dates have been provided, no 10 day update was documented.
5. Unclear whether the first payroll was submitted for each contractor and subcontractor due to the submissions not being numbered and a lack of organization.
  - a. Payrolls for general contractor and each subcontractor have been provided in chronological order on Federal Wage Sheets. Still waiting on one subcontractor to submit Federal Wage Forms.
6. The Federal statement of compliance was not submitted with each payroll. The state statement of compliance was used, not the federal statement of compliance. Only one contractor submitted the federal form.
  - a. All Federal Wage Sheets have been submitted with Federal Statement of Compliance forms.
7. Payrolls did not include gross and net wages paid
  - a. All Federal payrolls show gross and net wages paid.
8. Can not verify whether wage rates on payrolls equal the rates in the Wage Decisions because the classifications used for each employee are missing.
  - a. Classifications have been provided on the Federal Wage Sheets and have been verified with the wage decisions as shown on the Project Wage Sheet provided herein.
9. Unclear whether the higher of either federal or state wages were paid.
  - a. Federal Payrolls were reviewed and the higher of the two federal and state wages were confirmed paid. See Project Wage Sheet.
10. No evidence that payrolls are signed by review (labor officer).
  - a. Federal Payrolls were reviewed and initialed/signed by city personnel (Director) to confirm review.

11. No evidence of Davis Bacon poster at job site.
  - a. Acknowledged. We are awaiting documentation from the General Contractor.
12. For employee interviews, only three interviews were conducted total and one person was interviewed twice in those three interviews. A representative number of trades were not covered in the interviews, and interviews were not compared against wage rates.
  - a. Acknowledged only three interviews were conducted. Interviews were compared against wage rates and signed off by city personnel.
13. No evidence of period reports submitted by Tighe and Bond verifying conformance with specifications and indicating progress and satisfactory work.
  - a. Construction oversight reports and photos from 16 site visits were provided on February 23, 2024.
14. No evidence a CD official conducted regular field visits to the project site, and no CD official reports to verify compliance with the grant agreement and satisfactory progress.
  - a. Acknowledged – City personnel including Assistant Director, Director, and Conservation Planning Agent visited the site frequently throughout construction.
15. Undetailed invoices for both design projects leading to an inability to verify progress and work completed, and EOHLC's professional services contract was not used.
  - a. Both projects were completed at a minimal cost of \$16,000 and \$28,200 respectively. Project oversight and review of plans throughout design provided adequate insight to process invoices as presented. More detailed invoices will be requested in the future.
  - b. Acknowledged Standard City contract was used and EOHLC's contract was not used.
16. Gardner does not have adequate staff to administer the program.
  - a. As noted in the February 23, 2024 response, the most recent Assistant Director who administered the program resigned her position as of January 19, 2023 after three months on the job. The previous Assistant Director resigned her position on September 22, 2023 after being in the position for 2.5 years. It is evident as a result of this audit that the personnel in the Assistant Director role was significantly underperforming. When fully staffed with adequately performing personnel the City has a proven track record of adequately staffing and administering the program. The new Assistant Director will be trained internally by existing city personnel and will review historically successful block grant years for knowledge on adequate filing and procedures. The AD will participate in training opportunities identified by the Executive Office of Housing and Livable Communities.
17. Files were not adequately organized to effectively track the progress of each project.
  - a. This has been addressed by city personnel. Electronic and hard copy files have been established consistent with comments received in this Audit and prior year Block Grant files. The new Assistant Director has been instructed to follow these filing standards, receive internal training from City personnel with CDBG experience and external training recommended by DHCD.

**Public Social Service Review Comments from February 6, 2023 – Final**

- Overall Observations:



- The grantee/City of Gardner does not have adequate staff to administer the program. **See response to #16 above.**
  - Files are not adequately organized to effectively track the progress of each project. **Files have been updated and organized with additional information as identified herein.**
  - The boilerplate DHCD/EOHLC professional services contract is not utilized leaving key items out of agreement leading to limited or no reporting by or of sub-grantees. – **Acknowledged, the proper agreement will be used in future Block Grant years.**
  - There are no periodic reports by the grantee that are required to adequately monitor compliance with the national objective. **This information is presented in Quarterly Reports**
  - There are no quarterly reports from sub-grantees except for Voices of Truth, Domestic Violence Prevention. **Quarterly reports have been added to files and included in this response.**
  - There are no reports to indicate that the activities of 3 of the 4 funded activities are being accomplished in a timely manner. **All activities are to be completed by the end of the Block Grant date as outlined in the Contact document. City personnel contacts sub grantees if regular quarterly reports and/or invoices are not received during the Contract period.**
  - The contracts with sub-grantees do not indicate a timetable for completion of the assistance and goals to be accomplished within the time period(s) nor revised goals and updates to the number of beneficiaries to benefit after final funding amounts are awarded and listed in contracts. **The Contracts with sub grantees specify that the project completion date of June 30, 2023, which is the grant expiration date. Progress is monitored through QR and Invoice submittals.**
  - There is no documentation by the grantee to report beneficiaries correctly. **Beneficiaries are documented in the Quarterly Reports.**
  - There is not sufficient documentation on file to identify how beneficiary information was collected except from the Drug Abuse Recovery Supportive Housing program. **Documentation is included in the Quarterly Reports where necessary.**
- 
- Gardner Athletics Program
    - In GMS the project description it is listed that “This program will continue to use an intake form, referred to as the Athletic Fee Invoice, to evaluate students for LMI qualifications and then waive the family fee allowing all students the opportunity to participate, regardless of income.”
      - No intake form as a reference is included in the file. No completed forms by beneficiaries are on file.
    - No progress reports from the sub-grantee and no period monitoring by grantee.
    - Included in the folder are:
      - Signed agreement made July 28, 2022 for FY21
        - Not the DHCD boilerplate
        - There is no reporting section
        - Attachments only include
          - Attachment A – Scope of Services, HUD LMI Income Limits
            - This was not updated to reflect the number of LMI beneficiaries to benefit due to the reduced funding amount of \$10,000. In the original project description, 140-150 students were to benefit but was reduced to



100. This is not updated in the subgrantee agreement.  
 – **Acknowledged – It has been reported in the Quarterly Reports and a Memo to the File noting this change has been filed. See attached.**

- Attachment B – Method and Schedule for Compensation
- Proposal consideration letter from January 25, 2021
- One invoice on 1/26/23 paid from CDP Gardner to Gardner Athletics for \$10,000 for 100 LMI students

**Additional Included materials:**

- **Intake form has been provided.**
- **Gardner Public Schools does not release this personal information on student athletes. LMI beneficiaries are identified in the bi-annual report.**
- **A bi-annual report has been submitted and is attached.**

- Drug Abuse Recovery Supportive Housing
  - \$5000 CDBG grant with \$5000 matching funds
  - No progress reports from the sub-grantee and no period monitoring by the grantee,
  - Included in the folder are:
    - Signed agreement made July 20, 2022 for FY21
      - Not the DHCD boilerplate
      - There is no reporting section
      - Attachments only include
        - Attachment A – Scope of Services, HUD LMI Income Limits
        - Attachment B – Method and Schedule for Compensation
  - No progress reports from subgrantee nor grantee monitoring reports
  - No reporting requirements listed in the contract agreement between grantee and subgrantee
  - No documentation regarding why subgrantee did not meet goal of reaching 20 beneficiaries and assisted 13 beneficiaries.

**Additional Included materials:**

- **Quarterly reports have been submitted and are attached.**
- **Documentation explaining why subgrantee assisted 13 beneficiaries rather than the originally expected 20. See attached email to Lyndsy Butler dated July 13, 2023.**

- Boys and Girls Club, STEAM
  - No progress reports from the sub-grantee and no period monitoring by grantee.
  - Included in folder are:
    - Signed agreement made July 25, 2021 for FY21 – **Scribners error – was not updated from previous year – changed accordingly and initialed.**
      - Not the DHCD boilerplate
      - There is no reporting section
      - Attachments only include
        - Attachment A – Scope of Services, HUD LMI Income Limits

- Attachment B – Method and Schedule for Compensation
- Blank beneficiary forms are included as reference in the application by the Boys and Girls Club, but there are no completed forms, nor progress reports on beneficiaries participating in the program. – **Sub grantee does not release completed beneficiary forms due to confidential nature of information. Quarterly Reports provide progress of programming.**
- Not clear what assisted activities were performed.
- Do not know the number of beneficiaries served.
- No progress reports from subgrantee nor grantee monitoring reports.
- No reporting requirements listed in the contract agreement between grantee and subgrantee.

**Additional Included materials:**

- **Quarterly reports have been submitted and describe the assisted activities performed, and number of beneficiaries.**
- Voices of Truth
  - Signed agreement made July 20, 2022 for FY21
    - Not the DHCD boiler plate
    - There is no reporting section but subgrantee submitted QPRs
    - Attachments only include
      - Attachment A – Scope of Services, HUD LMI Income Limits
      - Attachment B – Method and Schedule for Compensation



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

July 27, 2024

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

RE: A Communication from the Mayor Regarding the FY2025 Federal Budget Congressional Earmarks

Dear Madam President and Councilors,

I am writing to inform you that the City of Gardner was able to get two (2) items included in the Federal Budget for FY2025.

The Congressional Directed Spending (CDS) program, formerly known as congressional earmarks, allows members of Congress to place funding for capital projects in the federal budgets if the projects meet certain criteria.

Congresswoman Lori Trahan was able to place an earmark in the budget seeking \$1 million to go toward the conversation of the Waterford Street School complex into a new community center. This amount was reduced by the House Committee on Appropriations to \$850,000, which made it into the House's final version of the budget.

Senator Edward Markey co-sponsored this CDS in the Senate version of the budget, which the Senate appropriations committee kept at the \$1 million request.

The final amount for this will likely be ironed out in the conference committee report when the federal House and Senate reconcile their budgets for the coming fiscal year.

Senator Elizabeth Warren placed an item in the budget to allocate an additional \$1 million to the City's Façade Improvement Grant Program to help further the economic development progress the City has made through this program in recent years.

The Federal fiscal year begins on October 1<sup>st</sup>. I will be sure to update the Council as these items progress through the federal budget process.

Gardner has been quite successful in obtaining these earmarks in the past. This is how the City is paying for the replacement of the Crystal Lake Water Transmission Line (FY2023) and the James Street Pump Station (FY2024).

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

# City of Gardner, Executive Department

Michael J. Nicholson, Mayor



## COMMONWEALTH OF MASSACHUSETTS

WORCESTER COUNTY  
GARDNER

CITY OF

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

Michael J. Nicholson, Mayor

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

for terms expiring November 27, 2024

Titi Siriphan, City Clerk

|           |            |                  |                        |         |
|-----------|------------|------------------|------------------------|---------|
| Warden    | Diane      | M. Meany         | 58 Jean Street         | Gardner |
| Clerk     | Roland     | D. Mailloux, Jr. | 20 Teaberry Lane       | Gardner |
| Inspector | Walter     | Scott            | 103 Bayberry Drive     | Gardner |
| Inspector | Jacqueline | M. Kraskouskas   | 222 Bickford Hill Road | Gardner |
| Inspector | Erana      | E. Landry        | 298 Park Street        | Gardner |
| Inspector | Craig      | S. Garceau       | 66 Fernwood Drive      | Gardner |
| Inspector | Jane       | M. Raymond       | 25 Way Street          | Gardner |
| Inspector | George     | N. Hiniker       | 130 Whitney Street     | Gardner |
| Warden    | Lynn       | M. Roux          | 203 Betty Spring Road  | Gardner |
| Clerk     | Jeanine    | E. Gallant       | 173 Temple Street      | Gardner |
| Inspector | Gloria     | Bourgeois        | 47 Racette Avenue      | Gardner |
| Inspector | Marjorie   | J. Whittemore    | 47 Lake Street, A606   | Gardner |
| Inspector | Valerie    | D. Spar          | 20 Plymouth Street     | Gardner |
| Inspector | Bridget    | A. Koetsch       | 32 Talcott Avenue      | Gardner |
| Inspector | Marion     | Mccann           | 132 Rosewood Drive     | Gardner |

City Hall, 95 Pleasant Street, Room 125, Gardner, Massachusetts 01440

Telephone: (978) 630-1490 • Facsimile (978) 630-3778 • Email: [mayor@gardner-ma.gov](mailto:mayor@gardner-ma.gov)

# City of Gardner, Executive Department

Michael J. Nicholson, Mayor



|           |           |    |             |                            |           |
|-----------|-----------|----|-------------|----------------------------|-----------|
| Warden    | Kevin     | M. | Ares        | 60 Ridgewood Lane, Apt. 18 | Gardner   |
| Clerk     | Nancy     | M. | Girouard    | 110 Marquette Street       | Gardner   |
| Inspector | Val       | J. | Cormier     | 166 Acadia Road            | Gardner   |
| Inspector | Annette   | M. | Melanson    | 178 Waterford Street       | Gardner   |
| Inspector | Elaine    | M. | Leger       | 47 Lake Street, A201       | Gardner   |
| Inspector | G. Ronald |    | Leger       | 47 Lake Street, A201       | Gardner   |
| Inspector | Marcia    | J. | White       | 92 Ryan Street             | Gardner   |
| Inspector | Dianne    | A. | Hunt        | 28 Osgood Street, #1       | Gardner   |
| Warden    | Loyall    | C. | Allen       | 169 Sunrise Lane           | Gardner   |
| Clerk     | David     | L. | Hendren     | 55 Bickford Hill Road      | Gardner   |
| Inspector | Carol     | A. | Cormier     | 47 Lake Street, A207       | Gardner   |
| Inspector | Robert    | J. | Cormier     | 47 Lake Street, A207       | Gardner   |
| Inspector | Cathy     | T. | Leger       | 134 Greenwood Place        | Gardner   |
| Inspector | Jeanne    |    | Cuskey      | 65 Kileys Way              | Gardner   |
| Inspector | Alice     | P. | Anderson    | 34 Chapman Park            | Gardner   |
| Inspector | Clifton   | J. | Melatti     | 37 Rosewood Drive          | Gardner   |
| Warden    | Robert    | J. | Swartz      | 53 Racette Avenue          | Gardner   |
| Clerk     | Howard    | A. | Leadbetter  | 100 Ross Street            | Fitchburg |
| Inspector | Rachel    | I. | Blais       | 25 Way Street              | Gardner   |
| Inspector | Anita     | M. | Boudreau    | 8 Jackson Park             | Gardner   |
| Inspector | Darlene   | I. | Brehio      | 245 Hubbardston Rd         | Templeton |
| Inspector | Robert    | L. | Owens       | 217 Riverside Road         | Gardner   |
| Inspector | Beth      | A. | Leadbetter  | 100 Ross Street            | Fitchburg |
| Inspector | Mark      |    | St. Laurent | 153 Colony Road            | Fitchburg |
| Inspector | Marcel    |    | Martin      | 17 Bayberry Drive          | Gardner   |
| Warden    | Thomas    | H. | Patterson   | 132 Pinewood Drive         | Gardner   |
| Clerk     | Paulette  | A. | Burns       | 185 Benwood Drive          | Athol     |
| Inspector | Helen     | M. | Linstrom    | 61 Lake Street, B-315      | Gardner   |
| Inspector | Gayle     | M. | Jaillet     | 35 Wickman Drive           | Gardner   |
| Inspector | Monica    | J. | Williams    | 19 City Hall Ave, #50      | Gardner   |
| Inspector | Alice     | L. | Ambrose     | 114 Opal Lane              | Gardner   |

City Hall, 95 Pleasant Street, Room 125, Gardner, Massachusetts 01440

Telephone: (978) 630-1490 • Facsimile (978) 630-3778 • Email: [mayor@gardner-ma.gov](mailto:mayor@gardner-ma.gov)



# City of Gardner, Executive Department

Michael J. Nicholson, Mayor



|           |          |     |           |                           |             |
|-----------|----------|-----|-----------|---------------------------|-------------|
| Inspector | Dorothy  | M.  | Ronn      | 145 Prospect Street       | Gardner     |
| Inspector | Nancy    | R.  | Allard    | 194 Central Street, 235   | Gardner     |
| Inspector | Mary     | Ann | Suchocki  | 154 Sand Street           | Gardner     |
| Warden    | Ronald   | J.  | Roy       | 51 Pinewood Drive         | Gardner     |
| Clerk     | Joanne   | M.  | Augustino | 15 Chatham Street         | Gardner     |
| Inspector | Judith   | A.  | King      | 32 Jay Street             | Gardner     |
| Inspector | Danielle | L.  | Rice      | 409 Pleasant Street       | Gardner     |
| Inspector | Ann      | E.  | Johnson   | 176 Main Street           | Westminster |
| Inspector | Gloria   | M.  | Landry    | 458 Pearl Street          | Gardner     |
| Inspector | Victoria | C.  | Fontaine  | 14 Waterford Street       | Gardner     |
| Warden    | Dianne   | M.  | LeBlanc   | 209 Elm Street            | Gardner     |
| Clerk     | Jaime    |     | Lubelczyk | 63 South Main Street, #2F | Gardner     |
| Inspector | Susan    |     | Greninger | 194 Central Street, #315  | Gardner     |
| Inspector | Jill     | M.  | Cormier   | 35 Water Street           | Gardner     |
| Inspector | Ann      |     | Chandler  | 133 Pleasant Street, #2   | Gardner     |
| Inspector | Nancy    | E.  | Parker    | 27 Wachusett Road         | Gardner     |
| Inspector | Donald   | A.  | LeBlanc   | 209 Elm Street            | Gardner     |
| Warden    | Mary     | L.  | Glotch    | 47 Montvale Road          | Gardner     |
| Clerk     | Judith   | T.  | Collette  | 47 Kendall Street         | Gardner     |
| Inspector | Gloria   | M.  | O'Malley  | 80 Kendall Pond Road West | Gardner     |
| Inspector | Susan    | M.  | Prentiss  | 95 Old Princeton Road     | Hubbardston |
| Inspector | Ottavio  |     | Canu      | 69 Pelley Street          | Gardner     |
| Inspector | Bonnie   | A.  | Poirier   | 74 Jackson Hill Road      | Gardner     |
| Inspector | Susan    | B.  | Avallone  | 29 Onyx Path              | Gardner     |
| Warden    | Rheal    | J.  | Leblanc   | 228 Lovewell Street       | Gardner     |
| Clerk     | Karen    | L.  | Olivari   | 185 Leo Drive             | Gardner     |
| Inspector | William  |     | Edwards   | 4 Sunrise Lane            | Gardner     |
| Inspector | Edward   | S.  | Yablonski | 195 Sherman Street        | Gardner     |

City Hall, 95 Pleasant Street, Room 125, Gardner, Massachusetts 01440

Telephone: (978) 630-1490 • Facsimile (978) 630-3778 • Email: [mayor@gardner-ma.gov](mailto:mayor@gardner-ma.gov)

# City of Gardner, Executive Department

Michael J. Nicholson, Mayor



|           |          |    |          |                        |              |
|-----------|----------|----|----------|------------------------|--------------|
| Inspector | Jane     | M. | Bettez   | 24 Yale Street         | Gardner      |
| Inspector | Joyce    | A. | Vincent  | 63 Sunrise Lane        | Gardner      |
| Inspector | Cynthia  | A  | Boucher  | 194 Central St Apt 435 | Gardner      |
| Inspector | Kimberly | A  | Walsh    | 34 Court Rd            | Gardner      |
| Inspector | Irene    | A  | Murphy   | 578 Baldwinville Rd    | Baldwinville |
| Inspector | Jessica  | H  | Progin   | 116 Church St Apt 10B  | Gardner      |
| Inspector | Daniel   | O  | Cortinas | 5 Lovewell St          | Gardner      |
| Inspector | Nancy    | J  | Vautour  | 9 Sunrise Lane         | Gardner      |
| Inspector | Dominic  | C  | Miranda  | 27 Ridgewood Lane      | Gardner      |
| Inspector | Denise   | S  | Kuehl    | 27 Vernon St           | Baldwinville |
| Inspector | Suzanne  | C  | Paradis  | 82 Ash St Apt2         | Gardner      |
| Inspector | Susan    | A. | Roy      | 20 Lawrence Street     | Gardner      |
| Inspector | Edmund   | C  | Kurkul   | 58 Central Street      | Gardner      |
| Inspector | Paula    | J. | Chaban   | 68 Norman Street       | Gardner      |
| Inspector | Terry    | B. | Doherty  | 30 Norman Street       | Gardner      |

City Hall, 95 Pleasant Street, Room 125, Gardner, Massachusetts 01440

Telephone: (978) 630-1490 • Facsimile (978) 630-3778 • Email: [mayor@gardner-ma.gov](mailto:mayor@gardner-ma.gov)

# City of Gardner, Executive Department

Michael J. Nicholson, Mayor



RECEIVED

2024 JUL 29 PM 12:34

CITY CLERK'S OFFICE  
GARDNER, MA

## COMMONWEALTH OF MASSACHUSETTS

WORCESTER COUNTY  
GARDNER

CITY OF

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

I approve a sufficient number of police officers, as listed, at the polling location to preserve order and to protect the election officers and supervisors from any interference with their duties and to aid in enforcing the laws relating to elections, as required by Section 72 of MGL Chapter 54 which was changed in section 13 of Chapter 92 of the Acts of 2022. Further, move to designate the Police Chief the authority to assign specific police officers according to scheduling and availability.

Michael J. Nicholson, Mayor

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

Titi Siriphan, City Clerk



DELIVERY VIA EMAIL

August 1, 2024

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

Dear Madam President and Honorable Councilors:

Thank you for listening to our proposal to operate the current farm with a new turf racetrack at 827 Green Street and holding the public hearing last week.

We heard loud and clear the specific concerns from Gardner's water quality to infrastructure. We appreciate everyone who came out and spoke, those who have emailed and called us, and shared comments online. We took your input and re-evaluated the Host Community Agreement to be better partners with you and the City of Gardner.

We significantly increased our financial commitment, guaranteed even stronger environmental protection with quarterly water testing and Massachusetts Department of Environmental Protection oversight, and addressed the concerns of Stone Street residents.

We increased the guaranteed yearly payment to \$700,000, due to an additional monetary pledge from the New England Horsemen's Benevolent Protection Association. Additionally, we agreed to increase our initial payment from \$50,000 to \$650,000 upon the granting of all licenses and approvals.

We know the City Council approved the creation of a Capital Improvement Stabilization Fund back in May. We have committed in the HCA that all \$700,000 of the yearly payment go directly into this new fund to help Gardner advance the projects needing the city's attention. This money means you'll be able to bond and immediately receive \$14 million to kickstart projects, such as the outdoor pool, Waterford Community Center renovations, upgrade the wastewater treatment plant, the bridge over Route 140, and make city buildings more accessible to all, among other projects.

Twenty-three people spoke out about water quality concerns during the public hearing. We hear and share in their concerns, which is why we are implementing the highest environmental standards on site. Three of the most renown, widely respected environmental firms are on our team. They will use their expertise, best practices, and latest technology to ensure 827 Green Street is the most environmental secure location in Gardner. We will test our water every quarter. MassDEP will review all the project plans, and they can inspect our location at any time. And we will be required to secure a Water Quality Certificate from DEP. We take this issue very seriously, and will do everything to be a benefit, not a distraction.

From day one, we have said we want to be good neighbors. Baystate shall work with neighbors to minimize any impact of festival days on the neighborhood, including but not limited to, hiring a police detail for the end of Stone Street to ensure that the public does not use or park on Stone Street on Festival days.

RECEIVED  
 2024 AUG - 1 PM 12: 22  
 CITY OF GARDNER  
 GARDNER, MA

The proposed Host Community Agreement between Baystate Racing and the City of Gardner gives you the opportunity to hold us accountable, outline certain guarantees, and place regulations and guidelines for our operations. It is a legally binding document. We must and will follow it directly.

We have received a few questions about our investors. Sagi Genger, who has appeared at every City Council meeting when you have discussed our proposal, is the lead investor. I am one of the investors, as well. This project, like all development projects, will be financed through additional investors and traditional financing. This is standard procedure. We expect, if this project advances, more individuals will sign on as investors. A list of all investors will be submitted and vetted by the Massachusetts Gaming Commission.

We believe we can make a difference and assist the City of Gardner in solving this important problem.

Sincerely,

John A. Stefanini

#### Attachments

CC: Mayor Michael J. Nicholson  
City Clerk Titi Siriphan  
Assistant City Solicitor Vincent Pusateri, II



**From:** [John Stefanini](#)  
**To:** [Elizabeth Doiron](#); [Elizabeth Doiron](#)  
**Cc:** [Mayor](#); [Vincent Pusateri II](#)  
**Subject:** [EXTERNAL] FW: Material for next City Council meeting  
**Date:** Thursday, June 27, 2024 11:52:40 AM  
**Attachments:** [BSR 827 Green Street Traffic Study.pdf](#)  
[BSR 827 Green Street Wetlands Memo.pdf](#)  
[BSR City Council 27 June 24.pdf](#)

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**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.

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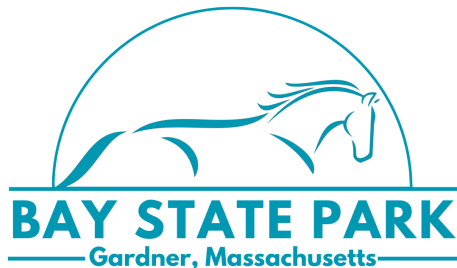
**From:** John Stefanini <stefanini143@gmail.com>  
**Date:** Thursday, June 27, 2024 at 11:47 AM  
**To:** tsiriphan@gardner-ma.gov <tsiriphan@gardner-ma.gov>  
**Cc:** Mayor <mayor@gardner-ma.gov>, Vincent Pusateri II <vpusateri@pusaterilaw.com>  
**Subject:** Material for next City Council meeting

Good morning.

On behalf of Baystate Racing llc, please accept the attached correspondence for the next City Council meeting. As always, please contact me with any questions or comments.

Thank you.

John



DELIVERY VIA EMAIL

June 27, 2024

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

Dear Madam President and Honorable Councilors:

On behalf of Baystate Racing, LLC., thank you for receiving our application at the last City Council meeting. We are very excited to become part of the Gardner community. The hundreds of horse owners, breeders, and farmers from around Massachusetts are hopeful for a new place where they can bring their passion and love of horses in furtherance of the Commonwealth's policy to rejuvenate and grow the equine industry.

In response to the Council request for additional information, please see the attached for background information on traffic and attendance, and wetlands; we are currently finalizing the purchase of sale agreement and will submit an executed copy to you before our meeting. We respectfully request an opportunity to present to the Council in an informal session to answer any additional questions.

We are only at the beginning of the process. It is important to note that the Conservation Commission will play a role in approving this project. Our project will improve the storm water management, and environmental protections on the site. Only after the Council's approves the use will we be able to meet with them and continue our review. Also, we will go to the Planning Board to conduct and review a comprehensive traffic study for the site. The initial analysis is that Route 140 is capable for handling our peak traffic flow. Baystate will pay the City's cost for peer review. And annually, the Massachusetts Gaming Commission will convene a hearing in Gardner for the project. The Council's approval is necessary for us to take the next steps. This is a highly reviewed and regulated project by numerous state and local boards and commissions, including input from the City.

Our proposal continues what has occurred on the site for the last 150 years. We understand people are focused on the racetrack part of the proposal. Races will occur no more than 20 days in a year. Wagering only takes place on festival race days, and no other wagering, including sports betting, will occur on the site. We will not make money on the few festival race days, but the racing is critical for the horse owners as the state releases purse money to support the farms and horse care. We, along with the City of Gardner, will make money on the simulcasting of races around the country that people in Massachusetts watch and wager on their cellphones all over the Commonwealth.

Currently, there aren't enough horses to race, which is why the other parts of the park are critical. The breeding, training and retirement activities are the majority of what will occur on this site. Each plays a key role in supporting the horse farms throughout the Commonwealth.

Family farms are disappearing at a fast pace. Massachusetts is focused on preserving agriculture. Baystate Park will allow horse owners to breed Massachusetts-bred horses instead of having to go to another state. It will encourage the growth of more local hay, instead of going to Canada. Jobs and internships for local students will bring in a new generation of horse enthusiasts and farmers. The retirement program gives thoroughbred horses a chance at a "second career" in therapeutic riding, and other activities.

This is a way of life – in many cases for generations – for many hardworking people, and Gardner provides them with a lifeline.

What you see today from Route 140 is what you will see as Bay State Park. We will renovate the existing barns and house, and construct a gazabo and pads for food trucks will be added to the site. The grandstands for the track will be built into a hill, as a natural seating.

Bay State Park's focus is on the horses. We have the support of the New England Horsemen's Benevolent Association and the Massachusetts Breeders Association. Horse racing is highly regulated in Massachusetts and around the country. The Massachusetts Gaming Commission and its Horse Racing Committee will inspect the park every year and can inspect it at any time. Horseracing Integrity and Safety Authority was established in July 2022 by the federal government to bring uniform regulations for the safety and wellbeing of the horses. We will have the highest level of care for horses from birth to second career and retirement.

If the site was taxed at its current assessment, it would generate \$15,231.34. In our Host Community Agreement, we will pay \$230,000 just in property taxes alone. Bay State Park will generate new economic activity for Gardner. Visitors to the city will stay in local accommodations, eat at local restaurants and shop in stores. Additionally, we will bring in local restaurants to cater and provide food and beverages during festivals. This will be a game changer to many local small businesses.

As for our proposed partnership with GAAHMA, we are very supportive of their nationally recognized work and the importance of mental health programs for those with substance use disorder. Our horses and programs will be there for their clients to work at the facility. We are there to support them. We also pledge to donate \$20,000 yearly to local charities to support their work in Gardner and the region.

We will be good neighbors for Gardner. We want to hear from you and your neighbors on how we can make Bay State Park work for Gardner. For example, if there is a concern about parking on a local street, then we put measures in place ensuring only neighbors can get down their street. There is a lot of creative ideas we can do to address concerns.

We look forward to working with you, your colleagues, and partners in government in the months ahead.

Sincerely,

John A. Stefanini

Attachments

CC: Mayor Michael J. Nicholson  
City Clerk Titi Siriphan  
Assitant City Solicitor Vincent Pusateri, II



To: Mr. John Stefanini

Date: May 9, 2024

Memorandum

Project #: 16012.00

From: Robert Nagi, PE  
 Director Transportation Planning and  
 Operations

Re: Preliminary Gardner Equestrian Traffic Assessment

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

## Current Traffic Operations

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

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

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

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

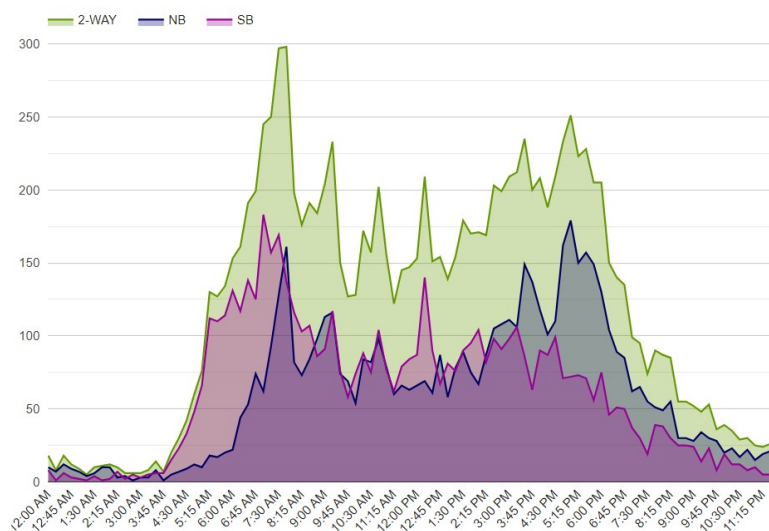


Figure 1 - Route 140 Weekday Daily Traffic Volume 15-minute increments  
 (Source: MassDOT TCDS portal)

## Daily Facility Operations

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

## Traffic Impacts

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

## Special Event Operations

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

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

For example, a special event that hosts between 3,000 and 5,000 visitors would typically see about 1,000 to 1,600 vehicles arrive over a two- to four-hour window and depart within an hour of the event conclusion. Arriving traffic during the busiest period would represent about 50 percent of the arriving vehicles (~500-800 cars/hour). As noted, the peak hour of the Route 140 corridor sees about 1,000 vehicles per hour with limited congestion near the project site observed – so the volumes are consistent with what the corridor currently carries during the weekday.

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

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

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



June 24, 2024

Re: Wetland Permitting Process  
827 Green Street (Map/Parcel: R42-21-1)  
Gardner, Massachusetts, 01440

To Whom it May Concern,

On behalf of Baystate Racing LLC (the Applicant), Goddard Consulting, LLC (Goddard) is pleased to provide this informational narrative surrounding the proposed project involving the construction of a horse racing track located at 827 Green Street in Gardner, MA (the Project Site). This narrative is intended to provide additional details pertaining to the wetlands permitting process, the work performed to date, and the level of review and project minimization required to meet the performance standards for work adjacent to wetland resource areas.

The proposed project site is located at 827 Green Street in Gardner, MA (Map/Parcel: R42-21-1). The site has been in a similar agricultural use to the present for over 100 years. The site is currently known for the Carl E. Dahl House, a therapeutic farming community that tends to the existing livestock. The goal of the newly proposed project is to remain in line with the historic uses of the site, keeping the area as an agricultural community. Outside of race weekends, the census of horses on-site is anticipated to be similar to the present day. Although in early, design level phases, the project is anticipated to consist of a one-mile looped racing track, associated stadium seating, pedestrian walking paths, pastures, and limited on-site parking. As race weekends are scheduled only a few weekends out of the year, the majority of event parking will be utilized off-site in order to remediate traffic concerns on-site. The remainder of structures used on race weekends (paddocks, tents, barns, offices) will be temporary in nature, intended to be set up and broken down following scheduled race weekends.

## **1.0 THE WETLANDS PERMITTING PROCESS**

### **1.1 GENERAL OVERVIEW**

The wetlands permitting process is an iterative and detailed process, reviewed by the Massachusetts Department of Environmental Protection, and the City of Gardner Conservation Commission. The wetlands permitting process begins following a review of the intended project through the city council. When the project, at a large scale, receives an authorization to proceed with the design, proposals, and permitting processes, the wetlands permitting phase begins swiftly, as the strict land use performance standards for proposed work adjacent to wetland resource areas are frequently the most limiting factors on project design and layout.

The wetlands permitting process begins with a wetland delineation conducted for the site by a qualified wetland scientist to define the resource areas within the property. The wetland scientist delineates all wetland resource areas within the project limits, guiding the landowners and applicants through the performance standards associated with each. Goddard Consulting LLC, the wetland scientist team for the proposed project at 827 Green Street, conducted a full wetland delineation of the site, culminating at the end of May 2024. The wetland delineation is included in a full site survey, currently underway in June of 2024, that will produce the final proposed site plan used for all site permits. All concept plans shown to date have been utilizing approximate wetland data from the site delineation and are an excellent representation of the resource areas that will affect the project for planning purposes.

After the proposed project at 827 Green Street in Gardner, MA receives an authorization to proceed from city council, the wetland delineation and site survey will be utilized to lay out a final proposed design that meets all regulatory

compliance under the Massachusetts Wetlands Protection Act and the City of Gardner Wetlands Protection Ordinance, at the assistance of the project wetland scientists, engineers, and architects. Once a design of the proposed project is finalized, a Notice of Intent will be filed with the Gardner Conservation Commission and the Massachusetts Department of Environmental Protection. Under the Notice of Intent procedure, the project team will be required to evaluate all alternatives for the site to determine the least impactful alternative for the project. The project will be analyzed under both the Massachusetts Wetlands Protection Act and the City of Gardner Wetlands Protection Ordinance for compliance with all performance standards set at the state and local level. The Massachusetts Wetlands Protection Act (310 CMR 10.00) serves at the state level to define the various wetland resource areas and outline applicable performance standards for each. The City of Gardner Wetlands Protection Ordinance [Chapter 650] further expands upon the provisions of the Wetlands Protection Act by defining and maintaining additional performance standards not set at the state level. These may include, but are not limited to, the jurisdiction over additional types of resource areas, and the permissible setbacks for limits of work and structures from wetland resource areas.

Under a submitted Notice of Intent, all aspects of the proposed project will be reviewed for compliance with the aforementioned state and local regulations. The Massachusetts Department of Environmental Protection does not issue the project a file number until the project meets all criteria outlined at the state level. Once a final number is issued by the state, the review at the local level will continue until the Gardner Conservation Commission deems that the project has met all additional performance standards outlined under the local bylaw. As a full wetland delineation has been completed for the site, the applicant team is in the process of mapping out the locations of all wetland resource areas on the property. The project will be bound to review standards for Bordering Vegetated Wetlands, Intermittent Streams, Perennial Streams, and Bordering Land Subject to Flooding (BLSF). All aspects of the project will be reviewed for compliance, including but not limited to, the limits of work from said resource areas, total areas of clearing required, the design of any stream crossings, and the site's stormwater management design. In addition, the site is mapped within an Outstanding Resource Waters (ORW) Area, meaning that the area is an important recharge area for a public water supply. The project will be required to adhere to strict stormwater management standards to ensure the protection of surface water quality. Such a designation presents opportunities for site improvement. For example, the site is currently in agricultural use, with a similar census of horses at present day compared to the proposed conditions. A new project set forth on-site will present the opportunity to improve manure management, stormwater runoff, and water treatment than current conditions allow. Both the Massachusetts Wetlands Protection Act and the City of Gardner Wetlands Protection Ordinance require minimization and avoidance, where all alternatives for the site will be reviewed, ensuring the project as proposed reflects the least impactful and most beneficial alternative to the site.

As the project wetland scientist, Goddard has performed the entirety of the site's wetland delineation and will provide assistance in the design of a final project layout. Based on the preliminary findings of the wetland delineation, it is the opinion of Goddard that the available land area presents the ability to achieve the project's goal through minimization practices, while providing net benefits to the property as a whole.

Please do not hesitate to reach out to us with questions.

Sincerely,

**Goddard Consulting, LLC**

***Andrew Thibault***

**Andrew Thibault, WPIT, WSA**

*Environmental Scientist*

**Elizabeth Doiron**

---

**From:** Elizabeth Kazinskas  
**Sent:** Wednesday, June 26, 2024 1:05 PM  
**To:** Elizabeth Doiron  
**Subject:** RE: Request - Bay State Racing Contact Information

Good afternoon Liz,

The website address that Bay State Racing provided to Atty. Pusateri in the previous email was incorrect. The corrected contact information that Bay State Racing has since provided to Atty. Pusateri is as follows:

www.BayStateRacingLLC.com  
Email: marykate@baystateracingllc.com  
Call or Text: (978) 277-3382

Please forward this email to the City Council, and include this email and all subsequent emails related to it within this chain, in the July 1, 2024 regular meeting packet with items #11323 and #11317.

Thank you again, for your assistance.

Best,  
Lizzy

Elizabeth Kazinskas  
City Council President  
Finance Committee Chair  
Councillor at-Large  
City of Gardner  
(978) 337-1533  
[ekazinskas@gardner-ma.gov](mailto:ekazinskas@gardner-ma.gov)

---

**From:** Elizabeth Doiron <edoiron@gardner-ma.gov>  
**Sent:** Wednesday, June 26, 2024 11:43 AM  
**To:** CityCouncil <CityCouncil@gardner-ma.gov>  
**Subject:** FW: [EXTERNAL] RE: Request - Bay State Racing Contact Information

President Kazinskas and Councillors,

Please see email below.

Regards,

Elizabeth Doiron

**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.

I have received the following contact information from Baystate. Please let me know if you need anything else.

They advise that , people with questions should visit Baystate's website or contact Mary Kate Feeney at:

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

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

Call or Text: (978) 277-3382

They will take additional steps to inform the public of this information.

Thank you.



Vincent P. Pusateri, II, Esquire

Assistant Solicitor, Law Department - City of Gardner, Massachusetts

O: 978-342-6081 | [vpusateri@pusaterilaw.com](mailto:vpusateri@pusaterilaw.com)

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---

**From:** Elizabeth Kazinskas <[ekazinskas@gardner-ma.gov](mailto:ekazinskas@gardner-ma.gov)>

**Sent:** Wednesday, June 26, 2024 7:50 AM

**To:** Vincent Pusateri II <[vpusateri@pusaterilaw.com](mailto:vpusateri@pusaterilaw.com)>

**Subject:** Request - Bay State Racing Contact Information

Good morning Attorney Pusateri,

I am writing to request for you to please contact Bay State Racing and ask that they provide at least one name, email address, and telephone number of a contact person for their proposal. The contact information that they provide will be made available to the City Council and general public, and included in the City Council packet to be published this Thursday, June 27th. The purpose of them providing this contact is for City Councillors and the general public to have a resource directly at Baystate Racing for answers to questions and requests for additional information regarding their proposal.

Thank you for your assistance.

Best,  
Lizzy

Elizabeth Kazinskas

**From:** [David Thibault-Muñoz](#)  
**To:** [Elizabeth Doiron](#)  
**Subject:** Fwd:  
**Date:** Wednesday, June 26, 2024 9:18:37 PM  
**Attachments:** [Route 140 - Gardner RSA Report.pdf](#)

---

Hello, Liz.

Here is the first of three documents that I would like to add to this week's packet.

Please let me know if you have any questions.

Respectfully,

David

(508) 404-4365

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---

**From:** David Thibault-Muñoz <dthibault-munoz@gardner-ma.gov>

**Sent:** Wednesday, June 26, 2024 1:48:10 PM

**To:** David Thibault-Muñoz <dthibault-munoz@gardner-ma.gov>

**Subject:**

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# Lane Departure Road Safety Audit for Route 140 in Gardner, Massachusetts



Prepared by  
**Montachusett Regional Planning Commission**  
 and  
**University of Massachusetts Traffic Safety Research Program**



Prepared for

**Massachusetts Highway Department**



**Federal Highway Administration**



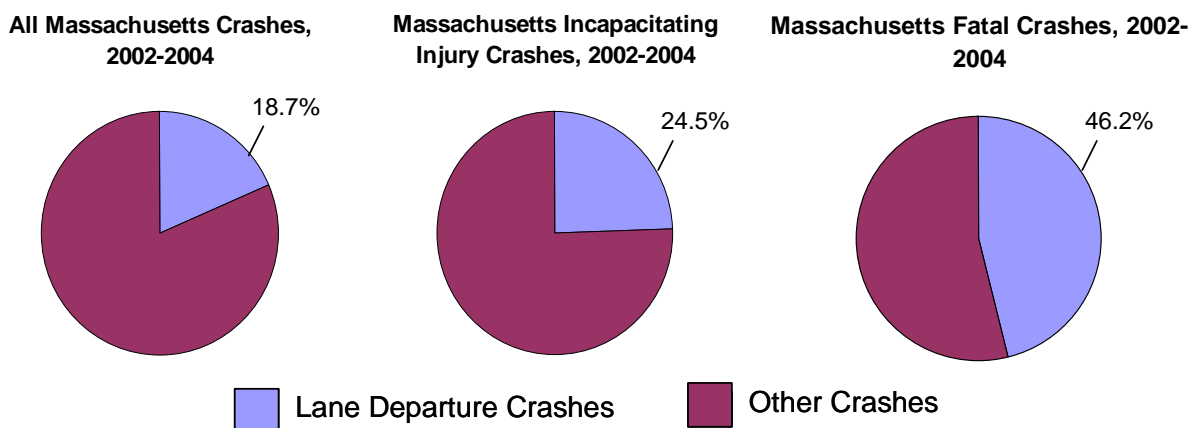
## 1.0 Introduction to Road Safety Audits & Lane Departure Crashes in Massachusetts

The Federal Highway Administration defines a Road Safety Audit (RSA) as *the formal safety examination* of an existing or future road or intersection by an *independent, multidisciplinary team*. The purpose of an RSA is to *identify potential safety issues and possible opportunities for safety improvements* considering all roadway users. Specific objectives of an RSA include, but are not limited to the following:

- Minimizing the risk and severity of road crashes that may be affected by the existing or future roadway at a specific location or nearby network;
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Although RSA's have been employed in other countries for some time, they are being fully embraced across the United States as a low cost opportunity to make significant safety improvements at any number of stages ranging from project development and planning through existing operation. Furthermore, RSA's have proven to be effective on projects of all shapes and sizes. The RSA program here in the Commonwealth presents a unique and exciting opportunity for improvements in roadway safety.

The RSA program in Massachusetts is being implemented in accordance with the Commonwealth's role as a lead state in preventing run-off the road (lane departure) crashes and in conjunction with the Strategic Highway Safety Plan (SHSP). Lane departure crashes are a notable problem area for Massachusetts, especially for crashes with high injury severities. Between 2002 and 2004, lane departure crashes accounted for nearly 20 percent of all crashes in Massachusetts and approximately one-quarter of crashes involving an incapacitating injury. Almost one-half of fatal crashes between 2002 and 2004 were lane departure crashes. As the crash severity increases, so too does the percent of lane departure crashes as shown in Figure 1.



**Figure 1. Relationship Between Lane Departure Crashes and Injury Severity**

In an effort to combat the lane departure problem, a strategy was developed for the SHSP to identify hot spot lane departure locations, perform road safety audits and implement low-cost comprehensive countermeasures. The following report summarizes the findings of a RSA focused on lane departure crashes (LD) along Route 140 in Gardner, Massachusetts.

## 2.0 Background Material for Route 140 in Gardner

Gardner is a Massachusetts municipality with approximately 20,770 residents (2000 census) and is located within Worcester County some 30 miles northwest of Worcester, MA. Along the eastern portion of Gardner, Route 140 connects to the communities of Westminster to the south and Winchendon along the north. Through Gardner, Route 140 is an undivided arterial roadway, which transitions between 2, 3, and 4 lanes with larger than average travel lanes (>12 ft) and shoulders (>8 ft in some places). The total length of Route 140 through Gardner is 6.36 miles which is owned and operated by the State of Massachusetts and the City of Gardner for distances of 4.93 miles (southern) and 1.43 miles (northern), respectively. A typical cross-section for Route 140 is pictured in Figure 2, and some of the major characteristics, including crash clusters, for Route 140 are summarized in Figure 3 below.



**Figure 2. Typical Cross-Section for Route 140**

The LD-RSA for Route 140 was held on May 29, 2007 in the City of Gardner. In total, 19 team members participated in the road safety audit, and as indicated in Table 1, representatives were present from Federal, State, Regional and Local agencies and included a cross-section of engineering/planning, education, and enforcement expertise.

**Table 1 Participating Audit Team Members**

| <b>Audit Team Members<sup>a</sup></b> | <b>Agency/Affiliation</b>                              |
|---------------------------------------|--------------------------------------------------------|
| Bonnie Polin                          | Massachusetts Highway Department – Safety Section      |
| Maliha Akhtar                         | Massachusetts Highway Department – Highway Design      |
| Neil Boudreau                         | Massachusetts Highway Department – Traffic Engineering |
| Brian Doherty                         | Montachusett Regional Planning Commission              |
| George Snow                           | Montachusett Regional Planning Commission              |
| Michael Ellis                         | Greater Gardner Chamber of Commerce                    |
| Robert Babb                           | Massachusetts Highway Department – District 3          |
| Tim White                             | Federal Highway Administration                         |
| Robert McCarthy                       | Federal Highway Administration                         |
| Michael Gerry                         | Greater Gardner Chamber of Commerce                    |
| Alan Agnelli                          | Representative Bob Rice’s Office                       |
| Dan Keeney                            | Gardner DCDP                                           |
| Mark Johnson                          | Massachusetts Highway Department – District 3          |
| Paul M. Capps                         | Massachusetts State Police                             |
| Rock Barrieau                         | Gardner Police Department                              |
| Bob Hankinson                         | Gardner City Engineer                                  |
| Matthew Stanley                       | City of Gardner, Intern                                |
| Mary Delaney                          | City of Gardner                                        |
| Michael Knodler                       | University of Massachusetts - Amherst                  |

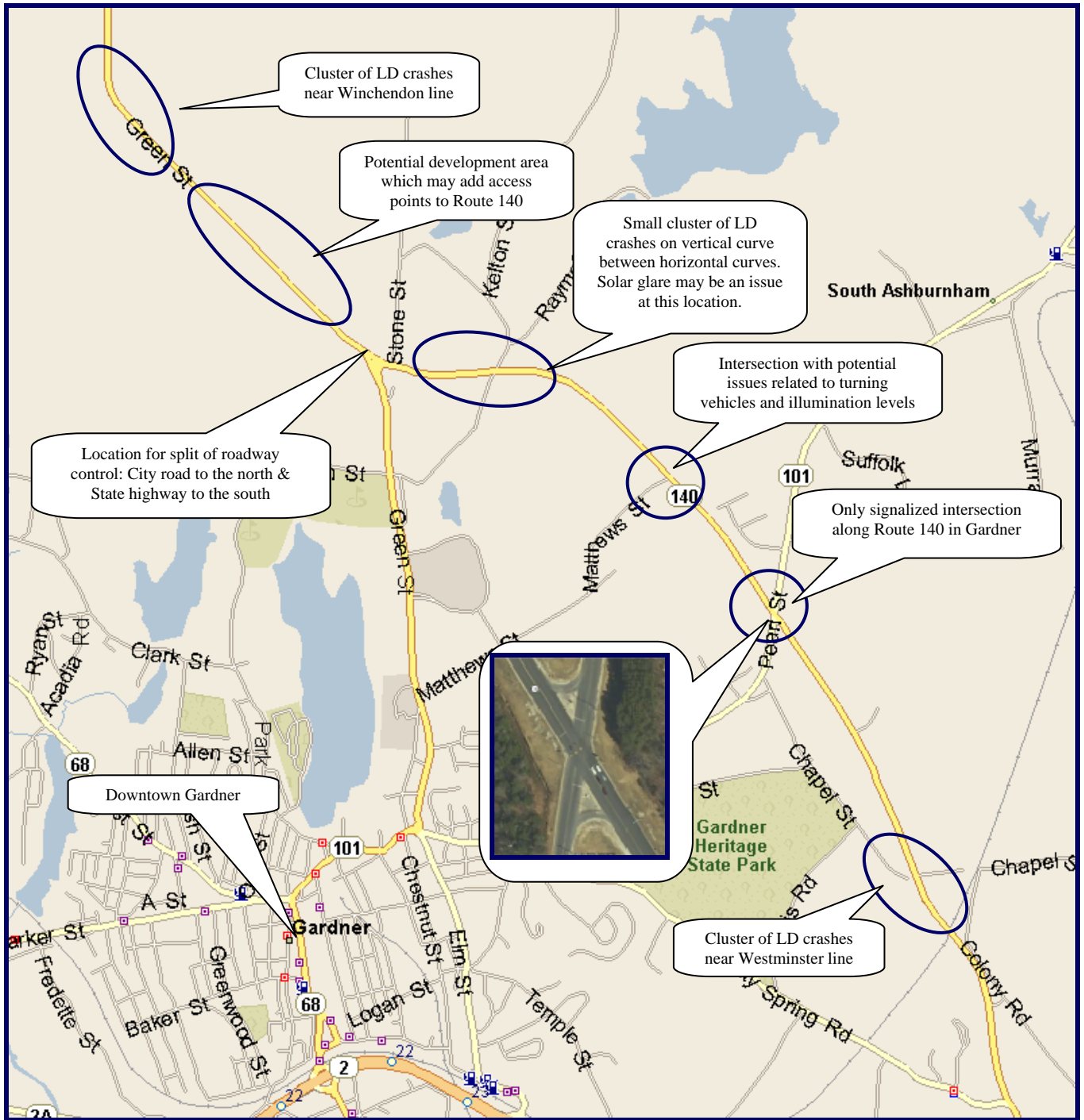


Figure 3. Characterization of Roadway Features for Route 140

Given the length of Route 140 through Gardner, audit team members were asked to visit the site in advance of the meeting to familiarize themselves with the roadway attributes and characteristics. A copy of the meeting agenda and instructions as well as a packet of pertinent information was distributed to meeting invitees prior to the meeting (this information is included in Appendix A of this report). Specifically, the additional information provided was pertinent to the LD-RSA safety initiative and included traffic volumes along Route 140 as well as a description of relevant crashes as summarized below:

- Figure 4 presents hourly and directional distributions of traffic volumes along Route 140 at locations north and south of Matthews Street for an average weekday. From the compiled data collection efforts the maximum average daily traffic (ADT) was 11,842 vpd at the south location and 9,198 vpd at the north location.
- Similar to many roadways, the posted speeds vary along Route 140 in Gardner. Route 140 has segments posted at both 40 and 50 mph. The official speed regulations for Route 140 in Gardner are summarized below in Table 2.
- Between 2/12/03 and 3/20/05 there were 25 reported crashes (2 were later deemed as not occurring on Route 140) consistent with the lane departure initiative of which 19 were geolocated and presented in Figure 5. A complete summary of the 23 identified crashes over the 2-year period is included in Appendix A and was provided to participants prior to the audit meeting. Please note that this does not reflect all crashes along Route 140, but those deemed relevant to this initiative.

**Table 2 Summary of Speed Regulations for Route 140 in Gardner**

| Northbound |                                   |           | Southbound      |                                  |                      |
|------------|-----------------------------------|-----------|-----------------|----------------------------------|----------------------|
|            | Beginning at the Westminster line |           | City Controlled | Beginning at the Winchendon line |                      |
| State      | 1.63 miles                        | at 50 mph |                 | 1.43 miles                       | At 50 mph            |
| Controlled | 0.36 miles                        | at 40 mph |                 | 0.33 miles                       | At 40 mph            |
|            | 1.44 miles                        | at 50 mph |                 | 1.44 miles                       | At 50 mph            |
|            | 0.33 miles                        | at 40 mph |                 | State                            | 0.36 miles At 40 mph |
| City       | 1.43 miles                        | at 50 mph | Controlled      | 1.63 miles                       | At 50 mph            |
| Controlled | Ending at the Winchendon line     |           |                 | Ending at the Westminster line   |                      |

Additional resources made available to the team during the audit meeting included field videos from several drives along Route 140 which were used in aiding discussion of specific roadway elements. Also available were alternative resources including the AASHTO Strategic Highway Safety Plan and the related National Cooperative Highway Research Program (NCHRP) 500 series reports.



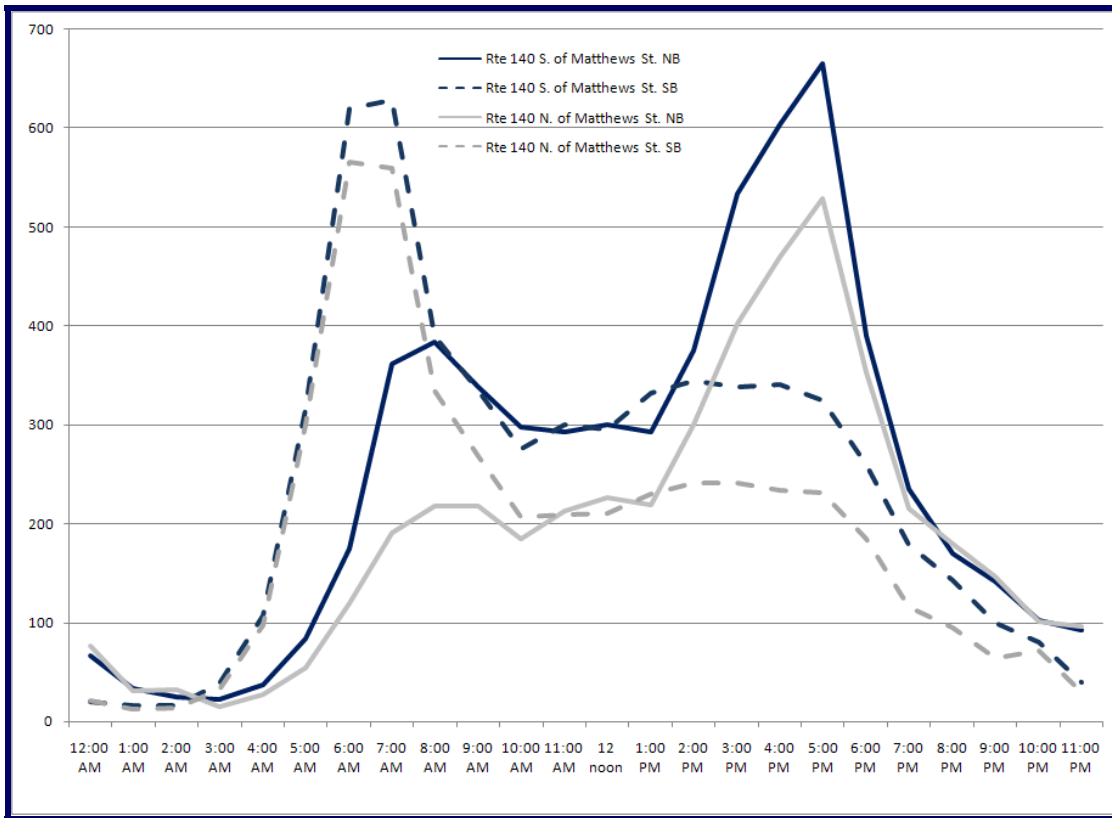


Figure 4. Hourly and Directional Distributions of Volumes for Route 140

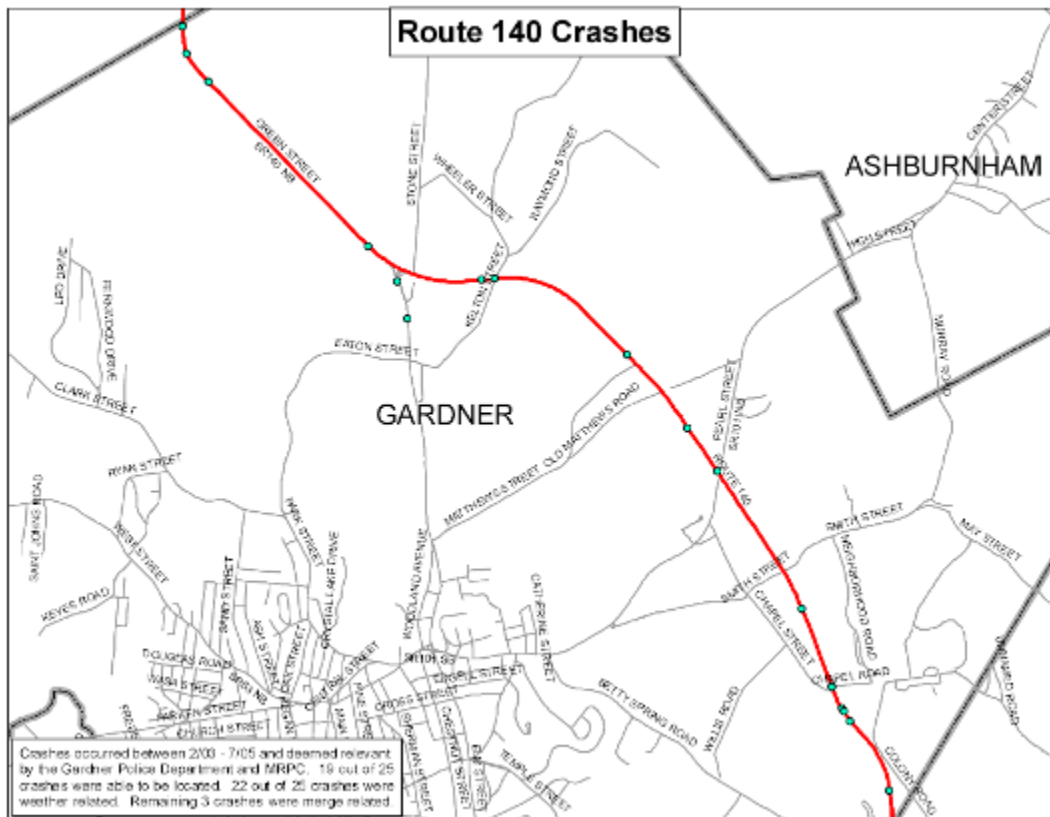


Figure 5. 2-Year Summary of Route 140 Lane Departure-Related Crashes

### 3.0 Characterization of Major Traffic Safety Challenges

Following a brief introduction to the RSA process in general, the meeting participants were asked to summarize and characterize potential safety considerations along Route 140. The initial characterization of the major safety considerations resulting in lane departure crashes focused on two key elements as follows:

- Speed was immediately identified as a primary factor in the operational elements of the roadway and in turn a significant factor in roadway crashes. Speeding was determined to be a result, in part, of large lane widths and shoulders as well as the lack of development (i.e. curb cuts). Additionally, it should be noted that many of the motorists travelling along Route 140 have just exited Route 2 (a major east- west access controlled highway through this section of Massachusetts). The Gardner police discussed challenges with enforcing the particular roadway, but noted that enforcement efforts are in place.
- A second major characterization of the crashes along Route 140 involved the weather. Of the reported crashes being considered during this RSA, 88 percent of all crashes were deemed weather-related. Twenty-one of the crashes occurred during the months of December through March. Also, 13 of the weather-related crashes occurred in the vicinity of a curve along the roadway.
- Other significant factors mentioned at the outset of the meeting that are discussed in further detail later in this report also included the following:
  - The skewed signalized intersection at Route 140 and Route 101;
  - The intersection of Route 140 and Matthews Street, including the impact of limited turning lanes;
  - Future development of subdivision with access via Route 140.

### 4.0 Summary of Short Term Recommendations for Route 140

The formal review of potential safety concerns along Route 140 was completed by the entire audit team. Following identification of a potential safety issue the dialogue subsequently focused on possible countermeasures with some preliminary discussion regarding the feasibility of implementation (timeframe and cost) as well as the potential payoff of safety benefits. Given the potential for an immediate impact there was an added focus on short term (less than 1 year) and low cost (less than \$10,000) improvements that could be done almost instantaneously resulting in a positive safety impact. Resulting recommendations for immediate actions along Route 140 include the following:

- Given the reported prevalence of speed among the lane departure crashes, it is recommended that Route 140 continue to remain a high speed enforcement area, especially during winter months. It is also recommended that speed data collection be completed by the City of Gardner to track current operating speeds throughout the year; this may also prove useful in the establishment of enforcement thresholds. Similarly, it is recommended that the speed regulations described in Table 2 are consistent with the current operating practice. It is also recommended that additional speed signage be provided along the roadway in an effort to further reinforce the limits for motorists.

- Given the reported prevalence of weather related crashes, 3 specific recommendations include the each of the following:
  - Add warning signs along the corridor which alert motorists about the impact of weather along the roadway. It is also recommended that variable message signs (VMS) be used periodically during the winter months to remind motorists about weather issues, and to be cognizant in the selection of their speeds. Candidate locations would include Route 140 near both bordering town lines, and at selected locations in the middle for traffic exiting downtown Gardner. Please note, it is not recommended that the VMS be used to suggest roadway speeds as variable speed limits are not as of yet permissible in Massachusetts.
  - Assess the exact condition of the pavement from a skid resistance perspective. Specifically, ensure pavement provides sufficient skid resistance.
  - Similarly, it is recommended that existing drainage characteristics be evaluated. Elements for consideration would be the presence of adequate and functional drainage features, roadway pavement conditions, and superelevation at known ice spots.
  - In the vicinity of the Winchendon line, it is recommended that the presence of trees which may be obscuring the roadway, resulting in black ice conditions with some regularity, be identified and potentially trimmed/removed.

Assure visible “Curve Ahead” warning signs for each direction of all horizontal curves. Signs should be placed in advance of the curve to allow adequate response time from motorists. To further enhance the delineation, chevrons and/or possibly roadside reflectors should be considered as budget permits. For example, at the first horizontal curve heading SB from the Winchendon town line has a curve ahead sign, but added delineation in the curve would provide an added benefit.






- With respect to signage along the corridor some short term recommendations include the following:
  - As noted above, it is recommended that additional speed limit signs and weather-related warning signs be added.
  - Additionally, it is recommended that unnecessary signage (i.e., extra speed limit sign) near the signal ahead warning sign (see inset, top) be removed to make it more visible; the sign clutter may cause some motorists to miss the warning sign.
  - Another recommendation is that the informational sign depicting the Gardner District Court be moved to a higher location (possibly a separate posting) as the current location is easily obscured by leading vehicles and possibly by snow during the winter months.
  - Continue general sign maintenance. Although it is common for signs to be knocked over, it is important to repair efficiently.
  - Assess the existing condition of current signs to identify faded signs which, in turn, should be replaced with an added emphasis on regulatory and warning signs.









**Figure 6. Typical Roadside Signage**








## 5.0 Summary of Additional Route 140 Countermeasures



Although an emphasis was placed upon short term and low cost improvements that could be carried out immediately, the focus of the team was not limited to solely those countermeasures. The following section details countermeasures discussed by the team, which are reflective of all costs and timeframes and includes both general (entire corridor) and specific safety opportunities. Please note that with respect to the timeframe there are some unknown variables that must be further explored. Additionally, some of the potential treatments discussed were experimental in nature resulting in an unknown level of safety benefits. Several definitions exist for low, mid, and high cost as well as for short, mid and long term implementation timeframes. For purposes of this report, low cost improvements will be under \$10,000, mid costs will be under \$50,000, and high costs will be above \$50,000. From a timeframe perspective short term will refer to less than 1 year while mid and long term will refer to countermeasures that will take 1 to 3, and greater than 3 years, respectively.

| Potential Safety Issue                               | Possible Countermeasures                                                                                                                                                          | Implementation Timeframe & Cost | Potential Safety Payoff | Photos                                                                                |
|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------------|---------------------------------------------------------------------------------------|
| Speed-related issues along entire Route 140 corridor | Continue and expand upon a concentrated enforcement and educational (i.e. speed feedback, community meetings, etc) program.                                                       | Short Term & Low/Mid Cost       | Mid                     |    |
|                                                      | Consider possible low-cost speed-related strategies, including restriping narrower lanes, installing optical speed bars, and adding more speed limit signs.                       | Short Term & Low Cost           | Low                     |    |
| Distracted or drowsy drivers                         | Route 140 already has rumble strips in many locations. Consider rumble strips and/or centerline rumble stripes in areas along the roadway that do not already have rumble strips. | Mid Term & Mid Cost             | Mid                     |    |
| Pavement Markings                                    | Upgrade pavement markings to enhance delineation through increased reflectivity.                                                                                                  | Short Term & Mid/High Cost      | Mid                     |   |
| Horizontal curve delineation                         | Install curve ahead warning signs, chevrons and possibly roadside reflectors for horizontal curves.                                                                               | Short Term & Low/Mid Cost       | Mid                     |  |



| Potential Safety Issue                               | Possible Countermeasures                                                                                                                                       | Implementation Timeframe & Cost | Potential Safety Payoff | Photos                                                                               |                                                                                       |
|------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------------|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Edge drop-off at roadside                            | Maintain and fill roadside as needed to prevent edge drop-off. Current locations may exist north of Route 101.                                                 | Short Term & Low Cost           | Low                     |   |    |
| Current operation of existing auxiliary lanes        | Add warning signs at locations where drivers should be watching for turning vehicles.                                                                          | Short Term & Low Cost           | Low                     |   |    |
|                                                      | For auxiliary lanes for turning purposes, add lane usage information including both roadway symbols and signage.                                               | Short Term & Low Cost           | Low                     |                                                                                      |                                                                                       |
| Weather-related crashes along the Route 140 corridor | Add warning signs alerting motorists of possible weather impacts. Employ a VMS periodically during the winter months to remind motorists about weather issues. | Short Term & Low Cost           | Mid                     |  |  |
|                                                      | Assess pavement condition from a skid resistance perspective.                                                                                                  | Short Term & Low Cost           | N/A                     |                                                                                      |                                                                                       |
|                                                      | Near Winchendon line, identify trees obscuring the roadway and contributing to black ice conditions, and potentially trim/remove.                              | Short Term & Low Cost           | Low                     |                                                                                      |                                                                                       |

| Potential Safety Issue                                                        | Possible Countermeasures                                                                                                                           | Implementation Timeframe & Cost | Potential Safety Payoff | Photos                                                                                                                                                                    |
|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sign efficiency                                                               | Either relocate signal ahead warning sign or signs around it. Current cluster of signs may force driver to miss the warning sign.                  | Short Term & Low Cost           | Low                     |                                                                                        |
|                                                                               | Change location or elevate the Gardner District Court sign as it is easily obscured by leading vehicles and possibly by snow during winter months. | Short Term & Low/Mid Cost       | N/A                     |                                                                                        |
|                                                                               | Update worn and faded signs (emphasis on regulatory and warning), and continually perform sign maintenance.                                        | Short Term & Low Cost           | Low                     |     |
| Guard rail upgrades                                                           | In areas with guard rail, upgrade the existing end treatments to crash cushion model (some sections already equipped, see figure, right).          | Mid Term & Mid/High Cost        | Low                     |   |
| Dark stretches of Roadway in the vicinity of Green Street and Matthews Street | Consider exploration of or improvement of roadway lighting.                                                                                        | Long Term & Mid/High Cost       | Low                     |                                                                                      |
|                                                                               | Ensure retroreflective signage at these intersections to improve conspicuity.                                                                      | Short Term & Low Cost           | Low/Mid                 |                                                                                                                                                                           |

| Potential Safety Issue                       | Possible Countermeasures                                                                                                                                                                                                                                                                                                                                         | Implementation Timeframe & Cost | Potential Safety Payoff | Photos                                                                              |
|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------------|-------------------------------------------------------------------------------------|
| Continued maintenance                        | The pavement condition is in excellent condition from the Westminster town line through the intersection with Route 101 and decreases considerably beyond that. This area should be the focus of continued maintenance such as removal of brush, edge drop-off repairs and overall pavement repairs. Specifically, to assure safety this needs to be maintained. | Short Term & Low Cost           | Low                     |  |
| Drainage                                     | Evaluate existing drainage features to assure adequate drainage. During winter months assure all catch basins remain clear.                                                                                                                                                                                                                                      | Short Term & Low Cost           | Low/Mid                 |  |
| Unsignalized intersection at Matthews Street | Safety recommendations to be considered at this location include dedicated turn lanes for left turns from Route 140 NB and right turns from Route 140 SB (may require reconfiguration of climbing lane).                                                                                                                                                         | Mid Term & Mid/High Cost        | Low/Mid                 |                                                                                     |

## 6.0 Discussion

With respect to the safety improvement opportunities described in the previous section it is important to consider the following: 1) many treatments are both low cost and short term and 2) there is a complimentary nature of many of the safety strategies in that one improvement will aid with multiple safety issues. Please note that although this document provides a series of specific recommendations which warrant short term implementation, the approach towards improved safety is dynamic in nature and warrants revisiting over time.

Several additional topics that were discussed at the audit meeting and warrant consideration include the following:

- Because of the number of weather related crashes, the RSA team determined that drivers familiar with the roadway were not intuitively aware of potential weather issues and were driving at normal operating speeds. It is the belief of the RSA team that if variable speed limits become permissible, or are even experimented within Massachusetts, this would be an ideal candidate location.
- During the RSA meeting one long term high cost strategy discussed was the possibility of making the entire stretch of Route 140 a two-lane divided roadway. Although it is recommended that this be considered, this would need to be studied in much greater detail to identify the operational impacts.
- There was also some discussion during the RSA meeting about the possibility of making Route 140 through Gardner a required daytime headlight use area.
- A proposed housing development is currently planned along Route 140 (near the Winchendon line). The RSA team feels that it is imperative for access issues to be definitively addressed for this and future developments to assure the safety of motorists along Route 140. Specifically, the RSA team strongly preferred that curb cuts be minimized along Route 140.

## 7.0 Appendix A: Distributed RSA Meeting Materials

Materials provided to RSA team members in advance of the meeting included the following:

1. Agenda
2. RSA and Lane Departure Introduction
3. Tabulated Crash Summary
4. Map of Geolocated Crashes
5. MRPC Summary of Volumes
6. LD-RSA Checklist



# Agenda

## Road Safety Audit for Route 140

Meeting Location: 34 Pearly Lane  
Gardner, MA

Tuesday, May 29, 2007  
10:00 AM to 12:00 PM

|                         |                                                                                                                                                                                                                |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Type of meeting:</b> | <b>Lane Departure – Road Safety Audit</b>                                                                                                                                                                      |
| <b>Attendees:</b>       | <b>Invited Participants to Comprise a Multidisciplinary Team</b>                                                                                                                                               |
| <b>Please bring:</b>    | <b>Thoughts and Enthusiasm!!</b>                                                                                                                                                                               |
| <b>10:00 AM</b>         | <b>Welcome and Introductions</b>                                                                                                                                                                               |
| <b>10:15 AM</b>         | <b>Introduction to Road Safety Audits and Lane Departure Crashes</b>                                                                                                                                           |
| <b>10:30 AM</b>         | <b>Review of Site Specific Material</b> <ul style="list-style-type: none"> <li>• Crash &amp; Volume – provided in advance</li> <li>• Existing Geometries and Conditions</li> <li>• Video and Images</li> </ul> |
| <b>11:00 AM</b>         | <b>Completion of RSA</b> <ul style="list-style-type: none"> <li>• Identification of Safety Concerns – using checklists as a guide</li> <li>• Identification of Possible Countermeasures</li> </ul>             |
| <b>12:00 PM</b>         | <b>Adjourn for the Day – but the RSA has not ended</b>                                                                                                                                                         |

### Instructions for Participants:

- Before attending the RSA on May 29<sup>th</sup> participants are encouraged to drive Route 140 within Gardner, MA and complete/consider elements on the RSA advisory checklist with a focus on safety factors affecting roadway departure crashes.
- All participants will be actively involved in the process throughout. Participants are encouraged to come with thoughts and ideas, but are reminded that the synergy that develops and respect for others' opinions are key elements to the success of the overall RSA process.
- After the initial RSA meeting, participants will be asked to comment and respond to the document materials to assure it is reflective of the RSA completed by the multidisciplinary team.

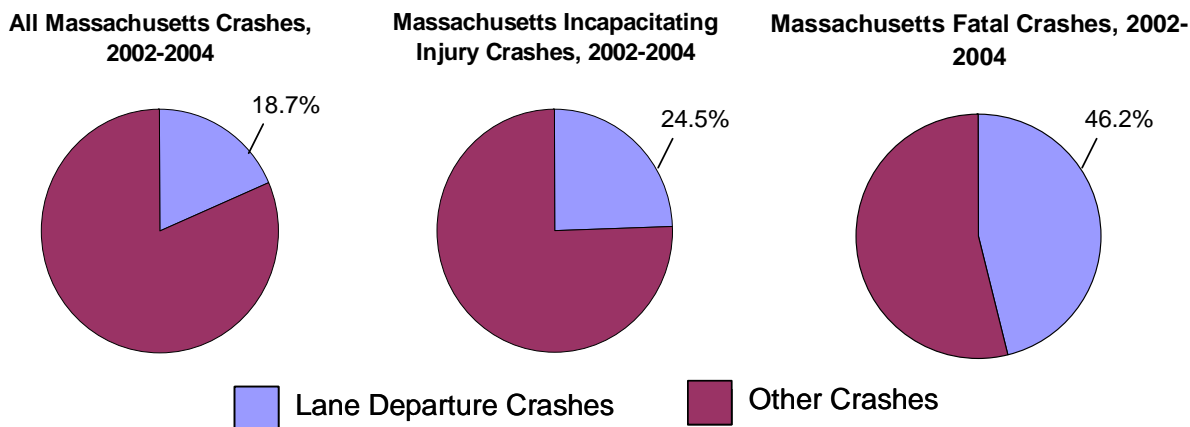
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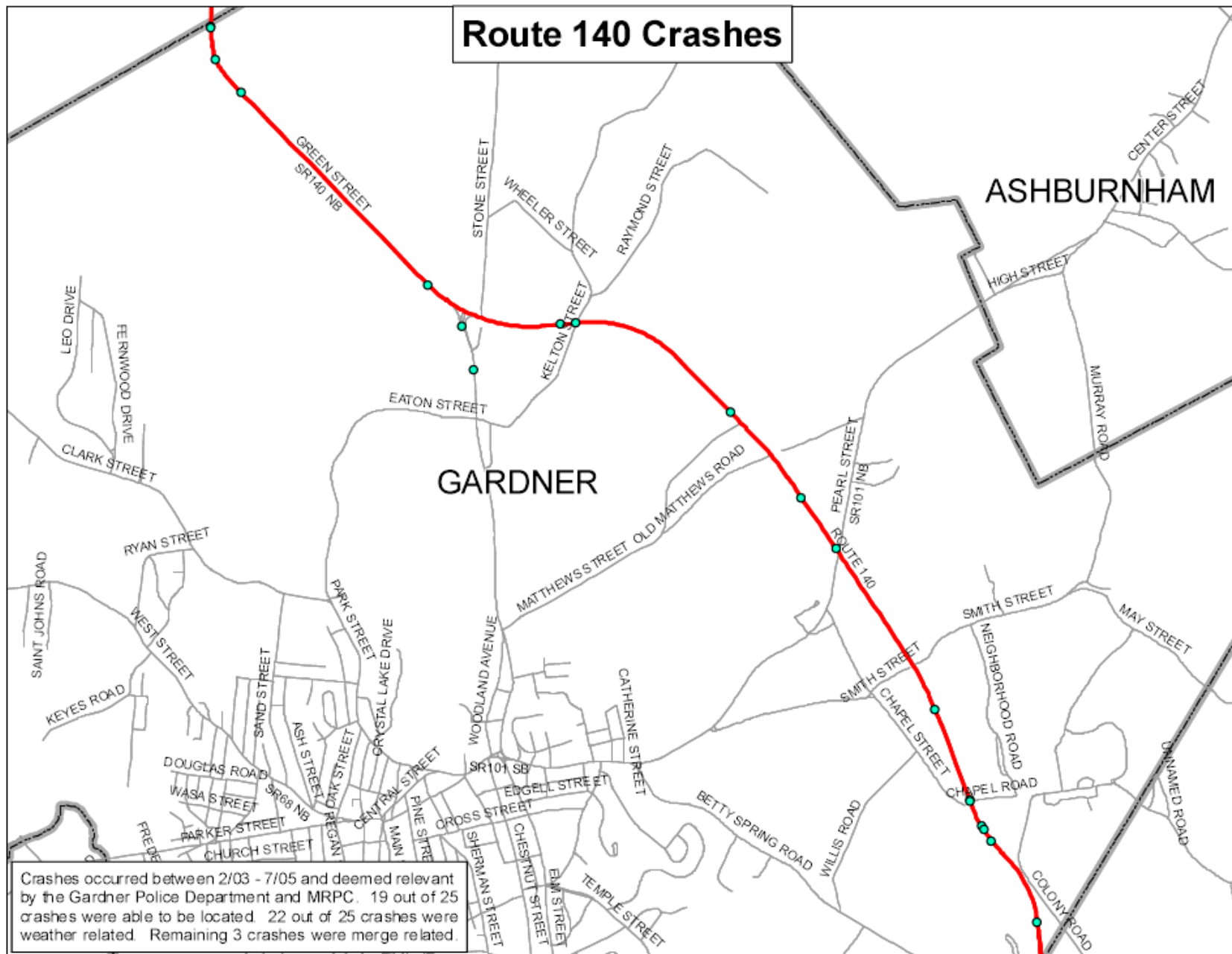
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In an effort to combat the lane departure problem, a strategy was developed for the SHSP to identify hot spot lane departure location, perform road safety audits and implement low-cost comprehensive countermeasures.

| Crash | CRASH DATE | MAP (Y/N) | Direction        | Object Struck             | Curve (Y / N) | WEATHER 1                  | WEATHER 2                  | SURFACE TYPE | CRASH LOCATION                                         |
|-------|------------|-----------|------------------|---------------------------|---------------|----------------------------|----------------------------|--------------|--------------------------------------------------------|
| 1     | 2/12/2003  | Y         | N/S              | vehicle                   | Y             | snow                       |                            | snow         | ROUTE 140 (#1490)                                      |
| 2     | 2/17/2003  | Y         | S                | snow bank                 | N             | snow                       |                            | snow         | ROUTE 140/CHAPEL STREET                                |
| 3     | 2/23/2003  | Y         | S                | snow bank                 | Y             | snow                       | sleet, hail, freezing rain | ice          | ROUTE 140 BY KELTON ST. OVERPASS                       |
| 4     | 2/24/2003  |           | N                | snow bank                 | N             | snow                       |                            | snow         | ROUTE 140                                              |
| 5     | 4/4/2003   | Y         | S                | embankment                | N             | cloudy                     | sleet, hail, freezing rain | ice          | ROUTE 140/CHAPEL STREET                                |
| 6     | 4/5/2003   |           | N/S              | vehicle                   | Y             | rain                       | sleet, hail, freezing rain | slush        | ROUTE 140                                              |
| 7     | 12/8/2003  | Y         | N/N              | vehicle                   | N-merge       | cloudy                     | snow                       | snow         | ROUTE 140/COLONY ROAD                                  |
| 8     | 12/12/2003 | Y         | S/S              | vehicle                   | N-merge       | clear                      |                            | dry          | ROUTE 140 (at merge from 2 to 1 lane per direction SB) |
| 9     | 12/15/2003 |           | S/S              | vehicle/snow bank         | Y             | cloudy                     |                            | ice          | ROUTE 140                                              |
| 10    | 1/5/2004   |           | N                | guardrail                 | N             | rain                       |                            | slush        | ROUTE 140                                              |
| 11    | 3/9/2004   | Y         | S                | guardrail                 | N             | cloudy                     |                            | ice          | ROUTE 140 (NORTH OF MATTHEW ST)                        |
| 12    | 8/12/2004  | Y         | N                | embankment                | N             | rain                       |                            | wet          | ROUTE 140/300 FT S OF SMITH STREET                     |
| 13    | 12/6/2004  | Y         | N/S              | vehicle                   | Y             | snow                       | sleet, hail, freezing rain | ice          | GREEN STREET/ROUTE 140 (N of Green)                    |
| 14    | 1/5/2005   | Y         | S                | embankment                | Y             | snow                       | sleet, hail, freezing rain | ice          | ROUTE 140 (by the prison)                              |
| 15    | 1/6/2005   |           | S                | vehicle                   | Y             | snow                       | sleet, hail, freezing rain | snow         | ROUTE 140                                              |
| 16    | 1/12/2005  | Y         | S                | embankment                | Y             | sleet, hail, freezing rain | snow                       | slush        | ROUTE 140 (by Winchendon town line)                    |
| 17    | 1/13/2005  | Y         | N                | guardrail                 | Y             | sleet, hail, freezing rain |                            | ice          | ROUTE 140/500 FT S OF STONE STREET EXT                 |
| 18    | 1/26/2005  | Y         | N/S              | vehicle                   | N             | snow                       |                            | snow         | GREEN STREET/300 FT N OF EATON ST                      |
| 19    | 2/10/2005  | Y         | S                | guardrail                 | Y             | sleet, hail, freezing rain | snow                       | snow         | ROUTE 140/300 FT FROM CHAPEL STREET                    |
| 20    | 2/12/2005  | Y         | N                | utility pole support wire | Y             | cloudy                     | snow                       | wet          | ROUTE 140/500 FT S OF WINCHENDON TL                    |
| 21    | 2/23/2005  | Y         | S                | utility pole support wire | Y             | clear                      |                            | wet          | ROUTE 140 (near Winchendon town line)                  |
| 22    | 3/1/2005   | Y         | W (N in diagram) | guardrail                 | N             | cloudy                     |                            | slush        | ROUTE 140/100 FT N OF RAILROAD BRIDGE                  |
| 23    | 3/1/2005   |           | S                | overturned                | Y             | cloudy                     | snow                       | snow         | ROUTE 140/150 S OF MASS ELEC. POLE 41                  |
| 24    | 3/20/2005  | Y         | S/S/N            | vehicle                   | N-merge       | cloudy                     |                            | dry          | ROUTE 140/1000 FT S OF MATTHEWS ST.                    |
| 25    | 7/21/2005  | Y         | S/S              | vehicle                   | N-merge       | clear                      |                            | dry          | 829 GREEN STREET (not on 140)                          |

| Crash | BRIEF SUMMARY/NARRATIVE                                                                                                                                                                                                                                                    |
|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1     | <ul style="list-style-type: none"> <li>• LOST CONTROL IN SNOW &amp; CROSSED OVER CENTER LINE</li> </ul>                                                                                                                                                                    |
| 2     | <ul style="list-style-type: none"> <li>• LOST CONTROL AND WENT INTO SNOW BANK</li> </ul>                                                                                                                                                                                   |
| 3     | <ul style="list-style-type: none"> <li>• LOST CONTROL DUE TO EXCESSIVE ICE ON ROADWAY. SPUN INTO ONCOMING LANE.</li> </ul>                                                                                                                                                 |
| 4     | <ul style="list-style-type: none"> <li>• SLID INTO ONCOMING LANE AND STOPPED IN A SNOW BANK ON OPPOSITE SIDE OF ROAD</li> </ul>                                                                                                                                            |
| 5     | <ul style="list-style-type: none"> <li>• LOST CONTROL DUE TO POOR WEATHER &amp; ROAD CONDITIONS. SLID OFF THE ROAD &amp; INTO EMBANKMENT</li> </ul>                                                                                                                        |
| 6     | <ul style="list-style-type: none"> <li>• LOST CONTROL AND WENT ONCOMING LANE &amp; HIT ANOTHER VEHICLE</li> </ul>                                                                                                                                                          |
| 7     | <ul style="list-style-type: none"> <li>• VEHICLES COLLIDED AS THE LANES THEY WERE DRIVING IN MERGED</li> </ul>                                                                                                                                                             |
| 8     | <ul style="list-style-type: none"> <li>• SPUN OUT OF CONTROL AFTER HITTING ANOTHER VEHICLE IN A FAILED ATTEMPT TO GET AHEAD OF OTHER VEHICLE WHEN THE LANES MERGED</li> </ul>                                                                                              |
| 9     | <ul style="list-style-type: none"> <li>• 2 VEHICLES CRASHED WHEN THEY WERE TRYING TO AVOID A 3RD VEHICLE THAT WAS SPINNING OUT OF CONTROL</li> </ul>                                                                                                                       |
| 10    | <ul style="list-style-type: none"> <li>• OPERATOR LOST CONTROL OF VEHICLE WHICH SPUN OUT OF CONTROL AND CROSSED OVER INTO ONCOMING LANE.</li> </ul>                                                                                                                        |
| 11    | <ul style="list-style-type: none"> <li>• OPERATOR LOST CONTROL OF VEHICLE AND STRUCK GUARDRAIL</li> </ul>                                                                                                                                                                  |
| 12    | <ul style="list-style-type: none"> <li>• HYDROPLANED THROUGH A PUDDLE, CROSSED ACROSS THE ONCOMING LANE AND THEN LANDED IN AN EMBANKMENT</li> </ul>                                                                                                                        |
| 13    | <ul style="list-style-type: none"> <li>• OPERATOR LOST CONTROL OF VEHICLE DUE TO HORRENDOUS ROAD CONDITIONS. VEHICLE CROSSED INTO ONCOMING LANE AND HIT ANOTHER VEHICLE HEAD ON.</li> </ul>                                                                                |
| 14    | <ul style="list-style-type: none"> <li>• VEHICLE FISHTAILED AS A RESULT OF DEPLORABLE ROAD CONDITIONS &amp; WENT OFF THE SIDE OF ROAD</li> </ul>                                                                                                                           |
| 15    | <ul style="list-style-type: none"> <li>• RESULT OF ONE VEHICLE ATTEMPTING TO PASS ANOTHER VEHICLE IN BAD DRIVING CONDITIONS. HIT VEHICLE WENT ACROSS THE MEDIAN AND INTO THE OPPOSITE LANE &amp; EVENTUALLY HIT THE GUARDRAIL ON THAT SIDE</li> </ul>                      |
| 16    | <ul style="list-style-type: none"> <li>• VEHICLE OUT OF CONTROL BECAUSE IT HIT A PATCH OF ICE. VEHICLE WENT OFF THE SHOULDER &amp; HIT A SNOW EMBANKMENT.</li> </ul>                                                                                                       |
| 17    | <ul style="list-style-type: none"> <li>• LOST CONTROL &amp; FISHTAILED DUE TO ICY ROAD. CROSSED CL, STRUCK A GUARDRAIL, THEN RECROSSED THE CL &amp; RAN OFF ROAD DOWN AN EMBANKMENT.</li> </ul>                                                                            |
| 18    | <ul style="list-style-type: none"> <li>• VEHICLE WAS TRYING TO MAKE IT UP A HILL BUT THE CAR KEPT SLIPPING AND HIT ANOTHER VEHICLE</li> </ul>                                                                                                                              |
| 19    | <ul style="list-style-type: none"> <li>• OPERATOR LOST CONTROL OF VEHICLE AND SLID INTO ANOTHER VEHICLE</li> </ul>                                                                                                                                                         |
| 20    | <ul style="list-style-type: none"> <li>• VEHICLE SLID INTO &amp; ACROSS ONCOMING LANE AS A RESULT OF SPEEDING.</li> </ul>                                                                                                                                                  |
| 21    | <ul style="list-style-type: none"> <li>• DRIVER CLAIMED THAT SHE SKID OFF OF ROAD DUE TO WET GROUND. OFFICER BELIEVES THAT SHE WAS INATTENTIVE AND DROVE OFF THE ROAD.</li> </ul>                                                                                          |
| 22    | <ul style="list-style-type: none"> <li>• VEHICLE SLID INTO ONCOMING LANE AND HIT A GUARDRAIL AS A RESULT OF SLIPPERY ROAD CONDITIONS</li> </ul>                                                                                                                            |
| 23    | <ul style="list-style-type: none"> <li>• OPERATOR LOST CONTROL OF VEHICLE DUE TO WEATHER &amp; POSSIBLE ALCOHOL INGESTION. VEHICLE SPUN OUT ON CONTROL, RAN OFF THE ROADWAY RIGHT, AND OVERTURNED.</li> </ul>                                                              |
| 24    | <ul style="list-style-type: none"> <li>• CRASH OCCURRED AS A RESULT OF ONE VEHICLE CUTTING OFF ANOTHER DUE TO LANE MERGE. THE VEHICLE BEING CUT OFF HIT THE BRAKES AND WENT INTO ONCOMING LANES AND HIT ANOTHER VEHICLE. THAT VEHICLE THEN HIT ANOTHER VEHICLE.</li> </ul> |
| 25    | <ul style="list-style-type: none"> <li>• OPERATOR DROVE VEHICLE IN FRONT OF ANOTHER WHEN TRYING TO CHANGE DIRECTION IN ORDER TO PICK UP A TURTLE ON THE ROAD</li> </ul>                                                                                                    |





| Route 140 South of Mathews Street Raw count<br>weekday average May 1, 2007 |                              |      |       |
|----------------------------------------------------------------------------|------------------------------|------|-------|
| Raw count weekday average May 1, 2007                                      |                              |      |       |
| Start Time                                                                 | Rte 140 S. of Mathews<br>St. |      | Total |
|                                                                            | NB                           | SB   |       |
| 12:00 AM                                                                   | 66                           | 20   | 86    |
| 1:00 AM                                                                    | 33                           | 16   | 49    |
| 2:00 AM                                                                    | 25                           | 16   | 41    |
| 3:00 AM                                                                    | 22                           | 38   | 60    |
| 4:00 AM                                                                    | 37                           | 107  | 144   |
| 5:00 AM                                                                    | 83                           | 316  | 399   |
| 6:00 AM                                                                    | 174                          | 619  | 793   |
| 7:00 AM                                                                    | 361                          | 628  | 989   |
| 8:00 AM                                                                    | 383                          | 390  | 773   |
| 9:00 AM                                                                    | 338                          | 334  | 672   |
| 10:00 AM                                                                   | 297                          | 275  | 572   |
| 11:00 AM                                                                   | 292                          | 300  | 592   |
| 12 noon                                                                    | 300                          | 295  | 595   |
| 1:00 PM                                                                    | 292                          | 332  | 624   |
| 2:00 PM                                                                    | 375                          | 344  | 719   |
| 3:00 PM                                                                    | 534                          | 338  | 872   |
| 4:00 PM                                                                    | 604                          | 340  | 944   |
| 5:00 PM                                                                    | 665                          | 325  | 990   |
| 6:00 PM                                                                    | 390                          | 259  | 649   |
| 7:00 PM                                                                    | 235                          | 178  | 413   |
| 8:00 PM                                                                    | 170                          | 143  | 313   |
| 9:00 PM                                                                    | 141                          | 99   | 240   |
| 10:00 PM                                                                   | 102                          | 80   | 182   |
| 11:00 PM                                                                   | 92                           | 39   | 131   |
|                                                                            | 6011                         | 5831 | 11842 |

| Route 140 North of Mathews Street Raw count<br>weekday average May 1, 2007 |                              |      |       |
|----------------------------------------------------------------------------|------------------------------|------|-------|
| Raw count weekday average May 1, 2007                                      |                              |      |       |
| Start Time                                                                 | Rte 140 N. of Mathews<br>St. |      | Total |
|                                                                            | NB                           | SB   |       |
| 12:00 AM                                                                   | 76                           | 21   | 97    |
| 1:00 AM                                                                    | 31                           | 13   | 44    |
| 2:00 AM                                                                    | 32                           | 14   | 46    |
| 3:00 AM                                                                    | 15                           | 33   | 48    |
| 4:00 AM                                                                    | 27                           | 98   | 125   |
| 5:00 AM                                                                    | 54                           | 301  | 355   |
| 6:00 AM                                                                    | 120                          | 566  | 686   |
| 7:00 AM                                                                    | 191                          | 560  | 751   |
| 8:00 AM                                                                    | 218                          | 335  | 553   |
| 9:00 AM                                                                    | 218                          | 269  | 487   |
| 10:00 AM                                                                   | 185                          | 207  | 392   |
| 11:00 AM                                                                   | 213                          | 210  | 423   |
| 12 noon                                                                    | 226                          | 211  | 437   |
| 1:00 PM                                                                    | 219                          | 230  | 449   |
| 2:00 PM                                                                    | 300                          | 241  | 541   |
| 3:00 PM                                                                    | 402                          | 242  | 644   |
| 4:00 PM                                                                    | 470                          | 234  | 704   |
| 5:00 PM                                                                    | 529                          | 232  | 761   |
| 6:00 PM                                                                    | 353                          | 185  | 538   |
| 7:00 PM                                                                    | 216                          | 116  | 332   |
| 8:00 PM                                                                    | 180                          | 95   | 275   |
| 9:00 PM                                                                    | 147                          | 64   | 211   |
| 10:00 PM                                                                   | 101                          | 72   | 173   |
| 11:00 PM                                                                   | 96                           | 30   | 126   |
|                                                                            | 4619                         | 4579 | 9198  |

| <b>GEOMETRIC DESIGN</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>Issue</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Comment</b> |
| <b>A. Speed – (Design Speed; Speed Limit &amp; Zoning; Sight Distance; Overtaking)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                |
| <p>Are there speed-related issues along the corridor?<br/>Please consider the following elements:</p> <ul style="list-style-type: none"> <li>• Horizontal and vertical alignment;</li> <li>• Posted and advisory speeds</li> <li>• Driver compliance with speed limits</li> <li>• Approximate sight distance</li> <li>• Safety passing opportunities</li> </ul>                                                                                                                                                                                                                        |                |
| <b>B. Road alignment and cross section</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                |
| <p>With respect to the roadway alignment and cross-section please consider the appropriateness of the following elements:</p> <ul style="list-style-type: none"> <li>• Functional class (Urban Principal Arterial)</li> <li>• Delineation of alignment;</li> <li>• Widths (lanes, shoulders, medians);</li> <li>• Sight distance for access points;</li> <li>• Cross-slopes</li> <li>• Curbs and gutters</li> </ul> <p>Drainage features</p>                                                                                                                                           |                |
| <b>C. Intersections</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                |
| <p>For intersections along the corridor please consider all potential safety issues. Some specific considerations should include the following:</p> <ul style="list-style-type: none"> <li>• Intersections fit alignment (i.e. curvature)</li> <li>• Traffic control devices’ alert motorists as necessary</li> <li>• Sight distance and sight lines seem appropriate</li> <li>• Vehicles can safely slow/stop for turns</li> <li>• Conflict point management</li> <li>• Adequate spacing for various vehicle types</li> </ul> <p>Capacity problems that result in safety problems</p> |                |
| <b>D. Auxiliary lanes</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                |
| <ul style="list-style-type: none"> <li>• Do auxiliary lanes appear to be adequate?</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                |
| <ul style="list-style-type: none"> <li>• Could the taper locations and alignments be causing safety deficiencies?</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |
| <ul style="list-style-type: none"> <li>• Are shoulder widths at merges causing safety deficiencies?</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>E. Clear zones and crash barriers</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
| <p>For the roadside the major considerations are clear zone issues and crash barriers. Consider the following:</p> <ul style="list-style-type: none"> <li>• Do there appear to be clear zones issues? <ul style="list-style-type: none"> <li>— Are hazards located too close the road?</li> <li>— Are side slopes acceptable?</li> </ul> </li> <li>• Are suitable crash barriers (i.e, guard rails, curbs, etc.) appropriate for minimizing crash severity?</li> <li>• Barrier features: end treatments, visibility, etc.</li> </ul>                                                                                                  |  |
| <b>F. Bridges and culverts – (if necessary)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |
| Are there specific issues related to bridges and culverts that may result in safety concerns?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |
| <b>G. Pavement – (Defects, Skid Resistance, and Flooding)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |
| <ul style="list-style-type: none"> <li>• Is the pavement free of defects including excessive roughness or rutting, potholes, loose material, edge drop-offs, etc.) that could result in safety problems (for example, loss of steering control)?</li> <li>• Does the pavement appear to have adequate skid resistance, particularly on curves, step grades and approaches to intersections?</li> <li>• Is the pavement free of areas where flooding or sheet flow of water could contribute to safety problems?</li> <li>• In general, is the pavement quality sufficient for safe travel of heavy and oversized vehicles?</li> </ul> |  |
| <b>H. Lighting (Lighting and Glare)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |
| <p>It is important to consider to the impacts of lighting. Some specifics include the following:</p> <p>Is lighting required and, if so, has it been adequately provided?</p> <p>Are there glare issues resulting from headlights during night time operations or from sunlight?</p>                                                                                                                                                                                                                                                                                                                                                  |  |

| <b>TRAFFIC CONTROL DEVICES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>Issue</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Comment</b> |
| <b>I. Signs</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                |
| <p>Signage is a critical element in providing a safe roadway environment. Please consider the following:</p> <ul style="list-style-type: none"> <li>• Are all current signs visible (consider both night and day)? Are they conspicuous and clear? Are the correct signs used for each situation?</li> </ul>                                                                                                                                                                                                      |                |
| <ul style="list-style-type: none"> <li>• Does the retroreflectivity or illumination appear satisfactory?</li> <li>• Are there any concerns regarding sign supports?</li> </ul>                                                                                                                                                                                                                                                                                                                                    |                |
| <b>J. Traffic signals</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                |
| <p>Although the focus of this RSA are lane departures, this does present an opportunity for us to consider any traffic signals. Specifically:</p> <ul style="list-style-type: none"> <li>• If present, do the traffic signals appear to be designed, installed, and operating correctly?</li> <li>• Is the controller located in a safe position? (where it is unlikely to be hit, but maintenance access is safe)</li> <li>• Is there adequate sight distance to the ends of possible vehicle queues?</li> </ul> |                |
| <b>K. Marking and delineation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                |
| <ul style="list-style-type: none"> <li>• Is the line marking and delineation: <ul style="list-style-type: none"> <li>— appropriate for the function of the road?</li> <li>— consistent along the route?</li> <li>— likely to be effective under all expected conditions? (day, night, wet, dry, fog, rising and setting sun, oncoming headlights, etc.)</li> </ul> </li> <li>• Are centerlines, edgelines, and lane lines provided? If not, do drivers have adequate guidance?</li> </ul>                         |                |

| <b>ROADWAY ACTIVITY</b>                                                                                                                                                                                                                                                                                                                 |                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>Issue</b>                                                                                                                                                                                                                                                                                                                            | <b>Comment</b> |
| <p>With respect to roadway activity please consider safety elements related to the following:</p> <ul style="list-style-type: none"> <li>• Pedestrians</li> <li>• Bicycles</li> <li>• Public transportation vehicles and riders</li> <li>• Emergency vehicles</li> <li>• Commercial vehicles</li> <li>• Slow moving vehicles</li> </ul> |                |

| <b>ENVIRONMENTAL CONSIDERATIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>Issue</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Comment</b> |
| <b>Weather &amp; Animals</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                |
| <p>From an environmental perspective it is important to consider any potential impacts. Most notably is likely to be the impacts of weather or animals, including:</p> <ul style="list-style-type: none"> <li>• Possible effects of rain, fog, snow, ice, wind on design features.</li> <li>• Has snow fall accumulation been considered in the design (storage, sight distance around snowbanks, etc.)?</li> <li>• Are there any known animal travel/migration routes in surrounding areas which could affect design?</li> </ul> |                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                |





**CITY OF GARDNER  
CONSERVATION COMMISSION**

Gardner City Hall – Manca Annex  
115 Pleasant Street, Room 202

978-630-4014

Gardner, MA 01440

fax 978-632-1905

Re: Proposal for a Horse Racing Facility on 827 Green St by Baystate Racing

June 27<sup>th</sup> 2024

Regarding the proposed siting of a horse racing facility at 827 Green St, given the great degree of complexity of such a project, and with the end of my time in this position as the City of Gardner's Conservation Agent being June 28<sup>th</sup>, I have decided to write a brief memo outlining my outgoing advice to the Conservation Commission, the City Council, or any others involved in the upcoming review process of a potential horseracing facility on 827 Green St.

First, and most importantly I would encourage that the review of any such facility be conducted with the highest regard towards the water resources present on, and surrounding the parcels in question.

Without having any formal submitted plans for the project, I can only use the information that is available and released to the public, as of today's date – June 27<sup>th</sup>, 2024. I would like to note that it is not my intention, nor is it within the authority of the Conservation Commission or the Conservation Agent to unfairly obstruct any project submitted to the Conservation Commission, and a compliant project that meets performance standards under the Wetlands Protection Act regulations and local bylaws is permissible by the Conservation Commission without regard to controversy and opinion, with such decisions instead being based off of findings of factual information. That being said, it is the duty of the Conservation Commission to protect and preserve the water and wetland resource areas in the City of Gardner as per the Wetlands Protection Act and the City of Gardner Wetlands Protection Ordinance.

For the proposed project, there are substantial wetlands present on the lots in question, and the City of Gardner Wetlands Protection Ordinance stipulates a 30ft "no-disturb" buffer, and

a 60ft "no-build" buffer. The Conservation Commission has been consistent in implementing these standards fairly to applicants. It is at the discretion of the Conservation Commission to apply these standards as needed to prevent any net loss of wetlands. In addition to wetlands present, Perley Brook intersecting the property would necessitate additional considerations in order to meet performance standards for riverfront projects. The design of any project should take this into account.

It is my evaluation that any claims made regarding agricultural exemptions for any such project require further clarification and justification. Under the Wetlands Protection Act, there are certain exemptions provided to agriculture, with the aim being to preserve the productive agricultural usage on certain parcels of land. As per 310 CMR 10.00 the Wetlands Protection Act regulations, "land in agricultural use" is defined as

"...land in agricultural use means land within resource areas or the Buffer Zone presently and primarily used in a manner related to, and customarily and necessarily used in, producing or raising such commodities, including but not limited to: existing access roads and livestock crossings; windbreaks; hedgerows; field edges; bee yards; sand pits; landings for forest products; fence lines; water management projects such as reservoirs, farm ponds, irrigation".

The specification of "presently and primarily" is important to be mindful of when evaluating any claim of agricultural exemption.

With the above in mind, and given the large scale that any such proposed project on 827 Green St would encompass, I recommend to the Gardner Conservation Commission to retain a third party consultant to perform a review of any submitted Notice of Intent for the project.

Thank you,



Douglas E. Dillon Jr.  
Conservation Agent,  
City of Gardner



Accidents By Street Name

| <u>Street / Location Names</u> | <u>JAN</u> | <u>FEB</u> | <u>MAR</u> | <u>APR</u> | <u>MAY</u> | <u>JUN</u> | <u>JUL</u> | <u>AUG</u> | <u>SEP</u> | <u>OCT</u> | <u>NOV</u> | <u>DEC</u> | <u>TOTALS</u> |
|--------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|---------------|
| 140                            | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 2          | 0          | 2             |
| 200 MAIN ST                    | 0          | 0          | 1          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1             |
| 365 ELM ST                     | 0          | 0          | 0          | 0          | 0          | 1          | 0          | 0          | 0          | 0          | 0          | 0          | 1             |
| A ST                           | 0          | 0          | 0          | 0          | 1          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1             |
| ABBOTT ST                      | 1          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1             |
| ALLEN ST                       | 1          | 0          | 0          | 0          | 1          | 1          | 0          | 0          | 1          | 0          | 0          | 0          | 4             |
| ARMISTICE WAY                  | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1          | 0          | 0          | 0          | 1             |
| ASH ST                         | 0          | 0          | 1          | 1          | 0          | 1          | 0          | 1          | 1          | 0          | 0          | 1          | 6             |
| BAKER ST                       | 1          | 3          | 2          | 1          | 0          | 4          | 0          | 3          | 3          | 1          | 2          | 3          | 23            |
| BANCROFT ST                    | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1          | 1             |
| BARTHEL AVE                    | 0          | 1          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1             |
| BEAR HILL RD                   | 0          | 0          | 0          | 0          | 0          | 1          | 0          | 0          | 0          | 0          | 0          | 0          | 1             |
| BETTY SPRING RD                | 13         | 2          | 1          | 1          | 1          | 2          | 3          | 0          | 2          | 1          | 5          | 6          | 37            |
| BICKFORD HILL RD               | 1          | 0          | 0          | 0          | 0          | 0          | 0          | 1          | 0          | 0          | 0          | 0          | 2             |
| BLANCHARD ST                   | 0          | 0          | 0          | 0          | 1          | 0          | 1          | 0          | 0          | 0          | 0          | 1          | 3             |
| BOND ST                        | 1          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1             |
| BOULDER DR                     | 0          | 0          | 0          | 0          | 0          | 1          | 0          | 0          | 0          | 0          | 1          | 0          | 2             |
| BRIDGE ST                      | 1          | 1          | 1          | 1          | 0          | 0          | 0          | 0          | 0          | 1          | 0          | 0          | 5             |
| CATHERINE ST                   | 1          | 0          | 2          | 0          | 0          | 3          | 0          | 0          | 0          | 0          | 0          | 1          | 7             |
| CEDAR ST                       | 1          | 0          | 0          | 1          | 0          | 0          | 0          | 0          | 1          | 0          | 0          | 0          | 3             |
| CENTRAL ST                     | 7          | 4          | 9          | 5          | 8          | 14         | 8          | 5          | 7          | 4          | 11         | 7          | 89            |
| CENTURY WAY                    | 0          | 0          | 0          | 0          | 1          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1             |
| CHAPEL ST                      | 0          | 0          | 0          | 0          | 0          | 1          | 0          | 0          | 0          | 0          | 0          | 0          | 1             |
| CHAPMAN PARK                   | 0          | 0          | 0          | 0          | 1          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1             |
| CHARBONNEAU ST                 | 0          | 0          | 0          | 0          | 1          | 0          | 1          | 1          | 0          | 0          | 0          | 0          | 3             |
| CHARLES ST                     | 0          | 0          | 0          | 1          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1             |
| CHESTNUT ST                    | 1          | 4          | 5          | 3          | 0          | 3          | 7          | 2          | 1          | 4          | 4          | 0          | 34            |
| CHURCH ST                      | 1          | 0          | 0          | 0          | 1          | 3          | 1          | 0          | 1          | 1          | 1          | 1          | 10            |
| CITY HALL AVE                  | 0          | 0          | 1          | 1          | 2          | 1          | 1          | 0          | 1          | 2          | 0          | 0          | 9             |
| CLAIRMONT ST                   | 1          | 1          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 2             |
| CLARK ST                       | 5          | 3          | 2          | 2          | 2          | 7          | 3          | 1          | 2          | 2          | 6          | 8          | 43            |
| CLEVELAND ST                   | 0          | 1          | 0          | 0          | 0          | 0          | 0          | 1          | 0          | 0          | 0          | 0          | 2             |
| COLEMAN ST                     | 0          | 0          | 0          | 0          | 1          | 0          | 1          | 0          | 2          | 1          | 0          | 0          | 5             |
| COLONY RD                      | 0          | 0          | 1          | 1          | 1          | 0          | 1          | 0          | 1          | 0          | 1          | 0          | 6             |
| COMEE ST                       | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1          | 1             |
| CONANT ST                      | 2          | 1          | 0          | 2          | 4          | 2          | 1          | 1          | 2          | 0          | 0          | 5          | 20            |
| CONNANT ST                     | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1          | 0          | 1             |
| CONNORS ST                     | 1          | 3          | 1          | 1          | 1          | 1          | 1          | 0          | 1          | 1          | 0          | 0          | 11            |
| CONNORS ST PARKING LOT         | 0          | 0          | 0          | 0          | 0          | 0          | 1          | 0          | 0          | 0          | 0          | 0          | 1             |
| COTTAGE ST                     | 0          | 0          | 0          | 0          | 1          | 0          | 0          | 0          | 1          | 0          | 0          | 1          | 3             |
| CRAWFORD ST                    | 3          | 1          | 1          | 1          | 0          | 2          | 1          | 2          | 2          | 2          | 0          | 0          | 15            |
| CRESTWOOD DR                   | 1          | 0          | 0          | 0          | 0          | 0          | 0          | 1          | 0          | 0          | 0          | 1          | 3             |
| CROSS ST                       | 1          | 1          | 1          | 3          | 0          | 3          | 1          | 0          | 3          | 2          | 2          | 1          | 18            |
| CRYSTAL LAKE DR                | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1          | 0          | 0          | 1          | 1          | 3             |
| DERBY DR                       | 0          | 1          | 0          | 0          | 0          | 1          | 0          | 0          | 1          | 0          | 0          | 1          | 4             |
| DINAN DR                       | 0          | 0          | 1          | 1          | 0          | 0          | 1          | 0          | 0          | 1          | 0          | 0          | 4             |
| DONLAN ST                      | 0          | 1          | 1          | 0          | 1          | 2          | 3          | 0          | 2          | 1          | 0          | 0          | 11            |
| DUBLIN ST                      | 0          | 0          | 1          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1             |
| DYER ST                        | 0          | 0          | 0          | 0          | 1          | 1          | 0          | 0          | 0          | 1          | 0          | 2          | 5             |
| E BROAD WAY                    | 0          | 0          | 0          | 0          | 0          | 1          | 0          | 0          | 0          | 0          | 0          | 0          | 1             |
| E BROADWAY                     | 0          | 1          | 1          | 0          | 0          | 0          | 1          | 0          | 0          | 0          | 0          | 0          | 3             |
| EAST BROADWAY                  | 4          | 5          | 1          | 0          | 1          | 3          | 3          | 6          | 2          | 2          | 4          | 7          | 38            |
| EASTWOOD CIR                   | 0          | 0          | 0          | 0          | 1          | 0          | 0          | 1          | 2          | 0          | 0          | 0          | 4             |
| EATON ST                       | 1          | 1          | 2          | 1          | 0          | 1          | 0          | 0          | 2          | 2          | 1          | 1          | 12            |
| EDGE L L ST                    | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1          | 0          | 0          | 1             |
| ELM ST                         | 12         | 6          | 6          | 7          | 7          | 8          | 6          | 9          | 3          | 4          | 5          | 11         | 84            |
| EMERALD ST                     | 1          | 0          | 1          | 0          | 0          | 1          | 1          | 0          | 1          | 3          | 0          | 1          | 9             |
| EUCLID ST                      | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1          | 0          | 0          | 2          | 3             |
| EXIT 22 WEST OFF RAMP          | 0          | 0          | 0          | 0          | 0          | 0          | 1          | 0          | 0          | 0          | 0          | 0          | 1             |
| FAIRLAWN                       | 0          | 0          | 0          | 1          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1             |
| FERNWOOD DR                    | 0          | 0          | 0          | 0          | 1          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1             |
| FOSS RD                        | 0          | 1          | 0          | 1          | 0          | 1          | 0          | 0          | 0          | 0          | 0          | 0          | 3             |
| FRANKLIN CT                    | 1          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1             |
| FREDETTE ST                    | 0          | 1          | 1          | 0          | 0          | 0          | 1          | 0          | 1          | 0          | 1          | 0          | 5             |
| GLAZIER ST                     | 0          | 0          | 0          | 0          | 0          | 0          | 1          | 0          | 0          | 0          | 0          | 0          | 1             |

Gardner Police Department  
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|                    |    |    |    |    |    |    |    |    |    |    |    |    |     |
|--------------------|----|----|----|----|----|----|----|----|----|----|----|----|-----|
| GRACE ST           | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| GRAHAM ST          | 2  | 0  | 2  | 0  | 0  | 0  | 1  | 1  | 0  | 2  | 3  | 1  | 12  |
| GRANT ST           | 0  | 1  | 0  | 0  | 0  | 0  | 2  | 0  | 1  | 0  | 0  | 0  | 4   |
| GREEN              | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 1   |
| GREEN ST           | 15 | 6  | 6  | 6  | 11 | 14 | 6  | 5  | 6  | 10 | 9  | 14 | 108 |
| GREEN ST/RT 140 SB | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| GREENWOOD PL       | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 2   |
| GREENWOOD ST       | 0  | 1  | 1  | 0  | 0  | 4  | 1  | 3  | 0  | 2  | 0  | 2  | 14  |
| HARVARD ST         | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 2   |
| HEMLOCK DR         | 1  | 1  | 1  | 0  | 1  | 1  | 1  | 3  | 0  | 0  | 2  | 0  | 11  |
| HEYWOOD ST         | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 1   |
| HIGH ST            | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 2  | 0  | 3   |
| HILL ST            | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 1   |
| HOLLY DR           | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 1   |
| HOSLEY RD          | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 1   |
| HOSPITAL HILL RD   | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 1  | 0  | 2   |
| HOWARD ST          | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| HOWE ST            | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| JACKSON HILL RD    | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 1   |
| JAMES ST           | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 1   |
| JAY ST             | 1  | 1  | 1  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 2  | 1  | 7   |
| JEAN ST            | 0  | 0  | 1  | 1  | 0  | 0  | 0  | 1  | 2  | 0  | 0  | 0  | 5   |
| JOHN ST            | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 1   |
| KELTON ST          | 0  | 0  | 0  | 1  | 0  | 0  | 1  | 1  | 1  | 0  | 0  | 0  | 4   |
| KENDALL POND WEST  | 0  | 1  | 0  | 2  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 4   |
| KENDALL ST         | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 1   |
| KEYES RD           | 1  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 2   |
| KILEYS WAY         | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| KNOWLTON ST        | 0  | 2  | 1  | 2  | 0  | 0  | 1  | 1  | 0  | 1  | 0  | 1  | 9   |
| LAITINEN DR        | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| LAKE ST            | 0  | 0  | 0  | 0  | 2  | 0  | 0  | 0  | 0  | 0  | 1  | 1  | 4   |
| LAKWOOD TER        | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 2   |
| LAWRENCE ST        | 1  | 1  | 0  | 0  | 0  | 0  | 2  | 1  | 0  | 0  | 0  | 3  | 8   |
| LEAMY ST           | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 1  | 3   |
| LENNON ST          | 0  | 0  | 1  | 1  | 1  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 4   |
| LEO DR             | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 2   |
| LIMERICK ST        | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 1  | 0  | 0  | 2   |
| LINCOLN ST         | 0  | 0  | 1  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 2   |
| LOGAN ST           | 0  | 1  | 0  | 1  | 1  | 0  | 0  | 0  | 1  | 0  | 0  | 3  | 7   |
| LOVEWELL ST        | 1  | 0  | 0  | 0  | 0  | 0  | 1  | 1  | 0  | 0  | 0  | 0  | 3   |
| LYNDE ST           | 0  | 0  | 1  | 0  | 0  | 2  | 0  | 0  | 2  | 1  | 1  | 1  | 8   |
| MAIN               | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 1  | 2   |
| MAIN ST            | 21 | 15 | 15 | 23 | 16 | 26 | 22 | 11 | 17 | 24 | 20 | 27 | 237 |
| MANCA DR           | 3  | 0  | 3  | 2  | 2  | 1  | 0  | 0  | 0  | 1  | 2  | 0  | 14  |
| MAPLE ST           | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| MARQUETTE ST       | 0  | 0  | 1  | 0  | 2  | 1  | 0  | 0  | 0  | 0  | 1  | 2  | 7   |
| MATTHEWS ST        | 1  | 2  | 4  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 3  | 1  | 12  |
| MEADOWBROOK LN     | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 1   |
| MECHANIC ST        | 0  | 1  | 0  | 0  | 0  | 1  | 1  | 0  | 0  | 1  | 0  | 0  | 4   |
| MILL ST            | 1  | 0  | 1  | 1  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 4   |
| MINOTT ST          | 0  | 0  | 2  | 0  | 0  | 0  | 1  | 0  | 1  | 1  | 1  | 1  | 7   |
| MONADNOCK ST       | 1  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 1  | 0  | 0  | 1  | 4   |
| MORAN ST           | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 1   |
| MURRAY RD          | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| NICHOLS ST         | 2  | 1  | 6  | 2  | 2  | 2  | 1  | 5  | 2  | 2  | 1  | 3  | 29  |
| NORMAN ST          | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| OAK ST             | 5  | 6  | 3  | 4  | 2  | 3  | 5  | 2  | 4  | 2  | 4  | 6  | 46  |
| OLD MATTHEWS ST    | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 1   |
| OLDE COLONIAL DR   | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| OLNEY ST           | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| ORIOLE ST          | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 1   |
| OSGOOD ST          | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 2   |
| OTTER RIVER RD     | 1  | 0  | 0  | 1  | 0  | 1  | 0  | 0  | 1  | 1  | 0  | 2  | 7   |
| PARK ST            | 4  | 6  | 2  | 1  | 3  | 6  | 3  | 3  | 5  | 3  | 4  | 4  | 44  |
| PARKER             | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 1   |
| PARKER HILL RD     | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 1   |
| PARKER ST          | 8  | 7  | 5  | 5  | 5  | 4  | 5  | 12 | 12 | 5  | 11 | 11 | 90  |
| PEABODY ST         | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 1  | 0  | 0  | 0  | 2   |
| PEARL              | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 1   |
| PEARL ST           | 6  | 7  | 7  | 6  | 6  | 6  | 1  | 3  | 4  | 7  | 8  | 10 | 71  |
| PEARSON BLVD       | 13 | 10 | 15 | 10 | 17 | 21 | 16 | 23 | 11 | 15 | 15 | 14 | 180 |

|                     |    |    |    |    |    |    |    |    |    |    |    |    |     |
|---------------------|----|----|----|----|----|----|----|----|----|----|----|----|-----|
| PEARSON ROTARY      | 1  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 2   |
| PINE ST             | 5  | 5  | 3  | 2  | 2  | 4  | 2  | 0  | 5  | 3  | 2  | 2  | 35  |
| PLEASANT            | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| PLEASANT ST         | 2  | 4  | 2  | 4  | 3  | 5  | 6  | 2  | 3  | 8  | 4  | 3  | 46  |
| PLYMOUTH ST         | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 1   |
| POND ST             | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| PROSPECT ST         | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| RACETTE AVE         | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 2  | 0  | 0  | 3   |
| RAYMOND ST          | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 1  | 0  | 2   |
| REGAN ST            | 0  | 0  | 1  | 0  | 0  | 0  | 1  | 1  | 1  | 1  | 0  | 0  | 5   |
| RICH ST             | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| RICHMOND ST         | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| RIDGEWOOD LN        | 2  | 0  | 0  | 0  | 1  | 0  | 1  | 0  | 1  | 0  | 0  | 4  | 9   |
| RISLEY ST           | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 1  | 0  | 2   |
| ROBILLARD ST        | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 1  | 0  | 2   |
| ROSEWOOD DR         | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 1   |
| ROUTE 140           | 1  | 0  | 1  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 3   |
| ROUTE 140 NB        | 5  | 3  | 1  | 5  | 2  | 6  | 4  | 1  | 6  | 7  | 5  | 6  | 51  |
| ROUTE 140 S         | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 1   |
| ROUTE 140 SB        | 3  | 1  | 0  | 1  | 1  | 7  | 1  | 1  | 2  | 2  | 4  | 5  | 28  |
| ROUTE 2 EB          | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 1   |
| ROUTE 2 WB          | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 1   |
| ROUTE 2 WB OFF RAMP | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 1   |
| RT 140              | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 1   |
| RT. 140 S           | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| RTE 140             | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| RYAN ST             | 2  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 1  | 1  | 0  | 5   |
| S MAIN              | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 1   |
| SANBORN ST          | 0  | 0  | 1  | 1  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 3   |
| SAND ST             | 1  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 2   |
| SAUNDERS ST         | 0  | 1  | 0  | 1  | 0  | 1  | 0  | 0  | 2  | 0  | 0  | 2  | 7   |
| SAWYER ST           | 1  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 2   |
| SCHOOL ST           | 0  | 1  | 1  | 1  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 4   |
| SHAWN AVE           | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| SHERMAN ST          | 1  | 1  | 2  | 0  | 0  | 2  | 1  | 1  | 1  | 3  | 0  | 2  | 14  |
| SMITH ST            | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| SOUTH MAIN ST       | 0  | 2  | 2  | 1  | 0  | 1  | 0  | 1  | 1  | 0  | 0  | 0  | 8   |
| SOUTH ST            | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 1   |
| STEPHANIE DR        | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| STONE ST            | 1  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 2   |
| STUART ST           | 1  | 0  | 0  | 0  | 0  | 0  | 2  | 0  | 1  | 0  | 0  | 0  | 4   |
| SUFFOLK LN          | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| SUMMER ST           | 1  | 0  | 0  | 1  | 1  | 1  | 0  | 0  | 0  | 0  | 1  | 1  | 6   |
| SUMMIT AVE          | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 1   |
| SUNRISE LN          | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 1   |
| TEMPLE ST           | 3  | 2  | 6  | 0  | 0  | 3  | 3  | 2  | 0  | 2  | 0  | 2  | 23  |
| TIMPANY BLVD        | 33 | 36 | 31 | 22 | 32 | 28 | 32 | 30 | 27 | 34 | 47 | 48 | 400 |
| TIMPANY ROTARY      | 1  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 3   |
| TIMPANY VLVD        | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 1   |
| UNION SQ            | 1  | 2  | 1  | 2  | 1  | 0  | 1  | 1  | 0  | 0  | 1  | 3  | 13  |
| UNION ST            | 0  | 1  | 1  | 1  | 1  | 0  | 2  | 0  | 3  | 1  | 2  | 5  | 17  |
| VERNON ST           | 1  | 1  | 0  | 0  | 1  | 0  | 2  | 0  | 0  | 0  | 1  | 0  | 6   |
| VETERANS DR         | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| VICTORIA ST         | 0  | 3  | 0  | 0  | 0  | 1  | 0  | 2  | 0  | 0  | 0  | 0  | 6   |
| W BROADWAY          | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 1  | 0  | 1  | 0  | 3   |
| W LYNDE             | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| WALNUT ST           | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 1   |
| WARWICK RD          | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 1   |
| WASA ST             | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 2  | 0  | 1  | 0  | 0  | 3   |
| WASHINGTON ST       | 2  | 1  | 2  | 1  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 7   |
| WATERFORD ST        | 2  | 0  | 2  | 1  | 1  | 3  | 1  | 0  | 2  | 0  | 1  | 1  | 14  |
| WAY ST              | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| WEST BROADWAY       | 7  | 9  | 4  | 2  | 7  | 8  | 6  | 13 | 3  | 12 | 7  | 12 | 90  |
| WEST LYNDE ST       | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 1  | 0  | 1  | 0  | 0  | 4   |
| WEST ST             | 13 | 4  | 9  | 3  | 10 | 9  | 9  | 7  | 8  | 7  | 9  | 9  | 97  |
| WHEELER ST          | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1   |
| WHITNEY ST          | 0  | 1  | 1  | 0  | 0  | 0  | 1  | 1  | 0  | 0  | 1  | 1  | 6   |
| WILKINS RD          | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 1  | 0  | 0  | 0  | 2   |
| WILKINS ST          | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 1   |
| WILLIS RD           | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 1   |
| WILLOW ST           | 0  | 2  | 2  | 0  | 3  | 0  | 0  | 2  | 0  | 1  | 1  | 1  | 12  |



|              |            |            |            |            |            |            |            |            |            |            |            |            |             |
|--------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|
| WINSLOW ST   | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1          | 1           |
| WOODLAND AVE | 2          | 0          | 0          | 0          | 3          | 0          | 0          | 1          | 0          | 0          | 1          | 1          | 8           |
| WRIGHT ST    | 0          | 1          | 0          | 0          | 0          | 0          | 0          | 2          | 0          | 0          | 0          | 0          | 3           |
| YALE ST      | 1          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1           |
| ZUB LN       | 1          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1           |
| TOTALS       | <u>256</u> | <u>196</u> | <u>203</u> | <u>163</u> | <u>189</u> | <u>254</u> | <u>203</u> | <u>190</u> | <u>198</u> | <u>217</u> | <u>239</u> | <u>290</u> | <u>2598</u> |

**VOTE**

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

# *Exhibit 1*

***Exhibit 1(a)***



April 30, 2024

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

Dear Madam President and Honorable Councilors:

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

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

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

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

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

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

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

Sincerely,

John A. Stefanini

CC: Mayor Michael J. Nicholson



# *Exhibit 1(b)*



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

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

JUNE 17, 2024

# Gardner: A Destination for Horse Racing in the Region

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

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

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

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



## FIRST CATTLE SHOW AND FAIR IS BIG SUCCESS

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

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

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

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

## MID-STATE FAIR AT GARDNER DRAWS 4000

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

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

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

## Harness Races Held At Gardner

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

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

Radio Station WTAG

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

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

## FAIR MAID IS WINNER OF RACE AT GARDNER

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





# Our Vision

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

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

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







# Massachusetts' Challenge

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

# Equine Facility

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



# Breeding Program

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





# Retirement

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



# Thoroughbred Festival Racing

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





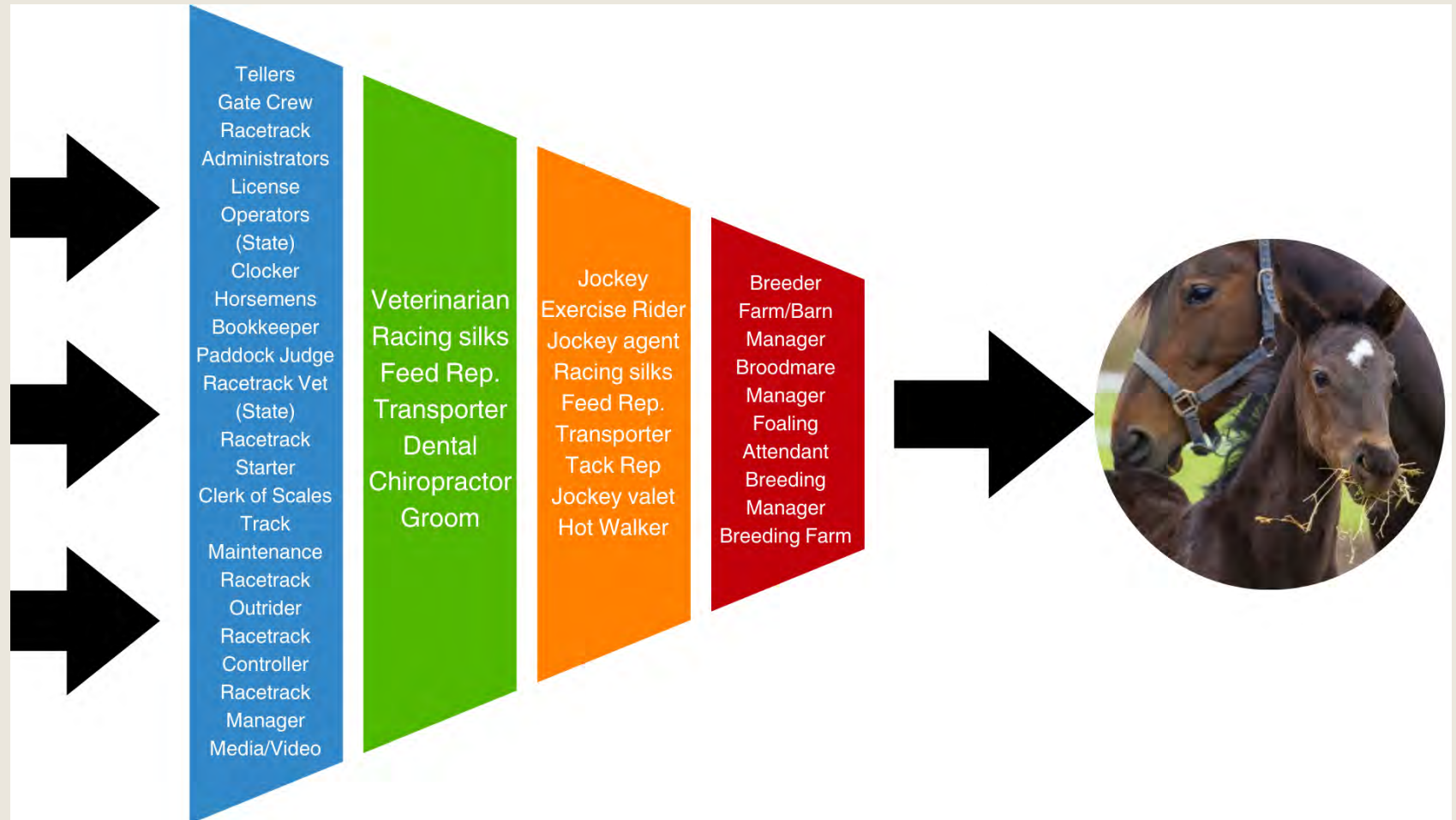


# Supporting Local Agriculture

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

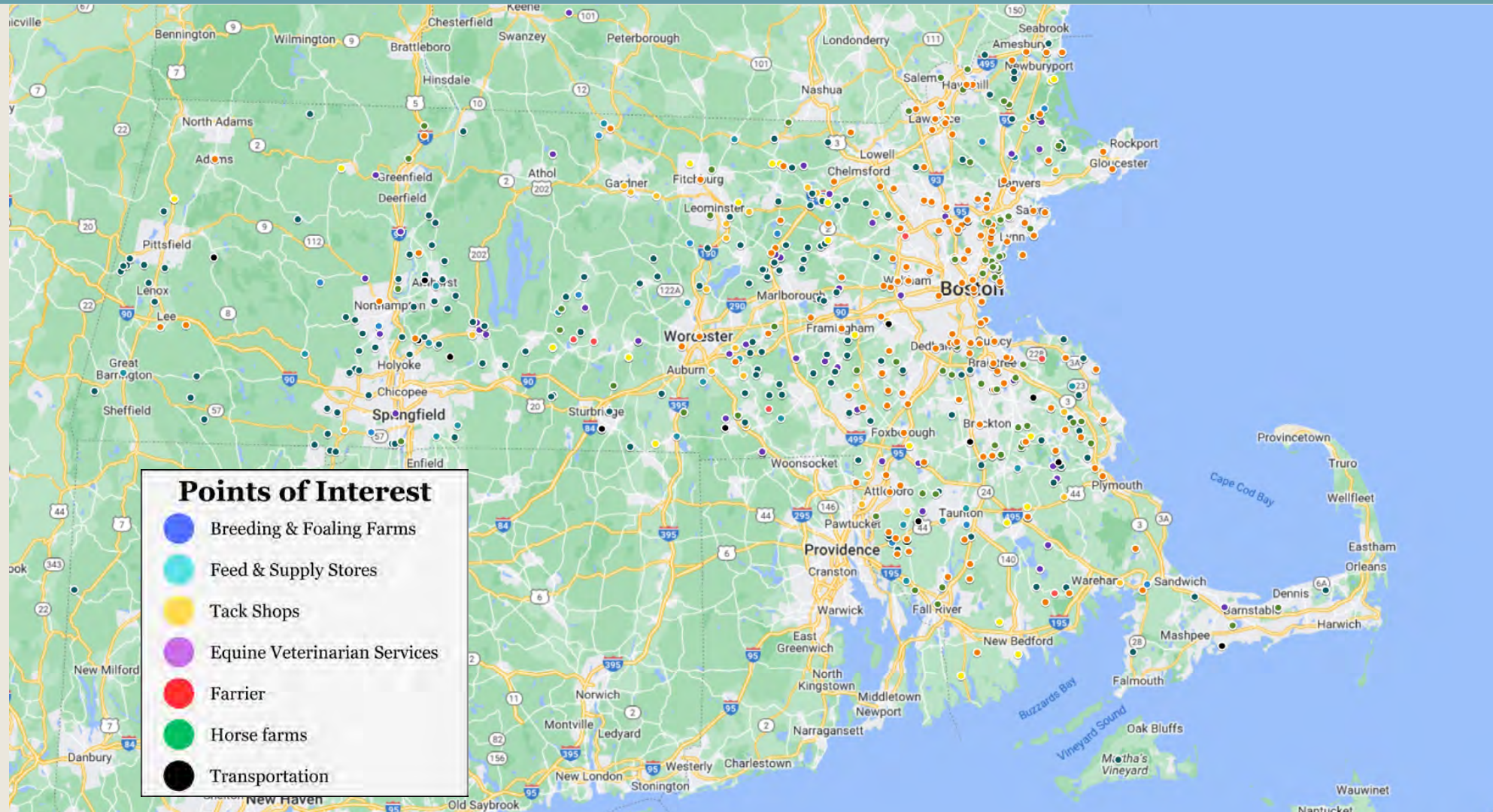
# The Massachusetts Equine Economy

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





# Current View of the Massachusetts Equine Economy



# The Massachusetts Model

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

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

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





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

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

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



*Arlene Brown, Secretary*

**MASSACHUSETTS THOROUGHBRED  
BREEDERS ASSOCIATION**  
FOUNDED 1981

Baystate Racing, LLC | June 17, 2024



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

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



*Anthony Spadea, Jr., President*

**NEW ENGLAND HBPA**  
Horsemen Helping Horsemen



# Protecting the health and safety of our horses

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

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



# Protecting the health and safety of our horses

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

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

# Protecting the health and safety of our horses

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

# Community Partnerships

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





# Benefits for Gardner

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







# Community Process

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



# Thank you

Baystate Racing, LLC

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

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

# *Exhibit 1(c)*



## Bay State Park Frequently Asked Questions

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

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

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

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

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

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

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

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

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

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





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

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

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

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

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

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

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



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

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

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

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

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

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





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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



**Is a casino being built?**

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

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

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

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

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

# *Exhibit 1(d)*



To: Mr. John Stefanini

Date: May 9, 2024

Memorandum

Project #: 16012.00

From: Robert Nagi, PE  
 Director Transportation Planning and  
 Operations

Re: Preliminary Gardner Equestrian Traffic Assessment

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

### Current Traffic Operations

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

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

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

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

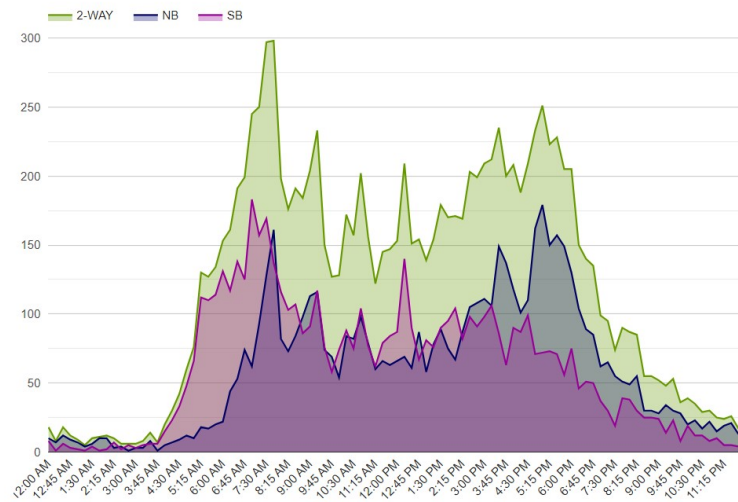


Figure 1 - Route 140 Weekday Daily Traffic Volume 15-minute increments (Source: MassDOT TCDS portal)

### Daily Facility Operations

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

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### Traffic Impacts

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

### Special Event Operations

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

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

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

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

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

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

***Exhibit 1(e)***

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

## FINAL REPORT

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The Center for Economic Development  
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July 7, 2016

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

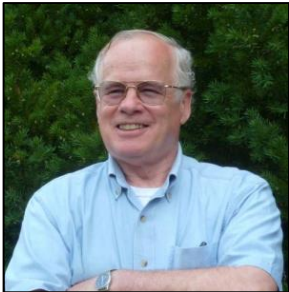
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Mr. Cooper is an economic and community development planner. He provides research and consulting services to public agencies, nonprofit organizations, and private planning firms across New England. Mr. Cooper assists clients through his affiliation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

### ABOUT THE CENTER FOR ECONOMIC DEVELOPMENT

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

### ACKNOWLEDGEMENTS

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

# EXECUTIVE SUMMARY

## CONCEPT

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

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

## EXISTING ACTIVITY & LOCATION CRITERIA

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

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

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



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

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

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

## ECONOMIC IMPACTS

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

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

### RACE TRACK COMPONENT

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

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

### EQUESTRIAN CENTER COMPONENT

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

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

### RETIREMENT FARM COMPONENT

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

# I. PROJECT OVERVIEW

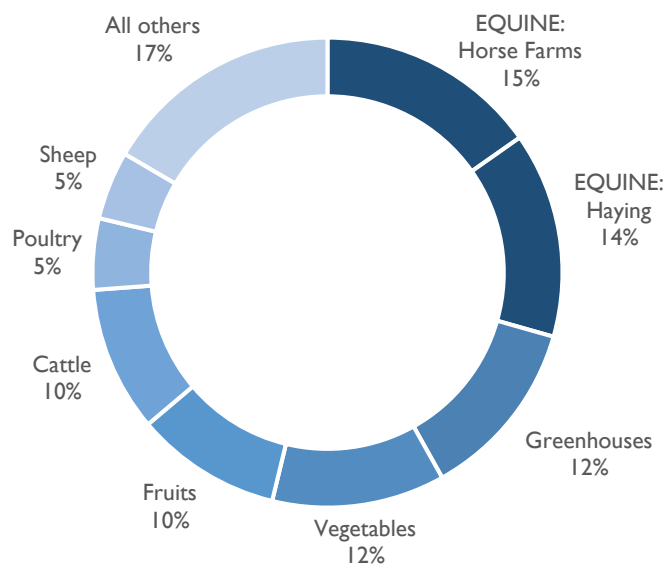
## INTRODUCTION

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

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

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

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



*Source: USDA. 2012 Census of Agriculture.*

## PURPOSE & MOTIVATION

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

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

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

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

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

## VISION

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

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

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

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

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



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

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

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

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

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

## 2. FACILITY OVERVIEW

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

### EXISTING FACILITIES IN MASSACHUSETTS

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

#### USEF-SANCTIONED COMPETITION

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

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

Figure 2.1: Locations of USEF-Sanctioned Competitions

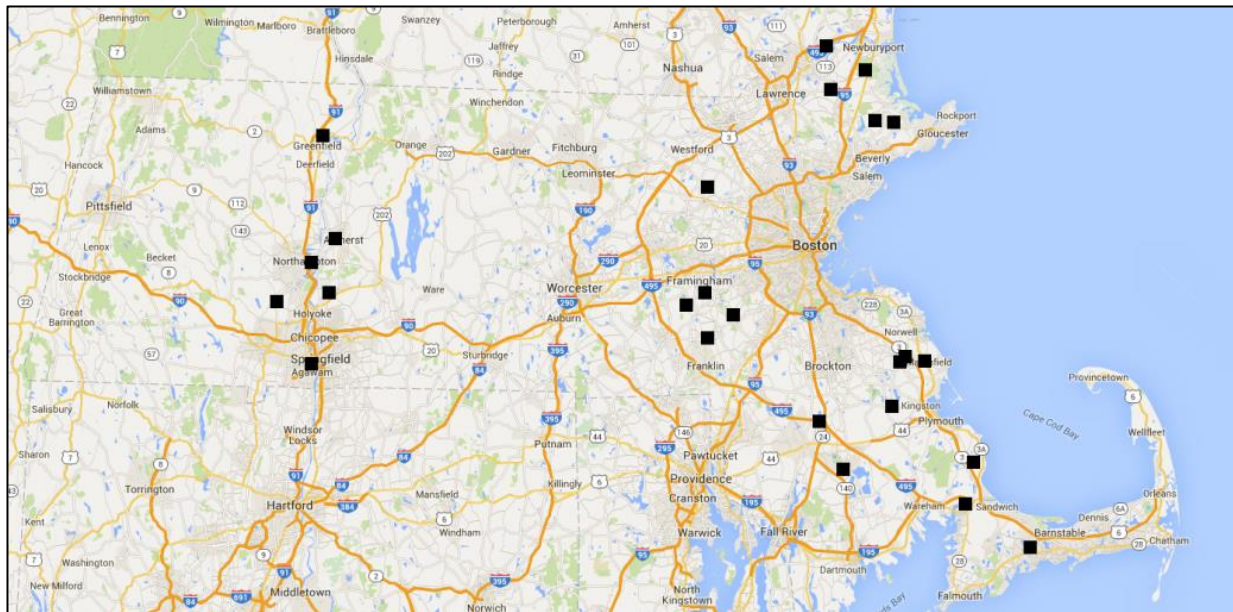
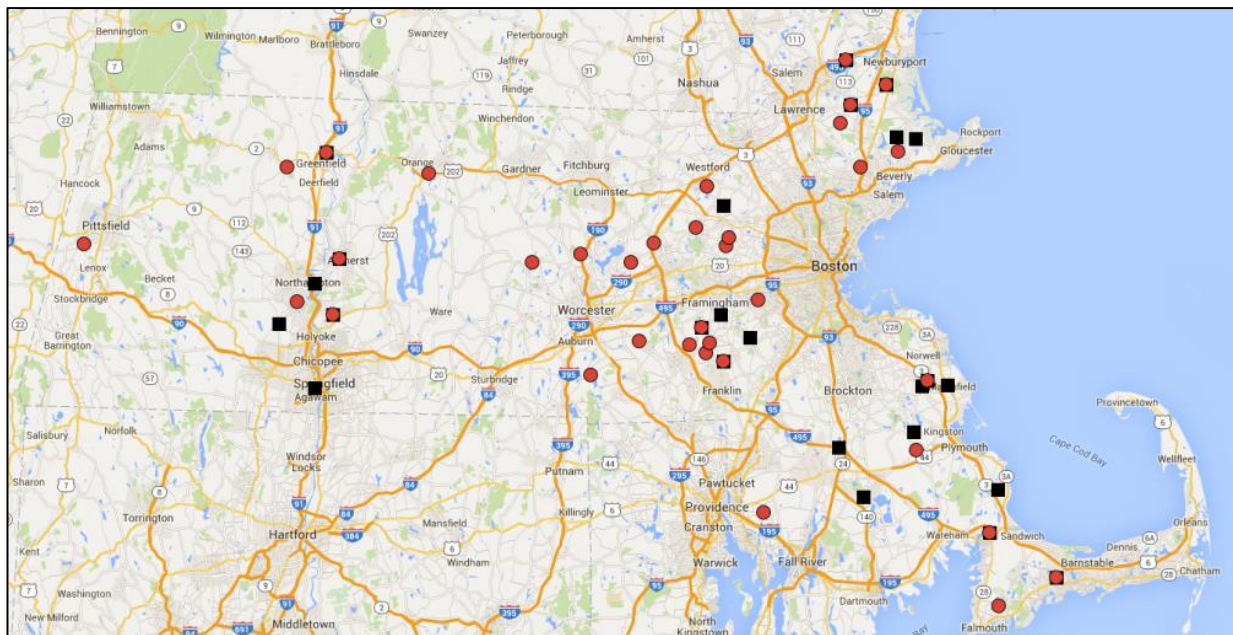


Figure 2.2: Locations of Interscholastic (Red) and USEF-Sanctioned (Black) Competitions



**Table 2.1: Equestrian Center Community Details**

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

## ADDITIONAL FACILITIES

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

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

## ANALYSIS

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

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

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



## CRITERIA FOR FACILITY LOCATION

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

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

### SUBSTANTIAL ACREAGE

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

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

### WORKABLE TERRAIN

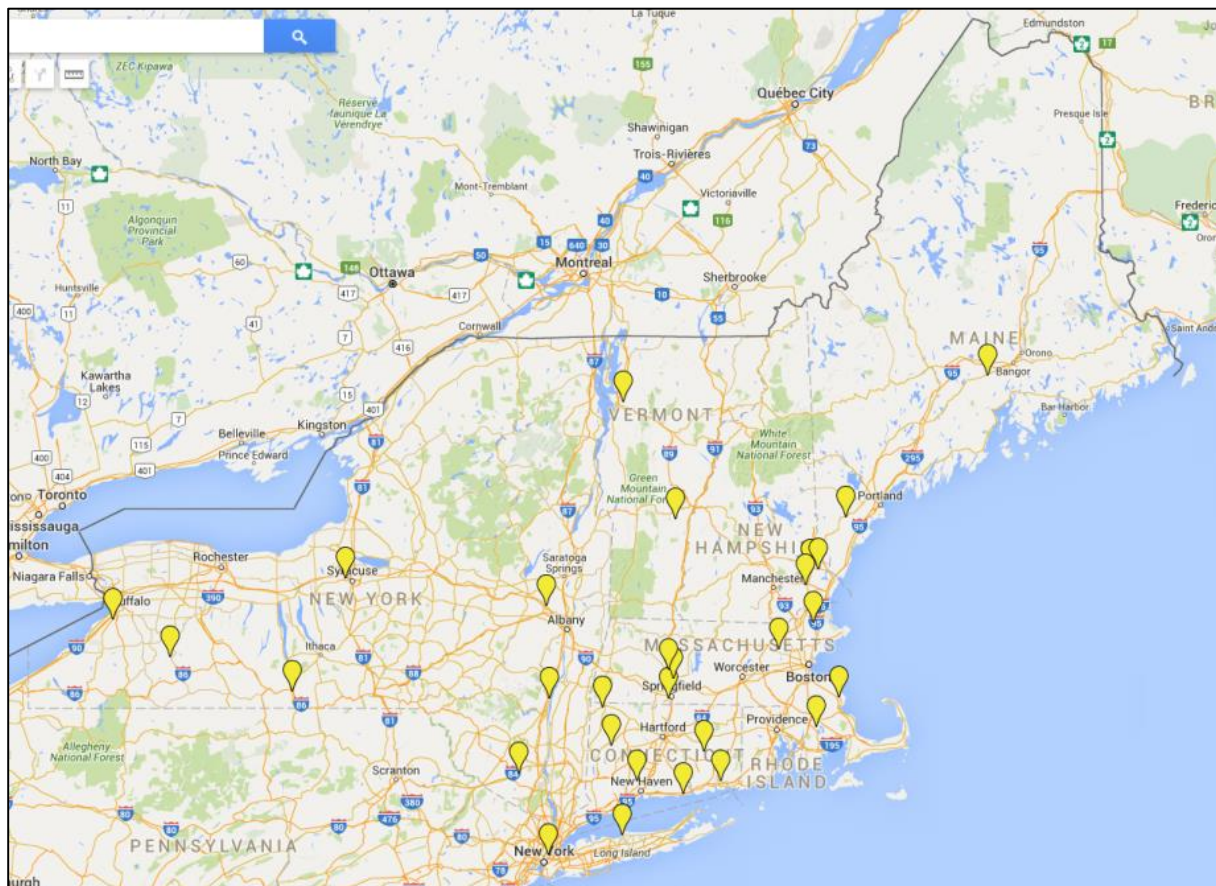
Due to the robust environmental protections in Massachusetts, the ideal site will be free from wetlands, streams, and poorly-drained soils. Slopes of 3 percent to 8 percent allow for adequate site drainage, and low-impact site engineering. Sites free from agricultural protections under Chapter 61 and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

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

### STREAMLINED ACCESS

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

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



### APPEALING LANDSCAPES

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

### USEFUL LOCATION

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

### LAND USE COMPATIBILITY

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

## CURRENT SITE OPTIONS

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

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

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

## BEST PRACTICES

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

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

#### SHARED SERVICES

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

#### PARTNERSHIPS WITH OTHER FACILITIES

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

#### COST ESTIMATE

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

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



### 3. ECONOMIC IMPACT ANALYSIS

#### CHAPTER SUMMARY

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

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

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

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

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

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

\*Reported in 2016 dollars

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

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

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

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

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

\*Reported in 2016 dollars

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

## STUDY LIMITATIONS

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

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

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

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

## WHAT IS ECONOMIC IMPACT ANALYSIS?

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

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

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

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

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

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

## THOROUGHBRED HORSE RACING EXPENDITURES & IMPACTS

### SUMMARY & ASSUMPTIONS

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

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

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

#### Key Assumptions:

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

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



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

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

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

\*Reported in 2016 dollars

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

#### IMPACTS FROM RACING OPERATIONS

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

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

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

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

\*Reported in 2016 dollars

**IMPACTS FROM RACING PARTICIPANTS**

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

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

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

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

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

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

\*Reported in 2016 dollars

**IMPACTS FROM SPECTATOR SPENDING OFF-SITE**

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

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

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

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

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

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

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

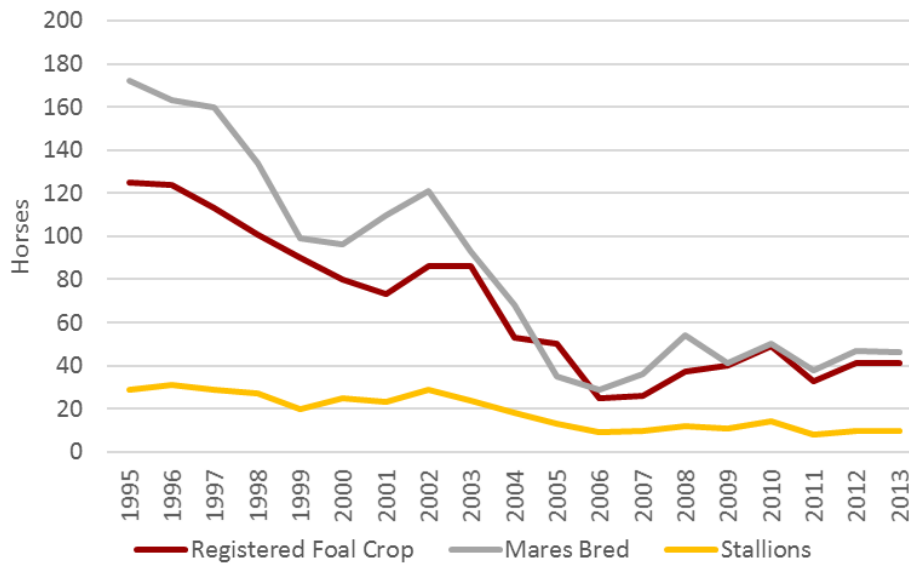
\*Reported in 2016 dollars

#### IMPACTS FROM THE THOROUGHBRED BREEDING INDUSTRY

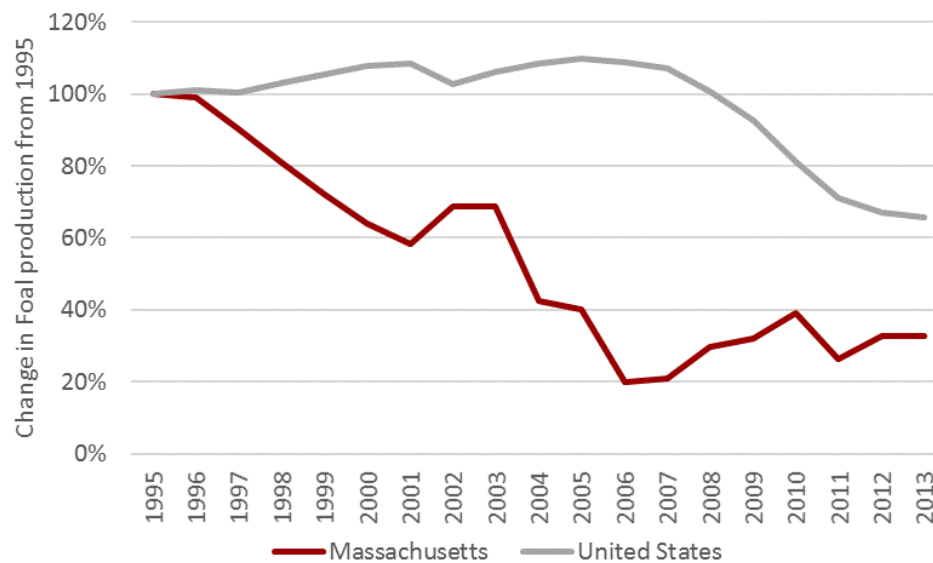
Thoroughbred racehorse breeding is an import component of the Massachusetts Equine Industry, whose vitality is directly tied to the availability of racing opportunities within the Commonwealth. A Study of the Thoroughbred Equine Industry by Salem State University reported 62 thoroughbred breeding farms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

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

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

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

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

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

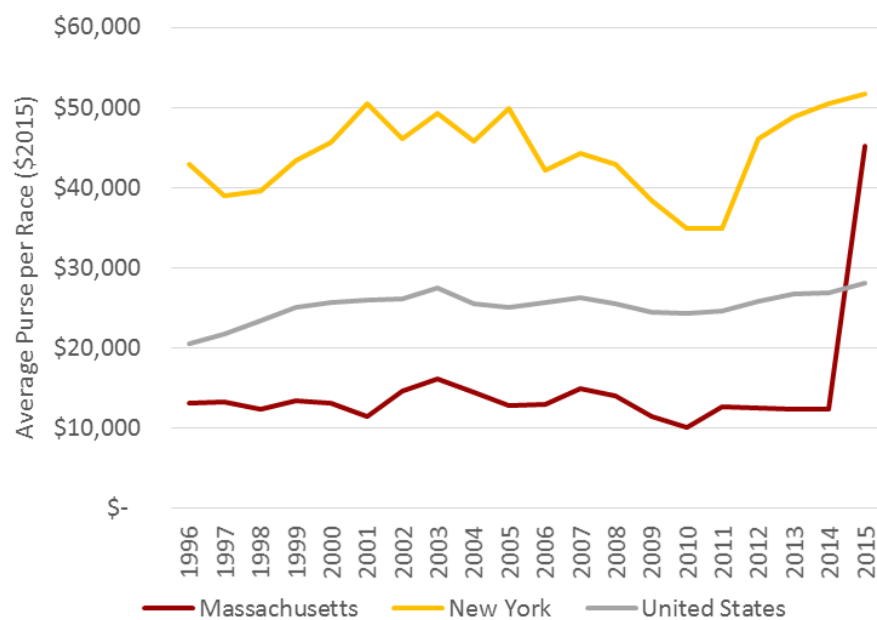
Sources: *The Jockey Club. 2016. Massachusetts and National Fact Books.*

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



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

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



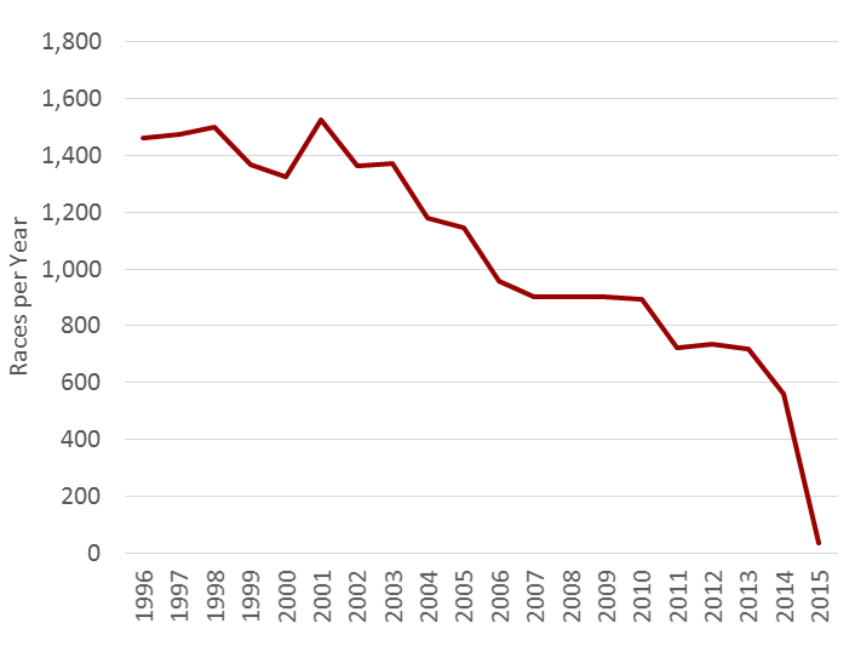
Sources: *The Jockey Club. 2016. Massachusetts, New York, and National Fact Books.*

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

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

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

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



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

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

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

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

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

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

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

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

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

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

\*Reported in 2016 dollars

## EQUESTRIAN CENTER HORSE SHOWS & COMPETITIONS

### SUMMARY & ASSUMPTIONS

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

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

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

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

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

#### Key Assumptions:

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

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

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



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

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

#### IMPACTS FROM CENTER OPERATIONS

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

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

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

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

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

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

#### EVENT PARTICIPANT/HORSE-RELATED EXPENDITURES

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

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

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

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

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

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

#### IMPACTS FROM CENTER VISITOR SPENDING

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

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

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

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

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

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

### THOROUGHBRED HORSE RETIREMENT FARM

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

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

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

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

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

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

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

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



## 4. CONCLUSION

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

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

## 5. COMMUNITY IMPACT CASE STUDIES

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

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

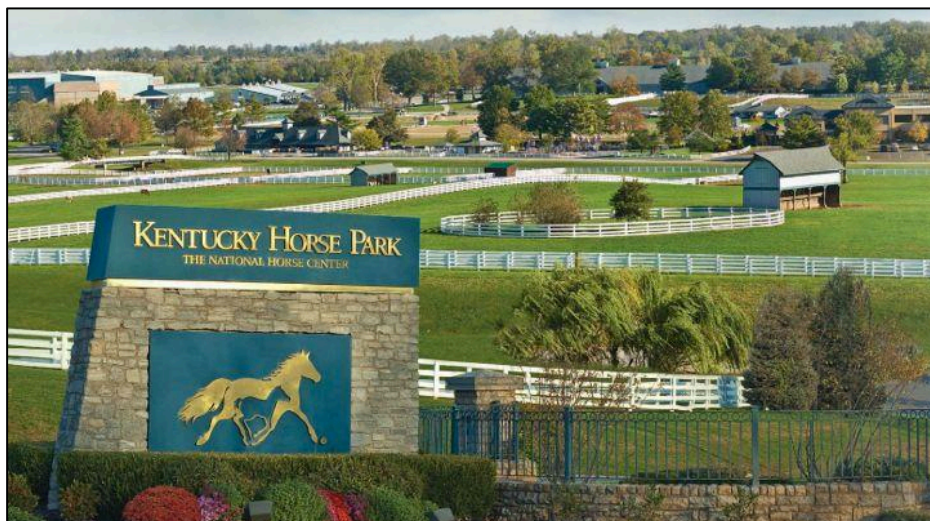
#### HISTORY

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



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

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



### EVENTING ACTIVITIES

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

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



## COMMUNITY IMPACT

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

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

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

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



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



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



## FALL FESTIVAL OF DRESSAGE | SAUGERTIES, NY

### HISTORY

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



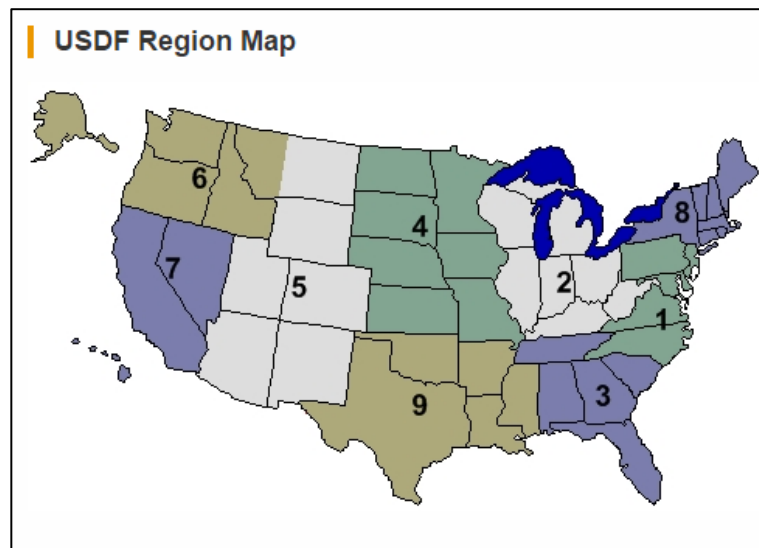
Figure C4: USDF Region Map (Source: www.usdf.org)

### THE EVENT

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

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

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



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

### COMMUNITY IMPACT

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

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

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



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

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

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

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

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

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

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

## MASSACHUSETTS STATE 4-H HORSE SHOW | NORTHAMPTON, MA

### HISTORY AND BACKGROUND

4-H is the youth development arm of the federal Cooperative Extension Service of 110 land-grant universities utilizing 611,800 volunteers, 3,500 professionals, and 25 million alumni. Its mission is “engaging youth to reach their fullest potential while advancing the field of youth development,” with over 90,000 clubs across the country empowering over six million young people across the country.

The Massachusetts 4-H chapter was founded in 1908 and incorporated in 1956. This year also marked the birth of the 4-H horse project in Massachusetts. It was different from 4-H’s many other livestock programs because it was the first large-scale approach with a recreational intent rather than an economic one.



**Figure C8:** 4-H fosters love and appreciation for other living beings (Source: manukahoneyusa.com)

The programs offered through the Massachusetts 4-H are animal science, which features the horse program; science, engineering, and technology; communications; community service; leadership; as well as other infrequent and smaller programs and projects. The animal science programs focus on companion animals, livestock, poultry, and heritage breeds; a popular

project animal is the horse.

The 4-H horse program is for horse owners as well as horse lovers who do not own a horse. It’s primarily focus is horse care and education. Members compete in areas such as horse judging, hippology, and public speaking. It does not provide in-depth riding instruction; however, 4-H members will sometimes ride their horse as part of the activities. 4-H also sponsors horse shows around the Commonwealth where members of the horse projects can display their riding skills.

### THE EVENT

The annual Massachusetts 4-H State Horse Show is held on the second weekend in September at the Three County Fairgrounds in Northampton, Massachusetts. This fall will be the 38<sup>th</sup> annual show. The show consists of the Horse Lover Division, Model Horse Show, Drill Team Performance, Hunter/Jumper Classes, Showmanship, and more.





**Figure C9:** 4-H member at horse show  
(Source: extension.usu.edu)

This two-day event allows all Massachusetts 4-H members who participate in the horse project to display the talents and skills they have learned throughout the year. It also fosters the connection between peers who share the same interest in horses. By choosing the divisions or classes they wish to participate in, the members are able to highlight their strongest attributes.

Although this show is only open to 4-H members, 4-H hosts other types of horse shows, some of which are open to non-members. Communities and clubs are also able to put on their own horse shows, using a horse show-planning guide developed by 4-H that covers all the aspects of a horse show, from judges to performance rings to prizes.

### COMMUNITY IMPACT

Due to its focus on local talent, events such as the 4-H State Horse Show tend to draw few out-of-state participants. As a result, from a narrow economic impact perspective, they bring little new money into the Commonwealth. However, they play a critically important role in building the equestrian community, which has spillover benefits on entire equine industry in the Commonwealth. A 2013 study by Christiansen Capital Advisors estimates that the thoroughbred equine industry alone contributes \$107 million in revenue to the Massachusetts economy each year, and is directly and indirectly responsible for nearly 1,500 full-time equivalent jobs. But this industry cannot thrive without a community of horse-lovers to support it, and a new generation of enthusiasts to take the mantle in the years ahead. The state horse show is the culmination of the stewardship of the local horse community.

The Massachusetts 4-H State Horse Show also supports an even more important educational mission. Through the horse project, participants learn responsibility and commitment to the project and horse and learn important life and work skills, such as respect for a schedule, fulfilling the needs of others, selflessness, and accountability. In fact, a recent study conducted by researchers at Tufts University's Institute for Applied Research and Development found that 4-H members were more likely to contribute to their communities, become civically active, and more likely to participate in Science, Engineering and Computer Technology programs<sup>3</sup>.

<sup>3</sup> Lerner, RM at al. "The Positive Development of Youth: Comprehensive Findings from the 4-H Study of Positive Youth Development." National 4-H Council. Chevy Chase, MD: 2013.



# *Exhibit 1(f)*

April 23, 2024

Shawn Hayden, Acting President  
GAAMHA, Inc.  
208 Coleman Street  
Gardner, MA 01440

Re: **Letter of Intent – 827 Green Street, Gardner, Massachusetts**

---

Dear Shawn:

This letter of intent (this “**Letter**”) sets forth the terms upon which Baystate Racing LLC, a Massachusetts limited liability company (“**Buyer**”), is prepared to purchase the fee simple interest in the property described on **Exhibit A** (the “**Property**”) from GAAMHA, Inc., a Massachusetts non-profit corporation (“**Seller**”).

1. **Legal Fees:** Buyer shall assist in defraying Seller’s legal fees in negotiating this potential transaction by paying Seller the non-refundable amount of \$15,000.00 upon the execution of this Letter of Intent.
2. **Purchase Price and Deposit:** The purchase price (the “**Purchase Price**”) for the Property shall be One Million Six Hundred and Seventy-Five Thousand Dollars (\$1,675,000), payable in immediately available funds as follows:
  - (a) \$81,250 shall be paid to the attorney for the Seller as escrow agent (the “**Deposit**”), upon execution of a mutually acceptable Agreement (as defined below); and
  - (b) The balance of the Purchase Price, subject to adjustment as provided in the Agreement, shall be paid to Seller at the Closing (as defined below).
3. **Assignment and Transfer of Rights:** Buyer has or will enter into a Purchase and Sale Agreement (the “**Suitable Property Agreement**”) for the purchase of property located in Gardner, Massachusetts, on to which Seller shall relocate its operations from the Property (the “**Suitable Property**”). Buyer and Seller shall agree on the identification of the Suitable Property (and the terms of the Suitable Property Agreement) within thirty (30) days of the date of the Agreement. At the closing for Buyer’s purchase of the Suitable Property (the “**Suitable Property Closing**”), Seller, or a nominee designated by Seller, shall acquire title to the Suitable Property. Buyer shall assign the Suitable Property Agreement to Seller so that Seller may benefit from any post-closing obligations benefitting Buyer under the Suitable Property Agreement. The Purchase Price paid by Buyer for the Property shall be applied to the purchase of the Suitable Property. Seller shall pay any excess.
4. **Permitting Expenses:** Buyer shall reimburse Seller for up to \$100,000 for services of

architects, engineers, lawyers, and land use professionals to obtain the permits and approvals required for Seller to use the Suitable Property for Seller's intended use. Said sum will be held in escrow by Seller's counsel and released without undue delay to Seller upon submission of professionals' receipts to Buyer and notice by Buyer to Seller's counsel that the funds may be released.

5. **Purchase and Sale Agreement:** The obligation of Buyer and Seller to proceed is subject to the full execution of a mutually acceptable Purchase and Sale Agreement (the "**Agreement**"). Buyer and Seller agree to negotiate in good faith and to execute the Agreement within twenty-one business (21) days following the execution of this Letter. Buyer shall prepare the initial draft of the Agreement. If the parties do not execute an Agreement within such time, this Letter shall terminate and be of no further force or effect, unless the parties agree to an extension in writing. Buyer may assign Buyer's rights in the Agreement without Seller's consent, so long as such assignee uses the Property in a manner not inimical to Buyer's mission, but the right of Seller to acquire the Suitable Property at the Closing shall not be affected. The Agreement and all other requisite documents will incorporate the terms and conditions of this Letter and such other terms and conditions as the parties agree.

The Agreement shall specifically emphasize the importance of the care and treatment of horses in connection with the Equine Center by Buyer.

6. **Inspection Period:**

- (a) **Election to Proceed.** Buyer shall have a period of thirty (30) days (the "**Inspection Period**") to evaluate the legal, title, financial, and physical condition of the Property. The Inspection Period shall commence upon execution of the Agreement. At any time during the Inspection Period, Buyer may, in its sole and absolute discretion, and for any or no reason, elect to proceed or to not proceed with the purchase of the Property by giving written notice to Seller. If Buyer elects not to proceed, or fails to notify Seller that Buyer elects to proceed, then the Agreement shall terminate and the entire Deposit shall be refunded to Buyer. Both parties shall then be released from all further rights, obligations, and liabilities under the Agreement other than any indemnities which expressly state that they survive the termination of the Agreement.

Seller shall have a period of thirty (30) days (the "**Seller Inspection Period**") to evaluate the legal, title, financial, and physical condition of the Suitable Property. The Seller Inspection Period shall commence upon execution of the Agreement. At any time during the Seller Inspection Period, Seller may, in its sole and absolute discretion, and for any or no reason, elect to proceed or to not proceed with the purchase of the Suitable Property by giving written notice to Buyer. If Seller elects

not to proceed, or fails to notify Buyer that Seller elects to proceed, then the Agreement shall terminate and the entire Deposit shall be refunded to Buyer. Both parties shall then be released from all further rights, obligations, and liabilities under the Agreement other than any indemnities which expressly state that they survive the termination of the Agreement.

- (b) **Investigations.** Buyer shall have the right, at Buyer's sole cost and expense, to (i) perform an environmental site assessment of the Property, which may include testing of soil and groundwater for the presence of hazardous materials, (ii) review the title to and survey of the Property, (iii) perform a property condition assessment, and (iv) perform such other due diligence activities as Buyer deems necessary or advisable.
  - (c) **Due Diligence Materials.** Seller shall deliver or cause to be delivered to Buyer within three (3) business days of the execution of the Agreement all due diligence materials requested in writing by Buyer as set forth in the Agreement.
  - (d) **Right of Entry.** During the Inspection Period, and thereafter until the Closing, Buyer and/or its representatives and agents, shall have the right, in coordination with and upon prior notice to Seller, to enter upon the Property at all times deemed reasonable by Seller to conduct surveys, appraisals, engineering tests, inspections, and for such other purposes as Buyer deems reasonably necessary to evaluate the Property.
  - (e) **Suitable Property Investigations.** To the greatest extent possible, Seller shall be afforded the same rights with respect to the Suitable Property as Buyer has with the Property in connection with items (b), (c), and (d) above.
7. **Closing:** The closing (the "**Closing**") shall occur within 30 days after the later to occur of (i) the date Buyer receives a Race Meet License from the Commonwealth of Massachusetts for the Property, and (ii) Seller receives final approval from the Gardner Planning Board for development of the Suitable Property for Seller's intended use of the Suitable Property (the "**Approvals**"). The Closing shall occur prior to, or simultaneously with, the Suitable Property Closing. Seller shall convey to Buyer at the Closing, good and marketable title to the Property subject to no monetary liens or encumbrances of any kind and subject to such non-monetary exceptions as approved in writing by Buyer during the Inspection Period. Seller shall pay (a) the cost of releasing all liens, judgments and other encumbrances that are to be released and for the recording of such releases, and (b) transfer taxes. Each party shall bear its own attorney's fees and other costs shall be apportioned among the parties in a manner customary in Worcester County.
8. **Permitting of Properties:** Buyer's obligation to close on the sale of the Property is contingent on Buyer obtaining a Race Meet License from the Commonwealth of Massachusetts. Buyer agrees to apply for a Race Meet License within sixty (60) days of execution of the Agreement. Seller's obligation to close on the purchase of the Suitable

Property is contingent on Seller final approval from the Gardner Planning Board. Seller agrees to apply for said approval within sixty (60) days of execution of the Agreement.

9. **Representations and Warranties:** The Agreement shall include commercially standard representations and warranties of Seller and Buyer.
10. **Brokerage:** Seller and Buyer represent to each other that they have not dealt with any real estate brokers in connection this transaction.
11. **No Solicitation:** Between the execution of this Letter, and the earlier of (i) the termination of this Letter, (ii) the termination of the Agreement, or (iii) the date of the Closing, Seller agrees that it shall not, nor shall it authorize or permit any of its agents, to offer or seek to offer or entertain or discuss any offer to sell the Property or deal in such regard with any party other than Buyer. In addition, neither Seller nor its representatives shall enter into any agreement or understanding, whether oral or written, that would prevent the consummation of the transaction contemplated by this Letter.
12. **Lease:** At the Closing, Seller shall lease from Buyer the structures located on the Property for the conduct of Seller's current business (the "**Lease**"). The Lease shall (i) have a term of no less than twelve (12) months from the Closing, (ii) obligate Seller to pay all operating expenses, taxes, utilities and repairs associated with said structures, (iii) provide that Buyer shall have no obligations to repair or maintain any portion of said structures, (iv) provide that Seller shall not be required to pay any rent during the term, and (v) provide that Seller shall not interfere with Buyer's use of the Property to design, permit, and construct an equestrian facility to breed, train, race, and retire thoroughbred horses so long as Buyer's use does not unreasonably interfere with Seller's rights under the Lease.
13. **Expiration of Proposal:** The proposal contained in this Letter will expire at 5:00 p.m. on April 26, 2024. Acceptance by Seller shall be evidenced by the signature of an authorized representative on this Letter and provided to Buyer before such expiration. This Letter may be signed in counterparts, all of which taken together shall constitute one document.

[SIGNATURE PAGE FOLLOWS]




**Exhibit A**

Approximately 115 acres of land and the improvements thereon located off of Green Street in Gardner, Massachusetts and designated as tax parcel R42-21-1. The Property is more particularly described in a Deed recorded with the Worcester District Registry of Deeds in Book 63792, Page 211.

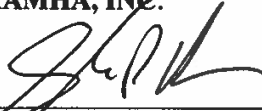
Please indicate Seller's acceptance of the terms and conditions of this Letter by signing in the space provided below.

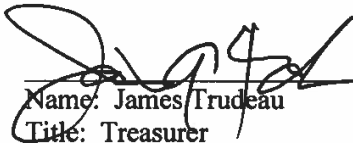
**BAYSTATE RACING, LLC**

BY:   
Name: Sagi A. Genger  
Title: Manager

Agreed to and accepted by:

**GAAMHA, INC.**

  
Name: Shawn P. Hayden  
Title: Acting CEO/President

  
Name: James Trudeau  
Title: Treasurer

Date: April 27, 2024

# *Exhibit 2*

208 Coleman Street  
 Gardner, MA 01440  
 P: 978-632-0934  
 F: 978-630-3337



I/DD Services  
 SUD Services  
 Transit Services  
[www.gaamha.org](http://www.gaamha.org)

May 14, 2024

Elizabeth J. Kazinskas  
 Council President  
 Gardner City Council  
 95 Pleasant St. Room 121  
 Gardner, MA 01440

Dear Madam President,

I am writing to you today in support of the application submitted to the City Council by Bay State Racing, and to provide additional context around GAAMHA's interest in this matter.

As you are likely aware, Bay State Racing's proposal includes their intent to acquire the property owned by GAAMHA located at 827 Green St. This farm property is currently home to The Carl E. Dahl House at Evergreen Grove and R.O.O.T.S. at Evergreen Grove, both of which are programs operated by our agency. Both Dahl House and ROOTS represent incredibly unique and successful programs that are without peers in the world of substance use and mental health due to their innovative approach, and because they are both specifically designed to serve people with financial barriers to the quality of care that we offer. Since the day we opened in November of 2021, not one participant in our care has paid a single penny to take part. GAAMHA's ability to sustain this industry leading care relies heavily on fundraising through donations, grants, and a dedicated team of passionate individuals who are employed within these programs and throughout our agency. Over 50 rescued and endangered livestock animals also call our farm home, and the costs to feed and care for these amazing creatures continue to increase each year.

For the past three years I have been inspired by calls from around the country from clinical professionals looking at our work here in Gardner as a model they wish to replicate in their own regions. At this moment, providers in both Oregon and Ohio are planning to visit our farm in Gardner in 2024 to study and learn from our groundbreaking work. Evergreen Grove has been used as the site for clinical research projects for graduate students from Fitchburg State University and from the University of Pennsylvania School of Veterinary Medicine. We've even played host to Jim Wahlberg and Wahl St. Productions who have captured interviews and footage of families impacted by substance use. Later this month, a team of academic professionals from the University of Denver, University of New Hampshire, Tufts Veterinary School, Green Chimneys School in NY, and The Land at Hillside Farms in PA will be visiting the farm to study our work. In August of this year, we expect to make global news in the equine world with the birth of two Newfoundland Ponies. This critically endangered breed typically only sees an average of 10 births each year worldwide, and our farm is home to the largest herd of Newfoundland Ponies in the United States. To have two births occur on one small farm is virtually unprecedented. As proud as we are of the accolades our work gets, and the attention it brings to the Greater Gardner Community, I am equally concerned as I look to the future.

The demand for our unique approach to care is overwhelming. Wait lists to enroll in our programs continue to expand beyond our grasp, and the prospect of being able to generate enough revenue to expand our facilities and programming is daunting.

GAAMHA is a 501(c)3 Non-Profit Charitable Organization  
 We are proud to be W/NPO (Woman Non-Profit Organization) certified agency.

208 Coleman Street  
 Gardner, MA 01440  
 P: 978-632-0934  
 F: 978-630-3337



I/DD Services  
 SUD Services  
 Transit Services  
[www.gaamha.org](http://www.gaamha.org)

This is where GAAMHA's goals of expansion and sustainability, and Bay State Racing's plan intersect. Bay State and GAAMHA have signed a Letter of Intent that would allow us to move our program just a short distance down Route 140 and build the facility of our dreams. The agreement includes not only the sale of our property to Bay State, but also a multi-million-dollar donation to our organization to facilitate the construction of a larger farm program. Our plan would be to expand the Carl E. Dahl House residential program from 16 to 24 beds and increase capacity by 50%. The new residence would also include a community meeting space where we could host training and other events to share our work with more members of the local community, and welcome visitors from all over to our great city. The ROOTS program, which currently operates out of a tiny modular trailer, would now be housed in a large and permanent facility that would create space to work with our animals in an indoor arena and remove our current barrier to serving more local youth. We currently perform all this work outside, which means for most of the year daylight and weather severely limit the hours available to host sessions with young people starving for a way to address mental health and substance use challenges in a setting that the genuinely enjoy and look forward to attending.

This letter is by no means a wholesale endorsement of horse racing, or the horse racing industry, which has had many challenges in its past. However, I can tell you that Bay State Racing has committed to adhering to the highest standards of animal ethics in their industry. Bay State has made this commitment not only verbally, but in writing as part of our agreement. GAAMHA's Board of Directors has met extensively with representatives from Bay State and insisted that this caveat be a part of our as part of our overarching agreement. To their credit, Bay State did not hesitate to make this commitment.

While Bay State's proposed operation would have obvious financial benefits to Gardner, so too would GAAMHA's expanded programming that would result. Over 50 clinical, support, and agricultural employees would come to Gardner each day to work, eat, and shop. Visitors from around Massachusetts and the entire country would get to enjoy all that Gardner has to offer when they travel to visit family in our programs or collaborate professionally with our teams.

Most importantly, this rare opportunity would increase the scope and quality of impact we have on the people we serve and help sustain our organization for decades to come. It is my sincere hope that you, and the entire City Council, will include these factors as you consider the proposal before you from Bay State Racing. Please feel free to contact me should you have any questions or would like any additional information.

Sincerely,

Shawn P. Hayden, LADC-II  
 President/CEO  
[shayden@gaamha.org](mailto:shayden@gaamha.org)



# *Exhibit 3*



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

June 13, 2024

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

RE: Letter of Support and Mayoral Approval – Request by Bay State Racing to Site a Track for the Purposes of Racing at 827 Green Street

Dear Madam President and Councilors,

On April 30<sup>th</sup>, 2024, my office received notification that GAAMHA, Inc. had entered into a letter of intent with Bay State Racing, LLC to sell the land located at 827 Green Street (commonly referred to as the Carl Dahl House, Andrews Park, LeBlanc Farm, Evergreen Grove, etc.). Included in this notification was a request to site a thoroughbred horse racing track at the site.

Under the General Laws of the Commonwealth, in order for this to occur, **both** the City Council and the Mayor must agree and approve of the measure. There are very few items within the General Laws that prohibit the City Council from overriding a mayoral veto of an item (“mayoral disapproval” as listed in Section 30 of the City Charter of the City of Gardner).

In order to determine whether mayoral approval was merited on this matter, I forwarded this item to the Law Department for review, for which Attorney Vincent Pusateri, Assistant City Solicitor, took charge of.

Based on a review of the legal analysis and research performed by Attorney Pusateri (which has been included in the packet of information for the City Council) and the following reasons, I am writing to inform you that I will **not** be issuing a Mayoral Veto/Mayoral Disapproval on this measure if passed by the City Council, and will sign the measure, pursuant to Section 30 of the City Charter of the City of Gardner.

**Referral to the Law Department:**

Attorney Pusateri conducted an extremely thorough analysis into the matter and concluded the following:

Under the General Laws of the Commonwealth the proposed use is exempt from Zoning requirements. As such, the only oversight that the City would have before any work is done at the site is this vote by the City Council- and site plan reviews by the Conservation Commission and the Planning Board. However, the work done by the Planning Board and the Conservation Commission are not items that can “stop” or prohibit the project from happening but only layout approvals based on their respective jurisdictions.

Since the General Laws of the Commonwealth exempt this use from Zoning – negating any requirements for special permits, zoning relief, approval hearings before the Planning Board or Zoning Board of Appeals, etc. – the only real authority that the Executive Branch agencies, departments, or commissions can do is regulate the layout of the facility, but not its existence in the City.

**Continued Oversight:**

While our initial oversight jurisdiction is very limited due to these statutory exemptions, there are still many ways in which this business would be regulated and public input annually obtained to ensure that the business is operating to **best industry standards** in the City.

If this vote is approved by the City Council, following mayoral signature, the application then moves to the Commonwealth’s Gaming Commission. The Gaming Commission is then statutorily required to conduct their own public hearing within the City to determine whether or not to issue final approval for the **annual** gaming license for this business.

Since this is an **annual** license, the Gaming Commission would then be required, by law, to conduct a public hearing within the City each and every year that the track would be in continued operation within the City. This gives the City and its residents a yearly opportunity to address any concerns or questions regarding the track and its operations.

Additionally, while the General Laws prohibit the City from placing any conditions on the approval to race at the site, the Gaming Commission has full authority to issue any conditions, regulations, restrictions, etc. that they chose to, based on the input and evidence received at their public hearing.

As such, it is the opinion of the Administration that this annual public hearing best protects the City moving forward and allows the City to voice any concerns directly to the regulatory agency overseeing this operation.

Furthermore, per the Host Community Agreement (HCA) that would have to be entered into between Bay State Racing and the City, the mayor would also have one (1) appointee to the business’s oversight committee. This is similar to how the Mayor currently has an appointment to members of the Boards of Directors of the Gardner Community Action Committee (CAC), Golden Agers Club, and Gardner Square Two, Inc., based on the bylaws of these various organizations. This provides additional oversight by the City throughout the year, before and after the Gaming Commission hearings take place.

Lastly, the business would also be required to annually submit reports on their operations to the City Council and the Mayor to ensure that the City is fully aware of everything going on with this location.

**Protection and Proper Treatment of Horses:**

Similar to the way the General Laws remove local jurisdiction from the initial approvals for this application, Federal and State Laws also remove jurisdiction of the care of the animals housed on site from the City's Animal Control Officers to a larger series of regulations to protect the animals.

In 2020, President Biden signed the Horseracing Integrity and Safety Act (HISA) into law. This federal law severely regulates the keeping of thoroughbred horses and horse racing tracks under the United States Department of Agriculture and the Federal Trade Commission (FTC).

Additionally, the General Laws of the Commonwealth give the American Society for the Prevention of Cruelty to Animals (ASPCA) the authority to inspect the facility at any moment in order to ensure the proper treatment and care of the animals is being performed on a daily basis.

Lastly, the Gaming Commission has their own set of regulations regarding the treatment and care of the horses on site, that must be proven to be met as a condition of the annual license application that must be submitted by the business, in order to continue operations as a horse track.

Due to all of these reasons, it is the opinion of the Administration that the animals kept on site would be kept to a healthy and safe standard with several layers of severe regulations to ensure that this standard is maintained.

**Financial Benefit:**

The City also has a large financial benefit from this operation if approved as well.

When the City Council voted to adopt the local option meals and hotels taxes in May of 2024, I stated the following:

*"The FY2025 Budget proposal had \$13,088,995.23 cut from what department heads had requested due to the City's financial constraints. While there is no way these proposals would cover that difference, it does help increase the City's revenue streams in a way that does not overly burden the taxpayers in the City of Gardner. We continue to increase property taxes every fiscal year, but there is only so much that can be done with this with the financial constraints our residents are already paying and dealing with."*  
(City Council Informal Meeting, May 6, 2024, Items #11232 & 11233)

This is the opinion of the Administration with this item as well. If we do not continue to find ways to grow the City's revenue streams, we simply will be left behind in a place where we just cannot afford to continue to provide the services that our residents require at the quality that they deserve.

This proposal would provide approximately **\$500,000** a year to the city in new revenue. This is an amount almost equivalent to the new meals tax revenue the City is projected to receive.

To further illustrate this, the FY2025 Budget that was adopted by the City Council as their meeting of June 3, 2024, included a full two and one half percent (2.5%) increase in property taxes as allowed under the provisions of Proposition 2 ½. This increase in property taxes to fund the FY2025 budget equated to \$820,677.88.

This proposal would almost bring in new revenue in an amount **almost equal to a full year of new taxes**, thus further alleviating the property tax burden we place on our residents and businesses in the City.

In addition to this anticipated annual revenue, the Host Community Agreement would also require that the business to reimburse the City for all costs associated with Police, Fire, and Emergency Medical Services associated with the site.

**Economic Benefit:**

This proposal also furthers the continued business growth and investment that the City has been seeing over the course of the last four (4) years.

The applicant has informed the City that this project, if approved, would create **twenty-five (25) full-time jobs** and **over one hundred (100+) seasonal jobs** when races are held.

With Gardner's population growing by over ten percent (10%) in recent years, we need jobs that our residents can work and live in our community.

**Notification of Approval:**

As such, due to all of the above and the full legal analysis on the proposal that as done by the Law Department, it is the opinion of the Administration that this proposal is in the best interest of the City.

As such, it is my intention as Mayor to sign and approve the vote, if passed by the City Council, to allow this project to move forward.

Respectfully submitted,



Michael J. Nicholson  
Mayor, City of Gardner



# *Exhibit 4*

# CITY OF GARDNER LAW DEPARTMENT

John M. Flick  
City Solicitor

Vincent Pusateri II  
Assistant City  
Solicitor



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144 Central Street, Suite 20  
Gardner, MA 01440

Telephone (978) 632-7948  
Fax (978) 630-3703

June 13, 2024

**VIA EMAIL: [ekazinskas@gardner-ma.gov](mailto:ekazinskas@gardner-ma.gov)**

President Elizabeth J. Kazinskas  
City Council  
95 Pleasant Street  
Gardner, MA 01440

**RE: 827 Green Street, Gardner, MA 01440  
Bay State Application for Horse Racetrack**

Dear Council President Kazinskas,

I have been requested to render an opinion as to whether the City Council has jurisdiction to vote on Baystate Racing, LLC's (hereinafter "Baystate") application to site a racetrack for pari-mutuel betting at the property located at 827 Green Street, Gardner, MA 01440. I have also been requested to provide an opinion as to whether the City Council must take a vote on the matter. Finally, I have been requested to evaluate the proposed location and identify what, if any, legal impediments make it impossible to site a racetrack at the location and discuss legal issues with this use. I have concluded that the City Council does have jurisdiction, must hear the application and there are no legal impediments that may make it impossible to site a racetrack.

### **FACTS AND PROCEDURAL HISTORY**

On December 6, 1954, Matter #1001 appeared on the City Council Agenda. Exhibit A. Matter #1001 concerned an application made by Gardner Raceway, Inc., which sought permission to establish a “harness racing track” in accordance with the provisions of M.G.L. c. 128A. This proposed harness racing track was sought to be located at Route 140 (Green Steet) on the site of Andrews Park. At that time, City Council voted to refer this to the City Solicitor and to hold a public meeting if the City Solicitor deemed it “necessary.”

On December 20, 1954, Matter #1001 appeared before the City Council for a public hearing. Exhibit B. At that time the applicant was represented by Attorney J. Philip Howard of 60 Pleasant St. in Gardner Massachusetts. Attorney Howard expressed his understanding of the statute by indicating that the only question before the City Council was approval of the location. *Id.*

At the close of the public hearing, a motion was made to grant the application for the location on Route 140, Green Street, on the site of Andrews Park, for so-called “harness racing.” This measure passed by a rollcall vote with six yeas and five nays. *Id.*

On January 3, 1955, Matter #1001 appeared on the agenda when a correspondence from the Mayor was placed on file. The correspondence provided that the Mayor could neither “approve nor disapprove” of the relative location of the track for harness racing. Exhibit C.

On July 18, 1955, Matter #1290 appeared on the City Council agenda. This matter sought to refer to the City Solicitor an opinion after the City received a request by Gardner Raceway, Inc. Gardner Raceway, Inc. sought to place on the next regular City election ballot, approval of a location on the easterly side of Route 140 on Green Street for a pari-mutuel betting for licensed horse racing. Matter #1290 sought an opinion from the City Solicitor as to the proper procedural process of the same. Exhibit D.

On August 15, 1955, Matter #1290 was before the City Council. There was a motion to have a letter from Gardner Raceway, Inc. be read. That motion did not carry as the vote was tied, 5 to 5, and therefore defeated. After this motion was defeated, a motion was made for the City Solicitor's opinion be accepted. This motion passed 8 to 2. Exhibit E.

The City Solicitor indicated that Section 49 of the City Charter may not be used to propose this measure to the voting public, for various reasons.<sup>1</sup> The City Council voted to reject the opinion of the City Solicitor and then voted 8 to 2, to place the question on the ballot at the next regular City election. *Id.*

On October 3, 1955, Matter #1384 was before the City Council to place the aforementioned question on the ballot for the City election occurring on November 8, 1955. Exhibit F.

On November 8, 1955, the election occurred, and the measure did not pass. There was a total of 10,082 registered voters. 2,185 people voted in favor of the measure and 5,609 people voted against. 587 people did not vote either way. A total of 8,381 people appeared at the election to cast ballots. Exhibit G.

### **THE LAW**

In Massachusetts, the Court has held that, with respect to racing authorized by G.L. 128A, the legislature in enacting this section intended to take away from cities and towns most of

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<sup>1</sup> SECTION 49. The city council may of its own motion, and shall upon request of the school committee in case of a measure originating with that committee and pertaining to the affairs under its administration, submit to a vote of the registered voters of the city for adoption or rejection at a regular or special city election any proposed measure, or a proposition for the annulment, repeal or amendment of any measure, in the same manner and with the same force and effect as are hereby provided for submission on petition. ("such measure or part thereof shall forthwith become null and void unless a majority of the qualified voters voting on the same at such election shall vote in favor thereof." City Charter § 46.)

SECTION 51. The ballots used in voting upon such proposed measure shall state the nature of the measure in terms sufficient to show the substance thereof. No measure shall go into effect unless it receives the affirmative votes of at least a third of the whole number of registered voters.

authority which they formerly had possessed under G.L. c. 271, § 33<sup>2</sup>, *which thereafter was applicable only so far as it provided for approval of location of track. North Shore Corp. v. Selectmen of Topsfield*, 322 Mass. 413, 77 N.E.2d 774, (1948). *Emphasis supplied*. The Court went on to hold that G.L. c. 128 A § 13A<sup>3</sup> “must be construed to mean that when the location of a racetrack has been ‘once approved’ by the local authorities their jurisdiction is exhausted.” *Id.* at 417. Further, the Court held that “[i]t is not reasonable to suppose that the Legislature intended that, once there had been an approval by the local authorities, they were to have the power to revoke their approval and thereby deprive the commission of its jurisdiction.” *Id.* at 417-418.

Neither the 1954 nor the 1955 vote has any legal effect. The Solicitor at the time was correct that the vote of December 20, 1954 was not approved by the Mayor and therefore, the measure did not pass. This is because the statutory criteria requires both approval by the City Council and the Mayor.

The vote of November 8, 1955 has no binding effect on the current Council and Mayor either. The issue is one of jurisdiction. (Subsequent votes were invalid because “once approved”

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<sup>2</sup> G.L. c. 271 § 33 provided and continues to provide, in pertinent part:

“No land within a town shall be laid out or used as a race ground or trotting park without the previous consent of and location by the mayor and city council, the town council in a town having a town council or the selectmen in any other town, who may regulate and alter the terms and conditions under which the same shall be laid out, used or continued in use and may discontinue the same when in their judgment the public good so requires; ...” G.L. c. 271, § 33. Exhibit H.

<sup>3</sup> M.G.L. c. 128A, § 13A provided in 1954, in pertinent part that: “[N]o license shall be granted by the commission for a racing meeting unless the location of the racetrack where such meeting is to be held or conducted has been once approved by the mayor and alderman ... as provided by [G.L. c. 271 §33]. G.L. c. 128A, § 13A Acts 1935, 454, § 8. *Emphasis supplied*. See the attached collection of Acts and Resolves amending predating 1954. G.L. 128 A § 13A. Exhibit H.

G.L. c. 128A § 13A currently provides:

“The provisions of ... sections ... thirty-three...of chapter two hundred and seventy-one...shall not apply to race tracks or racing meetings laid out and conducted by licensees under this chapter or to animals eligible to race at such meetings; except that no license shall be granted by the commission for a racing meeting in any city...unless the location of the race track where such meeting is to be held or conducted has been once approved by the mayor and city council ... as provided by said section thirty-three of said chapter two hundred and seventy-one, after a public hearing, seven days’ notice of the time and place of which hearing shall have been given by posting in a conspicuous public place in such city or town and by publication in a newspaper published in such city or town, if there is any published therein...” G.L. c. 128A, § 13A.



the City would exhaust its jurisdiction. *North Shore Corp. v. Selectmen of Topsfield*, 322 Mass. 413, 416 (1948)). There is no provision that I have located that would support the proposition that once a location was rejected, a parcel could not be presented again for the consideration as to the location of a track.

### **CURRENT PROPOSAL**

On April 30, 2024, Bay State Park submitted a request to the City Council to schedule a public hearing in accordance with M.G.L c. 128A, § 13A to consider 827 Green Street, Gardner MA as the location for a racetrack meet license. Exhibit I.<sup>4</sup>

During my review of this matter, I have been advised that the proposal is to open as an “Equine Center” providing for the breeding, housing, riding, showing, studying, treatment, training, retirement, and racing of horses and other equestrian and agricultural related uses such as wagering on horse races. These races will be broadcasted so that others not on the site may wager on the races occurring at the Equine Center.

The applicant plans to construct a one-mile-long grass track and grandstand in the northwest portion of the property. The proposal includes paddocks and facilities for training and riding. The existing track will not be altered, or in the alternative, will be torn up so that the area it occupies can be put to a different use. The current parking area and any new parking areas will be made of pervious material. There will be residence for a grounds keeper and an assistant grounds keeper. There are currently two barns that have 43 stalls which will be renovated. Other activities will be occurring on the site, including educational programs in partnership with Mount

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<sup>4</sup> PowerPoint enclosed in the letter was not included in Exhibit I as it was revised.

Wachusett Community College, farmers' markets, and fairs. All waste material will be stored in covered containers and removed via trucks from the site.

### **ANALYSIS**

I have found no provision in the law that would directly command that an application made pursuant to M.G.L. c. 128 A § 13A, be required to be placed on the City Council Agenda. For example, § 606-2 of the City Code provides “the City Council shall consider the issuance of the license requested” when setting out the procedure to obtain a Class 3 License. City Code § 606-2. M.G.L. c 128 A § 13A does not contain such a command. However, the request submitted on April 30, 2024, was addressed to the City Council pursuant to a specific statutory grant of jurisdiction. Therefore, the April 30, 2024 letter requesting a hearing by the applicant would present a “question coming before” the Council and thereby giving each Councilor the right to vote on the same. City Charter Section 24.<sup>5</sup>

It is therefore my conclusion that the City Council does have the jurisdiction to hear Baystate’s application as to the location of a track for licensed horse race, and that each Councilor would have the right to vote on 1) whether or not there would be a hearing pursuant to M.G.L c. 128A §13A and if so scheduled; and 2) whether 827 Green Street is an appropriate location for horseracing pursuant to M.G.L. c. 128A.

### **NO KNOWN LEGAL IMPEDIMENT**

I have examined the title of the property and the history of the property. Exhibit J. The property has a documented history of being used as a horse racing track. The property is not owned

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<sup>5</sup> SECTION 24. Except as provided in this section, the legislative powers of the city council may be exercised as provided by ordinance or rule adopted by it.

1. Except as otherwise provided in this act, every member of the council shall have the right to vote on any question coming before it. A majority of the council shall constitute a quorum, and the affirmative vote of a majority of all the members of the council shall be necessary to adopt any motion, resolution or ordinance.

by the applicant, but the applicant has submitted a letter of intent to purchase the property from the owner. There is a Letter of Intent confirming the intention of the parties to enter into a transaction wherein GAAMHA would sell to Baystate the property located at 827 Green Street. I have reviewed a letter by GAAMHA in support of this application. The applicant advises that they are in the process of negotiating a conditional Purchase and Sale Agreement. I am convinced that both parties are committed to this transaction.

The Building Commissioner, the Conservation Agent, and the Commissioner of Public Works have reviewed this proposal. There are no known impediments to the proposed use that cannot be addressed by the applicant.

The Building Commissioner and I have reviewed the agricultural use and determined that the wagging on the site would be permitted, as either an Exempt Agricultural Use, or as a use incidental to an Exempt Agricultural Use.

Title XIX of the Massachusetts General Laws, entitled “Agriculture and Conservation” is set forth in Chapters 128-132B. This is a comprehensive statutory scheme intended to promote agriculture throughout the Commonwealth. The intent of M.G.L. c. 128 is to in part, empower the Department of Agricultural Resource to “promote, develop and encourage ... the breeding of thoroughbred horses in the commonwealth by offering cash prizes ... in the following manner: ... set the percentages for bonuses to be awarded ... of the purse monies won by said thoroughbred horse.” M.G.L. c. 128 § 2(g). According to the Department’s website, the purpose of the Department is to “keep Massachusetts agriculture economically and environmentally sound.”<sup>6</sup>

To this end, the Commonwealth set out to prevent the mischief of cities and towns from interfering with the agricultural economy. In order to do so, the Commonwealth passed an Act

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<sup>6</sup> <https://www.mass.gov/orgs/massachusetts-department-of-agricultural-resources>.

entitled “Protecting Massachusetts Farming Operations” in the Acts and Resolves of 1989 Chapter 590. This amended M.G.L. c. 40 A § 3 to protect these preferred agricultural uses from local zoning control. Currently, M.G.L. c. 40 A § 3 provides:

“nor shall any ... ordinance ... prohibit, unreasonably regulate, or require a special permit for the use of land for the primary purpose of *commercial agriculture*, ... nor prohibit, unreasonably regulate or require a special permit for the use, expansion, reconstruction or construction of structures thereon for the primary purpose of *commercial agriculture*, ... For the purposes of this section, the term “agriculture” shall be as defined in section 1A of chapter 128, ...”

*Id.* Emphasis supplied.

Agriculture is defined in Title XIX to include “the raising of livestock including horses, the keeping of horses as a commercial enterprise.” M.G.L. c. 128, § 1A. The commercial enterprise contemplated by the definition of agriculture includes wagering on horse races as the provision of the commercial activity is specifically addressed in the next succeeding section, M.G.L. c. 128 § 2. The statute empowers the Department of Agriculture to promote, develop, and encourage Massachusetts Thoroughbred Breeding Program through the payment of purses to breeders of horses under certain terms and condition that contemplate wagering. The relevant section of the

statute is set out in the margin.<sup>7</sup> These conditions include the registration of horses in the Jockey Club.<sup>8</sup>

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<sup>7</sup> [p]romote, develop and encourage through the Massachusetts Thoroughbred Breeding Program, the breeding of thoroughbred horses in the commonwealth by offering cash prizes to breeders of such horses in the following manner: the Massachusetts Thoroughbred Breeders Association, Inc. shall from time to time in consultation with the chairman of the racing commission and the program manager for the equine division in the department of agriculture set the percentages for bonuses to be awarded to the breeder of a Massachusetts bred thoroughbred horse, of the purse monies won by said thoroughbred horse in any pari-mutuel running horse race if said horse finishes first, second or third; the percentage for a cash prize to the owner of the stallion, at the time of service to the dam of such purse winner; provided, however, that (i) the stallion stood the breeding season of February through June in the commonwealth, (ii) the horse finishes first, second or third, and (iii) said stallion is registered with the department of food and agriculture; the percentage for a cash prize for the purse monies won by said thoroughbred horse in any unrestricted or restricted pari-mutuel running horse race held within or outside of the commonwealth to the owner of a Massachusetts bred horse if said horse finishes first, second, or third.

The Massachusetts Thoroughbred Breeders Association, Inc. is further authorized to pay cash purses for stakes races to be limited to Massachusetts bred thoroughbred racehorses from the Massachusetts thoroughbred breeding program at licensed pari-mutuel race meetings authorized by the state racing commission. Such races may be betting or non-betting races and may or may not be scheduled races by the licensee conducting the racing meeting. Purse monies paid by the association under this section may be in such amounts as the association shall determine and may be the sole cash purse for such races or may be supplemental to the cash purses established by the licensee; provided, however, that no person, partnership, corporation or group of persons may receive more than five thousand dollars as a cash prize breeder's award from the association for an individual horse race within the commonwealth.

No person shall be eligible for the prizes provided herein unless the following standards are met:

(1) The foal of a thoroughbred mare that drops said foal in the commonwealth and is bred back to the Massachusetts registered stallion shall be Massachusetts bred; or

(2) The foal of a thoroughbred mare who resides in the commonwealth from the fifteenth day of October of the year prior to foaling and continues such residence until foaling and foals in the commonwealth shall be Massachusetts bred.

(3) In either the case of subparagraph (1) or (2) each thoroughbred foal dropped in the commonwealth shall be registered with the Jockey Club and the department of food and agriculture.

(4) Prior to the first day of September of each year, each person standing a thoroughbred stallion in the commonwealth at either private or public service shall file with the department of food and agriculture: (a) a list of all thoroughbred mares bred to such stallion in that year; and (b) a verified statement representing that said stallion stood the entire breeding season in the commonwealth.

The Massachusetts Thoroughbred Breeders Association, Inc. is hereby further authorized to expend up to eight percent of the amount received each fiscal year for said program for advertising, marketing, promotion, and administration of the thoroughbred breeding program in the commonwealth.

The state auditor shall audit the books of the Massachusetts Thoroughbred Breeders Association, Inc., to ensure compliance with this section, in accordance with generally accepted government auditing standards, as often as the state auditor determines is necessary. M.G.L. c. 128 Sec. 2 (g), emphasis added.

<sup>8</sup> The Jockey Club is the breed registry for Thoroughbred horses in the United States and Canada. It is dedicated to the improvement of Thoroughbred breeding and racing and fulfills that mandate by serving many segments of the industry through its subsidiary companies and by supporting numerous industry initiatives. [https://en.wikipedia.org/wiki/Jockey\\_Club\\_\(United\\_States\)](https://en.wikipedia.org/wiki/Jockey_Club_(United_States)).

The Jockey Clubs purpose is to not only to encourage the development of the thoroughbred horse, but to establish racing on such a footing that it may command the interests as well as the confidence and favorable opinion of the public." <https://www.jockeyclub.com/Default.asp?section=About&area=0> The Jockey Club's primary responsibility, then and now, is the maintenance of The American Stud Book in a manner that ensures integrity of the breed in the United States, Canada and Puerto Rico. *Id.*



The Department of Agriculture confirms its partnership with the Gaming Commission on the Thoroughbred Horse Breeding Program's website. "The Division of Animal Health administers the racehorse breeding registration programs in conjunction with the Massachusetts State Gaming Commission and the representative breed organizations." Exhibit K.<sup>9</sup> It is for these reasons that wagering is either an Exempt Agricultural Use or at a minimum, incidental to an Exempt Agricultural Use.

The fact that wagering would be occurring on the site does not classify the site as a Sports Betting Facility. The ordinance defines Sports Betting Facility as "An entity licensed by the Massachusetts Gaming Commission under the provisions of Chapter 173 of the Acts of 2022 of the General Laws to conduct sporting and wagering events. This Act deals with licensing and M.G.L. c. 23N, which is titled Massachusetts Sports Wagering Act."<sup>10</sup> The proposal described above only includes a license pursuant to M.G.L. 128A and 128C. Obtaining a license under M.G.L. c 128A would provide Baystate standing to seek a license under M.G.L. c. 128C for simulcast betting.

Therefore, this proposal is permitted by the Gardner Zoning Ordinance as an Exempt Agricultural Use or incidental to that use. The issue of residential use is still under review as of the drafting of this memorandum. If zoning relief is required for this use, the use can be allowed by a special permit. Other potential uses would include operating a restaurant or lounge which would require additional zoning relief. A more complete review has not been made, as a restaurant has not been presented by this proposal.

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<sup>9</sup> <https://www.mass.gov/info-details/thoroughbred-breeding-program>.

<sup>10</sup> SECTION 6 of the Act amends M.G.L c. 128C to require a mandatory minimum of 20 days and the ability of the Commission to waive the same. The Act does not create or amend the licensing scheme.

There is an expired conservation permit issued in connection with an addition to a home and septic system constructed within the buffer zone of the property. The submission is file number 160-0642. *See Energy & Environmental Affairs Data Portal (state.ma.us). Exhibit L.* It is likely that the Department of Environmental Protection will be unable to act on any new requests that are made until the Order of Conditions is resolved. However, this can be addressed by the current owner or Baystate. Other than this, there are no restrictions in the title that would prevent the use of the land as a racetrack. Conservation is currently being reviewed by the applicant's engineers and wetland delineations have already begun. Baystate has met with the Conservation Agent for the City and advises it plans to meet with the Conservation Commission at their earliest meeting following the City Council's approval of the location of the track.

#### **PROCEDURE**

#### **THE VOTE**

The current draft of the vote is as follows:

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

It is important to note that the City may not condition its vote in any way, as this would intrude on the Gaming Commission's jurisdiction. Once approved, the vote cannot be rescinded. A simple majority vote would be required for the measure to pass.<sup>11</sup>

This vote would need to be placed on the agenda and then referred to a public hearing at a time and place determined by the Council. Once a date is set for the hearing, it will be important to place an advertisement in the Gardner News containing the notice of the public hearing no less than seven (7) days in advance of the hearing.<sup>12</sup> M.G.L. c. 128A § 13A. The applicant will be responsible to place the ad and paying all fees. In addition, the Clerk must post the notice on the City's website and conspicuously at City Hall.

#### **ADVERTISEMENT FOR PUBLIC HEARING**

The advertisement for public hearing as described above, would provide as follows:

“Pursuant to G.L. c. 128A, § 13A, the City of Gardner City Council will hold a PUBLIC HEARING on \_\_\_\_\_ at \_\_\_\_\_ PM at Gardner City Hall, 95 Pleasant Street, Gardner, MA 01440 to hear the matter of Baystate Racing, LLC's application for horse racing operation at 827 Green Street and specifically the following Vote. ‘Shall a track of land located within the limits of the City of Gardner, now owned by the GAAMHA, Inc., located at 827 Green Street, comprising approximately 114 acres also identified as assessors lot number R42-21-1 and more particularly described in Worcester Registry of Deeds Book 63792 and Page 211 and situated on the easterly side of Route 140, otherwise called Green Street, be approved as the location of a running horse racing track where race

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<sup>11</sup> A majority of the council shall constitute a quorum, and the affirmative vote of a majority of all the members of the council shall be necessary to adopt any motion, resolution or ordinance. Section 24

<sup>12</sup> For example, if the hearing is on July 1, 2024, then the ad will be placed on Saturday, June 22, 2024 as the Gardner News does not run on Mondays.

meetings laid out and conducted by licensees under M.G.L c. 128A will be held or conducted?’ Anyone wishing to be heard should appear at the time and place designated above. Please refer to Gardner City Council’s Rules for public hearings.”

A copy of the rules will be attached to the advertisement.

### **GAMING COMMISSION**

An application for a license pursuant to M.G.L. c. 128A shall be filed with the Gaming Commission on or before October 1<sup>st</sup>, in order for Baystate to race in 2025. If an application is filed, the Gaming Commission shall act on the application no later than November 15, 2024. M.G.L. 128, § 2.

Baystate advises that should the City approve the location by July 1, 2024, the applicant would file an application with the Gaming Commission by August 1, 2024. The applicant advises that their expectation is to complete the permitting process with the City by the end of the calendar year and complete construction of the Equine Center, in time to race by 2025. The permitting process with the City would primarily focus on the Conservation Commission and Site Plan Review with the Planning Board.

According to this plan, the Gaming Commission will notice a public hearing in the City to determine if they will issue a license. If the foregoing timeline is met, it is anticipated the hearing will happen at the end of September or the beginning of October. This hearing will be an adjudicatory hearing and if held, will proceed with sworn witness and authenticated documentation. The Gaming Commission would then determine whether the license would be issued and if so, what conditions would be placed upon the license.

If a license is issued, Baystate will be required to race at least 20 days per year. This minimum may be lowered if the applicant seeks and obtains a waiver from the Gaming Commission. The Host Community Agreement will require the applicant to seek this waiver over the next 5 years.<sup>13</sup> One should note that the statute permits up to 200 days in any 1 year at all running horse racing meetings combined throughout the Commonwealth, not including Suffolk County.

Hours of operation can be only between the hours of 10:00 A.M. and 12:00 A.M. The Gaming Commission shall grant authorized dates at such times that are consistent with the best interests of racing and the public. M.G.L. 128A § 3.

If the Gaming Commission issues a license, an annual public hearing within the City of Gardner will occur, during which time the community will be able to raise concerns with the Gaming Commission. This will also be an adjudicatory hearing where witnesses are sworn, and documents are authenticated. This will be an opportunity each year to request the Gaming Commission place, alter or amend conditions of the license.

### **HOST COMMUNITY AGREEMENT**

The order to authorize the Mayor to Sign a Host Community Agreement (“HCA”) should be filed contemporaneously with Baystate’s application. There is no specific requirement that an order be obtained, but due to the novel nature of the agreement and use, it is advisable. We have substantially completed the negotiations. The current draft will be filed with the City Council in connection with the order. Additional comments regarding the HCA are welcomed. Currently, the material provisions of the HCA are as follows:

1. Annual payments of approximately \$460,000.00 to \$500,000.00.

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<sup>13</sup> 2025: One Weekend (three days) 2026: Two Weekends (six days) 2027: Two Weekends (six days) 2028: Three Weekends (nine days) 2029: Three Weekends (nine days)



- a. This is broken down as follows: 1.5% of all simulcast fees collected by Baystate. The applicant has estimated this amount to be \$240,000.00. (I am scheduling an appointment with the Gaming Commission personnel to better understand the calculation of the City's funds.);
  - b. There will be a PILOT payment in the amount of \$230,000.00 per year subject to an escalation clause; and
  - c. Baystate will donate \$20,000.00, annually, to a local or regional non-profit/charity that directly benefits Gardner residents.
2. Payment for all police, fire and EMS details on festival days, and any other impacts on the City;
  3. Reimbursement of professional services such a legal and engineering services in connection with siting;
  4. Creates a Racing Oversight Committee to review and make recommendations to the Mayor and Council each year on the operations of Bay State Park; and
  5. Annual review on previous and future operations with the Mayor and Council.

#### **CARE OF THE HORSES**

The issues surrounding the care of horses are controlled by the state and federal government. In 2022, the federal government implemented the Horse Integrity and Safety Act which established the Horseracing Integrity and Safety Authority (HISA). The Horseracing Integrity and Safety Authority is responsible for drafting and enforcing uniform safety and integrity rules. A summary of the law is attached hereto. Exhibit N. Suffice it to say, the law establishes a new regulatory scheme intended to control abuses in the industry and punish those who would violate the standard of care. The bill sets forth other provisions regarding (1) funding,

conflicts of interest, and jurisdiction; (2) registration with the authority; (3) program enforcement; (4) rule violations and civil sanctions; (5) testing laboratories; (6) review of final decisions of the authority by an administrative law judge; (7) unfair or deceptive acts or practices; and (8) agreements with state racing commissions.<sup>14</sup>

Issues and concerns of the care of the horses can also be addressed by the Massachusetts Gaming Commission. The forward to the regulation notes the right to public participation.<sup>15</sup> Massachusetts Society for the Prevention of Cruelty to Animals is authorized by M.G.L. c. 129, § 9 to visit “any stable where horses are kept for hire, or boarded for a fee, for the purpose of preventing violations of any law and of detecting and punishing the same and such agents shall have the power to prosecute any such violation coming to their notice.” M.G.L. c. 129, § 9. The Department of Agriculture and Resources and Baystate Racing’s Oversight Committee will be additional avenues to pursue the protection of horses. In addition, Baystate will be subjected to various inspections. Pursuant to the terms of the HCA Baystate must report the fact of an inspection and the results to the City.

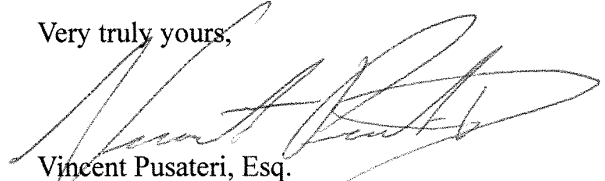
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<sup>14</sup> H.R.1754 - 116th Congress (2019-2020): Horseracing Integrity and Safety Act of 2020 | Congress.gov | Library of Congress; <https://www.congress.gov/bill/116th-congress/house-bill/1754/text>.

<sup>15</sup> “Under M.G.L. c. 30A any interested party has the right to attend all hearings conducted by the Commission for the purpose of the adoption or amendment of any rule or regulation. The Commission shall afford any interested person an opportunity to present data, views or arguments in regard to any proposed rule change. Upon written notice to the Commission, a person may request the adoption, amendment or repeal of any regulation with an opportunity to present data, views or arguments in support of such request. If a dispute should arise concerning a ruling by a steward or other racing official, any party affected by such ruling has a right to an appeal to the Commission in accordance with the provisions of 205 CMR 101.02”. 205 CMR 4:01.

This is not an exhaustive review of the proposal. For additional information please see the City Council packet. Thank you for providing me with the opportunity to investigate this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Vincent Pusateri", written in a cursive style.

Vincent Pusateri, Esq.  
Assistant City Solicitor

VPP/dam  
cc: Mayor Michael J. Nicholson  
Encl.

# EXHIBIT A

EXHIBIT

63

CITY OF GARDNER  
December 6, 1954  
IN CITY COUNCIL



|                                                                                                                                                                                                                                                                                                 |                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| <p>Monday evening, December 6, 1954. Regular meeting of the City Council held in the Council Chamber, City Hall. Meeting called to order at 7:30 o'clock p. m. by President Walsh.</p>                                                                                                          | <p>Regular meeting</p>                                                            |
| <p>Roll call taken--All members present.</p>                                                                                                                                                                                                                                                    | <p>Roll call</p>                                                                  |
| <p>The opening prayer was said in unison.</p>                                                                                                                                                                                                                                                   | <p>Opening Prayer</p>                                                             |
| <p>On motion made by Councillor Sauter, seconded by Councillor Reponen, it was voted to dispense with the reading of the regular meeting of November 17, 1954.</p>                                                                                                                              | <p>Dispense with reading of minutes</p>                                           |
| <p>#993<br/>On motion made by Councillor LeBlanc, seconded by Councillor Robicheud, it was voted on roll call vote, 10 yeas and 1 nay, (Councillor Landry) to pass the following order:</p>                                                                                                     | <p>Motion to pass money order</p>                                                 |
| <p>AN ORDER TRANSFERRING A SUM OF MONEY FROM THE SCHOOL DEPARTMENT, OTHER THAN ORDINARY MAINTENANCE, SCHOOL STREET SCHOOL ADDITION ACCOUNT TO THE SCHOOL DEPARTMENT, OTHER THAN ORDINARY MAINTENANCE, NEW CONSOLIDATED SCHOOL ACCOUNT.</p>                                                      | <p>\$15,000.00 to School Dept., O.T.O.W., New Consolidated School Account</p>     |
| <p>ORDERED:</p>                                                                                                                                                                                                                                                                                 |                                                                                   |
| <p>That there be and is hereby transferred the sum of Fifteen thousand dollars (\$15,000.00) from the School Department, Other Than Ordinary Maintenance, School Street School Addition Account to the School Department, Other Than Ordinary Maintenance, New Consolidated School Account.</p> |                                                                                   |
| <p>Presented to Mayor for approval Dec. 7, 1954<br/>Approved December 7, 1954<br/>ULRIC O. FREDETTE, Mayor.</p>                                                                                                                                                                                 | <p>Approved by Mayor</p>                                                          |
| <p>#994<br/>On motion made by Councillor Cilley, seconded by Councillor Sauter, it was voted unanimously on roll call vote to pass the following order:</p>                                                                                                                                     | <p>Motion to pass money order</p>                                                 |
| <p>AN ORDER TRANSFERRING A SUM OF MONEY FROM THE LEVI HEYWOOD MEMORIAL LIBRARY DEPARTMENT, PERSONAL SERVICE ACCOUNT TO THE LEVI HEYWOOD MEMORIAL LIBRARY DEPARTMENT, ORDINARY MAINTENANCE ACCOUNT.</p>                                                                                          | <p>\$500.00 to Levi Heywood Memorial Library Department, Ordinary Maintenance</p> |
| <p>ORDERED:</p>                                                                                                                                                                                                                                                                                 |                                                                                   |
| <p>That there be and is hereby transferred the sum of Five hundred dollars (\$500.00) from the Levi Heywood Memorial Library Department, Personal Service Account to the Levi Heywood Memorial Library Department, Ordinary Maintenance Account.</p>                                            |                                                                                   |
| <p>Presented to Mayor for approval December 7, 1954<br/>Approved December 7, 1954<br/>ULRIC O. FREDETTE, Mayor</p>                                                                                                                                                                              | <p>Approved by Mayor</p>                                                          |



joint pole relocation on School Street, notherly from Cross Street (one present joint pole location to be abandoned) which is necessary to satisfy the regulations. Councillor Sauter reported that some people mean to do things properly and some people like things done with expediency. The public hearing is set according to regulation but the pole has already been installed without the approval of the Public Service Committee or City Council. This is beginning to happen too often. Councillor Sauter was informed by the Supervisor of Planning of the Worcester County Electric Company that through illness instructions were given through error to erect this pole. Councillor Sauter, hearing this petetion was to be presented called the City Clerk's Office every day and it did not arrive until Thursday, December 2, 1954 at 2:30 p.m.

Objection to placing of pole prior to public hearing or permission of City Council

1001

On motion made by Councillor Cilley, seconded by Councillor Sauter, it was voted to refer item 1001 - Application from Gardner Raceway, Inc., for permission to establish a harness racing track on Route 140 (Green Street) on the site of the Andrews Park, so called in accordance with provisions of Chapter 128A of the General Laws to the City Solicitor so that he may inform the Council as to the proper action to take under Chapter 128 of the General Laws and that he be present at our next Council meeting so that he may answer any questions that might arise at that time.

Refer application to establish harness racing track to City Solicitor

1001

On motion made by Councillor Sauter, seconded by Councillor Tamulen, it was voted (Councillors Cilley and Landry voting in the negative) that the Council President be given authority to call a public hearing for the next regular meeting if the City Solicitor says it is necessary for the Council to hold a public hearing concerning the application for permission to establish a harness racing track in accordance with the provisions of Chapter 128A of the General Laws.

Permission to hold public hearing on application for harness racing track if City Solicitor recommends it

1002

Councillor Sauter made a motion, seconded by Councillor Robichaud, that the Council is represented by Councillor Lison at the DPU 11163 hearing at room 166, State House, Boston on Wednesday, December 15, 1954 at 10 a.m. on petition of New England Telephone and Telegraph Company for increase in rates and charges for telephone service. Councillor Lison declined and suggested that the City Solicitor as being the proper person to represent the city in such matters. It was pointed out that the City Solicitor did not need the experience and unless he was advised to oppose or favor the increase it was needless to send him to Boston.

Motion to have Councillor Lison represent the City at DPU public hearing on request of New England Telephone to raise rates

# **EXHIBIT B**



On motion made by Councillor Sullivan, seconded by Councillor Reponen, it was voted to adjourn at 7:45 o'clock p.m.

A true copy, Attest:  
*Frank C. Bourgeois*  
City Clerk

CITY OF GARDNER  
December 20, 1954  
IN CITY COUNCIL

Monday evening, December 20, 1954. Regular meeting of the City Council held in the Council Chamber, City Hall. Meeting called to order at 7:30 o'clock p.m. by President Walsh.

Roll call taken-- All members present.

The opening prayer was said in unison.

On motion made by Councillor Sauter, seconded by Councillor Sullivan, it was voted to dispense with the reading of the regular meeting of December 6, 1954 and Special meeting of December 10, 1954.

1001

President Walsh announced that as the Council Chamber was too small to take care of the crowd the hearing would be adjourned to the City Hall Auditorium so that every one will have ample room and will be heard under more favorable circumstances.

1001

Hearing opened in the City Hall Auditorium at 7:45 o'clock p.m. to consider the application of the Gardner Raceway for approval of the location on Route 140, Green Street on the site of Andrews Park so-called for harness racing. Before anyone spoke on the subject President Walsh read three letters, two in favor and one against approving the location. The Church Council of the First Congregational Church at its regular monthly business meeting last evening voted unanimously to go on record as being opposed to a pari mutuel race track in the City of Gardner. It was also voted that this

Adjourn

Regular meeting

Roll call

Opening Prayer

Dispense with reading of minutes

Public hearing moved to City Hall Auditorium to accommodate large crowd

Public Hearing on Gardner Raceway application for harness racing

Letters read in favor and in opposition

15  
20

Letters (cont)

opposition be communicated to each member of the City Council. In his communication Elliot S. Ryan, Owner-Manager of the Colonial Hotel, Gardner, Massachusetts wished, before the final vote on the Pari-Mutuel Racetrack to go on record as being very much in favor of this new business. He further stated that when industries were running to full capacity the Colonial Hotel was able to operate without a loss, but with the decline in business, such as the removal of the executive and Sales Office of the Florence Stove Company to Chicago, together with manufacturers running on a small scale, and the increased Motel competition, the business was in the red, but he felt to bring racing into Gardner would create new business activity, not only for the Hotel but for the benefit of the Merchants and others as well, and he asked for favorable consideration.

1001

The Third letter President Walsh read was from L. W. Smith, Executive Vice President of the National Bank of Vernon, Vernon, N. Y. In his opinion during the past two and one half years the assets of the bank increased from \$1,700,000 to \$2,200,000 about 70% of this increase was due to the accounts which the track carries, increase in merchants accounts due to additional business and horsemen who have opened accounts and continued them after the season is closed. In checking with over 90% of the merchants it was found that they were unanimously in stating that their business during the three summer months was comparable to the Christmas Holiday business. Gas Stations, bars, restaurants and motels reported a 100% increase over a comparable period in past years. The two clothing stores in town claim that their high sales occurred, during the racing season rather than the holiday season. The drug store does a heavy volume of business in veterinary supplies. The track purchases large lumber supplies and hardware for improvements and repairs which is purchased locally, The two local feed stores service the track and are very happy with the business. There are 700 to 800 horses on the grounds during the season and the hay and grain sales were very profitable. During the season there is approximately 100 trailers in the park provided by the racing association all of which use bottled gas which it purchases locally. There are approximately 300 tenants in the trailers who buy all their groceries, clothing etc. in town. Approximately 75 owners, trainers, judges, etc. rent rooms from local residents. In addition it is estimated there are 700 people employed as trainers, drivers, grooms, stable hands, maintenance men, guards and waiters. Vernon has a normal population of about 1200 and the increase of 900 to 1100 would tend to double business while they are here. Many of the towns people who were de-

initely opposed to the track two years ago have been employed by them since opening on part-time jobs as ticket sellers, guards and cashiers and they are frank in stating that they had the wrong impression of a harness track and its employees. The directors of the Downs were very cooperative in setting up their police system. They hired a local man who was an ex-trooper to head it and they have done an excellent job. There have been a few traffic violations and several cases on intoxication amongst the stable hands which were handled by the police force on the grounds. To Mr. Smith's knowledge there have been no moral violations, gambling, dice games or slot machines. There has been no increase in juvenile delinquency which could be attributed to the track. They averaged well over 3000 per night attendance last year.

Public hearing (cont)  
on Gardner Raceway  
application for  
harness racing

Speaking in favor

1001  
Atty. J. Philip Howard, with an office at the Post Office Square Building, 60 Pleasant Street, Gardner, Mass., speaking on behalf of the Gardner Raceway, Inc. stated that according to Chapter 128A, Section 14 of the General Laws every four years at the State Election the following question appears on the ballot: "Shall the pari-mutuel system of betting on licensed horse races be permitted in the county?" That question was duly submitted at the last State Election on November 2, 1954 and the results in this county were 102,000 in favor to 87,000 against. In other words, pari-mutuel betting on horse racing was endorsed in Worcester County by a substantial number of voters. The results in this city were 4190 votes in favor and 2071 against. In other words, the voters in this city by a margin of greater than two to one indicated their desire for pari-mutuel betting on horse racing. The vote in every one of the five wards in the city was in favor of it, as follows:

|        |     |             |    |             |
|--------|-----|-------------|----|-------------|
| Ward 1 | yes | 623         | No | 464         |
| Ward 2 | "   | 1006        | "  | 442         |
| Ward 3 | "   | 1003        | "  | 355         |
| Ward 4 | "   | 658         | "  | 341         |
| Ward 5 | "   | 900         | "  | 469         |
|        |     | <u>4190</u> |    | <u>2071</u> |

In other words, in all but one of the five wards the results were at least two to one and even in Ward I the voter was three to two in favor of pari-mutuel betting on licensed horse racing. The will of the voters it seems is very clear. They have indicated not only in Worcester County but in the City of Gardner they desire pari-mutuel betting on horse racing. He further stated that he was a member of the Great and General Court and every one knows that it is the will of the majority of the voters that governs. Section 13A of the same chapter 128 of the General Laws provides,

GARDNER \$20.50



Public hearing (cont)  
on application of  
Gardner Raceway for  
harness racing

Speaking in favor

" No license shall be granted by the Commission (State Racing Commission) for a racing meeting in any city...unless the location of the racetrack where such meeting is to be held or conducted has been once approved by the Mayor and Alderman (Councillors) as provided by Chapter 271, Section 33 of the General Laws, after a public hearing, 7 days notice of the time and place of the hearing shall have been given by posting in a conspicuous public place in the city...and by publication in a newspaper published in such city..."

1001  
Atty. Howard asked this question, "Am I to understand that in view of the language of this statute that the only question before your board is the question of approval of the location?" "If you do or do not wish to hear arguments on the merits of a race track?" President Walsh replied, " I am going to let this public hearing be run as open as possible both for and against. We are to hear all arguments, pro and con, but action will be taken on the location".

1001  
Atty. Howard resumed and stated that Gardner Raceway, Inc. is a Massachusetts corporation which has been in existence for several years, whose officers, directors and stockholders are in every instance residents of this city, people of good reputation, citizens of the City of Gardner, One of the owners is Nathan Gewandter, a man who has lived in this city much of his life, a substantial tax payer in this city, a man everybody knows and respects. In other words, this concern is comprised of Gardner residents, not some one coming in from outside of Gardner but a local enterprise, made up by local people, financed with local money. At the present time Gardner Raceway, Inc. owns the site of what was formerly called Andrews Park. They have a tract of 60 to 100 acres in area, located  $1\frac{1}{2}$  miles from Gardner Center on route 140, with one half mile dirt track, also some barn and stable facilities. Now if this location is approved and if a racing license is secured from the State Racing Commission, Gardner Raceway, Inc. plans to have a track to be entirely rebuilt and relocated. There would be a grand stand of a minimum of 25000 people. There would be barn and stable facilities adequate to take care of 300 horses, an administration building, a building for concessions, a parking lot and a club house. This would entail approximately one half million dollars. It would give additional employment, giving Gardner a new enterprise, and also during the racing meeting which may be limited to perhaps 30 days, more money would be left in Gardner, such as at the restaurants, eating places, hotels, lodging houses, filling stations and markets, and the Gardner people would benefit by it. Some of the people will live in trailers during this time

and their supplies will be purchased in Gardner. He stated that the matter of ascertaining if the track would be near the Gardner water system had been gone into carefully with two engineers and it was found that the proposed location for both the track and barns would be 2500 feet from Perley Brook which is part of the water system and it was found there would be no possibility of pollution from this location.

1001 Cont.

Atty. Howard stated, in conclusion, that the Gardner Raceway, Inc. is a local enterprise, made up of local people, controlled by local people, and financed locally. It comes here seeking to bring to Gardner a legitimate business, which is honestly felt will be of distinct advantage to the City of Gardner, a substantial revenue to the city, which will mean a great increase in Gardner, to Gardner merchants. It would attract people from central and western Massachusetts and southern New Hampshire, who now have to travel to Foxboro, which is 70 or 80 miles from Gardner. It will mean more taxes for the City of Gardner. The Gardner Raceway, Inc. does not want to do anything that is going to harm Gardner or its reputation but want it to be a credit to the city of Gardner and they will keep it that way and he hoped for favorable consideration and presented a group of petitions which has been circulated, bearing a total of 617 signatures, petitioning that approval be given to the application of Gardner Raceway, Inc. for a harness racing track to be established in Gardner.

1001 Cont.

Bennett North, Stone Street an abuttor, stated that he had no objection to the location of the track.

Charles Keresey, Stone Street, an abuttor, stated that he had no objection to the location of the track.

Fred E. Perry, former Mayor, 36 Travers Street, stated he practically agreed with every word Atty. Howard said. Once it has been voted that the location is approved it is out of the hands of the Council. The State Racing Commission will have to approve it. The Commission will have another hearing. He did not believe that the race track would hurt the water. He had previously recommended several times that the brook from "Mam Johns" through the water shed land should be piped but it never was seen fit to do so. The city could have bought this land for \$1900. If it was harmful to the water, why did the city not buy it? He stated he did not see why any of the Councillors would oppose it when the majority of the voters voted for it.

Public hearing on  
application of  
Gardner Raceway for  
harness racing (cont)

Speaking in Favor

Public hearing on  
application of  
Gardner Raceway for  
harness racing (cont)

Speaking in favor

He suggested that all water shed land be posted, no trespassing. He further stated that there were several septic tanks right on the water shed. He pointed out that there exists presently on the city's watershed property besides the septic tanks, the municipal golf course, the Crystal Lake Cemetery, radio station location, and the building at the old Heywood Farm property which had not endangered the water supply and thought there would be no danger caused by the race track, and stated he was in favor of it. Those opposed <sup>to</sup> the race track were then heard.

Speaking in opposition

1001  
Rev. Ben Bradford, 197 Woodland Avenue, Gardner, Mass., Pastor of the First Congregational Church and representing the Gardner and Vicinity Ministerial Association stated that he was opposed to this on moral grounds, in the very particular grounds, without going into full relationship where there is a danger of pollution. He stated that we have heard a very glowing account of what it does. He stated that we have <sup>not</sup> heard from the little people who are hurt and do not have a chance. There are many more people in the long run who are deeply hurt because of the pari-mutuel betting, Many people, who came to him, said they voted in favor without thinking it would be in Gardner, which was stupid. It would give temporary employment but much more money would go out of the city than stay in Gardner. He stated that they were not in opposition to the race track but in opposition to the pari-mutuel betting, and hoped the Council would be guided by its opening prayer and vote against approving the application.

1001  
Curtis G. Watkins, 141 Chestnut Street, a home owner and President of the Simplex Time Recorder, stated he was interested in the City of Gardner, for a community fit to live in and for the development of that community and gambling is wrong if it hurts people. Gardner needs new industries. With strikes and labor problems there is no extra money floating around, We need new industries but we need money to stay in Gardner. He stated further that he had checked on the population in Vernon, N. Y. and found there were 754 people, with only one bank and two stores. This was after he had read the misleading advertising in the Gardner News in which a favorable and impressive account of the racetrack at Vernon, N. Y. was presented. He stated that the track at Vernon employed only 40 full time workers, half of which were employees of the State of New York who travelled the track circuit during the regular season.

Mr. Watkins read a lengthy transcript of a telephone conversation he had earlier in the day with W. E. Booth of the town of Foxboro, in which he stated that an employee of the bank also worked at the race track and got away with \$3000.00. He left the bank before it was discovered. Since then there were three cases of forgery and there had never been a case before. One of the Tax Assessors worked for the track when it first opened in 1947. You can draw your own conclusion. Later on one of the selectmen left town, a lawyer lost his practice. Two of them have since died an early death, brought on by connections with the track. It was said that the town would get \$40,000 a year in taxes as the track would be assessed for about one million dollars and the Foxboro taxes would go down on account of this. The track was assessed for \$261,000 and the tax is \$16,500. Mr Watkins further stated that if the raceway is permitted to become established here he will do everything in his power with all his resources to dig out scandal and corruption that might be directly attributable to the track.

Councillor Lison speaking as a City Councillor, wished to ask a few questions of Mr. Watkins regarding the papers he had just read. Mr. Watkins refrained from so doing and Councillor Lison said he felt that if a person was not in a position to answer his questions it made his position pretty weak as it was not too clear in Councillor Lison's mind as to some of the suggestions and reflections which were read.

Raymond LeBlanc, 208 Stone Street an abutter representing his wife Irene LeBlanc and two other abutters, Lucien and Rita Duhalme, 240 Stone Street and Oscar and Lydia Maki, 280 Stone Street, stated that they were all opposed to having the race track, which is about five hundred feet away.

Atty. Gould H. Coleman, 93 Prospect Street, President of the Gardner Chamber of Commerce stated that the Council had heard one of the members (Curtis G. Watkins) of the Chamber of Commerce state his personal views. Mr. Watkins, who is one of the most community civic minded in Gardner. A brief and certainly hurried survey of the opinions of the members of the Board of Directors of the Chamber of Commerce. These members are responsible business men here in Gardner and out of 18 members of the Board of Directors are opposed to the erection of a race track here in Gardner. One has expressed his approval of the race track. Two have expressed no opinion either way. The Secretary-Manager, Forrest C. Knight conducted a survey of the Mercantile Division in the square and they certainly do not want a race track here. One word of caution, this being the personal

Public hearing on  
application of  
Gardner Raceway for  
harness racing (cont)

Speaking in opposition

Public hearing on  
application of  
Gardner Raceway for  
harness racing (cont)

Speaking in opposition

opinion of Atty. Coleman, we are going to solve our financial problems with easy money. It would be easy as in Las Vegas or some other place, but that is not the way we want to face our problem here in Gardner. Mr. Watkins has pointed out fully to you all the sordid evils that will come with a race track in Gardner. Let us face our facts honestly, raise our money legitimately. Let us have a good clean community in Gardner now and in the future. Atty. Coleman explained to Councillor Lison that the Board of Directors is the governing Board of the Chamber of Commerce.

Raymond Barker, a representative of the Gardner Gospel Tabernacle stated that he was opposed to having the race track here and wondered why they stopped racing. Evidently it did not pay or it would be going today.

Richard N. Greenwood, 45 Green Street, President of the Heywood-Wakefield Company, stated that while people of Gardner have voted in favor of pari-mutuel horse racing they did not necessarily mean voting to have a track located in Gardner. He stated he was against it and that it was unfortunate from the view of the welfare of the City of Gardner to have a race track located in the City of Gardner.

George A. Keyworth, 42 Cross Street, stated that he had been very much interested in the comments made here tonight, both for and against. He said that he had had previous knowledge of horse racing and dog racing and it is a gambling business. He did not think Gardner was going to be improved in any sense of the word by having a gambling business in pari-mutuel racing. He was concerned more particularly for the welfare of the working people. We are an industrial community, he stated. It is a great temptation to bet on races if you go to a race track. Occasionally you win,

1001

Only a few win. Many families will be deprived of needs if we have pari-mutuel racing here in Gardner. People have just so much money to spend and if it is spent at the race track and not on the families that type of people need the consideration of this Council as to whether or not it is for the welfare of Gardner to have these races.

Howard D. Ferguson, 14 Edgell Street, Chairman of the Mayor's Industrial Committee and President of the Gardner Trust Company and want to get new business here. He stated that he knew about horse racing and dog racing, it was a lot of grief and we want no part of it. During the past several months there has been a slowing up of payments on mortgages and loans, due to strikes, less working hours, etc. If money is lost at the race track other obligations can not be fulfilled. It is a very unpleasant thing to foreclose mortgages at any time.



Rev. Ralph Bailey, 119 Edgell Street, of the First Unitarian Church, stated that the backers of this proposition make it appear very rosy, with the argument of the money that is going to be brought into the community. Those who have experienced this have reason to doubt this. There are the question of where the money comes from, what kind of people, what kind of homes, how many people lose for one who gains. Most of the people who will come in to Gardner will be people coming in not to work, but to see what they can take out of Gardner, not what they put in to it. He wished to be recorded as opposed to it.

Public hearing on  
application of  
Gardner Raceway for  
harness racing (cont)

Speaking in opposition

Rev. Emmett Russell, 53 Elizabeth Street, of Gardner Gospel Tabernacle spoke in opposition to the racing track.

C. Harry Kuniholm, 186 Elm Street, residing on Route 140, pointed out that the location was a very serious automobile hazard in that it would bring heavy traffic through a residential section of the city, with three churches, a high school and a hospital enroute. He stated that in cases of liquor licenses we use discretion where we allow liquor to be sold. He thought the same discretion and consideration should be used for the location of a track and he was opposed to it entirely as being the wrong location. Further in reply to questioning by Councillor Lison, Mr. Kuniholm stated that as before he lives on Route 140 and did not discuss the merits or demerits of racing or betting, but on the location, and wanted neither a saloon nor a race track on Route 140 which runs through one of the better residential parts of our city.

President Walsh allowed fifteen minutes for each side to be heard for rebuttal.

Rebuttals

Atty. Howard was reminded of the story of President Calvin Coolidge who came home from church and when Mrs. Coolidge inquired as to the text of the preacher's sermon replied that it was on sin and that he was "ag'n it. That is the attitude of most of the people on gambling and they are ag'n it.

It has been pointed out that gambling is immoral and the little man, the average citizen or man in the factory must be protected against it. One particular man who spoke has in his particular factory three bookies right now which is true in a good many of the factories in the city. Any one in the city interested in gambling can do so through bookies operating in Worcester County and who also operate in this city. Over 4000 people in Gardner, a majority of 2 to 1, voted for pari-mutuel racing and he hoped this application would

11317

82

Public hearing on  
application of  
Gardner Raceway for  
harness racing (cont)

Rebuttals

Motion to grant  
application for  
harness racing

Rev. Ben Bradford stated that there would be more evil, than good and for that reason he was "ag'n" it.

Forrest Knight, 65 Maple Street, Secretary- Manager of the Chamber of Commerce, stated he was the one that made the survey and he corroborated the statements made by Atty. Coleman.  
The Public hearing was closed.

Councillor Robichaud made a motion, seconded by Councillor Lison, that the application of Gardner Raceway for approval of the location on Route 140, Green Street on the site of Andrews Park so-called for harness racing be granted.

Councillor Kraskouskas stated that she knew nothing about race tracks and gambling, had received several telephone calls for and against racing, and that she was interested in juvenile delinquency and could not make up her mind to make a fair vote so she contacted people in Foxboro who had had experience with pari-mutuel racing. She asked Chief of Police Dolan if there had been an increase in crime or juvenile delinquency and the type of persons that participate in races and class of people attending races. Chief Dolan replied that two arrests were made last year for drunkenness. Two police officers and two plain clothes men were on duty at the tracks with all salaries paid by the owners of the track. Firemen having a day off also worked getting additional revenue. Most of the men, participating were from the ages of 55 to 70 and are retired. They come in trailers, which are nicer than some of the homes. The population of Foxboro is 6000, 2000 of which are at the State Hospital. The largest crowd was 12,000. The land where the track is was formerly assessed for \$125.00 being a swamp and woods. Now the town of Foxboro is collecting \$16,500.00. The track is putting up a club house and one other building for a million dollars, which will mean increased revenue for the town. It employs from 75 to 120 from Foxboro when it is in session. The last election the people voted for it 3 to 1. The track has been in existence for 7 years. When she asked Mr. Cornish if he felt that they would like to rid themselves of the track he said he felt that the election returns spoke for themselves. Councillor Kraskouskas further stated that she could not just make a just decision but rather than hold it up would vote in the affirmative with the intention that it would be held up later by the State Racing Commission.

Councillor Reponen, in view of the fact that there seems to be so much controversy for and against the location made a motion, seconded by Councillor Tamulen, to table the motion on the floor to be considered at a special meeting. On roll call vote taken, Councillors Gilley, Kraskouskas, Landry, LeBlanc, Reponen, Sauter and Tamulen (7) voting in the affirmative and Councillors Lison, Robichaud, Sullivan and President Walsh (4) voting in the negative the motion was not carried as it required a two-thirds vote for passage.

Councillor Gilley gave his reasons for opposing and stated that when the races are over those people who have been cleaned out, if they can afford it well and good. If they can not that is where the tragedy comes in.

Councillor Sullivan complimented President Walsh on conducting the hearing and stated that the Council at the present time was only concerned with the approval of the location and not with the moral aspects of pari-mutuel betting. He stated that another public hearing would be held to determine if harness racing will be permitted, and that final approval would have to come from the State Racing Commission.

Councillor Sauter spoke as a Councillor in his capacity as Chairman of the Public Works Commission. He stated that before his committee comes various things as Highway, Sewer and Water system of the city. Many dollars have been spent in the last twenty-five years, some of them questioned but nevertheless spent to protect the water supply. To protect the water shed in that area which is the Perley Brook area \$38,711.00 has been spent. Proponents of the track have stated that they would build their buildings far enough away, 2500 feet from the present brook. They intend to build a wall to keep people from getting near the brook. They propose to have the parking area adjacent to this wall. If they put in hard top surface the water has got to go some place. The only outlet from the horse stables, parking lot and club house, as water seeks its own level, would be to run into Perley Brook which runs down to the dam on Clark Street. We may find we are short of water and have to dam it during the summer season. It would take considerable money to develop the sewage system to take care of the track. If as at Vernon Downs 100 trailers came here there would be approximately 300 people for from one to three months at the track quite a considerable amount of sewage would have to be taken care of. In 1951 a sum of money was spent for a survey for improvements to the water supply. It is gradually approaching the time when we may need

Discussion on  
motion to grant  
Gardner Raceway  
application for  
harness racing (cont)

Motion to table issue  
until special meeting  
did not pass

Discussion on motion  
to grant application  
of Gardner Raceway for  
horse racing (cont)

additional water for the city. A report was made in March of 1953 with various recommendations. This area would eventually have to be used, flooding land from the Perley Brook to the road near Route 140, the entrance to the trotting park. If that was insufficient it would be necessary to take one of the tributaries and dam that up, dam up the Poor Farm Brook and that entire area would become part of the Gardner Water supply. Although the population has not increased much more water is being used with the advent of modern appliances, automobile washers, etc. Councillor Sauter further stated that if we are going to have a racing track a majority of 90% of the people would travel over Route 140 or over Parker Street to the center of Gardner over Green Street or Woodland Avenue. This intersection is in front of the hospital. In the day time people are used to noise but in the evening there would be a great deal more and the traffic and noise would become a problem. He could not favor a racing track on this location.

Councillor Robichaud stated that he would be in favor of the location.

Councillor Lison stated that the Council was merely approving the site and had nothing to do with pari-mutuel betting. The State Racing Commission will rule on that as that commission has the full responsibility to allow horse racing in Gardner.

Councillor Landry stated that he had been in the City Council for the last five years and had consistently opposed any type of construction on or near the city watershed and would vote against this location for racing.

Councillor Reponen stated that in view of the fact that his motion was defeated and he was definitely going to vote against this location for racing.

Councillor LeBlanc stated that he had been a Councillor in Ward 3 for six years before he became Councillor-at-Large. He said that he investigated. He did not go to the banks nor to anybody in the money but he went to the people direct at their homes and found out what was the result of horse racing in Pawtucket and Narragansett. Women told him that their husbands instead of working in the factories were at the race tracks. After the racing radios, televisions and other articles of furniture were taken from their homes. He stated he was going to vote against this location for racing in Gardner.



President Walsh announced that the question on which the Council is to take action is on the application of Gardner Raceway for approval of the location on Route 140, Green Street on the site of Andrews Park so-called for harness racing.

On roll call vote, taken, Councillors Kraskouskas, Lison, Robichaud, Sullivan and Tamulen (5) voting in the affirmative, Councillors Cilley, Landry, LeBlanc, Reponen and Sauter (5) voted in the negative. Before voting President Walsh said that he sympathized with the petitioners and he also sympathized with the objectors but he believed that at the time the question, "Shall the pari-mutuel system of betting on licensed horse races be permitted in this country?" appeared on the ballot at the State Election this Fall that it was the time to make your objections. He further stated that he thought we had sat back and said "there is nothing to worry about, they always voted against it in Worcester County", but this year they voted for it. Now, we are trying to tell the people of the City of Gardner that they did not know what they were doing. I do not feel it is my prerogative to tell the people that what they did when they voted 4090 in favor and 2071 against is not right, as all voters in all wards of the City voted in favor. That fact can not be forgotten. In view of the vote of the people, no matter how many other arguments may be, no matter where their sympathies lay, I will vote in favor, and the result of the roll call vote was six yeas and five nays and the motion was carried to approve the petition.

Motion to grant application of Gardner Raceway for harness racing passed

At 10:40 o'clock p.m. the meeting adjourned to the Council Chamber, City Hall to consider the rest of the regular Council Business.

Meeting adjourned to Council Chambers

1919-1020-1021

Motion made by Councillor Sullivan, seconded by Councillor Cilley, was voted to suspend the Council Rule in regard to appointments.

Vote to suspend Council rules in regards to appointments

1919-1020-1021

Motion made by Councillor Landry, Seconded by Councillor Robichaud, was voted to confirm the following appointments received from the

Motion to confirm appointments

CHARLES F. SAUNDERS as Airport Commissionner  
for term expiring November 18, 1957

JAMES F. CASAVANT as Forest Warden  
for term expiring December 31, 1955

OMER H. LAROCHE as Moth Superintendent  
for term expiring December 31, 1955

THOMAS H. BINALL as Member, Planning Board  
for term expiring December 31, 1955.

Charles F. Saunders,  
Airport Commissionner

James F. Casavant  
Forest Warden

Omer H. Laroche  
Moth Superintendent

Thomas H. Binall  
Member, Planning Board



# EXHIBIT C

City of Gardner

JANUARY 3, 1955  
IN CITY COUNCIL

EXHIBIT

tabbies

C

Monday evening, January 3, 1955, Regular meeting of the City Council held in the Council Chamber, City Hall. Meeting called to order at 7:30 o'clock p.m. by City Clerk Sarah E. Bourgeois who announced that nominations for the election of a President of the City Council for the year 1955 would be in order immediately after roll call.

Regular meeting

Roll call taken-Ten members present, 1 absent (Councillor Cilley).

Roll Call

Councillor Landry nominated Councillor Martin H. Walsh for president, duly seconded by Councillor LeBlanc.

Nomination for  
President of Council

On motion made by Councillor Reponen, seconded by Councillor Sauter, it was voted to close nominations.

Motion to close  
nominations

On roll call vote taken Councillor Martin H. Walsh was unanimously elected president of the City Council for the year 1955.

Councillor Walsh,  
unanimously elected  
Council President

President Walsh thanked the members of the City Council for electing him President for the year 1955.

Thank you and address  
by President Walsh

He said that the City Council, during the year 1954, has worked hard and sincerely to attain the type of City Government the people wish for the city. We have been hamstrung, he said, at time by indecision and fear on the part of the top echelon, of our City Government, which tends to make our whole structure look weak and indecisive.

The members of the City Council, however, have proven in the past year that their decisions are based on their own judgment according to facts and their individual votes have been accepted within the council, without rancor, by the opposition. There has been an attempt to break up this good democratic process, by trying to inject into our ranks a feeling of indecision and fear by swaying public opinion through high powered and expensive paid advertisement. This type of powerful influence and energy should not be allowed to go to waste in our community. We have a place where this type of influence and ability to organize can be used to great advantage.

Continuing, he said, a year ago the Mayor set up an Industrial Committee in the City for the purpose of bringing new and diversified industry into the community. This committee, he was sorry to say, has not been successful for one reason or another. "I am certain now that we need new industry more than ever." In 1954 another of our industries has left the city. This time one of our oldest and best paying industries, the stove business. Something must be done to replace this loss to the community.

The best men in my opinion, he said to bring industries in to the community are these same men with influence who can band together and get what they go after. With their business minds and connections in industry, I am certain that they could do the community a real service and prevent it from going backward any further, but instead go forward by leaps and bounds.

I therefore, challenge this powerful group of industrialists and members of the Chamber of Commerce to start in 1955 to protect and improve the city, by using their talents to bring new industry to Gardner, in order to keep our position as an industrial community.

We members of the City Council have proven in 1954 that we are officials with a sense of duty to the electorate who put us in office.

Let us look forward to 1955 with the same independent feeling of free men in a free community.

Opening Prayer

The opening prayer was then said in unison.

Motion to delay reading of minutes until next meeting

On motion made by Councillor Sauter, seconded by Councillor Lison, it was voted to delay action on the reading of the minutes of the regular meeting of December 20 until the next regular meeting of the City Council,

Motion to place on file Mayor's comm. relative to Harness Racing in Gardner

1001  
On motion made by Councillor Sauter, seconded by Councillor Reponen, it was voted to place on file the Mayor's communication with attached photostatic copies of a letter from the Department of Public Health signed by Clarence I. Sterling, Jr., Deputy Commissioner, and also a press release given by the Mayor on December 24, stating the reasons why it was impossible for him to either approve or disapprove the vote taken on December 20 relative to the location of a track for harness racing on a tract of land now owned by Gardner Raceway, Inc. on Route 140 and why he returned the vote to the City Council without his signature.

According to City Solicitor because Mayor does not sign application it does not pass

1001  
In answer to Councillor Lison as to what would happen now to the vote taken December 20 the City Solicitor replied that according to the statute both the City Council and the Mayor must approve the site. If either one does not sign, it does not pass.

City Solicitor explained lease between City of Gardner and Comm. of Mass. Div. of Employment Security

1044  
The City Solicitor explained the lease between the City of Gardner and the Commonwealth of Massachusetts Division of Employment Security. He said the lease is one in usual form for a five year term from the first day of May 1955 or from the day the entire area is available and the alterations specified have been completed, with the privilege on the part of the Commonwealth of extending this lease for a further period of five year for approximately 1800 square feet of space in the building known as the Connors Street School, said space consisting of approximately 1400 square feet in two adjacent classrooms on the second floor in the westerly side of the building and approximately 400 square feet of the second floor partitioned lobby with access stairways to the rear exit of the building. This space is to be used by the Division of Employment Security as a Public Employment Office and for other business of the Division of Employment Security. The annual rental will be \$1200.00 a year or \$100.00 a month plus \$4020.00 which is the bid made on repairs for that part of the school that the Division of Employment Security would occupy. \$100.00 would represent the proportionate cost of heat, water, janitor service and nominal repairs to plumbing and electrical service and office maintenance plus \$67.00 which would take care of interest light and that part of the total cost of repairs and alterations agreed to.

# EXHIBIT D

EXHIBIT

tabbies

D

#1280

On motion made by Councillor Sullivan, seconded by Councillor Gilley, it was voted to hold the regular meetings of the City Council during July and August on the third Monday of each month.

On motion made by Councillor Gilley, seconded by Councillor Sullivan, it was voted to adjourn at 8:45 o'clock p.m. after recitation of the closing prayer.

A true copy, Attest:

CITY OF GARDNER  
July 18, 1955  
IN CITY COUNCIL

*Suzanne Bourgeois* City Clerk

Monday evening, July 18, 1955. Regular meeting of the City Council held in the Council Chamber, City Hall. Meeting called to order at 7:30 o'clock p.m. by President Walsh.

Roll call taken-- Eight Councillors present. Three Councillors absent. (Councillors LeBlanc, Reponen and Sauter absent.)  
Councillors LeBlanc and Reponen present at 7:37 p.m.

The opening prayer was then said in unison.

On motion made by Councillor Tamulen, seconded by Councillor Lison, it was voted to dispense with the reading of the minutes of the regular meeting of June 20, 1955.

#1280

On motion made by Councillor Robichaud, seconded by Councillor Kraskowski, it was voted to confirm the following appointment received from the Mayor:

FRANK K. HIRONS as Special Police Officer  
in and around the City of Gardner, Condition of appointment  
is that Police Uniform and badge shall not be worn off premises  
for which appointed. For term expiring January 15, 1956.

Galaxy S20 5G



Questionnaires were mailed out to the sixty home-owners asking them if they were in favor of having the sewage system installed. The following is the result of the Questionnaires sent out: Planning Board report (cont)

60 Questionnaires mailed out  
35 Returned in favor  
5 Returned opposed  
20 Not returned.

The Planning Board recommends that this project be undertaken for the following reasons:

- a. Majority of the people wish this service.
- b. This area is a menace to health, especially Colby Park area where the land is naturally wet.
- c. The Board feels that if sewage was installed it would encourage home building in this area.

The Planning Board further recommends that this project be started in 1956 and extended over a three - year period as follows:

Project #1 (1956)  
Lennon Street and Temple Street

Project #2 (1957)  
Pearl Street

Project #3 (1958)  
Colby Park

Very truly yours,

(signed) Stanley Michniewicz  
Chairman

#1166

On motion made by Councillor Sullivan, seconded by Councillor Reponen, it was voted that the following report from the Planning Board be placed on file:

Motion to put report from Planning Board on file

July 13, 1955

To His Honor, the Mayor and Members of the City Council

Gentlemen:

At the regular meeting of the Planning Board it was voted not to accept the portion of Harvard Street at the top on the hill.

Planning Board report

No layout plan was submitted and the street does not comply with the Planning Board's regulations.

Very truly yours,

Stanley Michniewicz  
Chairman.

#1289

President Walsh announced that an informal meeting of the Council had been called by the President for Wednesday evening, July 20, 1955 at 7 o'clock p.m. at the Furniture Mart, Elm Street School for a meeting with the members of the Gardner Furniture Mart.

Announcement of Informal Meeting

#1290

On motion made by Councillor Tammen, seconded by Councillor Kraskouskas, it was voted to refer the request received from the Gardner Raceway, Inc., to place on the ballot for the next regular city election approval of the location on the easterly side of Route 140 on Green Street for the pari-mutuel system of betting on licensed horse races to the City Solicitor for an opinion as to the proper procedure.

Refer to City Solicitor request to place on ballot question of pari-mutuel betting to Gardner Raceway

Galaxy S20 5G

to accept the portion of Harvard Street at the top on the hill,  
 No layout plan was submitted and the street does not comply  
 with the Planning Board's regulations.

Very truly yours,  
 Stanley Michniewicz  
 Chairman.

#1289  
 President Welsh announced that an informal meeting of the Council had  
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#1290  
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 skas, it was voted to refer the request received from the Gardner  
 Raceway, Inc., to place on the ballot for the next regular city  
 election approval of the location on the easterly side of Route 140 on  
 Green Street for the pari-mutuel system of betting on licensed horse

Planning Board  
report

Galaxy S20 5G

Announcement of  
Informal Meeting

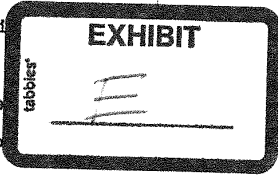
Refer to City Solicitor  
request to place on  
ballot question of  
pari-mutuel betting  
to Gardner Raceway

# **EXHIBIT E**

206

Refer to Service Comm. drainage on certain streets

#1306  
Councillor Landry also referred to the Public Service Commi drainage in Jean Street area, Monadnock, Oriole and Branch and requested that the Public Works Commission make a survey vise the Council on the size of the pipes going through from Drive to Greenwood Playground.



Request Service Comm. for cost estimate for repairs to Oak Street sidewalk

#1307  
Councillor Landry also requested the Public Service Committee to bring in an estimated cost for renewing the sidewalk on the west side of Oak Street from West Street to Richmond Street and on the east side of Oak Street from Richmond Street to Park Street. Councillor Landry stated that he would not want the cost of these repairs to come out of the sidewalk allotment for new sidewalks in Ward 2. There was an item in the budget for street repair and he suggested that sums be set up for sidewalk repair.

Adjourn

On motion made by Councillor Tamulen, seconded by Councillor Lison, it was voted to adjourn at 9:35 p.m. after recitation of the closing prayer.

A true copy, Attest:

CITY OF GARDNER

August 15, 1955

IN CITY COUNCIL

*Sarah C. Pranger*  
City Clerk

Regular meeting

Monday evening, August 15, 1955. Regular meeting of the City Council held in the Council Chamber, City Hall. Meeting called to order at 7:30 o'clock p.m. by President Walsh.

Roll call

Roll call taken-- 10 Councillors present, 1 absent (Councillor Sauter). The opening prayer was then said in unison.

Dispense with reading of minutes

On motion made by Councillor Tamulen, seconded by Councillor Robichaud, it was voted to dispense with the reading of the minutes of the regular meeting of July 18, 1955.

Finance Comm. granted more time on land at corner of Temple St. & Hospital Hill Rd.

#1232  
There being no objections the Finance Committee was granted more time to investigate the value of the tract of land at the corner of Temple Street and Hospital Road to ascertain whether or not the City of Gardner would be justified in accepting the bids submitted.

Motion to suspend rule relative to appointments

#1308  
On motion made by Councillor Landry, seconded by Councillor Cilley, it was voted to suspend the Council rule in regard to appointments.

Motion to confirm appointments

#1308  
On motion made by Councillor Reponen, seconded by Councillor Kraskouskas, it was voted to confirm the following appointment received from the Mayor:

Paul T. Driscoll as Deputy Defense Director

Paul T. Driscoll as Deputy Defense Director for term expiring August 1, 1956.

#1295  
The Public Safety Committee and Public Welfare Committee were granted more time to consider a proposed ordinance to forbid people using the pool and any time that lifeguards are not on duty at the Greenwood Memorial Pool.

Accept Safety & Welfare Comm. reports on use of pool when lifeguards are not on duty

#1303  
On motion made by Councillor Robichaud, seconded by Councillor Kras-kouskas, it was voted to accept the Public Welfare Committee's report that the Park Commissioners and Tree Warden were going to meet and devise the best method of planting shade trees at Pulaski Playground, possibly in connection with an Arbor Day program in the Spring.

Accept Welfare Comm. report on trees at Pulaski Playground

#1292  
The Finance Committee was granted more time to consider a bid of \$1.00 received from Fred E. Perry for land located on the west side of Mill Street called Asaph Wood Meadow.

Finance Comm. granted more time on bid for Asaph Wood Meadow.

#1290  
Councillor Lison made a motion, seconded by Councillor Robichaud, that a letter from the Gardner Raceway, Inc., re Track Location be read. Councillor Landry made a substitute motion, seconded by Councillor Cilley, that the City Solicitor's opinion be accepted. On vote taken to consider the substitute motion by a vote of 5 to 5 the motion was not passed and therefore defeated. On vote taken to read the letter it was voted by a show of hands 8 to 2 in favor. The following letter was read.

Motion to read letter from Gardner Raceway, Inc. re: Track Location

#1290  
The following opinion from the City Solicitor was read:

July 29, 1955

President & Members of the  
City Council  
Gardner, Massachusetts

Opinion from City Solicitor read

Gentlemen:

Responding to your request of July 18, 1955 for a legal opinion as to whether the City Council may submit to the registered voters the following question:

Opinion on putting matter of raceway before the voters

"Shall a tract of land located within the limits of the City of Gardner, now owned by the Gardner Raceway, Inc., and comprising approximately 100 acres, situated on the easterly side of Route 140, otherwise called Green Street: and approximately 1 1/4 miles from West Gardner Square: be approved as the location of a tract for the pari-mutuel system of betting on licensed horse races", I submit the following answer:

Section 49 of the City Charter states that "the City Council may of its own motion, submit to a vote of the registered voters of the City for adoption or rejection at a regular or special election, any proposed measure."

Section 50 of said Charter, referring to a measure submitted to the voters states, "...shall take effect"; and



Opinion from City Solicitor relative to putting matter of raceway before the voters (cont)

Section 51 says, "...no measure shall go into effect unless it receives ...votes....of the registered voters,...."

In the above sections I have underlined "any proposed measure", "shall take effect", and "shall go into effect", and I have done so to point out the significant and controlling words as they bear on the question here sought to be resolved.

To arrive at a proper legal conclusion, I am compelled to refer to the Chapter and Section of General Laws of this Commonwealth dealing with the question of "Approval of the location for a racetrack." Chapter 128a, Section 13a of said General Laws states, (and I quote that part applicable here) "No license shall be granted by the (State Racing Commission for a racing meeting in any city, ..unless the location of the racetrack where such meeting is to be held or conducted has been once approved by the Mayor and Aldermen (City Council)..."

You will note from the reading of this Chapter and Section of the General Laws that approval by the Mayor and City Council is required. Neither the Mayor nor the City Council can pass this responsibility to the registered voters.

You will note further, that the references to Sections 49, 50, and 51 of the City Charter made in the early part of this analysis, clearly indicate that any "proposed measure" that is submitted to the voters, "shall take effect" or "shall go into effect" upon affirmative vote of the registered voters. This would indicate that any "proposed measure" to be submitted to the voters would upon passage by the voters, have the force and effect of law, and become law on its passage.

The question here presented requesting submission of approval of location of a certain racetrack, is herein treated as a "proposed measure", and since Chapter 128a, Section 13a of the General Laws requires the Mayor and the City Council only to act on racetrack locations, the question therefore cannot be delegated to the registered voters, since affirmative vote by the registered voters on this question could not cause the measure to "take effect".

I therefore rule that the question here proposed may not be placed on the ballot.

Respectfully submitted,

(signed) Eugene O. Turcotte

City Solicitor.

Motion to accept opinion did not pass

#1290

Councillor Landry made a motion, seconded by Councillor Cilley, to accept the opinion of the City Solicitor. On roll call vote taken, Councillors Cilley and Landry (2) voting in the affirmative. Councillors Kraskouskas, LeBlanc, Lison, Reponen, Robichaud, Sullivan, Tamulen and President Walsh(8) voting in the negative and Councillor Sauter (1) absent the motion was defeated.

Motion to place question on ballot at next regular election

#1290

Councillor Lison made a motion seconded by Councillor Robichaud, to place the following question on the ballot at the next regular city election:

"Shall a tract of land located within the limits of the City of Gardner, now owned by the Gardner Raceway, Inc., and comprising approximately 100 acres, situated on the easterly side of Route 140, otherwise called Green Street; and approximately 1 1/4 miles from West Gardner Square; be approved as the location of a tract for the pari-mutuel system of betting on licensed horse races?"

Motion to place question on ballot did pass

On roll call vote taken, Councillors Kraskouskas, LeBlanc, Lison, Reponen, Robichaud, Sullivan, Tamulen and President Walsh (8) voting in the affirmative, Councillors Cilley and Landry (2) voting in the negative and Councillor Sauter (1) absent it was voted to put the question on the ballot.

On motion made by Councillor Cilley, seconded by Councillor Tamulen, it was voted to consider new business. New Business

#1323  
On motion made by Councillor LeBlanc, seconded by Councillor Cilley, it was voted on roll call vote, 9 yeas, 1 nay (Councillor Landry) and 1 absent (Councillor Sauter) to pass the following order: Motion to pass money order

AN ORDER TRANSFERRING A SUM OF MONEY FROM THE AVAILABLE FUNDS TREASURY ACCOUNT TO THE UNCLASSIFIED DEPARTMENT, WEST STREET COMFORT STATION, PERSONAL SERVICE ACCOUNT.

ORDERED:

That there be and is hereby transferred the sum of Four hundred dollars (\$400.00) from the Available Funds Treasury Account to the Unclassified Department, West Street Comfort Station, Personal Service Account.

Presented to the Mayor for approval  
August 16, 1955-Approved  
ULRIC O. FREDETTE, Mayor

\$400.00 to Unclassified Dept., West Street Comfort Station, Personal Service Acct.

Approved by Mayor

#1324  
On motion made by Councillor LeBlanc, seconded by Councillor Lison, it was voted on roll call vote, 9 yeas, 1 nay (Councillor Landry) and 1 absent (Councillor Sauter) to pass the following order:

AN ORDER TRANSFERRING A SUM OF MONEY FROM THE AVAILABLE FUNDS TREASURY ACCOUNT TO THE UNCLASSIFIED DEPARTMENT, WEST STREET COMFORT STATION, ORDINARY MAINTENANCE ACCOUNT.

ORDERED:

That there be and is hereby transferred the sum of Two hundred dollars (\$200.00) from the Available Funds Treasury Account to the Unclassified Department, West Street Comfort Station, Ordinary Maintenance Account.

Presented to Mayor for approval August 16, 1955  
Approved August 16, 1955  
ULRIC O. FREDETTE, Mayor

Motion to pass money order

\$200.00 to Unclassified Dept., West Street Comfort Station, Ordinary Main. Acct.

Approved by Mayor

#1325  
On motion made by Councillor Robichaud, seconded by Councillor Lison, it was voted to accept the Public Safety Committee's favorable report and to grant Hackney Operator Licenses to the following:

Joseph N. Brunell  
Raymond E. Nadeau  
Joseph J. Zub.

Accept Safety Comm. report and grant Hackney Operator

#1326  
On motion made by Councillor Robichaud, seconded by Councillor Tamulen, it was voted to accept the Public Safety Committee's favorable report and to grant the American House to erect a sign 14" x 18" over the sidewalk at 38 Parker Street under the supervision of the Building Inspector and with a liability policy that meets the approval of the City Solicitor. Accept Safety Comm. report and grant overhead sign permit on Parker Street

On motion made by Councillor Cilley, seconded by Councillor Tamulen, it was voted to consider new business.

New Business

#1323  
On motion made by Councillor LeBlanc, seconded by Councillor Cilley, it was voted on roll call vote, 9 yeas, 1 nay (Councillor Landry) and 1 absent (Councillor Sauter) to pass the following order:

Motion to pass money order

AN ORDER TRANSFERRING A SUM OF MONEY FROM THE AVAILABLE FUNDS TREASURY ACCOUNT TO THE UNCLASSIFIED DEPARTMENT, WEST STREET COMFORT STATION, PERSONAL SERVICE ACCOUNT.

\$400.00 to Unclassified Dept., West Street Comfort Station, Personal Service Acct.

ORDERED:

That there be and is hereby transferred the sum of Four hundred dollars (\$400.00) from the Available Funds Treasury Account to the Unclassified Department, West Street Comfort Station, Personal Service Account.

Presented to the Mayor for approval  
August 16, 1955-Approved  
ULRIC O. FREDETTE, Mayor

Approved by Mayor

#1324  
On motion made by Councillor LeBlanc, seconded by Councillor Lison, it was voted on roll call vote, 9 yeas, 1 nay (Councillor Landry) and 1 absent (Councillor Sauter) to pass the following order:

Motion to pass money order

AN ORDER TRANSFERRING A SUM OF MONEY FROM THE AVAILABLE FUNDS TREASURY ACCOUNT TO THE UNCLASSIFIED DEPARTMENT, WEST STREET COMFORT STATION, ORDINARY MAINTENANCE ACCOUNT.

\$200.00 to Unclassified Dept., West Street Comfort Station, Ordinary Main. Acct.

ORDERED:

That there be and is hereby transferred the sum of Two hundred dollars (\$200.00) from the Available Funds Treasury Account to the Unclassified Department, West Street Comfort Station, Ordinary Maintenance Account.

Presented to Mayor for approval August 16, 1955  
Approved August 16, 1955  
ULRIC O. FREDETTE, Mayor

Approved by Mayor

#1325  
On motion made by Councillor Robichaud, seconded by Councillor Lison, it was voted to accept the Public Safety Committee's favorable report and to grant Hackney Operator Licenses to the following:

Accept Safety Comm. report and grant Hackney Operator

Joseph N. Brunell  
Raymond E. Nadeau  
Joseph J. Zub.

#1326  
On motion made by Councillor Robichaud, seconded by Councillor Tamulen, it was voted to accept the Public Safety Committee's favorable report and to grant the American House to erect a sign 14" x 18" over the sidewalk at 38 Parker Street under the supervision of the Building Inspector and with a liability policy that meets the approval of the City Solicitor.

Accept Safety Comm. report and grant overhead sign permit on Parker Street

# **EXHIBIT F**

## CITY OF GARDNER

October 3, 1955

## IN CITY COUNCIL

EXHIBIT

tabbies

F

Regular meeting Monday evening, October 3, 1955. Regular meeting of the City Council held in the Council Chamber, City Hall. Meeting called to order at 7:30 o'clock p.m. by President Walsh.

Roll call Roll call taken-- 8 Councillors present.  
3 " absent (Cilley, Kraskouskas and Sullivan)

Opening Prayer The opening prayer was then said in unison.

Dispense with reading of minutes On motion made by Councillor Robichaud, seconded by Councillor Tamulet, it was voted to dispense with the reading of the minutes of the regular meeting of September 19, 1955.

Consideration of item out of order There being no objection from the Council Item 1355 was considered as the first item on the calendar, to be followed by the drawing of one juror, as requested.

Public hearing #1355  
Speaking against Public hearing held. Leon Bagdonas, 161 Ryan Street, (not a recorded abutter) objected to the amount of land to be taken from the lawn, with no place for his car and offered to give the city 5 feet of the land and if the post were moved would give another 6 feet of land.

Accept Service Comm. report and approve plan for alteration of Ryan Street On motion made by Councillor Reponen, seconded by Councillor Robichaud, it was voted to accept the Public Service Committee's favorable report and to approve the plan and layout as submitted for the alteration of Ryan Street for the entire length from West Street to Clark Street, and of a uniform width of 50 feet throughout.

Counc. Landry excused Councillor Landry was excused at 7:45 o'clock p.m.

Draw Juror Councillor LeBlanc drew Kazmera Dymek, 3 Chatham Street as a traverser juror for Civil Session of Superior Court to report at Fitchburg, on Monday, November 7, 1955.

Appointments laid on the table #1336  
The appointments for three election officers, as follows to fill vacancies were laid on the table in accordance with the Council Rule:

John R. Tinker as Inspector, Ward 1, Precinct B  
Origene Dion " Deputy Inspector Ward 2, Prec. A  
James J. Sutherby as " " 5, " A

Galaxy S20 5G



238

Hearing held and accept report of Service Comm., City Engineer and Plann. Board to accept Laitinen Drive

Accept portion of General Laws and place question on ballot

Motion to hold public hearing at next meeting on application for underground storage on Chestnut Street

Grant permit to maintain marquee on Parker Street

#1340

Hearing Held. On motion made by Councillor Reponen, seconded by Councillor Robichaud, it was voted to accept the Public Service Committee's favorable report with the recommendations of the Planning Board and City Engineer that the promoter post a bond or certified check to the amount of \$800.00 to guarantee the completion of the street and to accept Laitinen Drive from the easterly line of Halford Street to the easterly line of proposed Pelley Street and of a uniform width of 50 feet.

#1384

On motion made by Councillor Reponen, seconded by Councillor Lison, it was voted that provisions of General Laws of Chapter 54, Sections 55, 56 and 57 shall be suspended and made inapplicable as to the following question to be placed on the ballot at the City Election, November 8, 1955:

"Shall a track of land located within the limits of the City of Gardner, now owned by the Gardner Raceway, Inc., and comprising approximately 100 acres, situated on the easterly side of Route 140, otherwise called Green Street; and approximately  $1\frac{1}{2}$  miles from West Gardner Square; be approved as the location of a tract for the pari-mutuel system of betting on licensed horse races?"

as passed by the City Council at the meeting held on August 15, 1955.

#1385

On motion made by Councillor Robichaud, seconded by Councillor Sauter, it was voted to hold a public hearing in the Council Chamber, City Hall, on Monday evening, October 17, 1955 at 7:30 o'clock p.m. to consider the application of Raoul A. Vallee and Mae H. Vallee for a license to install 5 underground tanks totalling 11,000 gallons for the storage of gasoline, fuel oil and waste oil on their property at 229 Chestnut Street.

#1386

On motion made by Councillor Robichaud, seconded by Councillor Lison, it was voted to accept the Public Safety Committee's favorable report and to grant Fram-Gard Theatres Corporation a permit to maintain a marquee over the sidewalk at 34 Parker Street under the supervision of the Building Inspector and with a liability policy that is subject to the approval of the City Solicitor.



VOTED: That provisions of General Laws of Chapter 54,

Sections 55, 56 and 57 shall be suspended and made

inapplicable as to the following question to be

placed on the ballot at the City Election,

November 8, 1955:

"Shall a tract of land located within the limits of the City of Gardner, now owned by the Gardner Raceway, Inc., and comprising approximately 100 acres, situated on the easterly side of Route 140, otherwise called Green Street; and approximately 1 1/2 miles from West Gardner Square; be approved as the location of a tract for the pari-mutuel system of betting on licensed horse races?"

passed by the City Council at the meeting held on August 15, 1955.

In City Council

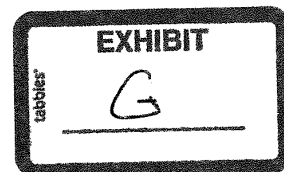
Mayor  
Clerk  
1955  
October 2  
1955  
1955  
1955

Vote

10/15/55

# EXHIBIT G

CITY OF GARDNER  
CITY ELECTION



Tuesday -- November 11, 1955

Polls Open at  
10. o'clock a.m.

(Seal)

Polls Close  
8 o'clock p.m.

City Clerk's Office, October 28, 1955

In accordance with the vote taken by the City Council September 6, 1955 meetings of the citizens of this city qualified to vote for city officers will be held in the several polling places designated by this Board as follows:

|                 |                                            |
|-----------------|--------------------------------------------|
| Ward 1, Prec. A | School Street School Annex                 |
| Ward 1, Prec. B | School Street School Annex                 |
| Ward 2, Prec. A | Motors of Gardner, Inc., 33 West Street    |
| Ward 2, Prec. A | Coleman Street School                      |
| Ward 3, Prec. A | City Hall Auditorium                       |
| Ward 3, Prec. B | Waterford Street School                    |
| Ward 4, Prec. A | Union Hall, 69 Pine Street                 |
| Ward 4, Prec. B | Parker Bros., Auto Co., 231 Main Street    |
| Ward 5, Prec. A | Gardner Auto Co., Inc. 486 Chestnut Street |
| Ward 5, Prec. B | Prospect Street School                     |

On Tuesday, November 8, 1955 for the purpose of giving in their votes for the election of Mayor for two years, six Councillors-at Large for two years, one Ward One Councillor for two years, one Ward Three Councillor for two years, one Ward Four Councillor for two years, one Ward Five Councillor for two years, and two members of the School, Committee for Four years; all terms to begin the first Monday in January, 1956. Also to vote on the approval of a location situated on the easterly side of Route 140, otherwise called Green Street, for the pari-mutuel system of betting on licensed horse races.

It is further ordered that the polls shall be opened at 10 o'clock in the morning and close at 8 o'clock in the evening.

Per order of the City Council  
SARAH E. BOURGEOIS, CITY CLERK

CITY OF GARDNER

Notice

I hereby certify that the following is a list of the candidates to be voted on at the City Election to be held on Tuesday, November 8, 1955 To vote for a person mark a cross (x) in the section at the right of the name.  
SARAH E. BOURGEOIS, City Clerk



## Candidates for WARD FIVE COUNCILLOR for TWO Years

Vote for ONE

Edward W. Tamulen, 150 Lovewell Street  
 Wassey S. Szymanski, 19 Glenwood Street

## Candidates for SCHOOL COMMITTEE for FOUR Years

Vote for Two

Robert B. Morgan, 152 Oak Street  
 Herve N. Vezina, 131 Graham Street  
 Richard W. Cushing, 24 Jackson Park  
 George C. Lison, 23 West Broadway

To vote on the following question mark a cross (X)  
 at the right of YES or NO

"Shall a tract of land located within the limits of  
 the City of Gardner, now owned by the Gardner Raceway,  
 Inc., and comprising approximately 100 acres, situated  
 on the easterly side of Route 140, otherwise called  
 Green Street: and approximately  $1\frac{1}{2}$  miles from West  
 Gardner Square: be approved as the location of a tract  
 for the pari-mutuel system of betting on licensed  
 horse races?"

|     |  |
|-----|--|
| YES |  |
| NO  |  |

Gardner, Mass.  
 October 29, 1955

## RETURNS

CITY ELECTION----NOVEMBER 8, 1955

The returns of the City Election were received from the  
 various wards at the City Clerk's Office as follows:

| WARD | TIME             | VOTES       | REGISTRATION | PERCENTAGE  |
|------|------------------|-------------|--------------|-------------|
| 1 A  | Nov. 8, 10.44p.m | 818         | 972          | 84.1        |
| 1 B  | Nov. 8, 10.19p.m | 544         | 670          | 81.1        |
| 2 A  | Nov. 8, 11.08p.m | 972         | 1170         | 83.0        |
| 2 B  | Nov. 8, 12.33a.m | 1082        | 1296         | 83.4        |
| 3 A  | Nov. 8, 1.14a.m  | 1017        | 1218         | 83.4        |
| 3 B  | Nov. 8, 11.48p.m | 858         | 1014         | 84.6        |
| 4 A  | Nov. 8, 11.02p.m | 672         | 816          | 82.3        |
| 4 B  | Nov. 8, 11.07p.m | 644         | 804          | 80.1        |
| 5 A  | Nov. 8, 10.40p.m | 767         | 923          | 83.1        |
| 5 B  | Nov. 8, 10.22p.m | 1007        | 1199         | 83.9        |
|      |                  | <u>8381</u> | <u>10082</u> | <u>82.9</u> |

A true copy, Attest:

*Sarah E. Bourgeois*  
 City Clerk

WARD FIVE COUNCILLOR

|                     |       |       |       |       |     |     |     |     |           |           |       |
|---------------------|-------|-------|-------|-------|-----|-----|-----|-----|-----------|-----------|-------|
|                     | One-A | One-B | Two-A | Two-B | 3-A | 3-B | 4-A | 4-B | 5-A       | 5-B       | Total |
| *Edward W. Tamulen  |       |       |       |       |     |     |     |     | 400       | 766       | 1166  |
| Wassey S. Szymanski |       |       |       |       |     |     |     |     | 323       | 192       | 515   |
| Blanks              |       |       |       |       |     |     |     |     | <u>44</u> | <u>49</u> | 93    |
| Total               |       |       |       |       |     |     |     |     | 767       | 1007      | 1774  |

SCHOOL COMMITTEE

|                    |            |            |            |            |            |            |            |            |            |            |             |
|--------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|
|                    | One-A      | One-B      | Two-A      | Two-B      | 3-A        | 3-B        | 4-A        | 4-B        | 5-A        | 5-B        | Total       |
| *Robert B. Morgan  | 469        | 316        | 534        | 523        | 541        | 388        | 388        | 388        | 473        | 553        | 4573        |
| Herve N. Vezina    | 178        | 126        | 516        | 489        | 480        | 469        | 246        | 235        | 179        | 240        | 3158        |
| Richard W. Cushing | 456        | 295        | 206        | 292        | 156        | 143        | 241        | 155        | 339        | 513        | 2796        |
| *George C. Lison   | 303        | 210        | 377        | 509        | 530        | 466        | 259        | 297        | 360        | 467        | 3778        |
| Blanks             | <u>230</u> | <u>141</u> | <u>311</u> | <u>351</u> | <u>327</u> | <u>250</u> | <u>210</u> | <u>213</u> | <u>183</u> | <u>211</u> | <u>2157</u> |
| Total              | 1636       | 1088       | 1944       | 2164       | 2034       | 1716       | 1344       | 1288       | 1534       | 2014       | 16762       |

RACING QUESTION

|        |           |           |           |           |            |           |           |           |           |           |            |
|--------|-----------|-----------|-----------|-----------|------------|-----------|-----------|-----------|-----------|-----------|------------|
| YES    | 111       | 122       | 238       | 287       | 319        | 247       | 161       | 226       | 205       | 269       | 2185       |
| * No   | 686       | 400       | 654       | 711       | 593        | 542       | 469       | 355       | 514       | 685       | 5609       |
| BLANKS | <u>21</u> | <u>22</u> | <u>80</u> | <u>84</u> | <u>105</u> | <u>69</u> | <u>42</u> | <u>63</u> | <u>48</u> | <u>53</u> | <u>587</u> |
| Total  | 818       | 544       | 972       | 1082      | 1017       | 858       | 672       | 644       | 767       | 1007      | 8381       |

\*Elected

A true copy, Attest:

*Frank D. Ramirez*

City Clerk

# **EXHIBIT H**

Taxation of  
company.

*Section 13.* Every such corporation shall be taxed under the provisions of sections two to seven, inclusive, of chapter sixty-three.

Certain sec-  
tions of law to  
apply.

*Section 14.* The provisions of sections eighty-six to one hundred and ten, both inclusive, of chapter one hundred and forty and the provisions of chapter one hundred and ten A and chapter one hundred and seventy-four shall not apply to such corporations. *Approved July 26, 1935.*

*Chap. 453* AN ACT RELATIVE TO THE TERM OF CERTAIN NOTES TO BE ISSUED BY THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

The term of the notes which the state treasurer is authorized to issue under chapter three hundred and ninety-two of the acts of the current year, authorizing temporary borrowings by the commonwealth in anticipation of receipts from federal grants for emergency public works, shall not exceed nine months, as recommended by the governor in a message to the general court dated July twelfth, nineteen hundred and thirty-five, in pursuance of section three of Article LXII of the amendments to the constitution.

*Approved July 26, 1935.*

*Chap. 454* AN ACT MAKING CERTAIN ADJUSTMENTS IN THE LAWS RELATING TO HORSE AND DOG RACES CONDUCTED UNDER THE PARI-MUTUEL OR CERTIFICATE SYSTEM OF BETTING.

Emergency  
preamble.

*Whereas,* The deferred operation of this act would in part defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

G. L. (Ter.  
Ed.), 128A,  
§ 5, etc.  
amended.

SECTION 1. Section five of chapter one hundred and twenty-eight A of the General Laws, as appearing in section three of chapter three hundred and seventy-four of the acts of nineteen hundred and thirty-four, is hereby amended by striking out the first paragraph and inserting in place thereof the following:—

Pari-mutuel  
system of  
wagering  
authorized.

Before holding or conducting a racing meeting, every licensee shall provide a place or places, equipped as hereinafter provided, on the grounds where such meeting is held or conducted or adjacent thereto, but not elsewhere, at which such licensee shall conduct and supervise the pari-mutuel or certificate system of wagering on the speed or ability of horses or dogs performing in the races held or conducted by such licensee at such meeting, and such pari-mutuel or certificate method of wagering upon such races so conducted shall not under any circumstances be held or construed to be unlawful, other statutes of the commonwealth to the contrary notwithstanding. Such place or places shall be equipped with automatic betting machines

capable of accurate and speedy determination of award or dividend to winning patrons, and all such awards or dividends shall be calculated by a totalisator machine or like machine, except at state or county fairs.

SECTION 2. Section three of said chapter one hundred and twenty-eight A, as amended by chapter two hundred and thirty-nine of the acts of the current year, is hereby further amended by striking out the first paragraph, as appearing in said section three of said chapter three hundred and seventy-four, and inserting in place thereof the following: —

G. L. (Ter. Ed.), 128A, § 3, etc., amended.

If any application for a license, filed as provided by section two, shall be in accordance with the provisions of this chapter, the commission, after reasonable notice and a public hearing in the city or town wherein the license is to be exercised, may issue a license to the applicant to conduct a racing meeting, in accordance with the provisions of this chapter, at the race track specified in such application; provided, that if the commission has already taken action on an application in any calendar year, after such notice and public hearing, no other public hearing need be granted on any other application relating to the same premises filed prior to the expiration of said year, unless such other application is for an extension of more than ten days for the racing meeting or for an additional racing meeting.

License to conduct racing meeting. Application for, contents of.

SECTION 3. Said section three is hereby further amended by striking out, in the second line of paragraph (f), as so appearing, the word "seventy" and inserting in place thereof the word: — ninety, — so that said paragraph will read as follows: — (f) No licenses shall be issued for more than an aggregate of ninety racing days in any one year at all running horse race meetings combined, not including running horse racing meetings at state and county fairs.

G. L. (Ter. Ed.), 128A, § 3, etc., further amended.

Number of racing days limited.

SECTION 4. Said section three is hereby further amended by inserting after the word "track" the second time it occurs in the fifth line of paragraph (h), as so appearing, the words: — within the commonwealth, — and by adding at the end thereof the following: — ; provided, that licenses may be issued to permit such meetings to be held or conducted at the same time at not more than two race tracks if such tracks are seventy-five miles apart, — so that said paragraph will read as follows: —

G. L. (Ter. Ed.), 128A, § 3, etc., further amended.

(h) No licenses shall be issued to permit running horse racing meetings to be held or conducted, except in connection with a state or county fair, at the same time at more than one race track within the commonwealth, nor at any time at a race track located within fifty miles of another race track within the commonwealth, one mile or more in circumference; provided, that licenses may be issued to permit such meetings to be held or conducted at the same time at not more than two race tracks if such tracks are seventy-five miles apart.

Number of licensed race tracks limited.

SECTION 5. Section nine of said chapter one hundred

G. L. (Ter. Ed.), 128A,



§ 9, etc.,  
amended.

and twenty-eight A, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following: —

Penalty.

Any person violating any such rule or regulation shall, upon a complaint brought by the commission, be punished by a fine not exceeding five thousand dollars or by imprisonment not exceeding one year, or by both.

G. L. (Ter.  
Ed.), 128A,  
new section  
9A, added.  
Rules and  
regulations  
may control  
fees, etc.

SECTION 6. Said chapter one hundred and twenty-eight A is hereby amended by inserting after said section nine the following new section: — *Section 9A.* For the purpose of enabling the commission to exercise and maintain a proper control over horse and dog racing conducted under the provisions of this chapter, the rules, regulations and conditions prescribed by the commission under section nine may provide for the licensing and registering at reasonable and uniform fees, of agents, assumed names, colors, partnerships and minor agreements and may provide for the licensing at reasonable and uniform fees of trainers of horses and dogs and of jockeys participating in such racing and also of owners of dogs. Such rules and regulations may also provide for the suspension and revocation of licenses so granted and also for the imposition on persons so licensed of reasonable forfeitures and penalties for the violation of any rule or regulation prescribed by the commission and for the use of the proceeds of such penalties and forfeitures.

G. L. (Ter.  
Ed.), 128A,  
§ 13, etc.,  
amended.

SECTION 7. Section thirteen of said chapter one hundred and twenty-eight A, as so appearing, is hereby amended by striking out, in the thirteenth line, the word "shall" and inserting in place thereof the word: — may, — and by inserting after the word "barred" in the same line the words: — or suspended, — so as to read as follows: — *Section 13.*

Penalty for  
unlicensed  
wagering.

Any person making a handbook, at any race track within the commonwealth, or holding or conducting a gambling pool or managing any other type of wagering or betting on the results of any horse or dog race, or aiding or abetting any of the foregoing types of wagering or betting, except as permitted by this chapter, shall for a first offence be punished by a fine of not more than two thousand dollars and imprisonment for not more than one year, and for a subsequent offence by a fine of not more than ten thousand dollars and imprisonment for not more than two years. Any jockey, trainer or owner of horses participating in horse or dog racing, if found guilty by the commission of unfair riding or crooked tactics, may be barred or suspended from further participation in racing throughout the commonwealth.

G. L. (Ter.  
Ed.), 128A,  
new section  
13A, added.  
Approval of  
local authori-  
ties required.

SECTION 8. Said chapter one hundred and twenty-eight A, as so appearing, is hereby further amended by inserting after section thirteen the following new section: — *Section 13A.* The provisions of section one hundred and eighty-one of chapter one hundred and forty and of sections thirty-one, thirty-three and thirty-four of chapter two hundred and seventy-one, and of chapter four hundred and ninety-

four of the acts of nineteen hundred and eight, shall not apply to race tracks or racing meetings laid out and conducted by licensees under this chapter; except that no license shall be granted by the commission for a racing meeting unless the location of the race track where such meeting is to be held or conducted has been once approved by the mayor and aldermen or the selectmen as provided by said section thirty-three of said chapter two hundred and seventy-one.

*Approved July 26, 1935.*

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AN ACT AUTHORIZING THE CITY OF BOSTON TO PROVIDE CERTAIN ADDITIONAL FUNDS NECESSARY TO MEET THE COST OF CERTAIN IMPROVEMENTS IN CONNECTION WITH THE CONSTRUCTION OF THE VEHICULAR TUNNEL BETWEEN BOSTON PROPER AND EAST BOSTON.

*Chap. 455*

*Be it enacted, etc., as follows:*

SECTION 1. Chapter two hundred and ninety-seven of the acts of nineteen hundred and twenty-nine is hereby amended by striking out section eight, as amended by section two of chapter two hundred and eighty-seven of the acts of nineteen hundred and thirty-two, and inserting in place thereof the following: — *Section 8.* For the purpose of meeting the cost of the tunnel, which shall include all expenses incurred in laying out and constructing the same and all facilities and appurtenances incidental thereto, including plazas, street approaches, and additional street and traffic improvements, all as described in section one, and all land damages, expenses of the department, such proportion of the salaries of the department as may in its opinion be properly chargeable thereto and all interest accruing prior to the use of the tunnel on debt incurred for the foregoing, the treasurer of the city shall, from time to time, on request of the department, with the approval of the mayor of the city and without any other authority than that contained in this act, issue and sell at public or private sale the bonds of the city, registered or with interest coupons attached, as he may deem best, to an amount not exceeding nineteen million six hundred thousand dollars. Such bonds shall be designated on their face, Traffic Tunnel Bonds, City of Boston, Act of 1929, sixteen million dollars of which shall be for such terms, not exceeding fifty years, and three million dollars of which shall be for such terms, not exceeding thirty years, and six hundred thousand dollars of which shall be for such terms, not exceeding thirty years, as in each case the mayor and the treasurer of the city may determine, and shall bear such interest, payable semi-annually, as the mayor and the treasurer of the city may determine. Such bonds may be called, retired and cancelled by the city on any date upon which interest is payable on said bonds after twenty years from their respective dates, by payment by the city of the amount of

**Chap.158 AN ACT RELATIVE TO MEMBERSHIP IN COUNTY RETIREMENT SYSTEMS.**

*Be it enacted, etc., as follows:*

G. L. (Ter. Ed.), 32, § 21, etc., amended.

SECTION 1. Section twenty-one of chapter thirty-two of the General Laws, as most recently amended by section two of chapter three hundred and thirty-six of the acts of nineteen hundred and thirty-seven, is hereby amended by striking out paragraph (1) (a), as appearing in section one of chapter four hundred of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following paragraph:—

Employees under fifty-five years of age.

(a) Except as otherwise provided in paragraphs (b) and (d) of this subdivision, any person who, while under age fifty-five, enters the service of the county after the date on which the system becomes operative therein may by written application to the retirement board become a member of the system as of the date of the filing of such application; provided, that, if such application is not filed prior to the date of completion of ninety days of such service, he shall become a member of the system as of said last mentioned date.

G. L. (Ter. Ed.), 32, § 21, further amended.

Employees of hospital districts.

SECTION 2. Said section twenty-one is hereby further amended by inserting at the end of subdivision (1), as amended, the following new paragraph:—

(f) A person who, while under age fifty-five, enters the employ of a hospital district shall become a member of the system after completing nine months of service, unless he shall sooner become a member following an application in writing to the retirement board for such membership.

*Approved April 26, 1939.*

**Chap.159 AN ACT REQUIRING THE HOLDING OF A PUBLIC HEARING PRIOR TO APPROVAL BY MUNICIPAL AUTHORITIES OF THE LOCATION OF A RACE TRACK WHERE IT IS PROPOSED TO HOLD A RACING MEETING AT WHICH THE PARI-MUTUEL SYSTEM OF WAGERING SHALL BE PERMITTED.**

*Be it enacted, etc., as follows:*

G. L. (Ter. Ed.), 128A, § 13A, etc., amended.

Approval of local authorities required.  
Hearings.

Chapter one hundred and twenty-eight A of the General Laws is hereby amended by striking out section thirteen A, inserted by section eight of chapter four hundred and fifty-four of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following:— *Section 13A.* The provisions of section one hundred and eighty-one of chapter one hundred and forty and of sections thirty-one, thirty-three and thirty-four of chapter two hundred and seventy-one, and of chapter four hundred and ninety-four of the acts of nineteen hundred and eight, shall not apply to race tracks or racing meetings laid out and conducted by licensees under this chapter; except that no license shall be



granted by the commission for a racing meeting in any city or town unless the location of the race track where such meeting is to be held or conducted has been once approved by the mayor and aldermen or the selectmen as provided by said section thirty-three of said chapter two hundred and seventy-one, after a public hearing, seven days' notice of the time and place of which hearing shall have been given by posting in a conspicuous public place in such city or town and by publication in a newspaper published in such city or town, if there is any published therein, otherwise in a newspaper published in the county wherein such city or town is situated.

*Approved April 26, 1939.*

AN ACT FURTHER REGULATING THE BUSINESS OF FUNERAL DIRECTING. *Chap. 160*

*Be it enacted, etc., as follows:*

SECTION 1. Section eighty-two of chapter one hundred and twelve of the General Laws, as appearing in section three of chapter four hundred and seven of the acts of nineteen hundred and thirty-six, is hereby amended by striking out the definition of "Funeral directing" and inserting in place thereof the following: —

G. L. (Ter. Ed.), 112, § 82, etc., amended.

"Funeral directing", the business, practice or profession, as commonly practiced, of (a) directing or supervising funerals or providing funeral service; (b) handling or encasing, or providing services for handling or encasing, dead human bodies, and preparation of dead human bodies, otherwise than by embalming, for burial or disposal; (c) providing embalming services; (d) providing transportation, interment and disinterment of dead human bodies; (e) maintaining an establishment so located, constructed and equipped as to permit the decent and sanitary handling of dead human bodies, with suitable equipment in such establishment for such handling.

Definition.

SECTION 2. Section eighty-seven of said chapter one hundred and twelve, as amended by chapter thirteen of the acts of nineteen hundred and thirty-seven, is hereby further amended by adding at the end the following: — ; nor shall said sections prohibit a corporation or partnership, if not engaged in any other business, from engaging in the business of funeral directing, if a duly registered and licensed funeral director is in charge of the business of said corporation or partnership.

G. L. (Ter. Ed.), 112, § 87, etc., amended.

Corporations may engage in business.

SECTION 3. The last paragraph of section forty-nine of chapter one hundred and fourteen of the General Laws, as amended by section four of said chapter four hundred and seven, is hereby further amended by striking out, in the first and second lines, the words "may by a special rule or regulation permit" and inserting in place thereof the words: — shall issue a permit for, — so as to read as follows: —

G. L. (Ter. Ed.), 114, § 49, etc., amended.

The board of health of a town shall issue a permit for the continuance therein, under the active supervision of a per-

Permit to continue business

*Section 36D.* With the approval of the board of directors of any such corporation, at the request of the owner of the equity of redemption and upon a certification of the security committee of such corporation that the then balance of the amount due does not exceed eighty per cent of the value of the mortgaged premises, the amount of the fixed monthly payments called for by any such note and mortgage may be changed; provided, that any such change shall not result in the extension of the term of such loan beyond twenty years from the date of such change; and provided, further, that such change shall be evidenced by an instrument setting forth such change, payments and mortgage extension.

Extension  
of term  
of loan.

SECTION 2. Chapter one hundred and ninety-one of the acts of nineteen hundred and thirty-five, as amended by chapter two hundred and three of the acts of nineteen hundred and thirty-six, chapter two hundred and thirty-three of the acts of nineteen hundred and thirty-seven and chapter one hundred and ninety-nine of the acts of nineteen hundred and thirty-eight, is hereby repealed.

Temporary  
act repealed.

*Approved May 20, 1941.*

AN ACT PROVIDING THAT THE SECTION OF THE NEW STATE HIGHWAY FROM THE BILLERICA-CHELMSFORD LINE TO THE NORTH CHELMSFORD LINE BE KNOWN AS THE LOWELL TURNPIKE HIGHWAY. *Chap. 294*

*Be it enacted, etc., as follows:*

The section of the new state highway lying between the Billerica-Chelmsford boundary line and the so-called North Chelmsford line shall be known as the Lowell turnpike highway.

*Approved May 20, 1941.*

AN ACT RELATIVE TO THE APPROVAL BY MUNICIPAL AUTHORITIES OF THE LOCATION OF A RACE TRACK WHERE A RACING MEETING AT WHICH THE PARI-MUTUEL SYSTEM OF WAGERING SHALL BE PERMITTED IS PROPOSED TO BE HELD IN CONNECTION WITH A STATE OR COUNTY FAIR. *Chap. 295*

*Be it enacted, etc., as follows:*

Section thirteen A of chapter one hundred and twenty-eight A of the General Laws, as most recently amended by chapter one hundred and fifty-nine of the acts of nineteen hundred and thirty-nine, is hereby further amended by inserting after the word "town" in the tenth line the words: —, except in connection with a state or county fair, — so as to read as follows: — *Section 13A.* The provisions of section one hundred and eighty-one of chapter one hundred and forty and of sections thirty-one, thirty-three and thirty-four of chapter two hundred and seventy-one, and of chapter four hundred and ninety-four of the acts of nineteen hundred and eight, shall not apply to race tracks or racing

G. L. (Ter.  
Ed.), 128A,  
§ 13A, etc.,  
amended.

Approval of  
location of  
certain race  
tracks  
required.



meetings laid out and conducted by licensees under this chapter; except that no license shall be granted by the commission for a racing meeting in any city or town, except in connection with a state or county fair, unless the location of the race track where such meeting is to be held or conducted has been once approved by the mayor and aldermen or the selectmen as provided by said section thirty-three of said chapter two hundred and seventy-one, after a public hearing, seven days' notice of the time and place of which hearing shall have been given by posting in a conspicuous public place in such city or town and by publication in a newspaper published in such city or town, if there is any published therein, otherwise in a newspaper published in the county wherein such city or town is situated.

*Approved May 20, 1941.*

**Chap. 296** AN ACT AUTHORIZING THE LEASING OF MUNICIPALLY OWNED LANDS FORMERLY HELD UNDER TAX TITLES, AUTHORIZING THE CUSTODIAN OF SUCH LANDS TO EMPLOY ASSISTANTS AND EXTENDING THE PERIOD OF OPERATION OF THE LAW RELATIVE TO THE CARE AND DISPOSAL OF SUCH LANDS.

Emergency  
preamble.

*Whereas*, The provisions of law sought to be extended by this act would, but for this act, shortly cease to be effective, but the circumstances and conditions which made advisable their enactment still continue and it is accordingly desirable that said provisions continue in effect without interruption; therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter three hundred and fifty-eight of the acts of nineteen hundred and thirty-eight, as most recently amended in section one by chapter one hundred and twenty-three of the acts of nineteen hundred and thirty-nine, is hereby further amended by inserting after section two the two following new sections: — *Section 2A.* If the custodian is of the opinion that a sale of any such property is not immediately practicable, the custodian, acting on behalf of the city or town, may, subject to the approval of the mayor or the board of selectmen, notwithstanding any provision of law, ordinance or by-law inconsistent herewith, lease such property for a term not exceeding three years, and may on behalf of the city or town execute and deliver such lease.

*Section 2B.* The custodian, subject to appropriation, may employ one or more assistants as may be necessary for the proper performance of his duties, and such assistants shall receive as compensation such amounts as may be approved by the mayor or by the board of selectmen.

SECTION 2. Section three of said chapter three hundred and fifty-eight is hereby amended by striking out, in the

**Chap.437** AN ACT FURTHER REGULATING THE APPROVAL OF LOCATIONS FOR HOLDING HORSE AND DOG RACING MEETINGS AT WHICH THE PARI-MUTUEL SYSTEM OF WAGERING SHALL BE PERMITTED.

*Be it enacted, etc., as follows:*

G. L. (Ter. Ed.), 128A, § 13A, etc., amended.

Approval of locations for race meetings, regulated.

Section 13A of chapter 128A of the General Laws, as most recently amended by chapter 295 of the acts of 1941, is hereby further amended by adding at the end the following paragraph:—

Provided, nevertheless, that in the case of towns said approval by the selectmen, excepting only the approval of locations where racing meetings have already been held, other than in connection with state and county fairs, prior to May first, nineteen hundred and forty-eight, shall not become effective unless and until it shall be ratified and confirmed by vote, taken by Australian ballot, of a majority of the registered voters of said town voting at the next annual election. In the event that a location of a race track has been disapproved by the town officials or at a town election as aforesaid, no petition for approval of the same location shall be received by town authorities and no hearing shall be held on the question of approving or disapproving of the same location for a period of three years from the date of disapproval. Said approval by the selectmen of the location of a race track, excepting only the approval of locations where racing meetings have already been held, other than in connection with state and county fairs, prior to May first, nineteen hundred and forty-eight, shall be effective for a period of six years at the expiration of which time the location shall again be so approved before the commission shall grant a license for a racing meeting in said town.

*Approved May 28, 1948.*

**Chap.438** AN ACT AUTHORIZING INSPECTORS OF BUILDINGS TO ISSUE CERTAIN PERMITS OR CERTIFICATES UNDER CERTAIN CONDITIONS.

Emergency preamble.

*Whereas*, The deferred operation of this act would tend to defeat its purpose which is in part, in view of the existing housing emergency in the commonwealth, to provide immediately that inspectors of buildings may issue permits or certificates in certain cases for structures used or to be used for dwelling purposes, therefore it is hereby declared to be an emergency law necessary for the immediate preservation of the public health, safety and convenience.

*Be it enacted, etc., as follows:*

G. L. (Ter. Ed.), 143, § 31, etc., amended.

**SECTION 1.** Section 31 of chapter 143 of the General Laws, inserted by section 1 of chapter 631 of the acts of 1947, is hereby amended by striking out, in lines 6, 8 and 27, the words:— demolition, removal,.



**Chap.776** AN ACT RELATIVE TO THE SALARY OF THE COMMISSIONER OF INSURANCE.

*Be it enacted, etc., as follows:*

G. L. (Ter. Ed.), 26, § 6, etc., amended.

Salary of commissioner of insurance.

Section 6 of chapter 26 of the General Laws, as most recently amended by section 40 of chapter 591 of the acts of 1946, is hereby further amended by striking out, in line 6, the words "eighty-five hundred" and inserting in place thereof the words: — twelve thousand, — so as to read as follows: — *Section 6.* Upon the expiration of the term of office of a commissioner of insurance, his successor shall be appointed for three years by the governor, with the advice and consent of the council. The commissioner shall receive such salary, not exceeding twelve thousand dollars, as the governor and council determine. He shall give bond with sureties in the sum of ten thousand dollars, to be approved by the state treasurer, for the faithful performance of his duties.

*Approved November 9, 1951.*

**Chap.777** AN ACT RELATIVE TO THE TENURE OF OFFICE OF THE PRESENT INCUMBENT OF THE OFFICE OF DOG OFFICER IN THE CITY OF REVERE AND RELATIVE TO CERTAIN POWERS AND DUTIES OF DOG OFFICERS.

*Be it enacted, etc., as follows:*

SECTION 1. Ralph T. Mele, the present incumbent of the office of dog officer in the city of Revere, is hereby given unlimited tenure of office therein, and shall not be involuntarily separated from his service as such except subject to and in accordance with the provisions of sections forty-three and forty-five of chapter thirty-one of the General Laws.

G. L. (Ter. Ed.), 128A, § 13A, etc., amended.

Powers and duties of dog officers.

SECTION 2. The first paragraph of section 13A of chapter 128A of the General Laws, as appearing in chapter 295 of the acts of 1941, is hereby amended by inserting after the word "forty", in line 3, the words: — and the provisions of said chapter relative to the powers and duties of dog officers, — and by inserting after the word "chapter", in line 8, the words: — or to animals eligible to race at such meetings, — so as to read as follows: — The provisions of section one hundred and eighty-one of chapter one hundred and forty and the provisions of said chapter relative to the powers and duties of dog officers and of sections thirty-one, thirty-three and thirty-four of chapter two hundred and seventy-one, and of chapter four hundred and ninety-four of the acts of nineteen hundred and eight, shall not apply to race tracks or racing meetings laid out and conducted by licensees under this chapter or to animals eligible to race at such meetings; except that no license shall be granted by the commission for a racing meeting in any city or town, except in connection with a state or county fair, unless the location of the race track where such meeting is to be held

or conducted has been once approved by the mayor and aldermen or the selectmen as provided by said section thirty-three of said chapter two hundred and seventy-one, after a public hearing, seven days' notice of the time and place of which hearing shall have been given by posting in a conspicuous public place in such city or town and by publication in a newspaper published in such city or town, if there is any published therein, otherwise in a newspaper published in the county wherein such city or town is situated.

SECTION 3. Section one of this act shall take full effect upon its acceptance during the current year by vote of the city council of the city of Revere, subject to the provisions of its charter, but not otherwise.

*Approved November 14, 1951.*

AN ACT AUTHORIZING THE CITY OF BROCKTON TO APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY A CERTAIN UNPAID BILL.

*Chap. 778*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Brockton is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay an unpaid bill incurred by said city in nineteen hundred and fifty in the amount of twenty-nine hundred and sixty-five dollars for repairs to number one and number two engines of the Silver Lake pumping station, which bill is legally unenforceable against said city by reason of its being incurred in excess of an available appropriation or by reason of the failure of said city to comply with the provisions of its charter.

SECTION 2. The bill referred to in section one shall not be approved by the city auditor of said city for payment or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said city auditor, stating under the penalties of perjury that the services for which the bill has been submitted were ordered by an official or employee of said city, and that such services were rendered to said city.

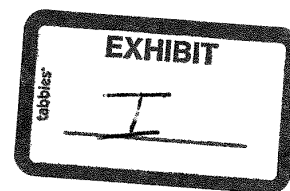
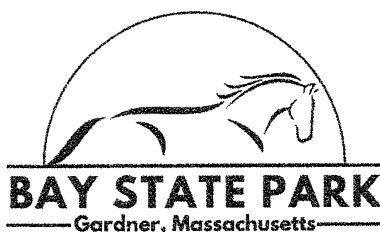
SECTION 3. Any person who knowingly files a certificate required by section two which is false and who thereby receives payment for services which were not rendered to said city shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its passage.

*Approved November 14, 1951.*

# EXHIBIT I





April 30, 2024

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

Dear Madam President and Honorable Councilors:

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

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

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

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

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

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

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

Sincerely,

John A. Stefanini

CC: Mayor Michael J. Nicholson

# **EXHIBIT J**



# Gould Title Company, Inc.

Real Estate Title Services

90 Front Street, Suite C202  
 Worcester, MA 01608  
 Tel: (508) 754-1871  
 Fax: (508) 754-7079

## PRELIMINARY TITLE REPORT

Prepared for:

Todd K. Helwig, Esquire

**We have examined the records as indexed in the Registries of Deeds and Probate for the County of Worcester (Worcester District) since October 31, 1950 and March 18, 1954**

**for the Premises described in a Quitclaim Deed**

**from** Deborah M. Rosenblatt, Trustee under the Last Will of Noella M. LeBlanc, Docket #WO132966EA

**to** GAAMHA, Inc.

**dated** November 19, 2020 **and recorded in Book** 63792, **Page** 211.

**Title appears to be in** GAAMHA, Inc.\*\*

**and is free from encumbrances of record during the period examined, except:**

Construction Mortgage from GAAMHA, Inc. to Enterprise Bank and Trust Company for \$1,015,000.00, dated November 19, 2020 and recorded in Book 63792, Page 217;

Assignment of Rents from GAAMHA, Inc. to Enterprise Bank and Trust Company dated November 19, 2020 and recorded in Book 63792, Page 233;

Excepting that portion of premises owned by the Boston and Maine Railroad as recited in deed in Book 3299, Page 3 (see Plan Book 135, Plan 22 for possible location);

Subject to pole and wires rights of New England Telephone and Telegraph Company as recited in deed in Book 3299, Page 3;

Order of Taking (easement) for Winchendon Road by the County of Worcester (County Commissioners) vs. Gardner Agricultural Association Inc. et als dated October 16, 1936 and recorded in Book 2679, Page 584 (Parcels 7 and 8 on Plan Book 94, Plan 6);

Order of Taking (easement) for Winchendon Road by the County of Worcester (County Commissioners) vs. Gardner Agricultural Association Inc. et als dated February 3, 1939 and recorded in Book 2739, Page 13 (Parcel 1 on Plan Book 107, Plan 36);

Deed out to Francis R. Cosentino dated February 15, 1957 and recorded in Book 3873, Page 1 (Gould Title Reference No. 15135-A);

Order of Taking for Route 140 by the Commonwealth of Massachusetts (Department of Public Works) vs. Land Corporation of Gardner et als dated May 10, 1972 and recorded in Book 5222, Page 477 (Parcels taken in fee: 7-14, 7-17 and 7-36. Parcels taken for drainage and slope easements: 7-DS-2 and 7-DS-4 on Plan Book 364, Plan 16);

Order of Taking for Route 140 by the Commonwealth of Massachusetts (Department of Public Works) vs. Land Corporation of Gardner et als dated April 9, 1980 and recorded in Book 6960, Page 296 (Parcel 8-R-1 [easement] and Parcel 8-30 [fee] as shown on Plan Book 474, Plan 65);

Terms and provisions of Decision re: Special Permit from the City of Gardner (Zoning Board of Appeals) to Industrial Tower and Wireless, LLC (applicant) and GAAMHA, Inc. (owner) dated October 17, 2023 and recorded in Book 69891, Page 304 (to construct a wireless communication facility);

Possible rights of others in Old Abandoned Road as shown on Plan Book 135, Plan 22;

Provisions of M.G.L. c. 40, Section 54A restriction prohibiting issuance of building permits without approval of the Secretary of Executive Office of Transportation and Construction;

Outstanding charges as shown on Municipal Lien Certificate dated October 28, 2020 and recorded in Book 63792, Page 203;

Possible corporate excise taxes for GAAMHA, Inc. if the contemplated conveyance will be all or substantially all of the assets of said corporation in the Commonwealth of Massachusetts.

**\*\*Note: The Deed recorded in Book 50612, Page 71 raises the question as to whether Noella and Leonard LeBlanc conveyed their full interest or if Leonard was only releasing homestead rights as stated under his signature line. The title being vested in the current owner is subject to interpretation of that deed. A 5B Affidavit may be needed to clarify the chain of title. If the LeBlancs did not effectively convey their full interest in said Deed, then title will be in the Estate of Leonard LeBlanc and be subject to the following:**

Tax Lien by the Commonwealth of Massachusetts vs. Leonard LeBlanc (35 Duval Court, Winchendon xxx-xx-8629) dated April 13, 2018 and recorded in Book 58764, Page 347, if same person;

Possible expenses of administration and Massachusetts and federal estate taxes under the Estate of Leonard LeBlanc, Worcester Probate Case No. 19P2900.

**Note: Agricultural Lien recorded in Book 10272, Page 293 was recently released in Book 70156, Page 133. A property classified under this chapter "shall not be sold for, or converted to, residential, industrial or commercial use while so taxed or within one year after that time unless the city or town in which the land is located has been notified of the intent to sell for, or convert to, that other use." (See M.G.L. c. 61A, sec. 14). A waiver of right of first refusal may be needed for the contemplated transaction.**

**Note: Recreational Lien recorded in Book 53055, Page 211 was recently released in Book 70156, Page 84. A property classified under this chapter "shall not be sold for, or converted to, residential, industrial or commercial use while so taxed or within one year after that time unless the city or town in which the land is located has been notified of the intent to sell for, or convert to, that other use." (See M.G.L. c. 61B, sec. 9). A waiver of right of first refusal may be needed for the contemplated transaction.**

Note: No survey of record to establish accuracy of description.

**Run Through:** March 27, 2024  
**Reference:** #15135  
**Location:** Green Street, aka Route 140 (fka Winchendon Road)  
 Gardner, MA

*Nicole S. Trainor*

\*Bankruptcy indices are no longer available in the Worcester District Registry of Deeds' computer system; therefore this examination does not include possible bankruptcies.

# Gould Title Company, Inc.

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## PRELIMINARY TITLE REPORT

Prepared for:

Todd K. Helwig, Esquire

**We have examined the records as indexed in the Registries of Deeds and Probate for the County of Worcester (Worcester District) since April 1, 1966**

**for the Premises described in a Quitclaim Deed**

**from** Thomas R. LeBlanc, Deborah M. Rosenblatt, Joann M. McAvoy and Steven J. LeBlanc

**to** GAAMHA, Inc.

**dated** August 28, 2021 **and recorded in Book** 66317, **Page** 109.

**Title appears to be in** GAAMHA, Inc.

**and is free from encumbrances of record during the period examined, except:**

Order of Taking (easement) for Winchendon Road by the County of Worcester (County Commissioners) vs. Gardner Agricultural Association Inc. et als dated February 3, 1939 and recorded in Book 2739, Page 13 (Parcel 1 on Plan Book 107, Plan 36);

Order of Taking for Route 140 (fee) by the Commonwealth of Massachusetts vs. Aurule E. Charland et als dated May 10, 1972 and recorded in Book 5222, Page 477 (Parcel 7-20 on Plan Book 364, Plan 16);

Possible corporate excise taxes for GAAMHA, Inc. if the contemplated conveyance will be all or substantially all of the assets of said corporation in the Commonwealth of Massachusetts.

Tax Lien by the Commonwealth of Massachusetts vs. Leonard LeBlanc (35 Duval Court, Winchendon xxx-xx-8629) for \$11,668.66 dated April 13, 2018 and recorded in Book 58764, Page 347, if same person;\*\*

Possible expenses of administration and Massachusetts and federal estate taxes under the Estate of Leonard LeBlanc, Worcester Probate Case No. 19P2900.\*\*

\*\*If the Deed recorded in Book 50612, Page 69 is interpreted to convey Noelle and Leonard's LeBlanc's full interest, this encumbrance would not apply.

Note: No survey of record to establish accuracy of description.

**Run Through:** March 27, 2024  
**Reference:** #15135-A  
**Location:** Green Street, aka Route 140  
Gardner, MA



\*Bankruptcy indices are no longer available in the Worcester District Registry of Deeds' computer system; therefore this examination does not include possible bankruptcies.



# EXHIBIT K

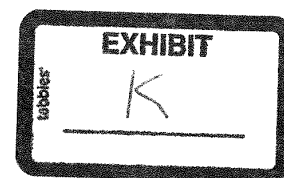
Menu



Mass.gov

Search Mass.gov

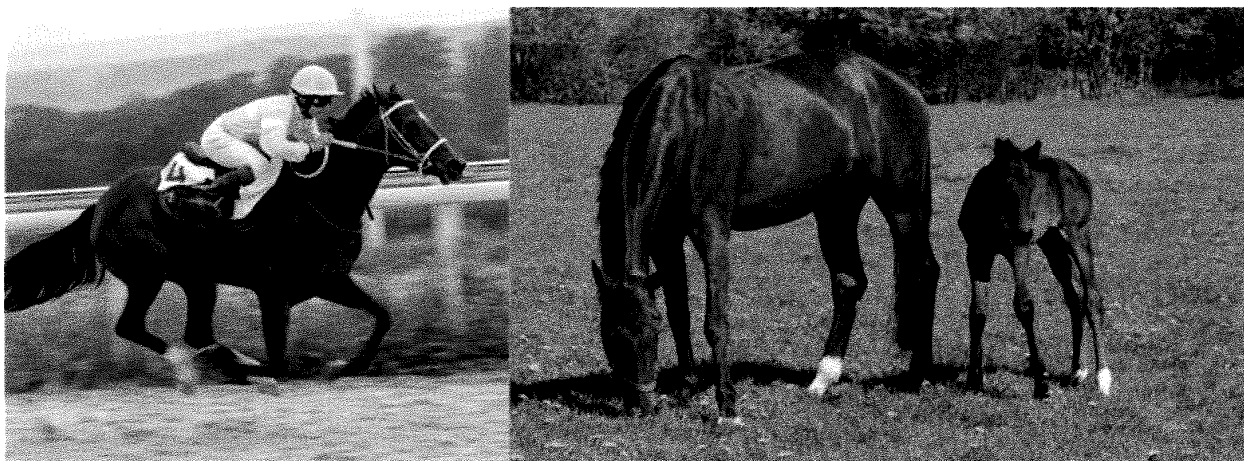
SEARCH



(/) > EEA (/orgs/executive-office-of-energy-and-environmental-affairs) > Massachusetts Department of Agricultural Resources (/orgs/massachusetts-department-of-agricultu

## Thoroughbred Breeding Program

The Division of Animal Health administers the race horse breeding registration programs in conjunction with the Massachusetts State Gaming Commission and the representative breed organizations.



The Massachusetts Department of Agricultural Resources' Division of Animal Health ("MDAR") is charged with promoting, developing, and encouraging through the Massachusetts Thoroughbred Breeding Program, the breeding of thoroughbred horses in the commonwealth by offering cash prizes to breeders of such horses.

The authorizing statute, Massachusetts General Law Chapter 128, section 2, part (g) (<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXIX/Chapter128/Section2>), describes the specific standards by which horses, and thereby their owners, would be eligible to receive such prizes.

**M.G.L. c. 128, Section 2, states, in part:**

"No person shall be eligible for the prizes provided herein unless the following standards are met:

1. The foal of a thoroughbred mare that drops said foal in the commonwealth and is bred back to the Massachusetts registered stallion shall be Massachusetts bred; or
2. The foal of a thoroughbred mare who resides in the commonwealth from the fifteenth day of October of the year prior to foaling and continues such residence until foaling and foals in the commonwealth shall be Massachusetts bred.
3. In either the case of subparagraph (1) or (2) each thoroughbred foal dropped in the commonwealth shall be registered with the Jockey Club and the department of food and agriculture.”

## Thoroughbred Breeding Registration Forms

### Registration fees:

MDAR does not collect registration fees associated with this program.

### Forms and Critical Dates:

The Thoroughbred breeding season runs from February 1-June 30

- **Thoroughbred Stallion Mares Bred and Declaration Form 2024 – Due September 1, 2024**  
(/doc/thoroughbred-stallion-mares-bred-and-declaration-form-2024/download)
- **Thoroughbred Resident Broodmare Registration Form 2024 – Due October 15, 2024**  
(/doc/thoroughbred-resident-broodmare-registration-form-2024/download)
- **Thoroughbred Resident Broodmare Registration Late Form (After October 15, 2024)** (/doc/thoroughbred-resident-broodmare-registration-form-late-after-october-15-2024/download) – **Due when mare arrives**
- **Thoroughbred Yearling Registration Form 2024 – Due December 31, 2024**  
(/doc/thoroughbred-yearling-registration/download)
- **Thoroughbred Stallion Registration Form 2024 – Due February 1, 2024**  
(/doc/thoroughbred-stallion-registration-form-2024/download)

**Form submissions, program questions, updates, and notifications regarding foal births and emergency situations can be directed to:**

**Linda Harrod**

MDAR Thoroughbred Breeders Program

225 Turnpike Road

Southborough, MA 01772

Phone: 617-872-9956

Fax: 617-626-1736

[linda.harrod@mass.gov](mailto:Linda.harrod@mass.gov) (mailto:Linda.harrod@mass.gov)

## Thoroughbred Broodmare Registration and Foal Eligibility

All Thoroughbred broodmares, whether current Massachusetts residents or recent imports, **MUST** be registered with MDAR.

### **Broodmare registration on or before October 15:**

If a Thoroughbred broodmare arrives and registers on or before October 15 of the year the mare is bred, an MDAR Thoroughbred Resident Broodmare Registration Form must be completed and submitted on or before October 15. This is the October prior to foaling. Registrations that are postmarked after October 15 will be considered late.

Mares shall be present on the farm listed on their registration forms by October 15 and must remain there through foaling. MDAR inspectors may inspect during that time to confirm residency. If a mare needs to be moved to another premises in Massachusetts, MDAR must be notified prior to the movement to maintain eligibility. Movement of the mare to a premises outside of Massachusetts may void their eligibility.

MDAR must be notified within 24 hours of foaling so a final inspection can be scheduled.

### **Broodmare registration after October 15:**

If a Thoroughbred broodmare arrives and/or registers **AFTER** October 15 of the year she was bred, the owner must contact MDAR immediately upon arrival to complete the necessary paperwork. An MDAR Thoroughbred Resident Broodmare Registration Form Late must be completed and submitted when the mare arrives in Massachusetts. MDAR may schedule an inspection of a late arriving mare to ensure that she is present on the farm named on the registration form. This applies to mares being brought into Massachusetts or mares that reside in Massachusetts year-round.

There is **ONLY** one option for the foal of a late arriving/registering Thoroughbred broodmare to become eligible to the Massachusetts Thoroughbred Breeding Program. The mare **MUST** be bred back to a Massachusetts registered Thoroughbred stallion in the year the foal is born. This breeding must take place within the defined breeding season, February 1-June 30.

MDAR must be notified within 24 hours of the foal's birth so that an MDAR inspector may verify that the mare and foal are present on the farm named in the registration form.

The breed back to a Massachusetts registered stallion must be documented on the MDAR Thoroughbred Stallion Mares Bred and Declaration Form in the year of foaling. A date of last cover is required.

### **Broodmares bred to a Massachusetts registered stallion:**

Foals sired by a Massachusetts registered stallion are not eligible for this program unless they are born to mares who have met the requirements listed in the Thoroughbred Broodmare Registration and Foal Eligibility section, above. Mares bred to a Massachusetts registered stallion are required by the statute to register with MDAR on or before the October 15 deadline and their location will be confirmed by MDAR. Should the mare arrive or register after October 15, a breed back to a Massachusetts registered

Thoroughbred stallion will be required for the foal to be eligible for the program. An MDAR Inspector may verify their presence on the registered farm.

MDAR must be notified within 24 hours of the foal's birth to verify that the foal was "dropped in the Commonwealth." These mares must appear on the MDAR Thoroughbred Stallion Mares Bred and Declaration Form for the year prior to foaling."

**Stallions:**

Stallions standing at either private or public service in Massachusetts must be registered with MDAR on or before the start of the breeding season, February 1. Stallions must stand in Massachusetts for the entire breeding season of February 1 - June 30. An MDAR Thoroughbred Stallion Mares Bred and Declaration Form is due to MDAR by September 1 of the year the stallion stood.

**Foals:**

The birth of a foal must be reported within 24 hours to MDAR, prior to the mare leaving the registered farm. MDAR requests that the mare and foal remain on the registered farm for 72 hours following the birth of the foal to allow Animal Health Inspectors the opportunity to confirm the birth of the foal..

**Yearling registration:**

Eligible foals must be registered with the Jockey Club and MDAR. The MDAR Thoroughbred Yearling Registration Form is due to MDAR by December 31 of the yearling year.

**Equines entering Massachusetts – Health Certificate and EIA Test Required:**

Horses entering Massachusetts from another state are required to have a negative Equine Infectious Anemia (EIA) test (sometimes called a Coggins Test) performed no more than 12 months prior to entry and an Official Certificate of Veterinary Inspection (sometimes called a Health Certificate) issued no more than 30 days prior to entry. This includes horses returning to Massachusetts from out of state.

**MDAR inspection:**

For MDAR to verify eligibility to the satisfaction of the Office of the State Auditor, inspections may be completed to confirm residency. All registered stallions, mares and foals are subject to unannounced inspection by MDAR staff at any time during their residency period to confirm their location.

**Emergency situations:**

Should a mare, foal or stallion need to move off the registered farm during their residency period for emergency veterinary care or any other reason, MDAR must be contacted as soon as possible but within 24 hours. Movement off the registered premises without timely notification or movement to a location outside MA may void eligibility.

**Massachusetts Thoroughbred Breeders Association contact information:**



MDAR shares registration information with MTBA on a regular basis. Should you have further questions, MTBA can be contacted here:

**MTBA**

175 Littleton Road, Unit B-10

Chelmsford, MA 01824

[mtba@comcast.net](mailto:mtba@comcast.net) (mailto:mtba@comcast.net)

508-252-3690

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

## Contact

### Linda Harrod

**Online**

[linda.harrod@mass.gov](mailto:linda.harrod@mass.gov) (mailto:linda.harrod@mass.gov)

**Phone**

[617-872-9956](tel:6178729956) (tel:6178729956)

**Fax**

617-626-1736

**RELATED****MDAR Policy Statement Thoroughbred Broodmare Registration and Foal**

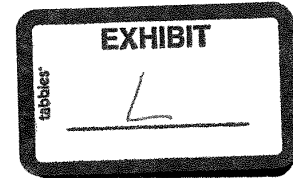
**Eligibility** (<https://www.mass.gov/doc/policy-on-thoroughbred-broodmare-registration-august-2022/download>)

**All****Topics** (</topics/massachusetts-topics>)**Site****Policies** (</massgov-site-policies>)**Public Records****Requests** (</topics/public-records-requests>)

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# EXHIBIT L



## Wetlands NOI Project Information

### Related links

There are no related links for displayed element.

NOI Number ?  
160-0642

Applicant Information  
GAAMHA,  
INC.

Filing Date ?  
01/15/2021

Filing Type ?  
Buffer Zone

Project Type  
Other

Project Address  
827 GREEN STREET

Comments  
ADDITION TO AN EXISTING SFH IN BZ

Technical Comments

### Inland Resource Areas

RESOURCE AREA ALTERED

PROPOSED ALTERATION

PROPOSED REPLACEMENT

**Coastal Resource Areas**

RESOURCE AREA ALTERED

PROPOSED ALTERATION

PROPOSED REPLACEMENT

◀ PREVIOUS

🔍 SEARCH AGAIN

EEA Site Policies (<https://www.mass.gov/site-policies>)

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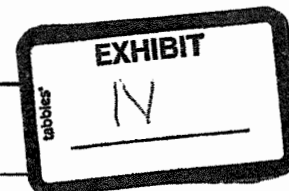
# EXHIBIT M



**VOTE**

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

# EXHIBIT N

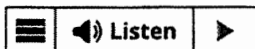


## H.R.1754 - Horseracing Integrity and Safety Act of 2020

116th Congress (2019-2020)

**Sponsor:** [Rep. Tonko, Paul \[D-NY-20\]](#) (Introduced 03/14/2019)  
**Committees:** House - Energy and Commerce  
**Committee Reports:** [H. Rept. 116-554](#)  
**Latest Action:** Senate - 09/30/2020 Received in the Senate. ([All Actions](#))  
**Tracker:** Introduced Passed House

[Summary\(2\)](#) [Text\(4\)](#) [Actions\(13\)](#) [Titles\(5\)](#) [Amendments\(0\)](#) [Cosponsors\(261\)](#) [Committees\(1\)](#) [Related Bills\(3\)](#)



There are 2 summaries for H.R.1754.

[Passed House \(09/29/2020\)](#)

Bill summaries are authored by [CRS](#).

### Shown Here:

**Passed House (09/29/2020)**

**Horseracing Integrity and Safety Act of 2020**

This bill recognizes the Horseracing Integrity and Safety Authority for purposes of developing and implementing a horseracing anti-doping and medication control program and a racetrack safety program.

The authority shall establish an anti-doping and medication control standing committee and a racetrack safety standing committee to provide guidance to the authority on the development and maintenance of the programs.

The Federal Trade Commission (FTC) shall have oversight over the authority. The authority shall submit to the FTC any proposed rule, standard, or procedure developed by the authority to carry out the horseracing anti-doping and medication control program or the racetrack safety program. The authority shall seek to enter into an agreement with the U.S. Anti-Doping Agency or an entity equal in qualification under which the entity acts as the anti-doping and medication control enforcement agency under this bill.

Among the required elements of the horseracing safety program are sets of training and racing safety standards consistent with the humane treatment of horses, a system to maintain track surface quality, programs for injury and fatality analysis, investigation and disciplinary procedures, and an evaluation and accreditation program.

The bill sets forth other provisions regarding (1) funding, conflicts of interest, and jurisdiction; (2) registration with the authority; (3) program enforcement; (4) rule violations and civil sanctions; (5) testing laboratories; (6) review of final decisions of the authority by an administrative law judge; (7) unfair or deceptive acts or practices; and (8) agreements with state racing commissions.



June 28, 2024

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

To whom it may Concern:

Enclosed please find a petition of NATIONAL GRID, covering NATIONAL GRID pole location(s)

If you have any questions regarding this permit, please contact:

**Jarad Aker** – [jarad.aker@nationalgrid.com](mailto:jarad.aker@nationalgrid.com)

Please notify National Grid's Jennifer Iannalfo of the **hearing date / time** to [Jennifer.Iannalfo@nationalgrid.com](mailto:Jennifer.Iannalfo@nationalgrid.com)

If this petition meets with your approval, please return an executed copy, including hearing date.

National Grid: Jennifer Iannalfo; 1101 Turnpike Street; North Andover, MA 01845

Very truly yours,

*Zylmar Garcia*

Zylmar Garcia  
Supervisor, Distribution Design

Enclosures

Questions contact – Jarad Aker – [jarad.aker@nationalgrid.com](mailto:jarad.aker@nationalgrid.com)

### PETITION FOR POLE AND WIRE LOCATIONS

To the City Council  
Of Gardner, Massachusetts

Massachusetts Electric Company d/b/a NATIONAL GRID requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Elm Street - National Grid to relocate 1 SO pole on Elm Street beginning at a point approximately 360 feet Southeast of the centerline of the intersection of Elm Street & Cross Street. National Grid proposes to relocate pole 7 approximately 15 feet with Anchor & guy in Gardner, Ma.

Location approximately as shown on plan attached.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Elm Street - Gardner, Massachusetts.

No.# 30394729

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

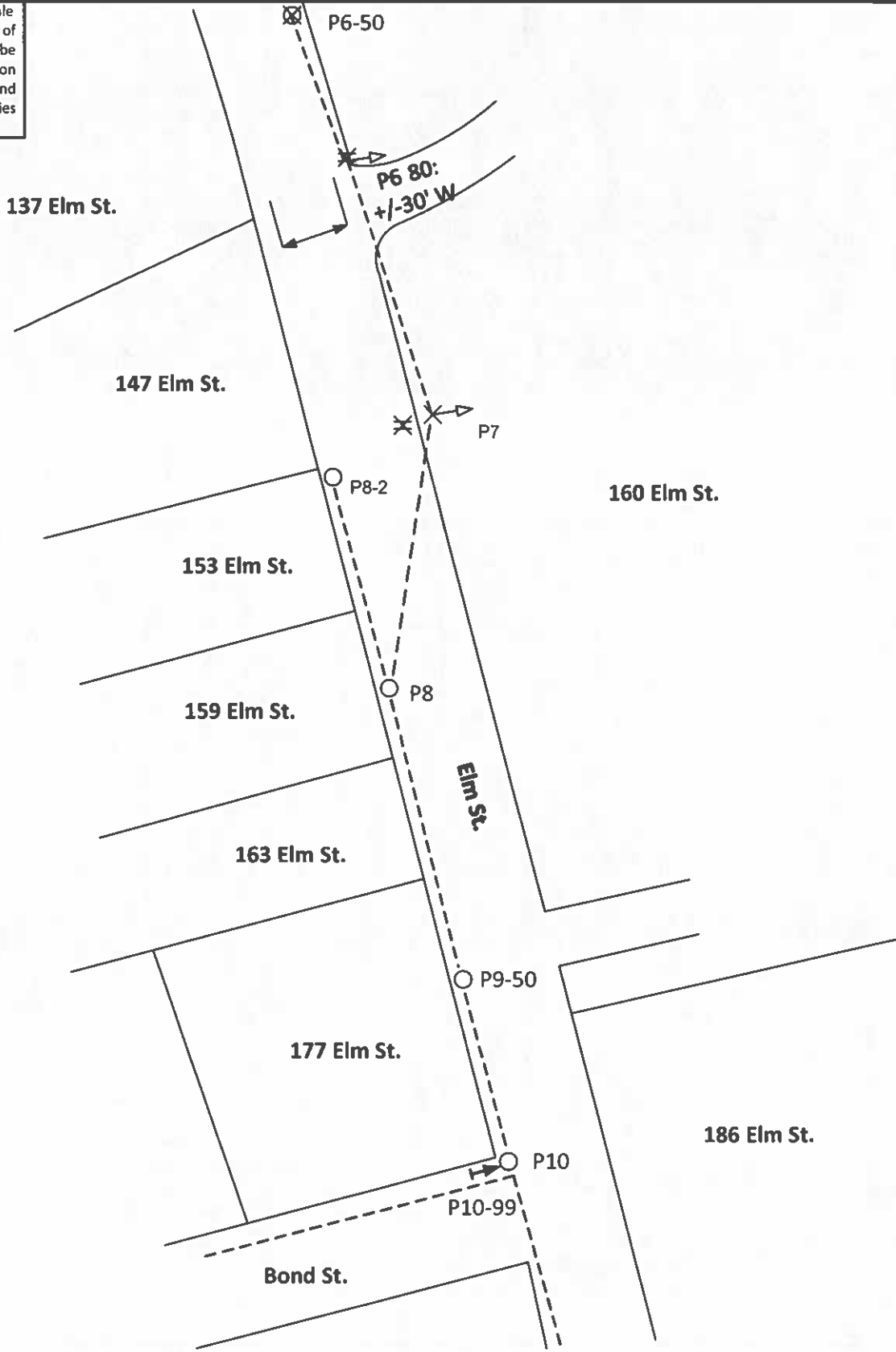
Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a  
NATIONAL GRID *Fylmar Garcia*  
BY \_\_\_\_\_  
Engineering Department





Exhibit "A" - Not to Scale  
 The exact location of said facilities to be established by and upon the installation and erection of the facilities thereof.



**Legend**

|                   |                      |                            |
|-------------------|----------------------|----------------------------|
| JO Pole ○         | Inst SO Pole X       | Rem SO Pole X              |
| Inst Push Brace T | OH Conductor - - - - | Rem OH Conductor - · - · - |
| Inst Anchor/Guy L | Repl SO Pole ⊗       |                            |

**DOT - 610672**

160 Elm St. Gardner, Ma.

Date: 3/27/23  
 Designer: AKERJA  
 WR: 30394729

Relocating P7 ~15' w/ anchor/guy



June 28, 2024

Questions contact – Jarad Aker – [jarad.aker@nationalgrid.com](mailto:jarad.aker@nationalgrid.com)

**ORDER FOR POLE AND WIRE LOCATIONS**

In the City of Gardner, Massachusetts

Notice having been given and public hearing held, as provided by law, IT IS HEREBY ORDERED: that Massachusetts Electric Company d/b/a NATIONAL GRID and be and it is hereby granted a location for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the 27th day of March, 2023.

All construction under this order shall be in accordance with the following conditions: Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Elm Street - Gardner, Massachusetts.

**No.# 30394729**

Filed with this order:

There may be attached to said poles such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

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

Elm Street - National Grid to relocate 1 SO pole on Elm Street beginning at a point approximately 360 feet Southeast of the centerline of the intersection of Elm Street & Cross Street. National Grid proposes to relocate pole 7 approximately 15 feet with Anchor & guy in Gardner, Ma.

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

\_\_\_\_\_  
Massachusetts  
City/Town Clerk.  
20 \_\_\_\_\_

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

Attest:  
City/Town Clerk

I hereby certify that on 20 , at o'clock, M  
at a public hearing was held on the petition of

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

City/Town Clerk.

.....  
.....  
.....  
.....

Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of hearing with notice adopted by the of the City of Massachusetts, on the day of 20 , and recorded with the records of location orders of the said City, Book , Page . This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

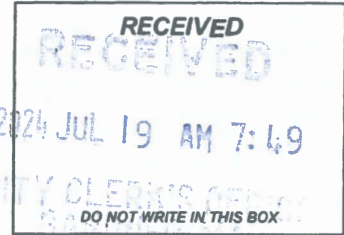
Attest:  
City/Town Clerk

COLLECTOR LICENSE APPLICATION FEE - \$30.00  
 DEALER LICENSE APPLICATION FEE - \$100.00



**CITY OF GARDNER  
 MASSACHUSETTS 01440**

95 PLEASANT STREET - ROOM 121  
 TELEPHONE (978) 630-4058  
 FACSIMILE (978) 630-2589



**APPLICATION FOR LICENSE TO COLLECT  
 OR DEAL IN SECOND HAND ARTICLES**

New  Renewal  Change of Location

**APPLICANT INFORMATION**

Applicant / Licensee Name: EcoATM LLC  
 Applicant / Licensee Address: (MAILING) 10121 BARNES CANYON RD, SAN DIEGO, CA 92121  
 Applicant / Licensee phone number(s): 858-766-7250  
 Applicant / Licensee E-mail: sean.flaherty@ecoatm.com  
 Social Security number: \_\_\_\_\_ **OR** Business FID number 26-3879952

**ESTABLISHMENT INFORMATION**

Establishment Name: EcoATM LLC  
 Establishment address (Current): 677 Timpany Blvd, Gardner, MA 01440 (Inside Walmart2155)  
 Establishment address (New, if applicable): \_\_\_\_\_  
 Establishment Phone: 858-766-7250  
 On-Site manager / contact person: Sean Flaherty  
 For which type of license(s) are you applying? Secondhand Dealer

**Check all that apply to this Application:**

- SECONDHAND COLLECTOR** has the same meaning as the term "junk collector" in MGL c. 140, § 56.
- SECONDHAND DEALER** has the same meaning as the term "junk dealer" and "keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles" in MGL c. 140, § 54.

What types of articles will be purchased, stored, and/or sold? \_\_\_\_\_  
 self-serve, automated kiosk that buys used electronics, no sales or employees

Where at the licensed address will the articles be stored, displayed, etc? \_\_\_\_\_  
 Inside kiosk machine

Massachusetts Sales & Use Tax Registration number: N/A  
 (Attach a copy of your Massachusetts Sales & Use Tax Registration Certificate)

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

I HAVE RECEIVED AND READ THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 140, §§54-56, §§202-205 AND CHAPTER 450 OF THE CODE OF THE CITY OF GARDNER GOVERNING JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES:

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.



DATE SIGNED 5/29/2024

INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT

**NOTICE:** THE FILING OF THIS APPLICATION CONFERS NO RIGHTS ON THE PART OF THE APPLICANT TO UNDERTAKE ANY ACTIVITIES UNTIL THE LICENSE HAS BEEN GRANTED. THE ISSUANCE OF A LICENSE UNDER THIS SECTION OR SECTIONS IS SUBJECT TO THE APPLICANT'S COMPLIANCE WITH ALL OTHER APPLICABLE FEDERAL, STATE OR LOCAL STATUTES, ORDINANCES, BYLAWS, RULES OR REGULATIONS. THE LICENSING AUTHORITY RESERVES THE RIGHT TO REQUEST ANY ADDITIONAL INFORMATION IT REASONABLY DEEMS APPROPRIATE FOR THE PURPOSE OF DETERMINING THE TERMS AND CONDITIONS OF THE LICENSE AND ITS DECISION TO ISSUE A LICENSE. THE PROVISIONS OF G.L. c.152 MAY REQUIRE THE FILING OF A WORKERS' COMPENSATION INSURANCE AFFIDAVIT WITH THIS APPLICATION. FAILURE TO FILE THE AFFIDAVIT, ALONG WITH ANY OTHER REQUIRED INFORMATION AND/OR DOCUMENTATION, SHALL BE SUFFICIENT CAUSE FOR THE DENIAL OF THE LICENSE APPLICATION.

**LICENSE APPLICATION PROCESSING FEE MUST BE SUBMITTED WITH THIS FORM. MAKE CHECK PAYABLE TO CITY OF GARDNER. MAIL COMPLETED APPLICATION FORMS AND THE WORKERS' COMPENSATION AFFIDAVIT AND CHECK TO: CITY CLERK, 95 PLEASANT STREET, ROOM 121, GARDNER, MA 01440-2690.**

**JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES LICENSES  
EXPIRE ON APRIL 30<sup>TH</sup> ANNUALLY.**





# City of Gardner Treasurer/Tax Collector

95 Pleasant Street, Gardner, MA 01440 (978) 630-4016

## PERMIT/APPLICATION GOOD STANDING CERTIFICATION

License/Permit Applicant Name: EcoATM LLC

Address: 677 Timpany Blvd, Gardner, MA 01440 (Inside Walmart2155)

*Applicants for Building Permits, Site Plan Review, Special Permits, Variances, Conservation Permits, and Water or Sewer Connection Permits must include the following information:*

Property Owner Name: \_\_\_\_\_

Property Address: \_\_\_\_\_

**For City of Gardner Use Only:**

- The above named applicant and/or property owner *is* in good standing with all municipal taxes, assessments, betterments, and other municipal fees and/or fines.

*Hayes Chaston*  
City Collector

Health Department/Liquor License Commission

*[Signature]*  
Civil Enforcement Officer

- The above named applicant and/or property owner has entered into a payment plan with the City for all past due municipal taxes, assessments, betterments, and other municipal fees. A copy of said payment plan is attached.

\_\_\_\_\_  
City Collector

- The above named applicant and/or property owner *is not* in good standing with all municipal taxes, assessments, betterments, and other municipal fees.

\_\_\_\_\_  
City Collector

Health Department/Liquor License Commission

\_\_\_\_\_  
Civil Enforcement Officer

List all properties in the City of Gardner in which the Property Owner or the Property Owner's immediate family (spouse) has an ownership or beneficial interest (i.e. owner, trustee, beneficiary, stockholder, etc.) This section must be completed.

| Property/Street Address       | Owner Name        | Interest       |
|-------------------------------|-------------------|----------------|
| <i>Example. 1234 Main St.</i> | <i>John Smith</i> | <i>Trustee</i> |
| N/A                           |                   |                |
|                               |                   |                |
|                               |                   |                |
|                               |                   |                |
|                               |                   |                |
|                               |                   |                |
| <u>NO</u> PP Acct             |                   |                |
|                               |                   |                |
|                               |                   |                |
|                               |                   |                |
|                               |                   |                |
|                               |                   |                |

Use additional pages if necessary.

City of Gardner Assessor Verification:

I verify that the above list appears to be an accurate list of all properties in the City of Gardner in which the Property Owner or the Property Owner's immediate family has an ownership interest.

Christine Kumar  
City Assessor

7/19/24  
Date



**STATE TAX CERTIFICATION AFFIDAVIT**

N/A Individual Social Security #      N/A State Identification Number      26-3879952 Federal Identification Number

Company: EcoATM LLC

P.O. Box (if any): \_\_\_\_\_ Street Address Only: 677 Timpany Blvd (Inside Walmart2155)

City/State/Zip Code: Gardner, MA 01440

Telephone Number: 858-766-7250 Fax Number: \_\_\_\_\_

List address(es) of all other property owned by company in Gardner: N/A

State whether the applicant is a:

Corporation \_\_\_\_\_

Individual \_\_\_\_\_ Name of Individual: \_\_\_\_\_

Partnership \_\_\_\_\_ Names of all Partners: \_\_\_\_\_

Limited Liability Company  Names of all Managers: Sean Flaherty, Corporate Counsel

Limited Liability Partnership \_\_\_\_\_ Names of Partners: \_\_\_\_\_

Limited Partnership \_\_\_\_\_ Names of all General Partners: \_\_\_\_\_

You must complete the following certifications and have the signature(s) notarized on the lines below. Any certification that does not apply to you, write N/A in the blanks provided. Each section must be signed by an authorized agent of the entity and the FORM MUST BE NOTARIZED.

**FEDERAL TAX CERTIFICATION AFFIDAVIT**

I, Sean Flaherty certify under the pains and penalties of perjury that EcoATM LLC, to my best knowledge and belief, has/have complied with all United States Federal taxes required by law.

Sean Flaherty (Applicant Authorized Person's Signature)      Date: 6/10/2024 (applicant)

COMMONWEALTH OF MASSACHUSETTS

WORCESTER COUNTY

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person(s) whose name is signed on the preceding and acknowledged to me that he/she signed it voluntarily for its stated purpose.

--See Attached--

(SEAL)

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Commission Expires

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of San Diego }
On 6/19/2024 before me, Marion Crucena, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Sean Flaherty
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal and/or Stamp Above

Signature Marion Crucena
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: SHD App WM 2155 - Tax Affidavit - Gardner, MA

Document Date: Number of Pages:

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:
Corporate Officer - Title(s):
Partner - Limited General
Individual Attorney in Fact
Trustee Guardian or Conservator
Other:
Signer is Representing:

Signer's Name:
Corporate Officer - Title(s):
Partner - Limited General
Individual Attorney in Fact
Trustee Guardian or Conservator
Other:
Signer is Representing:





The Commonwealth of Massachusetts  
 Department of Industrial Accidents  
 1 Congress Street, Suite 100  
 Boston, MA 02114-2017  
 www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses.  
 TO BE FILED WITH THE PERMITTING AUTHORITY.

**Applicant Information**

**Please Print Legibly**

Business/Organization Name: EcoATM LLC

Address: 10121 Barnes Canyon Rd

City/State/Zip: San Diego, CA 92121 Phone #: 858-766-7250

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Are you an employer? Check the appropriate box:</b></p> <p>1. <input checked="" type="checkbox"/> I am an employer with <u>0</u> employees (full and/ or part-time).*</p> <p>2. <input type="checkbox"/> I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]</p> <p>3. <input type="checkbox"/> We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**</p> <p>4. <input type="checkbox"/> We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]</p> | <p><b>Business Type (required):</b></p> <p>5. <input type="checkbox"/> Retail</p> <p>6. <input type="checkbox"/> Restaurant/Bar/Eating Establishment</p> <p>7. <input type="checkbox"/> Office and/or Sales (incl. real estate, auto, etc.)</p> <p>8. <input type="checkbox"/> Non-profit</p> <p>9. <input type="checkbox"/> Entertainment</p> <p>10. <input type="checkbox"/> Manufacturing</p> <p>11. <input type="checkbox"/> Health Care</p> <p>12. <input checked="" type="checkbox"/> Other <u>Service Kiosk</u></p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

\*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.  
 \*\*If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

**I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.**

Insurance Company Name: \_\_\_\_\_

Insurer's Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Policy # or Self-ins. Lic. # \_\_\_\_\_ Expiration Date: \_\_\_\_\_

**Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).**

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

**I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.**

Signature: [Signature] Date: 6/10/2024

Phone #: 858-766-7250

**Official use only. Do not write in this area, to be completed by city or town official.**

City or Town: \_\_\_\_\_ Permit/License # \_\_\_\_\_

Issuing Authority (circle one):  
 1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office  
 6. Other \_\_\_\_\_

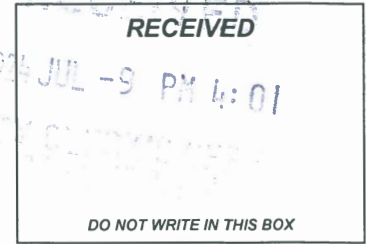
Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_

BOWLING ALLEY FEE - \$30.00 FOR 1<sup>ST</sup> LANE + \$15.00 FOR EACH ADDITIONAL LANE  
BILLIARD TABLE FEE - \$30.00 FOR 1<sup>ST</sup> TABLE + \$15.00 FOR EACH ADDITIONAL TABLE



### CITY OF GARDNER MASSACHUSETTS 01440

95 PLEASANT STREET - ROOM 121  
TELEPHONE (978) 630-4058  
FACSIMILE (978) 630-2589



#### APPLICATION FOR BILLIARD TABLE AND/OR BOWLING ALLEY LICENSE

#### APPLICANT INFORMATION

Applicant / Licensee Name: GARDNER TEN PINS, INC.  
Applicant / Licensee Address: 560 WEST BROADWAY  
Applicant / Licensee phone number(s): 978-632-0010 Applicant / Licensee E-mail: GARDNERTENPINS.COM  
Social Security Number \_\_\_\_\_ OR FEIN 04-2443117

#### ESTABLISHMENT INFORMATION

Establishment Name: GARDNER TEN PINS.  
Establishment address: 560 W. BROADWAY Establishment Phone: 978-632-0010  
On-Site manager / contact person: MICHAEL BUDWICK  
License(s) applied for? BOWLING ALLEY No. of lanes? 24 No. of billiard tables? \_\_\_\_\_

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

I HAVE RECEIVED AND READ THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 140, §177 AND §§ 201-205.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

Michael S Budwick DATE SIGNED 6/10/24  
INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT

NOTICE: THE FILING OF THIS APPLICATION CONFERS NO RIGHTS ON THE PART OF THE APPLICANT TO UNDERTAKE ANY ACTIVITIES UNTIL THE LICENSE HAS BEEN GRANTED. THE ISSUANCE OF A LICENSE UNDER THIS SECTION OR SECTIONS IS SUBJECT TO THE APPLICANT'S COMPLIANCE WITH ALL OTHER APPLICABLE FEDERAL, STATE OR LOCAL STATUTES, ORDINANCES, BYLAWS, RULES OR REGULATIONS. THE LICENSING AUTHORITY RESERVES THE RIGHT TO REQUEST ANY ADDITIONAL INFORMATION IT REASONABLY DEEMS APPROPRIATE FOR THE PURPOSE OF DETERMINING THE TERMS AND CONDITIONS OF THE LICENSE AND ITS DECISION TO ISSUE A LICENSE. THE PROVISIONS OF G.L. C.152 MAY REQUIRE THE FILING OF A WORKERS' COMPENSATION INSURANCE AFFIDAVIT WITH THIS APPLICATION. FAILURE TO FILE THE AFFIDAVIT, ALONG WITH ANY OTHER REQUIRED INFORMATION AND/OR DOCUMENTATION, SHALL BE SUFFICIENT CAUSE FOR THE DENIAL OF THE LICENSE APPLICATION.

LICENSE APPLICATION PROCESSING FEE MUST BE SUBMITTED WITH THIS FORM. MAKE CHECK PAYABLE TO CITY OF GARDNER. MAIL APPLICATION FORM, WORKERS' COMPENSATION AFFIDAVIT AND CHECK TO: CITY CLERK, 95 PLEASANT STREET, ROOM 121, GARDNER, MA 01440-2690.

BILLIARD TABLE AND BOWLING ALLEY LICENSES EXPIRE ON APRIL 30<sup>TH</sup> ANNUALLY



The Commonwealth of Massachusetts  
 Department of Industrial Accidents  
 1 Congress Street, Suite 100  
 Boston, MA 02114-2017  
 www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses.  
 TO BE FILED WITH THE PERMITTING AUTHORITY.

**Applicant Information**

**Please Print Legibly**

Business/Organization Name: GARDNER TEN PINS, INC.

Address: 560 W. BROADWAY

City/State/Zip: GARDNER MA 01440 Phone #: 978-632-0010

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Are you an employer? Check the appropriate box:</b></p> <p>1. <input checked="" type="checkbox"/> I am an employer with <u>4/25</u> employees (full and/or part-time).*</p> <p>2. <input type="checkbox"/> I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]</p> <p>3. <input type="checkbox"/> We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**</p> <p>4. <input type="checkbox"/> We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]</p> | <p><b>Business Type (required):</b></p> <p>5. <input type="checkbox"/> Retail</p> <p>6. <input type="checkbox"/> Restaurant/Bar/Eating Establishment</p> <p>7. <input type="checkbox"/> Office and/or Sales (incl. real estate, auto, etc.)</p> <p>8. <input type="checkbox"/> Non-profit</p> <p>9. <input checked="" type="checkbox"/> Entertainment</p> <p>10. <input type="checkbox"/> Manufacturing</p> <p>11. <input type="checkbox"/> Health Care</p> <p>12. <input type="checkbox"/> Other _____</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

\*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.  
 \*\*If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

**I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.**

Insurance Company Name: NORFOLK AND DEDHAM

Insurer's Address: 222 AMES ST

City/State/Zip: DEDHAM MA 02026

Policy # or Self-ins. Lic. # WE144931A Expiration Date: 8/26/24

**Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).**

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

**I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.**

Signature: Michael S Budwin Date: 7/18/24

Phone #: 978-632-0010

**Official use only. Do not write in this area, to be completed by city or town official.**

City or Town: \_\_\_\_\_ Permit/License # \_\_\_\_\_

Issuing Authority (circle one):  
 1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office  
 6. Other \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_





# City of Gardner Treasurer/Tax Collector

95 Pleasant Street, Gardner, MA 01440 (978) 630-4016

## PERMIT/APPLICATION GOOD STANDING CERTIFICATION

License/Permit Applicant Name: GARDNER TEN PINS, INC

Address: 560 W. BROADWAY

License/Permit for which you are applying: BOWLING ALLEY LICENSE

*Applicants for Building Permits, Site Plan Review, Special Permits, Variances, Conservation Permits, and Water or Sewer Connection Permits must include the following information:*

Property Owner Name: \_\_\_\_\_

Property Address: \_\_\_\_\_

**For City of Gardner Use Only:**

- The above named applicant and/or property owner **is** in good standing with all municipal taxes, assessments, betterments, and other municipal fees and/or fines.

*Ryan Chilton*  
 City Collector

Health Department/Liquor License Commission

*[Signature]*  
 Civil Enforcement Officer

- The above named applicant and/or property owner has entered into a payment plan with the City for all past due municipal taxes, assessments, betterments, and other municipal fees. A copy of said payment plan is attached.

\_\_\_\_\_  
City Collector

- The above named applicant and/or property owner **is not** in good standing with all municipal taxes, assessments, betterments, and other municipal fees.

\_\_\_\_\_  
City Collector

Health Department/Liquor License Commission

\_\_\_\_\_  
Civil Enforcement Officer

List all properties in the City of Gardner in which the Property Owner or the Property Owner's immediate family (spouse) has an ownership or beneficial interest (i.e. owner, trustee, beneficiary, stockholder, etc.) This section must be completed.

| Property/Street Address | Owner Name           | Interest         |
|-------------------------|----------------------|------------------|
| Example. 1234 Main St.  | John Smith           | Trustee          |
| 566 W. BROADWAY         | DRIFTWOOD FUTURELESS | OWNER            |
| 572 W. BROADWAY         | GARDNER TEN PINS     | OWNER            |
| 63 BROOK LANE           | MICHAEL BOWLER       | OWNER            |
|                         |                      |                  |
|                         |                      |                  |
| PP Acct : 600096        | (RRC # 101880)       | Gardner Ten Pins |
|                         |                      |                  |
|                         |                      |                  |
|                         |                      |                  |
|                         |                      |                  |
|                         |                      |                  |
|                         |                      |                  |

Use additional pages if necessary.

City of Gardner Assessor Verification:

I verify that the above list appears to be an accurate list of all properties in the City of Gardner in which the Property Owner or the Property Owner's immediate family has an ownership interest.

Christene Kumar  
City Assessor

7/19/24  
Date



## Information and Instructions

Massachusetts General Laws chapter 152 requires all employers to provide workers' compensation for their employees. Pursuant to this statute, an **employee** is defined as "...every person in the service of another under any contract of hire, express or implied, oral or written."

An **employer** is defined as "an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However, the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer."

MGL chapter 152, §25C(6) also states that **"every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required."** Additionally, MGL chapter 152, §25C(7) states "Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority."

### Applicants

Please fill out the workers' compensation affidavit completely, by checking the boxes that apply to your situation and, if necessary, supply your insurance company's name, address and phone number along with a certificate of insurance. Limited Liability Companies (LLC) or Limited Liability Partnerships (LLP) with no employees other than the members or partners, are not required to carry workers' compensation insurance. If an LLC or LLP does have employees, a policy is required. Be advised that this affidavit may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. **Also be sure to sign and date the affidavit.** The affidavit should be returned to the city or town that the application for the permit or license is being requested, **not** the Department of Industrial Accidents. Should you have any questions regarding the law or if you are required to obtain a workers' compensation policy, please call the Department at the number listed below. Self-insured companies should enter their self-insurance license number on the appropriate line.

### City or Town Officials

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigations has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. In addition, an applicant that must submit multiple permit/license applications in any given year, need only submit one affidavit indicating current policy information (if necessary). A copy of the affidavit that has been officially stamped or marked by the city or town may be provided to the applicant as proof that a valid affidavit is on file for future permits or licenses. A new affidavit must be filled out each year. Where a home owner or citizen is obtaining a license or permit not related to any business or commercial venture (i.e. a dog license or permit to burn leaves etc.) said person is NOT required to complete this affidavit.

The Department's address, telephone and fax number:

The Commonwealth of Massachusetts  
 Department of Industrial Accidents  
 1 Congress Street  
 Boston, MA 02114-2017  
 Tel. # 617-727-4900 ext. 7406 or 1-877-MASSAFE  
 Fax # 617-727-7749  
[www.mass.gov/dia](http://www.mass.gov/dia)

**PART I. ADMINISTRATION OF THE GOVERNMENT**  
**TITLE XX. PUBLIC SAFETY AND GOOD ORDER**  
**CHAPTER 140. LICENSES**  
**BILLIARD TABLES AND BOWLING ALLEYS**

**Chapter 140: Section 177. Licensing; public hearing**

The licensing board of Boston, the license commission of Lowell, the aldermen of any other city, and the selectmen of any town may grant and may suspend or revoke at pleasure a license which shall be subject to sections two hundred and two to two hundred and five, inclusive, to a person to keep a billiard, pool or sippio table or a bowling alley for hire, gain or reward, upon such terms and conditions as they deem proper, to be used for amusement merely and not for the purpose of gaming for money or for property.

No original license shall be granted under the provisions of this section, except after a public hearing by the appropriate licensing authority, notice of the time and place of which shall have been given, at the expense of the applicant, by the clerk of such licensing authority, by publication not less than seven days prior thereto in a newspaper, if any, published in the city or town of application; otherwise, in the county in which such city or town lies; and notice of which shall also have been given by the applicant, by registered mail, not less than seven days prior to such hearing, to all owners of real estate abutting on the the land on which is located the premises for which said license is sought or directly opposite said land on any public or private street as such owners appear on the most recent local tax list at the time the application for such license is filed.

**Chapter 140: Section 178. Business operated without license**

Whoever without such license keeps or suffers to be kept in a house, building, yard or dependency thereof, actually occupied or owned by him, a table for the purpose of playing at billiards, pool or sippio, or a bowling alley or an automatic amusement device for hire, gain or reward, or whoever for hire, gain or reward suffers any person to resort thereto for such purpose shall forfeit not more than one hundred dollars.

**Chapter 140: Section 201. Right of officers to enter premises; obstruction of entrance**

A sheriff, marshal or their deputies, a constable or police officer may at any time enter a billiard, pool or sippio room, bowling alley, skating rink, the licensed premises of a common victualler or room connected therewith, or a grove required to be licensed under section one hundred and eighty-eight, or any building therein, for the purpose of enforcing any law; and whoever obstructs or hinders the entrance of such officer shall be punished by a fine of not less than five nor more than twenty dollars.

**Chapter 140: Section 202. Signature on, record, contents and term of licenses; fees**

Licenses granted elsewhere than in Boston to dealers in junk, old metals and second hand articles, junk collectors, pawnbrokers and keepers of billiard saloons, pool or sippio rooms or tables, bowling alleys, roller skating rinks, carousels, inclined railways, Ferris wheels, outdoor exhibitions of fire fighting for the amusement of the public and picnic groves shall be signed by the clerk of the city or town where they are granted. Every such license shall, before being delivered to the licensee, be recorded by such clerk, in a book kept for that purpose. Such license shall set forth the name of the licensee, the nature of the business, and the building or place in such city or town in which it is to be carried on, and shall continue in force until May first following unless sooner revoked. The board or officer issuing such a license shall, except as provided in section seventy-seven, receive for the use of the city or town such amount, not less than two dollars for each license, as the board or officer considers reasonable. In Boston licenses for billiard saloons, pool or sippio rooms or tables, bowling alleys and picnic groves shall be signed by the licensing board and recorded by its clerk and licenses for roller skating rinks, carousels, inclined railways, Ferris wheels and outdoor exhibitions of fire fighting for the amusement of the public shall be signed by the mayor and recorded by his clerk; the other licenses referred to in this section shall be signed by the police commissioner and recorded by his clerk.

**Chapter 140: Section 203. Effective date of license**

Such licenses may be granted in April, to take effect on May first following.

**Chapter 140: Section 204. Coverage of license**

A license issued as aforesaid shall not protect the holder thereof in a building or place other than that designated in the license unless consent to removal is granted by the licensing board or officer.

**Chapter 140: Section 205. Revocation of license; record; notice**

Upon the revocation of such a license, such clerk shall note the revocation upon the face of the record thereof, and shall give written notice to the licensee by delivering it to him in person or by leaving it at the place of business designated in the license.

**STATE TAX CERTIFICATION AFFIDAVIT**

Individual Social Security # \_\_\_\_\_ State Identification Number \_\_\_\_\_ Federal Identification Number 04-2443117

Company: GARDNER TEN PINS, INC.

P.O. Box (if any): 571 Street Address Only: 560 W. BROADWAY

City/State/Zip Code: GARDNER MA 01440

Telephone Number: 978-632-0010 Fax Number: \_\_\_\_\_

List address(es) of all other property owned by company in Gardner: 560 W. BROADWAY  
572 W. BROADWAY

State whether the applicant is a:

Corporation

Individual \_\_\_\_\_ Name of Individual: \_\_\_\_\_

Partnership \_\_\_\_\_ Names of all Partners: \_\_\_\_\_

Limited Liability Company \_\_\_\_\_ Names of all Managers: \_\_\_\_\_

Limited Liability Partnership \_\_\_\_\_ Names of Partners: \_\_\_\_\_

Limited Partnership \_\_\_\_\_ Names of all General Partners: \_\_\_\_\_

You must complete the following certifications and have the signature(s) notarized on the lines below. Any certification that does not apply to you, write N/A in the blanks provided. Each section must be signed by an authorized agent of the entity and the FORM MUST BE NOTARIZED.

**FEDERAL TAX CERTIFICATION AFFIDAVIT**

I, Mike Brown certify under the pains and penalties of perjury that Mike Brown, to my best knowledge and (authorized agent) (applicant)

belief, has/have complied with all United States Federal taxes required by law.

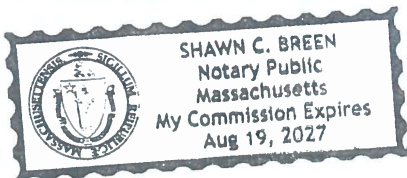
Michael S Budwick Date: 7/19/24  
Applicant Authorized Person's Signature (TO BE SIGNED IN THE PRESENCE OF NOTARY PUBLIC)

COMMONWEALTH OF MASSACHUSETTS

WORCESTER COUNTY

On this 19 day of JULY, 2024, before me, the undersigned notary public, personally appeared Michael Budwick, proved to me through satisfactory evidence of identification, which was MA STATE ID, to be the person(s) whose name is signed on the preceding and acknowledged to me that he/she signed it voluntarily for its stated purpose.

(SEAL)



[Signature]  
Signature of Notary Public  
08/19/2027  
Commission Expires

Commonwealth of Massachusetts

CITY OF GARDNER
STATE PRIMARY ORDER
SEPTEMBER 3, 2024

VOTE: That meetings of the citizens of this City qualified to vote in the State Primaries shall be held on TUESDAY, THE THIRD DAY OF SEPTEMBER 2024, FROM 7:00 A.M. TO 8:00 P.M. for the purpose of casting their votes in the State Primaries for the candidates of political parties for the following offices:

- SENATOR IN CONGRESS.....FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS.....THIRD DISTRICT
COUNCILLOR.....SEVENTH DISTRICT
SENATOR IN GENERAL COURT.....WORCESTER & HAMPSHIRE DISTRICT
REPRESENTATIVE IN GENERAL COURT.....SECOND WORCESTER DISTRICT
CLERK OF COURTS.....WORCESTER COUNTY
REGISTER OF DEEDS.....WORCESTER DISTRICT

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

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

BY ORDER OF THE CITY COUNCIL

Titi Siriphan

TITI SIRIPHAN
City Clerk



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

---

August 1, 2024

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

RE: Update regarding Item #11289: An Ordinance to Amend the Code of the City of Gardner,  
Part 1, thereof entitled "Administrative Legislation"

Dear Madam President and Councilors,

Based on feedback the Administration has received regarding placement of repetitive language and consistency of organization, I hereby submit this substitute version of Item 11289 for the City Council's consideration.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



**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 Chapter 3 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, for a period of three (3) years, 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 that has been approved by both majority vote of the City Council and the Mayor.
- 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 7: Employees**

The City may hire employees for any city department, entity, board, commission, and any subdivision subject to appropriation approved by the City Council, in accordance with the provisions of the Charter of the City of Gardner.

#### **Section 8: Vacancies**

Any vacancies that occur in any positions appointed position shall be filled in the same manner by which the position was appointed. The successor who fills said vacancy shall serve for the unfinished remainder of the term of office in which the vacancy occurred before said successor shall be appointed to a full term.



**SECTION 30:** That a new “PART II” be added, to be entitled “LEGISLATIVE BRANCH” be added to include Chapter 4 and Chapter 5, with the current, “PART II: GENERAL LEGISLATION” section be re-numbered accordingly as “PART III”

**SECTION 31:** That a new Chapter 4 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 5, 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 a term of three (3) 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 6 through Chapter 8.

**SECTION 34:** That a new Chapter 6 be added to the Code of the City of Gardner to be entitled, "Executive Departments," as follows:

### **Section 1: Assessing Department**

#### **A. Department Established and Employees**

- a. An Assessing Department in the City of Gardner is hereby established under the charge of a board of up to five (5) but no less than three (3) Assessors, one of which shall serve as the City Assessor.
- b. The City Assessor shall serve full time as an Assessor and employee of the City of Gardner, who shall serve as the Department Head over the City's Assessor's Department.

### **Section 2: Building Department**

#### **A. Department Established and Employees**

The position of Building Commissioner is hereby established and shall be a full-time position. The duties of said Building Commissioner shall be those set forth in the General Laws of the Commonwealth and the Code of the City of Gardner.

#### **B. Electrical Inspection Division**

##### **a. Division Established**

- i. 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 "Electrical Inspector," and such officer is hereby designated as the officer required by the General Laws of the Commonwealth and the Code of the City of Gardner.
- ii. Said Inspection of Wires Division and the Electrical Inspector shall be subject to the authority of the Mayor and the Building Commissioner, and, for fire alarm superintendent related activities, the Electrical Inspector shall report to the Building Commissioner and confer with the Fire Chief.

##### **b. Electrical Inspector**

- i. The Mayor shall appoint an Electrical Inspector, subject to the provisions of the Code of the City of Gardner and the Charter of the City of Gardner. The Electrical Inspector shall be a licensed electrician in the Commonwealth of Massachusetts.

- ii. They shall keep an accurate record of the transactions of their office and shall report the same to the Building Commissioner on a monthly basis, to be reported to the Mayor as part of the Building Department's Annual Report.

### C. Plumbing and Gas Inspection Division

#### a. Division and Position Established

An Inspection of Gas and Plumbing Division of the Building Department is hereby established, the affairs of which shall be conducted by an officer known as the "Plumbing and Gas Inspector," and such officer is hereby designated. The Plumbing and Gas Inspector shall be licensed to performing plumbing and gas work by the Commonwealth of Massachusetts.

#### b. Duties

The Plumbing and Gas Inspector 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, the General Laws of the Commonwealth, and the Code of the City of Gardner as presently in force, and as may be amended and in force from time to time.

### **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 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

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."

#### 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 and other such personnel as the Mayor, with the approval of the City Council, shall from time to time deem necessary, subject to appropriation.

B. Appointment of Firefighters and Fire Department Personnel

All appointments to the Fire Department shall be made by the Fire Chief and shall not be subject to confirmation by the City Council.

C. Fire Chief

- i. The Fire Chief shall be the Department 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.
- ii. The Chief shall be exempt from the provisions of Chapter 31 of the General Laws in accordance with Chapter 284 of the Acts of 2012.



**Section 6: Human Resources Department**

## A. Department Established

There shall be established in the City of Gardner a Human Resources Department to be administered by a Director.

**Section 7: Information Technology Department**

## A. Department Established

There shall be established in the City of Gardner an Information Technology Department to be administered by a Director.

**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 and shall report to and be overseen by the Mayor. The Assistant City Solicitor shall be appointed by the Mayor, subject to confirmation by the City Council, for a term of one (1) year.
- 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

- i. 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.

- ii. Said written legal opinions shall be issued by the City's Law Department no later than thirty (30) days upon receipt of the request.
- iii. The Law Department shall provide the Mayor with a copy of all written legal opinions issued pursuant to this section.

### **Section 9: Police Department**

#### **A. Department Established**

- i. The Police Department of the City of Gardner shall consist of a Chief of Police and any 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.
- ii. 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.
- ii. The Chief shall be exempt from the provisions of MGL c. 31 in accordance with Chapter 416 of the Acts of 1991.
- iii. The Chief of Police shall be the Keeper of the Lockup in compliance with MGL c. 40, § 35.
- iv. The Deputy Chief of Police shall be exempt from the provisions of Chapter 31 of the General Laws in accordance with Chapter 284 of the Acts of 2012

#### **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, not subject to confirmation by the City Council.
- 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

- i. There shall be established in the City of Gardner a Department of Public Works administered by a Director.
- ii. 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.
- iii. 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.
- i. The Purchasing Agent/Civil Enforcement Director shall be responsible for all purchases and contractual services and all sales of property.
- ii. 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.
- iii. 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

- i. There shall be a Senior Center overseen by the Director of Senior Citizens.
- 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 7 be added to the Code of the City of Gardner to be entitled, "Board and Commissions," as follows:

**Section 1: Miscellaneous**

A. Board and Commission Membership

All boards and commission made by the City shall have an odd number of members, unless membership is defined by any other section of the General Laws of the Commonwealth or the Code of the City of Gardner.

B. Acceptance of Donations

Any board or commission may, upon receiving prior approval by majority vote of the City Council may receive gifts of property, both real and personal, in the name of the City, subject to the rules and regulations of the General Laws of the Commonwealth, the Charter of the City of Gardner, and the Code of the City of Gardner.

**Section 2: Airport Commission**

A. Establishment

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 majority vote of the City Council and the Mayor, to institute a system of charges and fees for use of the Gardner Municipal Airport.

**Section 3: 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 4: Board Of Assessors**

A. Establishment

- i. There is hereby a Board of Assessors established, who shall work with the City Assessing Department in accordance with the provisions of Chapter 6 of the Code of the City of Gardner.
- ii. 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 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**

- i. There shall be a Board of Health consisting of not less than three (3) members but no more than seven (7) members
- ii. At least one (1) member of the Board of Health shall be a physician and at least one (1) member shall be a registered nurse
- iii. No members of the Board of Health shall be members of the City Council.
- iv. Each year at its first meeting the Board shall organize and elect a Chairperson.

#### **Section 5: Board Of Registrars Of Voters**

##### **A. Establishment**

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. Establishment**

- i. There shall be established in the City of Gardner a Capital Improvement Planning Committee.
- ii. 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 as ex officio full voting members.
- iii. The Committee shall choose its own officers.

##### **B. Review of Projects**

- i. The Committee shall study proposed capital projects and improvements involving major nonrecurring tangible assets and projects which:
  1. Are purchased or undertaken at intervals of not less than five years;
  2. Have a useful life of at least five years; and
  3. Cost over \$25,000.
- ii. All department heads, 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. 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 plan to the City Council for acceptance.

D. Expenditures

Such capital improvement program, after its acceptance, 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.

**Section 7: Cemetery Commission**



A. Establishment

- i. There shall be established a Cemetery Commission for the City of Gardner consisting of no more than five (5) members but not less than seven (7) members.

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 at least seven (7) members but not more than eleven (11) members.

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. Establishment

There shall be established, pursuant to MGL c. 40, § 8J, a Disability Commission for the City of Gardner consisting of not less than seven (7) members and not more than nine (9) member who are legal voters of said City. The majority of said Commission members shall consist of disabled persons, and at least one (1) of such members shall be a member of the immediate family of a disabled person, and one (1) member of said Commission shall be either an elected or appointed official of the City.

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.

## **Section 10: Golf Commission**

### **A. Establishment**

A Municipal Golf Course Commission is hereby established.

### **B. Membership; terms of office.**

The Municipal Golf Course Commission shall consist of not less than five (5) members, but not more than (7) seven members, including a Chairperson and Secretary.

### **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 manners generally used in practice by the City 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. Establishment**

There is hereby established, under the provisions of MGL c. 40, § 8D, a Historical Commission of the City of Gardner for the purposes and with the rights and duties provided by law, to be composed of not less than seven (7) members, but not more than eleven (11) members.

### **Section 12: Planning Board**

#### **A. Establishment**

A Planning Board is hereby established, consisting of no less than five (5) members, no more than nine (9) members.

#### **B. Powers and duties.**

The Planning 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.

### **Section 13: Zoning Board Of Appeals.**

#### **A. Establishment and Authority**

The Zoning Board of Appeals shall consist of five persons with a sufficient number of alternate members that the Mayor and City Council shall deem necessary for the proper function of the Zoning Board of Appeals. 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. Establishment**

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 as ex officio, full voting members.

**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 local Regional Planning Commission.

**Section 15: Youth Commission****A. Establishment**



There shall be established, pursuant to MGL c. 40, § 8E, a Youth Commission for the City of Gardner consisting of no less than three (3) members and no more than seven (7) members, who shall be appointed by the Mayor, subject to confirmation by the City Council, except for one (1) member who shall be appointed by the City Council President not subject to confirmation by the City Council.

B. 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.

C. 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.

**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 8.

**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:



- A. Regularly employed for one (1) to four (4) years shall be entitled to Four (4) weeks or twenty (20) working days.
- B. Regularly employed for five (5) to nine (9) years shall be entitled to five (5) weeks or twenty-five (25) working days
- C. Regularly employed for ten (10) to fourteen (14) years shall be entitled to six (6) weeks or thirty (30) working days
- D. 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.



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

May 7, 2024

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

RE: An Ordinance to Amend the Code of the City of Gardner, Part 1, thereof entitled  
 "Administrative Legislation."

Dear Madam President and Councilors,

During my Inaugural Address that I delivered on January 4, 2024, I stated the following:

*"To begin this review, earlier this week, I directed our City Department Heads and the Chairs of all of our Boards and Commissions to review our City Ordinance Code - both general and zoning - and to submit any changes that could be made to improve the way we operate in the City. These changes will first be reviewed by my administration with a final version submitted to the City Council as a comprehensive package for consideration later this year."*

The attached ordinance proposal is the first of those packages, dealing with Part 1 of the City Code, known as "Administrative Legislation."

Respectfully submitted,

Michael J. Nicholson  
 Mayor, City of Gardner

RECEIVED  
 MAY - 8 PM 3:18  
 CITY OF GARDNER  
 95 PLEASANT STREET  
 GARDNER, MA 01440

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, PART 1,  
THEREOF ENTITLED, "ADMINISTRATIVE LEGISLATION"**

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

**SECTION 1:** Chapter 13 of the Code of the City of Gardner, entitled "Council on Aging" be deleted in its entirety.

**SECTION 2:** Chapter 22 of the Code of the City of Gardner, entitled "Assessing Department," be deleted in its entirety.

**SECTION 3:** Chapter 31 of the Code of the City of Gardner, entitled "Building Department," be deleted in its entirety.

**SECTION 4:** Chapter 34 of the Code of the City of Gardner, entitled "Capital Improvement Planning Committee," be deleted in its entirety.

**SECTION 5:** Chapter 39 of the Code of the City of Gardner, entitled "Cemetery Commission," be deleted in its entirety.

**SECTION 6:** Chapter 45 of the Code of the City of Gardner, entitled "City Council," be deleted in its entirety.

**SECTION 7:** Chapter 50 of the Code of the City of Gardner, entitled "Community Development and Planning," be deleted in its entirety.

**SECTION 8:** Chapter 62 of the Code of the City of Gardner, entitled "Disability Commission," be deleted in its entirety.

**SECTION 9:** Chapter 75 of the Code of the City of Gardner, entitled "Emergency Management," be deleted in its entirety.

**SECTION 10:** Chapter 87 of the Code of the City of Gardner, entitled "Fire Department," be deleted in its entirety.

**SECTION 11:** Chapter 92 of the Code of the City of Gardner, entitled "Flags," be deleted in its entirety.

**SECTION 12:** Chapter 106 of the Code of the City of Gardner, entitled "Historical Commission," be deleted in its entirety.

**SECTION 13:** Chapter 110 of the Code of the City of Gardner, entitled "Holidays," be deleted in its entirety.

**SECTION 14:** Chapter 113 of the Code of the City of Gardner, entitled "Human Resources Department," be deleted in its entirety.



**SECTION 15:** Chapter 118 of the Code of the City of Gardner, entitled "Information Technology Department," be deleted in its entirety.

**SECTION 16:** Chapter 140 of the Code of the City of Gardner, entitled "Law Department," be deleted in its entirety.

**SECTION 17:** Chapter 152 of the Code of the City of Gardner, entitled "Municipal Golf Course Commission," be deleted in its entirety.

**SECTION 18:** Chapter 156 of the Code of the City of Gardner, entitled "Municipal Grounds Commission," be deleted in its entirety.

**SECTION 19:** Chapter 160 of the Code of the City of Gardner, entitled "Officers and Employees," be deleted in its entirety.

**SECTION 20:** Chapter 182 of the Code of the City of Gardner, entitled "Planning Board," be deleted in its entirety.

**SECTION 21:** Chapter 193 of the Code of the City of Gardner, entitled "Police Department," be deleted in its entirety.

**SECTION 22:** Chapter 217 of the Code of the City of Gardner, entitled "Department of Public Works," be deleted in its entirety.

**SECTION 23:** Chapter 221 of the Code of the City of Gardner, entitled "Purchasing/Civil Enforcement Department," be deleted in its entirety.

**SECTION 24:** Chapter 252 of the Code of the City of Gardner, entitled "Seal," be deleted in its entirety.

**SECTION 25:** Chapter 264 of the Code of the City of Gardner, entitled "Survey Department," be deleted in its entirety.

**SECTION 26:** Chapter 275 of the Code of the City of Gardner, entitled "Traffic Commission," be deleted in its entirety.

**SECTION 27:** Chapter 290 of the Code of the City of Gardner, entitled "Youth Commission," be deleted in its entirety.

**SECTION 28:** Chapter 298 of the Code of the City of Gardner, entitled "Airport," be deleted in its entirety.

**SECTION 29:** That a new Chapter 2 be added to the Code of the City of Gardner, to be entitled "Seal and other Emblems of the City," as follows:

**Section 1: City Seal.**

A. The Seal of the City of Gardner shall be a circle two inches in diameter having in the center a representation of Colonel Thomas Gardner with sword in hand; in the background Crystal Lake and Monadnock Mountain; within the inner circle, five small circles, the one at the top enclosing a chair, the ones on the sides each enclosing the letter "W," the one at the bottom at the left enclosing the letter "A" and the one at the bottom at the right enclosing the letter "T"; and in the margin the inscription "Gardner, A Town June 27, 1785, A City January 1, 1923," the whole to be arranged according to the impression hereto annexed.

B. Deeds.

a. All deeds given by the City shall be sealed with the City Seal and shall be signed and acknowledged in behalf of the City by the Mayor.

C. Use of Seal.

a. The City Clerk shall be keeper of the City Seal but shall permit the Mayor or any other City officer to affix the same to any document to which the Seal is required to be affixed.

**Section 2. Flag of the City of Gardner**

A. Description

a. The Flag of the City of Gardner shall consist of a navy-blue rectangular field bearing on either side a representation of the Seal of the City of Gardner in white.

**SECTION 30:** That a new "PART II" be added, to be entitled "LEGISLATIVE BRANCH" be added to include Chapter 3 and Chapter 4, with the current, "PART II: GENERAL LEGISLATION" section be re-numbered accordingly as "PART III"

**SECTION 31:** That a new Chapter 3 be added to the Code of the City of Gardner to be entitled, "City Council," as follows:

**Article 1: Meetings:****Section 1: Regular Meetings.**

A. Regular meetings of the City Council of the City of Gardner shall be held as follows: the first and third Mondays of January, February, March, April, May, June, September, October, November, and December and on the first Mondays of July and August. Whenever a meeting falls on a legal holiday, the meeting shall be held the following night at the same time.

- B. All regular meetings shall be called at 7:30 p.m. in the Council Chamber in the City Hall. In the event a public emergency or other condition renders it impracticable for the Council to hold a meeting on the day of a scheduled meeting, or in the City Hall, the Council President, upon consultation with at least two other Councilors, may direct the meeting be held on another day or at such other location that encourages maximum public participation.
- C. All matters of every description to be presented at the regular meeting of the City Council shall be filed with the Clerk of the Council not later than 12:00 noon on Thursday preceding the meeting, and the City Clerk shall prepare a calendar of matters for consideration, a list of papers laying on the table and such other matters as they may deem necessary and shall cause the same to be distributed among the members of the City Council prior to each regular meeting; the Council may by a vote of at least 2/3 of its members admit any matter for consideration at any meeting, pursuant to all requirements of the General Laws of the Commonwealth.
- D. In the event a regular meeting falls on the evening of a state or City primary or election, the meeting shall be held on the following day at the scheduled time.

## **Section 2: Special meetings.**

- A. Special meetings of the City Council may be called by the President or shall be called at any time upon the written request therefor being made to the City Clerk by at least two members of the Council.
- B. At a special meeting of the Council no business shall be taken up which is not mentioned in the call of that meeting; provided, however, that any matter not so mentioned in the call of the meeting may be taken up if at least 2/3 of all the members of the Council vote affirmatively in favor of admitting the matter for consideration at that special meeting and that no such matter shall be finally disposed of at that session except by the affirmative vote of 2/3 of all the members of the Council and then only as provided by Section 28 of the City Charter, and the provisions of the General Laws of the Commonwealth.

## **Article II: Legal Counsel**

### **Section 3: Legal counsel.**

- A. The City Council shall have the authority to retain independent legal counsel of its own selection from time to time by majority vote, and legal counsel shall be a member of the Bar of the Commonwealth of Massachusetts in good standing.

- B. Legal counsel shall assist the City Council in the preparation and formulation of legislation and in the rendering of opinions concerning legal matters, either of a substantive or procedural nature, the provisions of the Code of the City of Gardner notwithstanding.
- C. Any invoice or charge for payment from said legal counsel shall be paid from the City Council budget.

**SECTION 32:** That a new Chapter 4, be added to the Code of the City of Gardner to be entitled, “Legislative Departments.”

**Section 1: Office of the City Clerk**

- A. There shall be an Office of the City Clerk established, overseen by the City Clerk, as defined by the City Charter.
- B. The City Clerk may appoint two Assistant City Clerks for terms of three years, subject to confirmation by the City Council, who shall be sworn to the faithful performance of duty and, in the absence of the City Clerk, may perform those duties and have the powers and be subject to the requirements and penalties applicable to that office.
- C. Nothing contained herein shall be construed to prevent the reappointment of an Assistant City Clerk upon the expiration of the term of office.

**SECTION 33:** That a new “PART III” be added, to be entitled “EXECUTIVE BRANCH” to include Chapter 5 through Chapter 7.

**SECTION 34:** That a new Chapter 5 be added to the Code of the City of Gardner to be entitled, “Executive Departments,” as follows:

**Section 1: Assessing Department**

- A. Department Established
  - a. An Assessing Department in the City of Gardner is hereby established under the charge of a board of three Assessors.
  - b. The City Assessor shall serve full time as an Assessor and employee of the City of Gardner.

**Section 2: Building Department**

- A. Building Commissioner

The position of Building Commissioner is hereby established and shall be a full-time position. The appointment of said Building Commissioner shall be made by

the Mayor, subject to confirmation by the City Council, and the Building Commissioner shall hold said position for a term of three years from the date of confirmation by the City Council or until his successor is duly appointed and qualified. The duties of said Building Commissioner shall be those set forth in MGL c. 143.

## B. Electrical Inspection Division

### a. Division Established

An Inspection of Wires Division of the Building Department is hereby established, the affairs of which shall be conducted by an officer known as the "Inspector of Wires," and such officer is hereby designated as the officer required by MGL c. 166, § 32. The Inspector of Wires shall also perform the duties heretofore performed by the Superintendent of Fire Alarm Telegraph and shall have charge of the police signal system. Said Inspection of Wires Division and the Inspector of Wires shall be subject to the authority of the Mayor and the Building Commissioner, and, for fire alarm superintendent related activities, the Inspector of Wires shall report to the Building Commissioner and confer with the Fire Chief.

### b. Electrical Inspector

The Mayor shall appoint, subject to recommendation of the Building Commissioner and confirmation by the City Council, an Inspector of Wires, who shall be appointed for a term of three years. The Inspector of Wires shall be a journeyman electrician licensed in Massachusetts. He shall keep an accurate record of the transactions of his office and shall report the same to the Building Commissioner on a monthly basis, to be reported to the Mayor in January of each year.

## C. Plumbing and Gas Inspection Division

### a. Division and Position Established

The position(s) of Inspector of Gas Piping and Gas Appliances is hereby created.

### b. Duties

The Inspector of Gas Piping and Gas Appliances shall perform such duties as may be required in enforcing the rules and regulations established by authority of the Massachusetts Code for Installation of Gas Appliances and Gas Piping, as presently in force, and as may be amended and in force from time to time.



c. Plumbing Inspector to Serve

The Plumbing Inspector(s) of the City shall be the Inspector(s) of Gas Piping and Gas Appliances. Said Plumbing Inspector(s) and Inspector(s) of Gas Piping and Gas Appliances shall be subject to the authority of the Mayor and the Building Commissioner.

d. Appointment, Term of Office

The Plumbing Inspector(s) and Inspector(s) of Gas Piping and Gas Appliances shall be appointed by the Mayor, subject to confirmation by the City Council, and shall hold said position for a term of three years from the date of confirmation by the City Council or until his successor is duly appointed and qualified.

**Section 3: Department of Community Development and Planning**

A. Department Established; Director

- a. There shall be established in the City of Gardner a Community Development and Planning Department to be administered by a Director.
- b. The Director shall be appointed by the Mayor, subject to confirmation by the City Council, and shall be appointed for a term of three years, except that the first such term shall expire two years from enactment of this chapter. Said Director shall hold office until his successor is appointed. Said Director may be removed from office in the same manner as department heads as provided by Section 8 of the City Charter. Said Director shall report to the Mayor and City Council and shall appear before the City Council whenever requested to do so.

**Section 4: Engineering Department**

A. Department established; appointment of City Engineer.

An Engineering Department is hereby established. It shall be under the charge and control of a graduate certified civil engineer who shall have the title of "City Engineer." The City Engineer shall be appointed by the Mayor, subject to confirmation by the City Council, and shall be appointed for a term of three years.

B. Department responsibilities.

The Engineering Department shall be responsible for the following:

- A. Whenever any petition for laying out, making public, widening, altering, relocating, grading or discontinuing any way is presented to the Mayor and City Council, it

shall be the duty of the Engineering Department to prepare a plan and estimate showing the probable cost of said work apportioned to the several estates liable for the same, together with the estimated cost of other assessable improvements, such as sewers and sidewalks, that may reasonably be necessitated by such proposed alteration, said cost likewise being apportioned to the respective estates. Said plan and estimate shall be furnished complete with the names and addresses of the owners of the several estates and the amounts assessable upon each of them.

- B. The Engineering Department shall have charge and custody of all plans of streets, sidewalks and bridges belonging to the City; it shall enter in a book to be kept for that purpose the names of all streets that shall be accepted, laid out and established by the City Council, with the boundaries and measurements thereof, the names of the owners of the land, if known, over or through which said streets or ways are located, and the estates bounding and abutting thereon; and shall keep a record of all sidewalks that are now or may be hereafter laid out or established by the City Council, the width, height and grade of the same, stating the boundaries and measurements thereof, with the date of such laying out.
- C. To inspect all streets and ways being constructed under the Subdivision Control Law to ascertain whether said construction complies with plans filed pursuant to the Planning Board regulations, City ordinances and state statutes and to give to the Planning Board a report of its inspection prior to the release of any bond posted by the developer constructing said street and prior to the approval of said street by the Planning Board.
- D. Planning Board Engineer.

Provide technical assistance to the Planning Board as required, including attendance at meetings one or two evenings per month. Duties will include:

- i. Review of site plans and subdivision plans, with particular emphasis on drainage and stormwater management. Prepare cost estimates where the developer must post bond or security in order to insure completion of infrastructure.
  - ii. Inspect subdivision infrastructure (drainage, sanitary sewers, water mains, roads and sidewalks) during construction and submit periodic reports to the Planning Board.
  - iii. Develop stormwater management practices and policies for subdrainage basins within the City.
- E. Zoning Board of Appeals/Conservation Commission reviews.

At the request of the Zoning Board of Appeals/Conservation Commission review applications to the above bodies, with particular attention to potential effects on

public underground utilities or streets and sidewalks. Provide technical advice and/or guidance when necessary to the public interest.

F. Infiltration/Inflow Coordinator.

Maintain records of all sanitary sewer and manhole inspections and repairs/rehabilitation which result in reduction of infiltration and/or inflow to the City's sanitary sewer system. Quantify estimates of flow reduction due to these efforts and prepare and submit semiannual reports to the Department of Environmental Protection.

G. Construction administration.

Oversee construction contracts being performed directly for the Department of Public Works, based on plans and specifications prepared by the Engineering Department. This task will include construction inspection and field documentation of as-built quantities and locations. This task will involve supervision of the City Engineer or other designee.

**Section 5: Fire Department**

A. Personnel

The Fire Department of the City of Gardner shall consist of a Fire Chief, a Fire Captain, Lieutenants, and such fire privates and other support personnel as the Mayor, with the approval of the City Council, shall from time to time deem necessary, subject to appropriation.

B. Appointments.

Subject to the following, all appointments to the Fire Department shall be made by the Fire Chief.

C. Fire Chief

- a. The Fire Chief shall be appointed by the Mayor, subject to confirmation by the City Council, and shall be the head of the Fire Department, and shall have full and absolute control and command of the Department, its firefighters and members and other officers when engaged in the fire service of the City, or when assigned by him to any special duty. The Chief shall also have control of all City property used by the Fire Department and shall have all other authorities and responsibilities as provided by law.
- b. The Chief shall be appointed for a term of three years, shall be exempt from the provisions of Chapter 31 of the General Laws in accordance with Chapter 284 of the Acts of 2012 providing for such exemption, and shall meet such minimum

qualifications for said position as the Mayor, with the approval of the City Council, shall from time to time establish.

### **Section 6: Human Resources Department**

#### **A. Department Established; Director**

- i. There shall be established in the City of Gardner a Human Resources Department to be administered by a Director.
- ii. The Director shall be appointed by the Mayor, subject to confirmation by the City Council, and shall be appointed for at term of three years. Said Director shall hold office until his/her successor is appointed and confirmed. Said Director may be removed from office in the same manner as department heads as provided by Section 8 of the City Charter. Said Director shall report to the Mayor and City Council and shall appear before the City Council whenever requested to do so.

### **Section 7: Information Technology Department**

#### **A. Department Established; Director**

- i. There shall be established in the City of Gardner an Information Technology Department to be administered by a Director.
- ii. The Information Technology Director (the "Director") shall be appointed by the Mayor, subject to confirmation by the City Council, and shall be appointed for at term of three years. Said Director shall hold office until his/her successor is appointed and confirmed. Said Director may be removed from office in the same manner as department heads as provided by Section 8 of the City Charter. Said Director shall report to the Mayor and City Council and shall appear before the City Council whenever requested to do so.

### **Section 8: Law Department**

#### **A. Department Established**

- i. There shall be established in the City of Gardner a Law Department to be administered by the City Solicitor with the assistance of an Assistant City Solicitor, if one has been appointed.
- ii. Said officers shall be members of the Bar of the Commonwealth of Massachusetts in good standing.
- iii. The City Solicitor shall be appointed as provided by the provisions of Section 6 of the City Charter. The Assistant City Solicitor shall be appointed by the Mayor,

subject to confirmation by the City Council, for a term of one year. Said City Solicitor and Assistant City Solicitor may be removed from office as provided by Section 8 of the City Charter.

- iv. The City Solicitor and Assistant City Solicitor may be full time employees of the City or may be contracted law firms subject to the appropriations authorized by the City Council in the City's annual operating budget, with the same appointment approval methods listed in this section for the City Solicitor and Assistant City Solicitor.

#### B. Issuance of Written Legal Opinions

The Law Department shall furnish written legal opinions when so requested by the Mayor, City Council by vote of the Council or request of the City Council President, the chairperson of a City committee upon vote of that committee, or the head of any City Department with the approval of the Mayor.

### **Section 9: Police Department**

#### A. Department Established

The Police Department of the City of Gardner shall consist of a Chief of Police, a Deputy Police Chief, Lieutenants, Sergeants and such subordinate officers, patrol officers and other support personnel as the Mayor, with the approval of the City Council, shall from time to time deem necessary by formal adoption of an Official Table of Organization for the Police Department and to be made part of the Operational Manual. Such Department may be augmented by a reserve police force in accordance with the provisions of the General Laws of the Commonwealth.

#### B. Chief of Police; Deputy Chief of Police

- i. The Chief of Police shall be the head of the Police Department and shall have immediate control and command of the Department, its officers and members, and all constables and other officers when engaged in the police service of the City, or when assigned by him to any special duty. The Chief shall also have immediate control of all City property used by the Police Department. The Chief shall be appointed for a term of three years, shall be exempt from the provisions of MGL c. 31 in accordance with Chapter 416 of the Acts of 1991 providing for such exemption and shall meet such minimum qualifications for said position as the Mayor, with the approval of the City Council, shall from time to time establish. The Chief of Police shall be the Keeper of the Lockup in compliance with MGL c. 40, § 35.
- i. The Deputy Chief of Police shall be appointed for a term of three years, shall be exempt from the provisions of Chapter 31 of the General Laws in accordance with Chapter 284 of the Acts of 2012 providing for such exemption, and shall meet such



minimum qualifications for said position as the Mayor, with the approval of the City Council, shall from time to time establish.

C. Special Police Officers

- i. The City of Gardner may employ a person in police duty only when such duty is absolutely essential to its regular services as an employee of the City.
- ii. Special Police Officers will be compensated at the current collective bargaining rate for patrol/superior officers.

D. Traffic Control Unit

- i. The City of Gardner may employ a person in police duty in the traffic control unit, when such duties are deemed to be needed by the Chief of Police.
- ii. Traffic Control Officer will be compensated at the current collective bargaining rate for patrol/superior officers.

E. Civilian Public Safety Dispatch Division

- i. The Chief of Police shall oversee all dispatch operations for the City.
- ii. The Division shall be run by a director who shall be appointed by the Chief of Police.
- iii. The Division may employ all full and part time dispatchers as deemed necessary to execute the functions of the division.

**Section 10: Department of Public Works**

A. Department established; duties of Director.

- a. There shall be established in the City of Gardner a Department of Public Works administered by a Director.

B. Aside from all duties outlined in the job description of the Director, they shall also:

- a. The Director shall have all the duties and powers vested in the separate boards and commissions and any amendments thereto and shall succeed to all rights, privileges, duties and liabilities of said separate boards and commissions.
- b. Meet when requested by the City Council Public Service Committee.

C. The Director shall have the power to make rules and regulations for the governing of the Department of Public Works and sections thereof and shall attend to the

proper enforcement of the same. The Director shall have jurisdiction over the sections and over each member of each section. The Director shall sign all vouchers for the Department of Public Works.

- D. In the event that the Director is absent from the City, he shall notify the City Auditor in writing of the person designated by the Director to assume his responsibilities during his absence.

**Section 11: Purchasing and Civil Enforcement Department**

- A. Purpose.

There is hereby established in the administrative service of the City of Gardner the Purchasing/Civil Enforcement Department and, in said Department, the position of City Purchasing Agent/Civil Enforcement Director, hereinafter referred to as "Director."

- B. General authority of Director.

- i. The Purchasing Agent/Civil Enforcement Director shall direct, supervise and have control of the Purchasing/Civil Enforcement Department.
- ii. The Purchasing Agent/Civil Enforcement Director shall have all powers and duties prescribed by this chapter and the positions job description on file in the City's Department of Human Resources and shall serve as the City's Chief Procurement Officer (CPO) and Affirmative Marketing Construction Officer.
- iii. The Purchasing Agent/Civil Enforcement Director shall be responsible for all purchases and contractual services and all sales of property.
- iv. The Purchasing Agent/Civil Enforcement Director shall be responsible for the tracking, recordkeeping and collection of parking, animal control and civil violations and act as the Parking Clerk.
- v. The Purchasing Agent/Civil Enforcement Director shall serve as the City's Municipal Hearing Officer.

- C. Purchasing.

Except as herein provided or specifically authorized by the Purchasing Agent/CPO, it shall be unlawful for any City employee or City official to purchase any supplies or services other than through the Purchasing Department and in accordance with this chapter.

- D. Sale or disposal of personal or real property.

- i. The head of the department, board or commission in possession of the surplus supplies shall certify, in writing, the estimated value, determined through a commercially reasonable process. The Chief Procurement Officer shall decide upon the most appropriate method of disposal, including direct sale, quotes, or donations and the decision should be based upon the best interest of the City of Gardner. No tangible property shall be sold or otherwise disposed of without the written approval of the head of the department, board or commission as well as the City Council committee or School Committee subcommittee having charge of matters concerning such department, board or otherwise and with the written approval of the Mayor.
- ii. Real property shall be declared surplus by a vote of the City Council, with the approval of the Mayor, following the determination of value. No real estate, whether the same is controlled by any department, board or otherwise, shall be sold or otherwise disposed of except with the approval of the City Council and Mayor.

E. Award of contract.

- i. The Purchasing Agent shall have the authority to award contracts within the purview of this chapter and shall have the authority to determine responsibility of bidders.
- ii. The Purchasing Agent shall have the authority to declare vendors as irresponsible bidders and to disqualify them from receiving any orders or contract awards from the municipality.

F. Tie bids.

If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder, "local bidder" defined as having its corporate/home office in the City Gardner. If no local bidder exists, the Purchasing Agent shall award the contract to one of the tie bidders by drawing lots in public.

G. Bid protests.

Upon receipt of a written protest of an award made by the Chief Procurement Officer, the matter shall be reviewed by the Chief Procurement Officer and a determination made to:

- i. Reject the bid protest on grounds the protest fails to prove a violation of the Massachusetts Uniform Procurement Act and continue with the award of a contract; or

- ii. Uphold the bid protest on grounds the protest proves a violation of the Massachusetts Uniform Procurement Act and conduct a new procurement.

H. Cooperative purchasing.

The Purchasing Agent shall have the authority to join other units of government (federal, state, county, municipal and municipal subdivisions, including such quasi-municipal agencies as water districts, sewer districts, etc.) in cooperative purchasing plans when the best interest of the City would be served thereby and such action is in accordance with and pursuant to prevailing General Laws.

I. Other duties of Purchasing Agent.

The Purchasing Agent shall perform such other duties related to the functions, duties and authorities set forth herein as may be prescribed by the Mayor or any applicable state or local laws and ordinances.

J. Chief Procurement Officer.

The Chief Procurement Officer shall conduct requests for proposals, including oversight of the solicitation, opening and evaluation of proposals and award of contract, in accordance with the authority delegated by MGL c. 30B.

K. Affirmative Marketing Construction Officer.

The Affirmative Marketing Construction Officer shall serve as the City's liaison with the Supplier Diversity Office and be responsible for all reporting in compliance with MGL c. 93.

L. Municipal Hearing Officer.

The Municipal Hearing Officer shall conduct local hearings of code violations pursuant to and in compliance with MGL c. 148A (Code Enforcement Officer). The Municipal Hearing Officer shall conduct such hearings using formal rules established under MGL c. 148A and shall render a written decision to the appropriate parties.

**Section 12: Senior Center**

A. Department Established, Director

- i. There shall be a Senior Center overseen by the Senior Citizens Director, who shall be appointed by the Mayor, subject to confirmation by the City Council for a term of three years.

- ii. The Senior Citizens' Director shall report directly to the Mayor and shall have the duty and responsibility of working with the Council on Aging and various state and federal elder affairs agencies in providing programs and services for the elderly, shall be responsible for preparing the annual budget and shall plan all programs and activities for the senior citizens of the City of Gardner.

**SECTION 35:** That a new Chapter 6 be added to the Code of the City of Gardner to be entitled, "Board and Commissions," as follows:

**Section 1: Airport Commission**

A. Establishment and Membership

There shall be an Airport Commission, consisting of not less than three (3) nor more than eleven (11) members.

B. Issuance of Fees and Charges

The Airport Commission shall have the authority, with the approval of the City Council and the Mayor, to institute a system of charges and fees for use of the Gardner Municipal Airport.

**Section 2: Bandstand Committee**

A. Establishment

There is hereby established under this section the Community Bandstand Committee, which shall exist and be operated hereunder for the purpose of implementing seasonal programs to be conducted in the City's parks, including but not limited to summer musical concerts and other community entertainment events at the Bandstand located in Monument Park, as well as at the City's other parks, at the City's other municipal grounds and at other appropriate locations in the City.

B. Membership

The Community Bandstand Committee shall consist of no less than three (3) members. One (1) of the members appointed to the Community Bandstand Committee shall be a member of the Municipal Grounds Commission, to carry out the purposes of this section.

C. Donations to Committee

- i. The Community Bandstand Committee may receive donations and gifts of property, both real and personal, in the name of the City to further the purposes as set forth in this section. Upon receipt of any such donation or gift, the Community Bandstand Committee shall



provide each such gift or donation to the Treasurer, who shall deposit same into an account to be created and named the "Community Bandstand Committee Program Fund." All funds in such Community Bandstand Committee Program Fund shall be used for the purposes set forth in this section.

- ii. In accordance with the General Laws of the Commonwealth, the Community Bandstand Committee shall from time to time submit a listing of all donations and gifts received by the Committee for acceptance by majority vote of the City Council.

### **Section 3: Board Of Assessors**

#### **A. Board established.**

- i. The Mayor shall appoint a City Assessor who will also serve on the Board of Assessors and two additional members of the Board of Assessors, each for a term of three years, subject to confirmation by majority vote of the City Council.
- ii. A vacancy occurring may be filled at any time for the unexpired term by the Mayor, subject to confirmation by the City Council.
- iii. Nothing contained herein shall be construed to prevent the reappointment of any member upon the expiration of his term of office.
- iv. Before entering upon the discharge of their duties, the members shall be sworn to the faithful discharge thereof. Failure to be sworn in after

#### **B. Appointment of Members**

- i. The Mayor shall appoint members to serve for the term of three years following the expiration of the terms as hereinbefore outlined.
- ii. A vacancy occurring may be filled at any time for the unexpired term by the Mayor, subject to confirmation by the City Council.
- iii. Nothing contained herein shall be construed to prevent the reappointment of any member upon the expiration of his term of office
- iv. Each year at its first meeting the Board shall organize and elect a Chairperson.

#### **C. Duties**

The Assessors shall perform, or cause to be performed, all the duties required of assessors under the General Laws of the Commonwealth of Massachusetts and shall be subject to said General Laws, as well as to the Charter and ordinances of the City of Gardner.

D. Employment Status

The City Assessor shall serve full time as an Assessor, while the other two members shall be part-time Assessors.

E. Abatements

The Board shall meet with any person filing an application for abatement or his attorney upon request for such a meeting.

**Section 4: Board Of Health**

A. Establishment and Membership

- i. There shall be a Board of Health consisting of three (3) members, one of whom shall be a physician, for a period of three (3) years.
- ii. No members of the Board of Health shall be members of the City Council.
- iii. A vacancy occurring may be filled at any time for the unexpired term by the Mayor, subject to confirmation by the City Council.
- iv. Nothing contained herein shall be construed to prevent the reappointment of any member upon the expiration of his term of office
- v. Each year at its first meeting the Board shall organize and elect a Chairperson.

**Section 5: Board Of Registrars Of Voters**

A. Establishment and Membership

Per the provisions of the General Laws of the Commonwealth, there shall be a Board of Registrars of Voters consisting of three (3) members and the City Clerk shall serve as its fourth (4th) voting member.

**Section 6: Capital Improvement Planning Committee**

A. Committee Established, Membership

There shall be established in the City of Gardner a Capital Improvement Planning Committee. Members shall consist of the Council President and/or designee(s), the City Engineer, the Director of Community Development and Planning, the City Treasurer, the Director of Public Works, the City Purchasing Agent/Civil Enforcement Director, the City Auditor, and the School Department Business

Manager, all of whom shall serve ex officio. The Committee shall choose its own officers.

B. Review of Projects

a. The Committee shall study proposed capital projects and improvements involving major nonrecurring tangible assets and projects which:

- i. Are purchased or undertaken at intervals of not less than five years;
- ii. Have a useful life of at least five years; and
- iii. Cost over \$25,000.

b. All officers, boards and committees shall, by November 1 of each year, give to the Committee, on forms prepared by it, information concerning all anticipated projects requiring City Council action during the ensuing six years. The Committee shall consider the relative need, impact, timing, and cost of these expenditures and the effect each will have on the financial position of the City.

c. No appropriation shall be voted for a capital improvement requested by a department, board, or commission unless the proposed capital improvement is considered in the Committee's report or the Committee shall first have submitted a report to the City Council explaining the omission.

C. Capital Improvement Budget and Program

The Committee shall prepare an annual report recommending a capital improvement budget for the next fiscal year and a capital improvement program, including recommended capital improvements for the following five fiscal years. The report shall be submitted to the Mayor for consideration and approval. The Mayor shall submit the approved capital budget to the City Council for adoption.

D. Expenditures

Such capital improvement program, after its adoption, shall permit the expenditures on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals, but no such expenditure shall be incurred on projects which have not been so approved by the City through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future.

E. Publication of Report and Budget

The Committee's report and the Mayor's recommended capital budget shall be published and made available in a manner consistent with the distribution of the Mayor's budget recommendations to the City Council. The Committee shall submit its original report to the City Clerk.

### **Section 7: Cemetery Commission**

- A. Commission established; membership; appointment.
- i. There shall be established a Cemetery Commission for the City of Gardner consisting of five members, legal voters of said City, who shall be appointed by the Mayor, subject to confirmation by the City Council, as follows: the Mayor shall immediately appoint one person to serve until the expiration of two years and two to serve until the expiration of one year from the first day of March 1980 and thereafter annually shall appoint one or two persons, as the case may be, to serve for the term of two years from the first day of March following the expiration of the terms as hereinbefore outlined.
  - ii. A vacancy occurring may be filled at any time for the unexpired term by the Mayor, subject to confirmation by the City Council. Nothing contained herein shall be construed to prevent the reappointment of any member upon the expiration of his term of office.
  - iii. Before entering upon the discharge of their duties, the members shall be sworn to the faithful discharge thereof.
- B. Meetings, minutes and records.
- i. The Commission shall meet annually in March each year to organize and elect a Chairperson and Secretary. The Commission shall hold monthly meetings each month during the course of the year.
  - ii. The Secretary shall keep accurate minutes and records of all meetings of the Commission.
- C. Duties; perpetual care funds.
- i. The Commission shall have sole control over and responsibility for the management of perpetual care funds pursuant to MGL c. 114, § 19, and MGL c. 44, § 54.

- ii. Said Commission shall be charged with keeping full and complete records concerning such perpetual care funds and render to the Mayor and the City Council as often as may be required by them a full report concerning such perpetual care funds under its control during the period reported on.
- iii. Said Commission shall advise the Director of Public Works and the Municipal Grounds Commission as to the supervision, care and upkeep of all public cemeteries within the City of Gardner and as to the proper expenditure of the perpetual care funds under the control of said Commission.

### **Section 8: Council On Aging**

#### **A. Establishment.**

A Council on Aging is hereby established.

#### **B. Membership; terms of office.**

The Council on Aging shall consist of seven members, appointed by the Mayor, subject to confirmation by the City Council. The Mayor shall appoint individuals to serve for a term of three years. Upon expiration of the term of office of each member, a successor shall be appointed for a term of three years, or until a successor is duly appointed and qualified. A vacancy occurring may be filled at any time for the unexpired term by the Mayor, subject to confirmation by the City Council. Before entering the discharge of their duties, members shall be sworn to the faithful discharge thereof.

#### **C. Duties.**

The Council on Aging shall have the duty and obligation of carrying out programs designed to meet the problems of the aging in coordination with the programs of the Massachusetts Council on Aging.

#### **D. Private nature of certain information.**

The names, addresses, telephone numbers, or other identifying information about elderly persons in the possession of the Council shall not be public records, but the use of these records shall comply with MGL c. 19A, §§ 14 to 24, inclusive, as a condition of receiving a government contract, program grant or other benefit, or as otherwise required by law.

### **Section 9: Disability Commission**



A. Commission Established

There shall be established, pursuant to MGL c. 40, § 8J, a Disability Commission for the City of Gardner consisting of seven members, legal voters of said City, who shall be appointed by the Mayor, subject to confirmation by the City Council, as follows: the majority of said Commission members shall consist of disabled persons, and one of such members shall be a member of the immediate family of a disabled person, and one member of said Commission shall be either an elected or appointed official of the City.

a. Terms of Membership

The terms of the first members of said Commission shall be for one, two, or three years and so arranged that the term of 1/3 of the members expires each year, and their successors shall be appointed for terms of three years each. Any member of said Commission may, after a public hearing, if so requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

B. Officers, meetings and records.

The Commission shall meet once annually to organize and elect a Chairperson, Vice Chairperson, Treasurer, and Clerk. The Chairperson of the Commission shall be chosen by a majority vote of said Commission members. The Commission shall hold monthly meetings each month of the year. It shall keep accurate records of its meetings and actions and shall file an annual report.

C. Powers and duties.

The Commission shall have the following powers and duties:

- i. Its purpose shall be to develop and carry out programs which may be designed or established to meet the opportunities, challenges, and problems of the disabled of the City and in conjunction with any agency of the federal government.
- ii. The Commission may appoint such clerks or other employees as it may from time to time require, subject always to appropriation of funds therefor.
- iii. The Commission may receive gifts of property, both real and personal, in the name of the City, subject to the approval of the City Council, such gifts to be managed and controlled by said Commission for the purposes of this section.

**Section 10: Golf Commission****A. Commission Established**

A Municipal Golf Course Commission is hereby established.

**B. Membership; terms of office.**

The Municipal Golf Course Commission shall consist of seven members, including a Chairperson and Secretary, legal voters of said City, who shall be appointed by the Mayor, subject to confirmation by the City Council, as follows: the Mayor shall immediately appoint one person until the expiration of one year, two to serve until the expiration of two years, and two to serve until the expiration of three years from the first day of May 1990 and thereafter annually shall appoint their successors for terms of three years each from the first day of May then next ensuing. A vacancy occurring may be filled at any time for the unexpired term by the Mayor, subject to confirmation by the City Council.

**C. Membership in lieu of Compensation**

A Golf Commissioner shall receive a free family membership as defined in the family membership fee schedule of the Golf Course Commission each year while serving on the Commission. The free membership shall be subject to taxation pursuant to the Internal Revenue Code.

**D. Meetings**

The Commission shall meet annually in January of each year to organize and to elect a Chairperson and Secretary. The Commission shall hold bimonthly meetings each month during the course of each year, except that monthly meetings shall be held during the months of July and August.

**E. Duties.**

The Commission shall, subject to the regulations and orders of the Department of Public Works and Board of Health with reference to the management, improvement and control thereof for the purpose of preserving and protecting the water supply, have complete charge of the operation, improvement and maintenance of the Municipal Golf Course and all such other properties and activities as may hereafter be placed under its jurisdiction and control by the Mayor with the approval of the City Council. The Golf Course Commissioners shall have the authority to annually institute a system of charges and fees for use of the Municipal Golf Course. The charges and fees so to be charged are to be published in the Gardner News, upon their being determined, prior to the date the same are to take effect.

F. Appointees of the Golf Commission.

- i. The Commission shall, as soon as practicable after the qualification of its members, appoint such superintendent, officer or officers, agents and employees as it may deem necessary and shall have the power to remove said appointees for cause.
- ii. The appointees shall perform such duties as shall be required of them by said Commission.

**Section 11: Historical Commission**

A. Commission Established

There is hereby established, under the provisions of MGL c. 40, § 8D, an Historical Commission of the City of Gardner for the purposes and with the rights and duties provided by law, to be composed of seven members appointed by the Mayor, subject to confirmation by the City Council, for terms of three years, except that the initial appointment shall be two members for one year, two members for two years, and three members for three years. One member may be chosen from one of the surrounding communities.

**Section 12: Planning Board**

A. Board Established and membership

A Planning Board is hereby established. The Planning Board, hereinafter called the "Board," shall consist of up to nine persons.

B. Powers and duties.

The Board shall have all the powers and duties imposed and conferred by MGL c. 41, §§ 81A to 81GG, inclusive, and acts in amendment thereof and in addition thereto.

C. Appointment; vacancies; compensation.

- a. The Mayor shall appoint the members of the Board whose term of office shall commence on January 1 of the year in which they are appointed and confirmed to serve a term of three years.
- b. Nothing contained herein shall be construed to prevent the reappointment of any member upon the expiration of his term of office.

- c. Any vacancy occurring in the Board, occurring otherwise than by expiration of term of office, shall be filled for the unexpired term in the same manner as an original appointment.

### **Section 13: Zoning Board Of Appeals.**

#### **A. Board Established, Authority**

The Zoning Board of Appeals, hereinafter called the "Board," shall consist of five persons, up to four of which are residents of Gardner and shall be appointed by the Mayor, subject to confirmation by the City Council. The Zoning Board of Appeals established under Chapter 675, Zoning, of this Code is hereby constituted the Zoning Board of Appeals as provided in MGL c. 41, § 81Z. The Zoning Board of Appeals shall have all the powers and duties imposed and conferred by MGL c. 41, §§ 81Z and 81AA, as well as all other powers and duties imposed and conferred on the Zoning Board of Appeals by said MGL c. 41, §§ 81A to 81GG.

### **Section 14: Traffic Commission**

#### **A. Commission Established**

There shall be established in the City of Gardner a Traffic Commission.

#### **B. Membership**

Members shall consist of the Chief of Police or his designee, as Chairperson, a member of the Council's Public Safety Committee as designated by the Chairperson of that Committee, the City Engineer, the Director of Public Works, the Director of Community Development and Planning, and the Civil Enforcement Director, all whom shall serve *ex officio*.

#### **C. Placement of official traffic signs and signals.**

The Director of Public Works, under supervision of the Traffic Commission, is hereby authorized and it shall be his duty to place and maintain or cause to be placed and maintained all official traffic signs and signals, markings and safety zones. All signs, signals, markings and safety zones shall conform to the standards as prescribed by the Highway Division of the Massachusetts Department of Transportation.

#### **D. Meetings; duties.**

The Traffic Commission shall meet regularly, not less often than quarterly.

- E. Among its duties the Traffic Commission shall:
- i. Make recommendations to the City Council, supported by engineering studies and reports when necessary, regarding changes required to the Chapter 600, Vehicles and Traffic, of this Code.
  - ii. Monitor all traffic-related issues, from signs to major project proposals.
  - iii. Actively pursue state or federal grants for street improvements (including curbing, pedestrian crossings, and signalization).
  - iv. Improve traffic on a regional basis, working with and supporting endeavors of the Montachusett Regional Planning Commission (MRPC), with an active member (appointed by Mayor for a three-year term) to be part of the MRPC.

## SECTION 15: YOUTH COMMISSION

### A. Commission established

There shall be established, pursuant to MGL c. 40, § 8E, a Youth Commission for the City of Gardner consisting of no more than seven members, one of whom shall be a currently elected City Councillor, who shall be appointed by the Mayor, subject to confirmation by the City Council.

B. The Mayor shall immediately appoint two persons to serve until the expiration of one year, two persons to serve until the expiration of two years and three persons to serve until the expiration of three years, and the successors shall be appointed for a term of three years each. Any member of a Commission so appointed may, after a public hearing, if requested, be removed for cause by the Mayor. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as an original appointment. Nothing contained herein shall be construed to prevent the reappointment of any member upon the expiration of his term of office.

C. Before entering upon the discharge of their duties, the members shall be sworn to the faithful discharge thereof.

### D. Meetings, records and annual report.

The Commission shall meet once annually to organize and elect a Chairperson, Vice Chairperson, Treasurer and Clerk. The Commission shall hold monthly meetings each month of the year. It shall keep accurate records of its meetings and actions and shall file an annual report.

### E. Powers and duties.



The Commission shall have the following powers and duties:

- a. Its purpose shall be to develop and carry out programs which may be designed or established to meet the opportunities, challenges and problems of youth of the City and in conjunction with any similar or related programs of any agency of the commonwealth or any agency of the federal government.
- b. The Commission may appoint such clerks or other employees as it may from time to time require, subject always to appropriation of funds therefor.
- c. The Commission may receive gifts of property, both real and personal, in the name of the City, subject to the approval of the City Council, such gifts to be managed and controlled by the Commission for the purposes set forth in Subsection A above.

**SECTION 36:** That a new Chapter 6 be added to the Code of the City of Gardner entitled “Personnel, Appointments, and Employment,” as follows:

**Section 1: Compensation**

The salaries and compensation of any City employee who receives compensation and any other employees of any of the departments, boards, committees, and commissions shall be established in the ordinances designating salaries and wages for the City employees.

**Section 2: Appointment**

Subject to the provisions of the Charter of the City of Gardner and the General Laws of the Commonwealth, all those appointed to positions in the City shall be appointed by the Mayor, subject to confirmation by majority vote of the City Council, unless otherwise stated.

**Section 3: Oath of Office**

Failure by anyone duly appointed and confirmed by majority vote of the City Council, Mayor, Joint Convention, Fire Chief, or other appointing authority as designated by law, to take their respective oath of office within sixty (60) days of the date on which their appointment was confirmed by majority vote of the City Council shall be considered forfeiture of the office and shall be deemed a vacancy in the position.

**Section 4: Temporary Appointments**

In case of a vacancy in any office, appointment to which is made by the Mayor, which vacancy is caused by the incapacity, death, resignation or expiration of the

term of the incumbent, the filling of which is not provided for by law, the Mayor, without confirmation by the City Council, shall appoint a temporary officer to serve until a successor to such incapacitated, deceased or resigned officer, or officer whose term has expired, is duly appointed and qualified in accordance with law, but no such temporary officer shall in any event be appointed hereunder to serve for a period longer than 90 days.

### **Section 5: Powers and Duties of Temporary Officers**

Except as otherwise provided by the General Laws, City Charter or other ordinance, any temporary officer so appointed shall, during the time he fills the position to which he is appointed under this article, exercise all the powers and perform all the duties of the officer in whose place he serves.

### **Section 6: Job Descriptions**

- A. All positions in the City shall have a job description outlining the duties of the position on file in the City's Human Resources Department.
- B. Any changes made to the job description of a position of a Department Head must first be approved by majority vote of the City Council before becoming effective.

**SECTION 37:** Chapter 171 of the Code of the City of Gardner, thereof entitled "Personnel," be amended by replacing the title as "Non-Union Employees" and renumbered as Chapter 7.

**SECTION 38:** Section 2 of Chapter 171 of the Code of the City of Gardner, thereof entitled "Conduct of Examination," be amended by deleting the phrase, "or the department head" from the section.

**SECTION 39:** Section 3 of Chapter 171 of the Code of the City of Gardner, thereof entitled, "Report" be deleted in its entirety and replaced with the following:

Section 3: The employment candidate cannot commence employment until the Human Resources Department has received the pre-employment screening report clearing the candidate for full duty and/or identifying appropriate and applicable reasonable accommodations.

**SECTION 40:** Section 6 of Chapter 171 of the Code of the City of Gardner, thereof entitled, "Compensation for Blasting Services" be deleted in its entirety.

**SECTION 41:** Section 8 of Chapter 171 of the Code of the City of Gardner, thereof entitled "Summons to be presented to Department Head," be amended by adding the following sentence to the end of the section:

The summons and/or jury duty service confirmation shall be submitted to the Human Resources Department to be maintained in the employee's personnel file.

**SECTION 42:** Section 12 of Chapter 171 of the Code of the City of Gardner, thereof entitled "Compensation," be deleted in its entirety and replaced with the following:

Section 12: During such time as the employee is out on an authorized civic duty leave or unable to perform their duties, upon the submission of the proper civic duty service confirmation document(s) to the Human Resources Department, the City will pay the employee the difference between the wages earned on such civic duty leave and the salary or wages to which the employee would have been entitled to for the regular performance of their duties. In the event the employee receives no compensation for their civic duty service, the City will pay the employee their full wages for the time spent serving said civic duty in lieu of performing their duties for the City.

**SECTION 43:** Section 13 of the Code of the City of Gardner, thereof entitled “Effect on Vacation,” be deleted in its entirety and replaced with the following:

Section 13: Employees are allowed to roll over twice as much as their annual vacation allotment. An employee who at the end of the year has in excess of the authorized accrued vacation carry over as a result of being summoned for jury duty service shall be entitled to carry over the accrued vacation time that exceeds the authorized roll over benefit. The excess vacation time must be taken within the year it was allowed to be carried over into.

**SECTION 44:** Section 14 of Chapter 171 of the Code of the City of Gardner, entitled “Holidays Designated,” be deleted in its entirety and replaced with the following:

Section 14: Holidays Designated

A. All full time and regular part-time City employees, not covered by a collective bargaining agreement shall be granted holidays with pay at the rate fixed for such employees respectively on each of the following twelve (12) legal holidays:

1. New Year’s Day
2. Martin Luther King Day
3. Presidents Day
4. Patriots Day
5. Memorial Day
6. Juneteenth
7. Independence Day
8. Labor Day
9. Indigenous Peoples Day/Columbus Day
10. Veterans Day
11. Thanksgiving Day
12. Christmas Day

B. Sunday holidays shall be celebrated the following Monday. Saturday Holidays shall be celebrated on the preceding Friday.

- C. Employees who work a schedule other than a Monday through Friday Schedule and the holiday falls on a non-work day, shall be given a day in lieu to be taken on a day approved by the employee's department director.
- D. All full-time and regular part-time City employees, not covered by a collective bargaining agreement, shall have the Friday after Thanksgiving as a day off, but not as a designated holiday.

**SECTION 45:** Section 15 of Chapter 171 of the Code of the City of Gardner, entitled "Compensation for Working on a Holiday" be deleted in its entirety and replaced with the following:

Section 15: In the event that a non-exempt employee shall be required to work on a holiday, their compensation shall be at two (2) times their regular straight-time pay for all hours worked on such holiday. The employee may elect to earn compensatory time for the time worked on the holiday (1 hour worked equivalent to 2 hours of compensatory time) to be reported to the Human Resources Department for accrued time benefit tracking.

**SECTION 46:** Section 17 of Chapter 171 of the Code of the City of Gardner, entitled "Credit and Use of Sick Days," be deleted in its entirety and replaced with the following:

Section 17: Sick days shall be credited to employees on January 1<sup>st</sup> of each year. Employees may carry an unlimited number of unused sick days at the end of the year into the next year. Sick time shall not be used in less than one (1) hour increments.

**SECTION 47:** Section 18 of Chapter 171 of the Code of the City of Gardner, entitled "Doctor's Certification," be deleted in its entirety and replaced with the following:

Section 18: An employee that has been absent from work due to an illness or injury and/or the use of non-occupational sick leave for three (3) or more consecutive days at one time must present a medical note to their department director. This note shall be attached to the weekly benefit time reports. A doctor's note may also be required if a department head and/or the Director of Human Resources has reasonable cause to believe that the employee may be abusing their non-occupational sick time.

**SECTION 48:** Section 21 of Chapter 171 of the Code of the City of Gardner, thereof entitled "Payment for accumulated sick leave upon death of employee" be deleted in its entirety and replaced with the following:

Section 21: For employees hired before October 17, 1995, in the event that the employee shall die prior to retirement, if the employee has accumulated sick leave, shall be granted pay for such accumulation not to exceed fifty (50)

full days of pay, plus an additional fifty percent (50%) of the daily rate for accumulated days over and above the first fifty (50) days, not to exceed a total of one hundred thirty (130) days paid (equivalent to ninety (90) full days of total pay.- 50 full days and 80 at 50%) Payment shall be paid to the estate of said deceased employee.

**SECTION 49:** Section 23 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Sick Leave Incentive Time,” be deleted in its entirety and replaced with the following:

Section 23: Commencing effective January 1, 2024, employees that do not call in sick and/or use sick leave in a calendar month shall earn four (4) hours per month of sick leave incentive time (not defined as vacation or personal time). The use of sick leave incentive time is subject to the approval of the department director. Employees may carry over up to twelve (12) hours of sick leave incentive time between years.

**SECTION 50:** Section 24 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Annual Report; Notification of Absence Due to Illness,” be deleted in its entirety and replaced by the following:

Section 24: On or about July 1<sup>st</sup> of each year, the Human Resources Department will provide the Mayor and the City Auditor a fiscal report of all sick leave accumulated and used by all City employees eligible for this benefit. Each employee will notify their department director each morning by 8:30 a.m. when they are going to be absent from work due to illness or injury.

**SECTION 51:** Section 25 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Grant of Leave,” be deleted in its entirety and replaced with the following:

Section 25: Grant of Leave

- A. A full-time and regularly part-time employees, not covered by a collective bargaining agreement, shall be granted bereavement leave without loss of regular straight-time pay for normally scheduled working hours as follows:
- 1) Five (5) consecutive days for the death of an immediate family member of the employee, which shall include a spouse, parent, step-parent, sibling, step sibling, children, step-children, or a person living in the immediate household of the employee.
  - 2) Three (3) consecutive days for the death of family members of the employee, which shall include parent of spouse or grandparent.

- 3) Two (2) consecutive days for an employee's niece, nephew, sibling in-law, child in-law, aunt, or uncle.
- B. If there is a delay in scheduling services, the employee may request a delay in their use of this benefit until that time. This request should be directed to the employee's department director.
- C. For the purposes of this section, miscarriage of pregnancy shall be an eligible use for bereavement leave as defined in the schedule of time previously listed.

**SECTION 52:** Section 25(B) of Chapter 171 of the Code of the City of Gardner, thereof entitled "Full-time employees," be amended by deleting the sentence, "but in no event shall longevity pay for any such employee exceed \$1,050 in any fiscal year."

**SECTION 53:** Section 27(a) of Chapter 171 of the Code of the City of Gardner, thereof entitled "Part-time Employees," be deleted in its entirety and replaced with the following:

Section 27: Part – Time Employees

- A. Any regular part-time employee of the City that is not covered by a collective bargaining agreement, except those under the control of the School Department and officials elected by the voters of the City, who have been employed for at least five (5) continuous and consecutive years of service and has worked at least 1,000 hours each year of service, shall receive, in addition to their regular compensation, longevity pay of \$75 during the first year that such service is attained and each fiscal year thereafter.
- B. Such employee shall receive an additional \$15 per year for each additional year of part-time continuous and consecutive service with the City.

**SECTION 54:** Section 30 of the Code of the City of Gardner, thereof entitled "Grant of Personal Days," be deleted in its entirety and replaced with the following:

Section 30: Grant of Personal Days

- a. Regular full-time and part-time employees, not covered by a collective bargaining agreement, except officials elected by the voters of the City, shall be granted four (4) personal days (equivalent to 32 hours) per calendar year at the employee's normal straight-time pay for normally scheduled hours. A personal day for part-time employees will be equal to one-fifth (1/5) of the employee's regular work week.
- b. Upon termination, resignation, or retirement, the annual allotment of personal time for the year in which the employee's employment ends shall be prorated quarterly from the date the employee's employment ends as follows:



1. January 1<sup>st</sup> to March 31<sup>st</sup>: three (3) days
2. April 1<sup>st</sup> to June 30<sup>th</sup>: two (2) days
3. July 1<sup>st</sup> to September 30<sup>th</sup>: one (1) day

**SECTION 55:** Section 31(B) of Chapter 171 of the Code of the City of Gardner, thereof entitled “Use of Personal Days,” be amended by replacing “half day” with “one (1) hour.”

**SECTION 56:** Section 32 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Crediting of Personal Days,” be amended by adding the phrase, “Personal Time cannot be carried over from year to year” at the end of the section.

**SECTION 57:** Section 33 of Chapter 171 of the Code of the City of Gardner, thereof entitled “New Employees,” be deleted in its entirety and replaced with the following:

Section 33: New Employees

Newly hired employees shall be granted personal leave according to the following schedule:

| First Day of Employment  | Number of Personal Days |
|--------------------------|-------------------------|
| January 1 to March 31    | 4                       |
| April 1 to June 30       | 3                       |
| July 1 to September 30   | 2                       |
| October 1 to December 31 | 1                       |

**SECTION 58:** Article IX of Chapter 171 of the Code of the City of Gardner, thereof entitled “Vacations for City Officers and Employees,” be amended by deleting the words “City Officers and” from the title.

**SECTION 59:** Section 34 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Police Officers,” be amended by deleting the title and replacing the title with “Deputy Chief of Police.”

**SECTION 60:** Section 34 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Police Officers,” be amended by replacing the phrase, “All police officers of the City of Gardner, not covered by a collective bargaining agreement,” with the phrase “The Deputy Chief of Police.”

**SECTION 61:** Section 35 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Firefighters,” be deleted in its entirety.

**SECTION 62:** Section 36 of Chapter 171 of the Code of the City of Gardner, thereof Entitled “Other full-time officers and employees,” be amended by replacing the title of the section with the following: “Full-time Employees.”

**SECTION 63:** Section 36 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Other full-time officers and employees,” be amended by removing the phrase “All other employees or officers,” from the first sentence.

**SECTION 64:** Section 36 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Other full-time officers and employees,” be deleted in its entirety and replaced with the following:

Section 36: City Employees, except those provided for by law and those covered by a collective bargaining agreement, regularly employed full-time by the City shall be granted an annual vacation without loss of pay as follows:

- A. Regularly employed for one (1) to four (4) years shall be entitled to three (3) weeks or 15 working days.
- B. Regularly employed for five (5) to nine (9) years shall be entitled to four (4) weeks or 20 working days
- C. Regularly employed for ten (10) to fourteen (14) years shall be entitled to five (5) weeks or 25 working days
- D. Regularly employed for fifteen (15) to nineteen (19) years shall be entitled to six (6) weeks or thirty (30) working days
- E. Regularly employed for twenty (20) years or more shall be entitled to seven (7) weeks or thirty five (35) working days.

**SECTION 65:** Section 37 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Other Part-time officers and employees,” be amended by replacing the title with “Part-time Employees.”

**SECTION 66:** Section 37 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Other Part-time Officers and Employees,” be amended by removing the word “other” from the first sentence.

**SECTION 67:** Section 40 of Chapter 171 of the Code of the City of Gardner, thereof entitled “New Employees,” be deleted in its entirety and replaced with the following:

Section 40: New full-time employees will earn one(1) day per month up to ten (10) days per calendar year. This day will be credited the last day of each month. The new employee shall continue to earn vacation in this manner until the first anniversary date of benefited employment when they shall be credited with the difference between the number of days of vacation days they have earned up until such date, and ten (10) vacation days. This vacation time will only be allowed upon completion of a period of three (3) months of employment with the City of

Gardner. In no event shall a new employee be eligible for more than ten (10) days of vacation per calendar year.

**SECTION 68:** Section 42 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Minimum Increments,” be amended by replacing the phrase “half day” with “hour.”

**SECTION 69:** Article X of Chapter 171 of the Code of the City of Gardner, thereof entitled, “Salaries of Police and Fire Personnel,” be deleted in its entirety.

**SECTION 70:** Section 44 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Compensation in Lieu of Paid Holidays,” be deleted in its entirety.

**SECTION 70:** Section 45 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Compensation Established,” be deleted in its entirety and replaced with the following:

Section 45: Compensation Established

In addition to the provisions of the salary ordinance, the following full-time personnel shall receive compensation to be paid annually as follows:

- A. The Fire Chief shall receive \$1,250.00 for the upkeep and purchase of uniforms, equipment, and footwear.
- B. The Chief of Police and Deputy Chief of Police shall receive \$1,250.00 for the upkeep and purchase of uniforms, equipment, and footwear.
- C. The following shall receive \$500.00 annually for the upkeep and purchase of clothing, gear, and/or footwear:
  - Building Commissioner
  - Director of Public Health
  - Director of Public Works
  - City Engineer
  - Golf Course Superintendent
  - Transfer Station Supervisor
  - Transfer Station Monitor
  - Golf Grounds Maintenance Staff
  - Golf Grounds Maintenance Working Foreman
- D. The following shall receive \$650.00 annually for the upkeep and purchase of clothing, gear, and/or footwear:
  - Golf Motor Equipment Working Foreman

- Golf Motor Equipment Repairmen

**SECTION 72:** Section 47 of Chapter 171 of the Code of the City of Gardner, thereof entitled “New Employees,” be deleted in its entirety and replaced with the following:

Section: 44: New Employees

Any newly appointed full-time employee as referenced above shall receive clothing/uniform allowance prorated quarterly for the balance of the remaining fiscal year at the time of their appointment.

**SECTION 73:** Section 52 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Department Heads,” be amended by replacing “Council on Aging Director,” with “Senior Center Director.”

**SECTION 74:** Section 52 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Department Heads,” be amended by adding “Director of Cable Operations” above “Director of Community Development and Planning.”

**SECTION 75:** Section 50(B) of Chapter 171 of the Code of the City of Gardner, thereof entitled “Benefit Time Off Requests and Reporting,” be deleted in its entirety and replaced with the following:

B. A Department Head will contact the Mayor’s Office and Director of Human Resources via email each morning by 8:30 a.m. when they are going to be absent from work due to illness.

**SECTION 76:** Section 53(A) of Chapter 171 of the Code of the City of Gardner, thereof entitled “Vacation,” be deleted in its entirety.

**Section 77:** Section 53(B) of Chapter 171 of the Code of the City of Gardner, thereof entitled “Vacation,” be deleted in its entirety and replaced with the following:

All Department Heads as defined earlier in this Chapter, shall be granted an annual vacation without loss of pay as follows:

- Regularly employed for one (1) to four (4) years shall be entitled to Four (4) weeks or twenty (20) working days.
- Regularly employed for five (5) to nine (9) years shall be entitled to five (5) weeks or twenty-five (25) working days
- Regularly employed for ten (10) to fourteen (14) years shall be entitled to six (6) weeks or thirty (30) working days
- Regularly employed for fifteen (15) to nineteen (19) years shall be entitled to seven (7) weeks or thirty-five (35) working days

- E. Regularly employed for twenty (20) years or more shall be entitled to eight (8) weeks or forty (40) working days.

**SECTION 78:** Section 53(E) of Chapter 171 of the Code of the City of Gardner, thereof entitled, "Vacation" be amended by replacing the schedule of time with the following:

| First day of Employment    | Number of Vacation Days |
|----------------------------|-------------------------|
| January 1 to April 30      | 20 Days                 |
| May 1 to August 31         | 15 Days                 |
| September 1 to December 31 | 10 Days                 |

**SECTION 79:** Section 54 of Chapter 171 of the Code of the City of Gardner, thereof entitled, "Personal Time," be deleted in its entirety and replaced with the following:

- A. Department heads shall be granted five (5) personal days (equivalent to 40 hours) per calendar year. Personal days shall be credited to department heads on January 1 of each year. Personal days are not cumulative and must be used in the calendar year in which they have been credited.
- B. Upon termination, resignation, or retirement, the annual allotment of personal time for the year in which the department head's employment ends shall be prorated from the date the department head's employment ends as follows:
- January 1<sup>st</sup> through March 31<sup>st</sup>: Five (5) Days
  - April 1<sup>st</sup> through June 30<sup>th</sup>: Four (4) Days
  - July 1 through September 30<sup>th</sup>: Three (3) Days
  - October 1<sup>st</sup> through December 31<sup>st</sup>: One (1) Day
- C. Newly hired department heads shall be granted personal leave according to the following schedule:

| First Day of Employment  | Number of Personal Days |
|--------------------------|-------------------------|
| January 1 to March 31    | 5                       |
| April 1 to June 30       | 4                       |
| July 1 to September 30   | 3                       |
| October 1 to December 31 | 2                       |

**SECTION 80:** Section 55 of Chapter 171 of the Code of the City of Gardner, thereof entitled "Sick Leave," be amended by deleting subsections C and D in their entirety and replacing them with the following:

- C. Department heads shall be granted a maximum of twenty (20) nonoccupational sick days per calendar year. Sick Days shall be credited on January 1 of each year. Department heads may carry an unlimited number of

sick days. Newly hired (hired from outside of the City and not promoted within) department heads shall be granted nonoccupational sick days prorated quarterly based on their date of hire.

D. A department head that has been absent from work due to the use of nonoccupational sick leave for three (3) consecutive days or more at one time must present a doctors note to the Human Resources Director. A doctor's note may also be required if the Mayor has reasonable cause to believe that the department head may be abusing their nonoccupational sick leave.

**SECTION 81:** Section 56 of Chapter 171 of the Code of the City of Gardner, thereof entitled "Sick Leave Incentive Time," be deleted in its entirety and replaced with the following:

Effective January 1, 2024, department heads that do not use sick leave in a calendar month shall earn ½ day off (equal to four (4) hours) not to be charged to sick leave or vacation leave. Time earned in this manner shall be referred to as "sick leave incentive time."

**SECTION 82:** Section 57 of Chapter 171 of the Code of the City of Gardner, thereof entitled, "Sick Leave Buy Back," be amended by adding the following after the phrase "but not to exceed 130 days,"

(equivalent of 90 days of full pay total- 50 full days and 80 days at 50%)

**SECTION 83:** Section 58 of Chapter 171 of the Code of the City of Gardner, thereof entitled "Bereavement Leave" be deleted in its entirety and replaced with the following:

- A. Department Heads shall be granted bereavement leave without loss of regular straight-time pay for normally scheduled working hours as follows:
- 4) Five (5) consecutive days for the death of an immediate family member of the employee, which shall include a spouse, parent, step-parent, sibling, step sibling, children, step-children, or a person living in the immediate household of the employee.
  - 5) Three (3) consecutive days for the death of family members of the employee, which shall include parent of spouse or grandparent.
  - 6) Two (2) consecutive days for an employee's niece, nephew, sibling in-law, child in-law, aunt, or uncle.
- D. If there is a delay in scheduling services, the employee may request a delay in their use of this benefit until that time. This request should be directed to the Mayor



- E. For the purposes of this section, miscarriage of pregnancy shall be an eligible use for bereavement leave as defined in the schedule of time previously listed.

**SECTION 84:** Section 60 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Holidays with Pay,” be amended by removing the phrase “with the exception of the Police Chief and Fire Chief (See Article X of this Chapter).”

**SECTION 85:** Section 60 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Holidays with Pay,” be amended by adding “(6) Juneteenth” between Memorial Day and Independence Day and the following renumbered accordingly.

**SECTION 86:** Section 60 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Holidays with Pay,” be amended by adding the following subsection C:

C. Department Heads shall have the Friday after Thanksgiving off (not defined as a holiday).

**SECTION 87:** Section 63(A) of Chapter 171 of the Code of the City of Gardner, thereof entitled “Fire Chief,” be amended by replacing the words, “A Fire Chief,” with the phrase “A Fire Chief, hired before July 1, 2024.”

**SECTION 88:** Section 63 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Fire Chief,” be amended by adding the following subsection C:

C. A Fire Chief hired on or after July 1, 2024 will not be eligible for this benefit as it will be included in the annual compensation schedule for this position. Nothing in this section shall apply to a fire chief who held the position prior to July 1, 2024 and is being consecutively re-appointed to the position.

**SECTION 89:** Section 64 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Chief of Police and Deputy Chief of Police,” be deleted in its entirety.

**SECTION 90:** Severability

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**SECTION 91:** This ordinance shall become effective upon the stated dates listed in the sections above or on January 1, 2025 if no date is specified in that specific section, following passage and publication as required by law.

**Elizabeth Doiron**

---

**From:** George Tyros  
**Sent:** Thursday, August 1, 2024 10:24 AM  
**To:** Elizabeth Kazinskas  
**Cc:** Elizabeth Doiron  
**Subject:** Request to Add Item  
**Attachments:** Motion to Amend 11256.pdf

Madam President,

I request the attached item be added to the August 5<sup>th</sup> 2024 agenda.

Thank you,  
George

Motion to Amend Something Previously Adopted: Item 11256

The resolution passed on June 17th, 2024, is hereby amended by adding the following section:

**NOW, THEREFORE, BE IT NOW RESOLVED**, that the Council shall empower the Council President to implement this dedication in a physical display, and is empowered to take any other actions that may be required to fulfill this dedication.

11256

**RESOLUTION**

*Whereas* Ronald F. Cormier 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. Cormier 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 AUG - 1 AM 10:58  
CITY CLERK'S OFFICE  
GARDNER, KS

August 1, 2024

Commonwealth of Massachusetts

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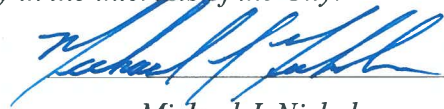
2024 JUL 15 PM 12:33

CITY CLERK  
City of Gardner

Worcester County

CERTIFICATE OF APPOINTMENT

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

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

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

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

Expires: August 1, 2027

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

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

Before me,

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

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

August 1, 2024

# Commonwealth of Massachusetts

RECEIVED

2024 JUL 15 PM 12:33

CITY CLERK'S OFF

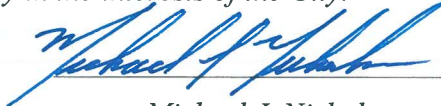
City of Gardner

Worcester County

## CERTIFICATE OF APPOINTMENT

I appoint Corey Hasselmann to the position of Veterans' Agent/Veterans' Burial Agent 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: August 1, 2025

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

Then personally appeared the above named Corey Hasselmann and made oath that he/she would faithfully and impartially perform the duties of the office of Veterans' Agent/ Burial Agent 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 \_\_\_\_\_

August 1, 2024

# Commonwealth of Massachusetts

Worcester County

RECEIVED  
2024 JUL 15 PM 12:33  
City of Gardner  
CITY CLERK'S OFFICE  
GARDNER, MA

## CERTIFICATE OF APPOINTMENT

I appoint Amanda Morse to the position of Director of Human Resources, and I certify

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

 Mayor  
Michael J. Nicholson

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

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

Expires: August 1, 2027

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

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

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

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_



August 1, 2024

# Commonwealth of Massachusetts

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CITY CLERK'S OFFICE  
CITY OF GARDNER

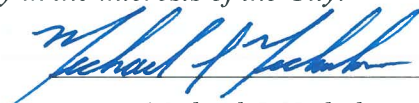
Worcester County

City of Gardner

## CERTIFICATE OF APPOINTMENT

I appoint Amanda Morse to the position of Member, Disability Commission, and I certify

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

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

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

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

Expires: August 1, 2027

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

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

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

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

August 1, 2024

# Commonwealth of Massachusetts

RECEIVED

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CITY CLERK'S OFFICE

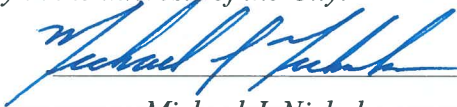
City of Gardner

Worcester County

## CERTIFICATE OF APPOINTMENT

I appoint **Richard Hanks** to the position of **Member, Zoning Board**, and I certify

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

 Mayor  
Michael J. Nicholson

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

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

Expires: August 1, 2027

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

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

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

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

August 1, 2024

RECEIVED

# Commonwealth of Massachusetts

2024 JUL 15 PM 12:33

CITY CLERK'S OFFICE


City of Gardner

Worcester County

## CERTIFICATE OF APPOINTMENT

I appoint **Robert Rice** to the position of **Alternate Member, Zoning Board**, and I certify

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

 Mayor  
Michael J. Nicholson

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

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

Expires: August 1, 2025

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

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

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

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

June 25, 2024

RECEIVED

Commonwealth of Massachusetts

2024 JUL 15 PM 12:33

CITY CLERK'S OFFICE

Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Chris Caisse to the position of Member, Bandstand Committee, 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
Michael J. Nicholson

Confirmed by City Council

Titi Siriphan City Clerk

Expires: June 25, 2027

Worcester, ss.,

Then personally appeared the above named Chris Caisse and made oath that he/she would faithfully and impartially perform the duties of the office of Member, Bandstand Committee 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

August 1, 2024

RECEIVED

# Commonwealth of Massachusetts

2024 JUL 15 PM 12:33

CITY CLERK'S OFFICE

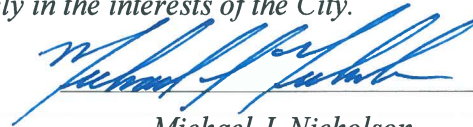
*Worcester County*

*City of Gardner*

## CERTIFICATE OF APPOINTMENT

I appoint Raymond Lafond to the position of Member, Zoning Board, and I certify

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

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

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

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

Expires: August 1, 2027

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

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

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

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

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

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

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

| <u>Name of Street</u> | <u>Side</u> | <u>Location</u>                                        |
|-----------------------|-------------|--------------------------------------------------------|
| Douglas Rd            | South       | From Coleman Street westerly for a distance of 30 feet |





CITY OF GARDNER POLICE DEPARTMENT  
 200 Main Street  
 Gardner, MA 01440  
 Phone (978) 632-5600  
 Fax (978) 630-9045



Eric P. McAvene  
 Chief of Police

Nicholas P. Maroni  
 Deputy Chief of Police

Date: 12/5/2023

To Councilor Cormier, Committee Chairman, and members of the Public Safety Committee,

The Traffic Committee met on November 28, 2023 and discussed a few changes and recommendations to increase the safety of the City's roadways. The following are the changes and recommendations the Traffic Committee voted on, unanimously (6 of 6) to send to the Public Safety Committee for review.

1. City Ordinance change to §600-24 (Parking prohibited on certain Streets) due to parking spots being eliminated by new construction around Monument Park.

| <b>Name of Street</b> | <b>Side</b> | <b>Location</b>                   |
|-----------------------|-------------|-----------------------------------|
| Park Street           | South       | From Cottage Street to Central St |

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

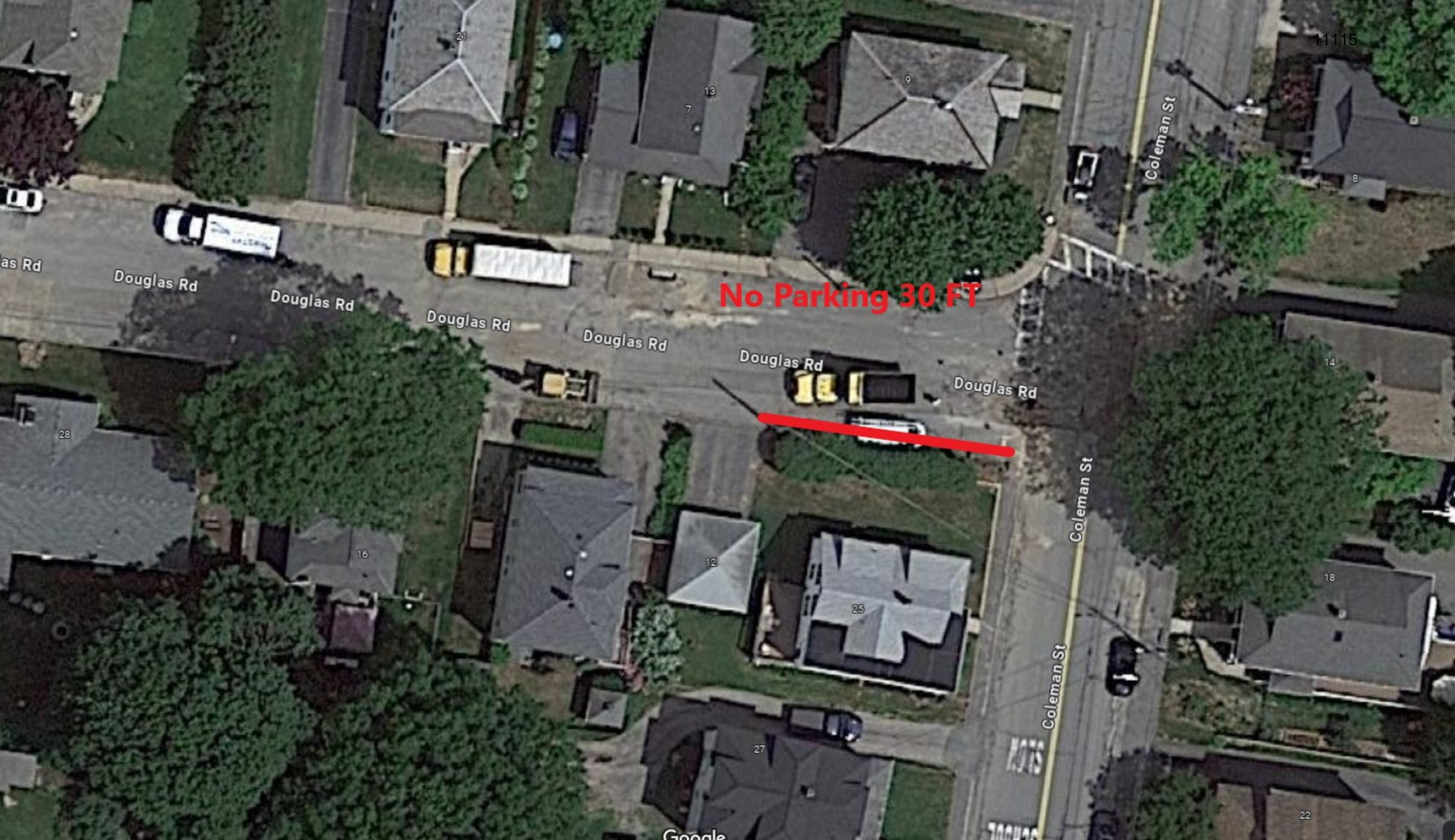
The commission appreciates your attention to these matters and members can be made available if further clarification is needed. Photos of the proposed areas have been attached.

Respectfully Submitted,

Nicholas Maroni  
 Deputy Chief of Police/ Traffic Committee Commissioner

CC: Traffic Commission members, City Clerk





No Parking 30 FT

Douglas Rd

Douglas Rd

Douglas Rd

Douglas Rd

Douglas Rd

Douglas Rd

Coleman St

Coleman St

Coleman St



Cherry St

Westford St

**No parking**

Comee St

Edgell St

Edgell St

Westford St

Edgell St

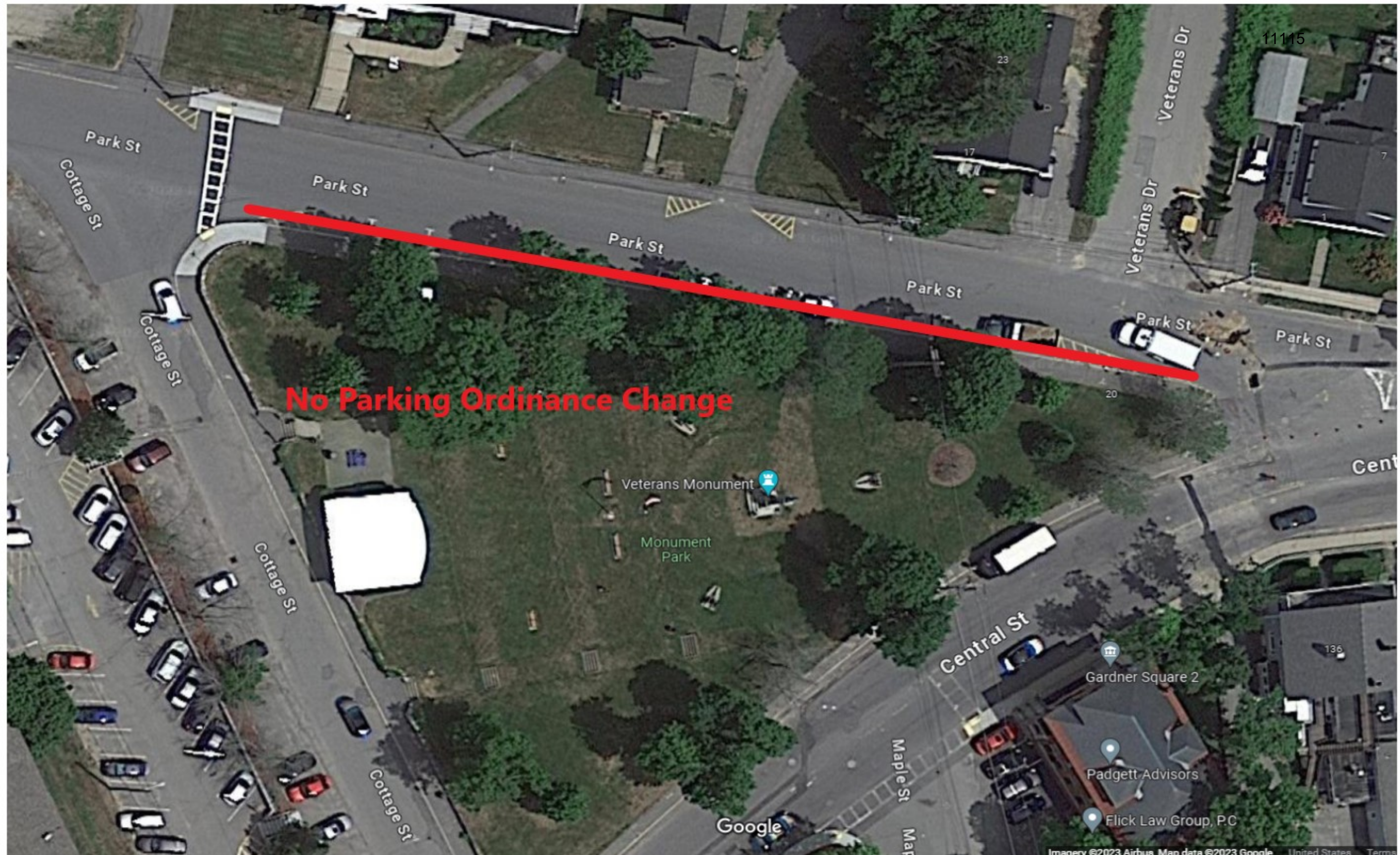
Lawrence St

Edgell St

Edgell St







**No Parking Ordinance Change**

Veterans Monument

Monument Park

Google

Gardner Square 2

Padgett Advisors

Flick Law Group, P.C



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.



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



June 13, 2024

Chairwoman Judy Mack  
 Welfare Committee  
 And City Councilors  
 Gardner City Hall, Rm. 121  
 95 Pleasant St.  
 Gardner, MA 01440

**RE:** Item # 11211: An Ordinance to Amend the Code of the City of Gardner, to add a new Chapter 15 to be entitled "Agricultural Commission"

Dear Madam Chairwoman and Councilors,

I am writing to provide my insight into the above-referenced ordinance amendment. Section 2. (a) of the proposed ordinance states the following...

**2. The Agricultural Commission shall have the authority to:**

a. *Investigate, study, and make recommendations concerning agricultural issues within the City of Gardner and advise the Mayor, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, Board of Assessors, and other local organizations on projects and activities.*

It should be noted that the enforcement of agricultural uses within the city of Gardner is under the jurisdiction of the Building Department, specifically the Building Commissioner and Local Inspectors as outlined in section 7 of chapter 40A of the general laws of the state of Massachusetts.

Enforcement of nuisances caused by the odor associated with the spreading of manure, or noise in excess of the generally acceptable farming procedures would be the immediate jurisdiction of the Health Director or his/her designee.

This is important to mention as there is no reference to communication between the Agricultural Commission and the Building or Health Departments in the proposed ordinance. I must stress the importance of initial and continued communication between the commission and the departments charged with enforcing the laws of the Commonwealth and ordinances of the City of Gardner.

**Mission Statement**

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

Having provided the information above, I feel it is also important to mention that a well-run Agricultural Commission working closely with other commissions and departments, combined with a carefully thought-out agricultural plan is an import step in the right direction to continue moving Gardner forward.

Please accept this communication as my support for the proposed amendment to the Code of the City of Gardner.

Respectfully submitted,



**Thomas Zuppa, CBO**  
Building Commissioner  
Zoning Enforcement Officer  
City of Gardner Building Department  
Phone: [978-630-4060](tel:978-630-4060)  
Email: [tzuppa@gardner-ma.gov](mailto:tzuppa@gardner-ma.gov)  
115 Pleasant St. Rm. 101 Gardner, MA 01440

C: Mayor Michael J. Nicholson  
C: Council President Elizabeth Kazinskas

**Titi Siriphan**

---

**From:** Michael Nicholson <mnicholson367@gmail.com>  
**Sent:** Monday, May 20, 2024 9:03 AM  
**To:** Judy Mack; Titi Siriphan  
**Subject:** [EXTERNAL] Fwd: Agricultural Commission

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

Good Morning Councilor Mack,

This was sent to my old personal email account.

Best,

Mike

----- Forwarded message -----

**From:** [lrlafond@verizon.net](mailto:lrlafond@verizon.net) <[lrlafond@verizon.net](mailto:lrlafond@verizon.net)>  
**Date:** Wed, May 8, 2024 at 7:45 PM  
**Subject:** Agricultural Commission  
**To:** Michael Nicholson <[mnicholson367@gmail.com](mailto:mnicholson367@gmail.com)>

Honorable Mayor Nicholson,

I have just completed a review of the proposed Agricultural Commission .

I am totally in favor of the establishment of this commission.

It will provide guidance in the agricultural arena, provide oversight and be an educational tool for many including small gardeners like myself.

Sincerely,

Ray

--  
Michael J. Nicholson  
Town Administrator  
Rutland Community Hall  
250 Main St  
Rutland, MA 01543  
508-886-4131







Mayor Mike Nicholson Office of the Mayor of Gardner, MA, 01440

Subject: Proposal for Gardner Agricultural Commission - Farmers' Market Oversight and Education

Subject: Support for Gardner Agricultural Commission (AgCom) Proposal

Dear Mayor Mike,

As a proud resident of Gardner, I am wholeheartedly in favor of establishing a Gardner Agricultural Commission (AgCom) with a specific focus on overseeing our farmers' market, crafting essential by-laws, and integrating educational outreach. Gardner, contrary to common misconceptions, is home to a thriving agricultural sector that deserves acknowledgment.

The development of clear by-laws by the AgCom is crucial to ensuring the fair and effective operation of our farmers' market. This initiative will actively support local farmers, improve access to locally sourced foods, and enhance community engagement. It aligns perfectly with AgCom's broader mission to provide a local voice for farmers and promote the visibility of farming in our community.

Moreover, integrating educational outreach initiatives will be pivotal in dispelling misconceptions about the absence of farms in our town. The AgCom's efforts can spotlight the diverse agricultural activities taking place, fostering a more informed understanding among residents.

I am confident that the Gardner AgCom, with its emphasis on farmers' market oversight and education, will significantly contribute to the growth and recognition of our local agricultural community. I urge the Town Council to consider and endorse this comprehensive proposal, recognizing its potential to showcase Gardner's agricultural richness and improve access to these valuable resources.

Thank you for your time and consideration.

Sincerely,

*Shelby Chappell*

Date 12/14/23

Your Name Shelby Chappell

Address 547 Partridge St. Gardner, MA 01440

Mayor Mike Nicholson Office of the Mayor of Gardner, MA, 01440

Subject: Proposal for Gardner Agricultural Commission - Farmers' Market Oversight and Education

Subject: Support for Gardner Agricultural Commission (AgCom) Proposal

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I 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

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I urge the Town Council to consider and endorse this comprehensive proposal, recognizing its potential to showcase Gardner's agricultural richness and improve access to these valuable resources.

Thank you for your time and consideration.

Sincerely,

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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I urge the Town Council to consider and endorse this comprehensive proposal, recognizing its potential to showcase Gardner's agricultural richness and improve access to these valuable resources.

Thank you for your time and consideration.

Sincerely,

Date 12/14/2023  
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

Subject: Support for Gardner Agricultural Commission (AgCom) Proposal

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Thank you for your time and consideration.

Sincerely,

Date 12/14/23

Your Name Patricia A. Bergstrom Patricia A. Bergstrom

Address 194 Central St #126, Gardner MA 01440



Mayor Mike Nicholson Office of the Mayor of Gardner, MA, 01440

Subject: Proposal for Gardner Agricultural Commission - Farmers' Market Oversight and Education

Dear Mayor Mike,

As a proud resident of Gardner, I am wholeheartedly in favor of establishing a Gardner Agricultural Commission (AgCom) with a specific focus on overseeing our farmers' market, crafting essential by-laws, and integrating educational outreach. Gardner, contrary to common misconceptions, is home to a thriving agricultural sector that deserves acknowledgment.


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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 12-16-23

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.

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.

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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,

*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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I am confident that the Gardner AgCom, with its emphasis on farmers' market oversight and education, will significantly contribute to the growth and recognition of our local agricultural community. I urge the Town Council to consider and endorse this comprehensive proposal, recognizing its potential to showcase Gardner's agricultural richness and improve access to these valuable resources.

Thank you for your time and consideration.

Sincerely,



Date 12/14/2003

Your Name ANNE LEBLANC

Business Name JOHN'S SPORT SHOP

Address 38 MAIN ST GARDNER



Mayor Mike Nicholson Office of the Mayor of Gardner, MA, 01440

Subject: Support for Gardner Agricultural Commission (AgCom)

Dear Mayor Mike,

*VP of MAAC, VP 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.

*VP MAAC VP Ware County*

Through my role as ~~President of Sterling Ag and Mass Farm Bureau~~, I have dedicated myself to advancing the interests of local farmers and promoting sustainable agricultural practices. The Gardner AgCom and Farmers Market represent a significant step towards realizing our common objectives and fulfilling our mission.

The goals outlined by the Gardner AgCom, particularly making fresh, healthy food more accessible, improving well-being, and building community pride and connections, deeply resonate with my dedication to supporting local farmers and sustainable agriculture.

The strategies drafted for the Gardner AgCom, such as providing resources for community gardening, promoting sustainable food practices, and facilitating direct-to-consumer sales of affordable and healthy food, strongly align with our vision for a thriving agricultural community.

I am excited about the positive impact the Gardner AgCom and Farmers Market can have on the community and am eager to collaborate in any capacity to ensure its success. I am prepared to provide support, share resources, and actively engage in initiatives that promote healthy people and healthy communities.

Thank you for your commitment to this valuable project, and we look forward to the positive changes it will bring to the community.

Sincerely,

*Michael S. Pineo*

~~Mike Pineo~~

Pineo Family Farm  
~~MA Farm Bureau~~

~~Sterling Agriculture Commission President~~  
~~President, Sterling Agricultural Commission~~

978-833-6574

*MAAC VP Ware County Farm Bureau VC Sterling Ag Comm. member LFW Steering Committee*



Mayor Mike Nicholson Office of the Mayor of Gardner, MA, 01440

Subject: Support for Gardner Agricultural Commission (AgCom) Proposal

December 17, 2023

Dear Mayor Nicholson,

As a recent purchaser of a farm and garden business in Gardner, we wholeheartedly support the establishment of a Gardner Agricultural Commission (AgCom) with a specific focus on overseeing the Gardner's farmers' market, crafting essential by-laws, and integrating agricultural educational outreach. Contrary to common misconceptions, Gardner boasts a thriving agricultural sector that deserves acknowledgment. We know because a lot of that energy flows through our store.

The creation of clear by-laws by the AgCom is vital for ensuring the fair and effective operation of Gardner's farmers' market. This initiative will actively support local farmers, improve access to locally sourced foods, and enhance community engagement, aligning seamlessly with AgCom's broader mission to provide a local voice for farmers and promote the visibility of farming in our community.

Furthermore, the integration of educational outreach initiatives will play a pivotal role in dispelling misconceptions about the absence of farms in our town. The AgCom's efforts will spotlight the diverse agricultural activities taking place, fostering a more informed understanding among residents.

We're confident that the Gardner AgCom, with its emphasis on farmers' market oversight and education, will significantly contribute to the growth and recognition of Gardner's agricultural community. We urge the Town Council to consider and endorse this comprehensive proposal, recognizing its potential to showcase Gardner's agricultural richness and improve access to locally grown products of all kinds from food to flowers, fibers to forage, fats to fuel.

Thank you for your time and consideration.

Sincerely,



ML Altobelli

The Good Earth Farm and Garden Center

633 West Broadway

Gardner, MA 01440



Mayor Mike Nicholson Office of the Mayor of Gardner, MA, 01440  
Subject: Letter of Support for Gardner Agricultural Commission (AgCom)

Dear Mayor Mike,

I am writing this letter on behalf of Growing Places to express our wholehearted support for the establishment of the Gardner AgCom. We believe that this initiative aligns seamlessly with our shared mission and goals in promoting equitable access to healthy food and environmental sustainability.

At Growing Places, our mission is to inspire and connect the North Central MA community to create equitable access to healthy food and environmental sustainability through education, collaboration and advocacy. The Gardner AgCom represents a crucial step towards achieving our shared goals and fulfilling our mission.

The goals outlined by the Gardner AgCom, particularly in supporting the small farmers and making fresh, healthy food more accessible, improving well-being, and building community pride and connections, resonate deeply with our organizational objectives. We understand the importance of fostering healthy habits, increasing social connections, and advocating for a socially just regional food system.

The strategies employed by the Gardner AgCom, including providing educational resources for our community, promoting sustainable food practices, and increasing access to fresh affordable healthy local food, strongly align with our values and direct services. We appreciate the commitment to building cultural knowledge and competency, as well as securing the necessary resources to serve the mission effectively.

We are excited about the positive impact the Gardner AgCom can have on the community and look forward to aligning our efforts to ensure its success. Thank you for your commitment to our local food system and this valuable policy and system change for the City.

Sincerely,

A handwritten signature in black ink that reads "Ayn Yeagle". The signature is fluid and cursive, with the first name "Ayn" and last name "Yeagle" clearly distinguishable.

Date: 12/21/2023

Name: Ayn Yeagle - Growing Places, Executive Director

Address: 325 Lindell Ave, Leominster, MA 01453

208 Coleman Street  
Gardner, MA 01440  
P: 978-632-0934  
F: 978-630-3337



11211

I/DD Services  
SUD Services  
Transit Services  
[www.gaamha.org](http://www.gaamha.org)

December 12, 2023

Mayor Michael J. Nicholson  
City of Gardner  
95 Pleasant St.  
Room 125  
Gardner, MA 01440

Dear Mayor Nicholson,

I am writing to you to express GAAMHA's emphatic support for the establishment of a Gardner Agricultural Commission (AgCom) with a specific focus on overseeing our farmers' market, crafting essential by-laws, and integrating educational outreach. Contrary to common misconceptions, Gardner boasts a thriving agricultural sector that deserves acknowledgment.

As you are aware, GAAMHA is an active participant in this sector and is using agriculture as a modality to improve the lives of local youth and adults experiencing challenges related to substance use and mental health. Our program participants at our Evergreen Grove campus on Green St have recently begun growing specific crops in collaboration with Growing Places which will be made available to local residents and create revenues that will help support our non-profit mission. Additionally, GAAMHA is currently exploring our capacity to act as an institutional purchaser of locally grown produce in an effort to provide healthy, locally grown food for our residential programs and strengthen our local economy.

The creation of clear by-laws by the AgCom is vital for ensuring the fair and effective operation of our farmers' market. This initiative will actively support local farmers, improve access to locally sourced foods, and enhance community engagement, aligning seamlessly with AgCom's broader mission to provide a local voice for farmers and promote the visibility of farming in our community.

Furthermore, the integration of educational outreach initiatives will play a pivotal role in dispelling misconceptions about the absence of farms in our town. The AgCom's efforts can spotlight the diverse agricultural activities taking place, fostering a more informed understanding among residents.

I am confident that the Gardner AgCom, with its emphasis on farmers' market oversight and education, will significantly contribute to the growth and recognition of our local agricultural

208 Coleman Street  
Gardner, MA 01440  
P: 978-632-0934  
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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.