

City of Gardner, Massachusetts Office of the City Council

CALENDAR FOR THE MEETING of MONDAY, OCTOBER 21, 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)

- June 3, 2024, Regular Meeting
- June 17, 2024, Regular Meeting

## VII. PUBLIC HEARINGS

**11326** – A Petition by National Grid, Elm Street and Cross Street -relocate pole 1SO pole approximately 15 feet. (*In the City Council and Referred to the Service Committee 8/5/2024; More Time 9/4/2024, 9/16/2024; Public Hearing Required) Page 29 of packet* 

## VIII. COMMUNICATIONS FROM THE MAYOR

## <u>ORDERS</u>

- 11404 An Order to Raise and Appropriate \$157,951.00 for the Debt Service Department for Operating Expenditure Budget for the Fiscal Year Beginning July 1, 2024, to June 30, 2025. (*Finance Committee*) Page 36 of packet
- 11405 An Order Authorizing \$16,626.86 Payment of Prior Year Expenditure for Public Building Utilities. *(Finance Committee) Page 39 of packet*

## **COMMUNICATIONS**

- 11406 A Communication from the Mayor Requesting the Scheduling of the FY2025 Tax Classification Hearing to Determine and Set the Residential Factor for Real Estate Taxation. Page 79 of packet
- 11407 A Measure Authorizing a Five (5) Year Contract for School Transportation Services. *(Finance Committee) Page 117 of packet*
- 11408 An Order Accepting the Provisions of Section 5N of Chapter 59 of the General Laws, to Establish a Veteran Property Tax Work-Off Program. *(Finance Committee) Page 120 of packet*
- 11409 A Communication from the Mayor Regarding the Certification of FY2024 Free Cash. *(Finance Committee) Page 137 of packet*
- 11410 A Communication from the Mayor Regarding the Certification of FY2024 Enterprise Fund Retained Earnings. *(Finance Committee) Page 140 of packet*
- 11411 A Communication from the Mayor Regarding the Updated Final Budget and Assessment for the Monty Tech School District. *Page 142 of packet*
- 11412 A Communication from the Mayor Regarding the Demolition of 73 Stuart Street. *Page 144 of packet*
- 11413 A Communication from the Mayor Regarding Demographic of Gardner Public Schools Population. *Page 145 of packet*

## **APPOINTMENTS**

11414 – A Measure Confirming the Mayor's Appointment of Paul Gaj, to the position of Historical Commission Member, for a term expiring October 16, 2027.
 Page 151 of packet

## **ORDINANCES**

- 11415 An Ordinance to Amend the Code of the City of Gardner, Chapter 477, thereof entitled "Mobile Homes and Trailers." (*Public Safety Committee*) *Page 154 of packet*
- 11416 An Ordinance to Amend the Code of the City of Gardner, Chapter 600, thereof entitled "Vehicles and Traffic," to add a new Section 21 to be entitled "Parking Meter Fees Waived." (*Public Safety Committee*) Page 159 of packet

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

 11417 – A Petition by National Grid. City Hall Ave – To install underground facilities. Install 1 Pad-mounted transformer and ~20' of conduit in the parking lot off Main Street and Pleasant Street, Gardner, MA. (Public Service Committee; Public Hearing Required) Page 161 of packet

## 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, 8/5/2024, 9/4/2024, 9/16/2024, 10/7/2024) Page 166 of packet
- 11402 An Order Authorizing the City to Enter into a 5-year Contract for Grant Writing and Government Outreach Services. (In the City Council and Referred to Finance Committee 10/7/2024) Page 404 of packet

## SAFETY COMMITTEE

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, 8/5/2024, 9/4/2024, 9/16/2024, 10/7/2024) Page 407 of packet

## <u>SERVICE COMMITTEE</u>

11326 – A Petition by National Grid, Elm Street and Cross Street -relocate pole 1SO pole approximately 15 feet. (In the City Council and Referred to the Service Committee 8/5/2024; More Time 9/4/2024, 9/16/2024, 10/7/2024; Public Hearing Required) Page 29 of packet

11385 – A Measure to Grant National Grid an Easement to Install a Transformer at 95 Pleasant Street. (In the City Council and Referred to Service Committee 9/4/2024; More Time 9/16/2024, 10/7/2024) Page 409 of packet

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

#### XII. NEW BUSINESS

## XIII. COUNCIL COMMENTS AND REMARKS

## XIV. CLOSING PRAYER

## XV. ADJOURNMENT

Items listed on the Council Calendar are those reasonably anticipated by the Council President to be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.



IN CITY COUNCIL

## **REGULAR MEETING OF JUNE 3, 2024**

Regular 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

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 <u>Open Meeting Recording and Public</u> <u>Records Announcement</u>. 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.

Steve Landry of the Gardner News announced he was recording the meeting. Paul DeMeo of 9 Willis Road, Gardner, MA announced he was recording the meeting. Cindy Warren, 92 Chestnut Street, Gardner, MA

## **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



IN CITY COUNCIL

## **REGULAR MEETING OF JUNE 3, 2024**

Judy Mack, Paul Tassone, David Thibault-Muñoz and George Tyros to waive the reading and accept the MINUTES of March 18, 2024, Regular Meeting and December 4, 2023, Executive Session.

## COMMMUNICATIONS FROM THE MAYOR ORDERS

#### #11292

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 \$320,000 FROM FREE CASH TO THE DPW SNOW AND ICE REMOVAL EXPENSE ACCOUNT

#### ORDERED:

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

#### #11293

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 \$35,000 FROM FREE CASH TO DPW REPAIRS AND MAINTENANCE EXPENSE ACCOUNT

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



IN CITY COUNCIL

**REGULAR MEETING OF JUNE 3, 2024** 

#### #11294

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 \$24,000 FROM FREE CASH TO DPW ENERGY AND UTILITIES ACCOUNT.

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

## #11295

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 APPROPRIATING \$50,000 FROM FREE CASH TO MAYOR'S UNCLASSIFIED TERMINATION LEAVE EXPENSE ACCOUNT.

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

## #11296

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 APPROPRIATING \$4,000 FROM FREE CASH TO AMBULANCE REPAIRS AND MAINTENANCE ACCOUNT



## IN CITY COUNCIL

## REGULAR MEETING OF JUNE 3, 2024

ORDERED: That there be and is hereby appropriated the sum of Four Thousand Dollars and No Cents (\$4,000.00) from Free Cash to the Ambulance repairs and Maintenance Account.

## #11**297**

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 APPROPRIATING \$7,000 FROM FREE CASH TO AIRPORT VARIOUS EXPENSE ACCOUNTS.

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

## COMMMUNICATIONS FROM THE MAYOR APPOINTMENTS

## #11298

On a motion made by Councillor George Tyros and seconded by Councillor Aleksander Dernalowicz, it was voted to remove from the calendar, A Measure Confirming the Mayor's Appointment of Dr. Stephanie Marchetti, to the position of Redevelopment Authority Member, for term expiring July 1, 2029.

Councillor George Tyros informed the Council that membership to the Redevelopment Authority is restricted to City residents. With Dr. Marchetti not being a resident, he would like to express her interest in helping the Gardner community.

11 yeas, motion passes

## 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."* 



## IN CITY COUNCIL

## **REGULAR MEETING OF JUNE 3, 2024**

There were no objections, more time was granted.

## #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 second and final printing the following ordinance:

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:

<u>SECTION 1:</u> 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 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



IN CITY COUNCIL

## **REGULAR MEETING OF JUNE 3, 2024**

<u>SECTION 2:</u> This ordinance shall take effect upon passage and publication as required by law.

#### #11286

Councillor Judy Mack 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 not objections, more time was granted.

#### #11289

Councillor Judy Mack requested more time on, *An Ordinance to Amend the Code of the City of Gardner, Part 1, thereof entitled "Administrative Legislation."* 

There were no objections, more time was granted.

## <u>REPORTS OF STANDING COMMITTEES</u> <u>APPOINTMENTS COMMITTEE</u>

#### #11139

Motion made by Councillor George Tyros, seconded by Councillor Aleksander Dernalowicz, to remove from the calendar, *A Measure Confirming the Mayor's Appointment of Robert Bettez, to the position of Planning Board Member, for term expiring January 4, 2027.* 

Councillor George Tyros informed the Council that Mr. Bettez has filed his resignation from the board.

11 yeas, motion passes.

#### #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.



IN CITY COUNCIL

## **REGULAR MEETING OF JUNE 3, 2024**

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.

There were no objections. More time was granted.

## <u>REPORTS OF STANDING COMMITTEES</u> <u>SAFETY COMMITTEE</u>

#### #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.



IN CITY COUNCIL

**REGULAR MEETING OF JUNE 3, 2024** 

#### #11276

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

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: <u>SECTION 1.</u> 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:

Section 182-4: The Zoning Board of Appeals, hereinafter called the "Board", shall consist of five persons, at least 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.

**<u>SECTION</u> 2**. This Ordinance shall take effective upon passage and publication as required by law.

## **COMMITTEE OF THE WHOLE**

## #11261

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:

A Measure Authorizing FY2025 Revolving Funds for the City Pursuant To Massachusetts General Laws, Chapter 44, Section 53E <sup>1</sup>/<sub>2</sub>.



IN CITY COUNCIL

## **REGULAR MEETING OF JUNE 3, 2024**

ORDERED: To Authorize and direct the City Treasurer to establish the following revolving funds for the fiscal year beginning July 1, 2024, to June 30, 2025, in accordance with M.G.L. Chapter 44, section 53E1/2

## #11262

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

ORDERED: To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2024 to June 30, 2025 sums as designated for the expenditures of the various departments, Salary and Labor budgets, according to the detailed schedule hereto annexed and made part of this money order in the amount of Thirteen Million, Six Hundred Sixty Five Thousand, Four Hundred, Fourteen Dollars 45/100 Cents (\$13,655,414.45)

## #11263

On a motion made by Councillor Aleksander Dernalowicz 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, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, David Thibault-Muñoz and George Tyros; one (1) nay, Councillor Karen Hardern, that the following order ought to pass:

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

*ORDERED:* To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2024 to June 30, 2025 sums as designated for the expenditures of the various departments, other than what was presented to City Council in the Salary and Labor budget, according to the detailed schedule hereto annexed and made a part of this money order in the amount of TWENTY-SEVEN MILLION, THIRTY-FOUR THOUSAND, ONE HUNDRED TWENTY-TWO DOLLARS 27/100 CENTS (\$27,034,122.27)



## IN CITY COUNCIL

**REGULAR MEETING OF JUNE 3, 2024** 

## #11264

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

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

## #11265

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

ORDERED: That there be and hereby appropriated for the Fiscal Year beginning July 1, 2024 to June 30, 2025 the sum of Two Hundred One Thousand, One Hundred Sixty Three Dollars 73/100 (\$201,162.73) from Available Funds-Cable Commission Fees Reserved to the Cable Commission budget. Any unused funds will revert back to the Cable Commission Fees Reserved Fund at the year end.

## #11266

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



IN CITY COUNCIL

## REGULAR MEETING OF JUNE 3, 2024

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

## ORDERED:

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

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

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

## #11267

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 APPROPRIATING THE SUM OF \$170,000.00 FROM AVAILABLE FUNDS -BONDS PROCEEDS RESERVED TO INTEREST-OUTSIDE DEBT FOR THE FISCAL YEAR BEGINNING JULY 1, 2024, TO JUNE 30, 2025.



## IN CITY COUNCIL

## **REGULAR MEETING OF JUNE 3, 2024**

*ORDERED:* That there be and is hereby appropriated for the Fiscal Year beginning July 1, 2024, to June 30, 2025 the sum of One Hundred Seventy Thousand Dollars and 00/100 Cents (\$170,000.00) from Available Funds-Bonds Proceeds Reserved to Interest-Outside Debt.

## #11**268**

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

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

## #11269

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

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

## #11287

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor George Tyros, it was voted to send to first printing, An Ordinance to Amend the Code of the City of Gardner, Chapter 171, thereof entitled "Personnel" to change the compensation schedule, Exhibit E Non-Union Personnel.



IN CITY COUNCIL

REGULAR MEETING OF JUNE 3, 2024

## **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 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 adjourn at 8:03 p.m.

Accepted by the City Council:



IN CITY COUNCIL

## **REGULAR MEETING OF JUNE 17, 2024**

Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, June 17, 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 <u>Open Meeting Recording and Public</u> <u>Records Announcement</u>. 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.

## COMMMUNICATIONS FROM THE MAYOR ORDERS

#### #11299

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:



IN CITY COUNCIL

## **REGULAR MEETING OF JUNE 17, 2024**

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

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

## #11300

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 BUILDING DEMO EXPENSES ACCOUNT.

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

## #11301

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 VETERANS SERVICES BENEFIT EXPENSES ACCOUNT.

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

## #11302

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



IN CITY COUNCIL

## **REGULAR MEETING OF JUNE 17, 2024**

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 COMMUNITY DEVELOPMENT HAZARD MITIGATION PLAN GRANT CITY MATCH ACCOUNT.

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

## #11303

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 SALARIES & WAGES TO OPERATING EXPENDTURES.

## ORDERED:

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

## MINOR EQUIPMENT ENERGY & UTILITIES

\$15,000 10,000

## #11304

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:



IN CITY COUNCIL

## REGULAR MEETING OF JUNE 17, 2024

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

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

## #11311

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 FROM DPW MAINTENANCE CREW SALARIES & WAGES TO VEHICLE FUEL OPERATING EXPENDTURES.

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

## #11312

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

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

## #11313

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



IN CITY COUNCIL

## **REGULAR MEETING OF JUNE 17, 2024**

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

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

## COMMMUNICATIONS FROM THE MAYOR ORDINANCE

#### #11314

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor, Dana Heath, it was voted to send to first printing An Ordinance to Amend the Code of the City of Gardner, Section 90 of Chapter 553, Thereof Entitled, "Sewer Rates"

11 yeas, motion passes.

## COMMMUNICATIONS FROM THE MAYOR APPOINTMENTS

#### #11307

On a motion made by Councillor Brad Heglin and seconded by Councillor Dana Heath, it was voted to confirm, A Measure Confirming the Mayor's Appointment of Roger Cormier, to the position of Sergeant, permanent.

11 yeas, motion passes.

## #11308

On a motion made by Councillor Brad Heglin and seconded by Councillor Dana Heath, it was voted to confirm, A Measure Confirming the Mayor's Appointment of John Braun, to the position of Sergeant, permanent.

11 yeas, motion passes.



## IN CITY COUNCIL

## **REGULAR MEETING OF JUNE 17, 2024**

#### #11309

On a motion made by Councillor Dana Heath and seconded by Councillor George Tyros, it was voted to confirm, A Measure Confirming the Mayor's Appointment of John Czasnowski, to the position of Lieutenant, permanent.

11 yeas, motion passes.

## #11310

On a motion made by Councillor George Tyros and seconded by Councillor Aleksander Dernalowicz, it was voted to confirm, A Measure Confirming the Mayor's Appointment of Matthew Arsenault, to the position of Lieutenant, permanent.

11 yeas, motion passes.

#### #11315

On a motion made by Councillor George Tyros and seconded by Councillor Aleksander Dernalowicz, it was voted to refer to the Appointments Committee for further study and report, A Measure Confirming the Mayor's Appointment of Melory Cornett, to the position of Zoning Board Member, for term expiring June 12,2026.

11 yeas, motion passes.

## #11316

On a motion made by Councillor George Tyros and seconded by Councillor Aleksander Dernalowicz, it was voted to refer to the Appointments Committee for further study and report, A Measure Confirming the Mayor's Appointment of Laurie Wiita, to the position of Zoning Board Member, for term expiring June 12, 2027.

11 yeas, motion passes.

## COMMUNICATIONS FROM THE MAYOR COMMUNICATIONS

#### #11305

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Judy Mack, it was voted to authorize, A Measure to Accept Short-Term Rental Impact Fee MGL 64G, Sec. 3D(a).



IN CITY COUNCIL

## **REGULAR MEETING OF JUNE 17, 2024**

11 yeas, motion passes.

#### #11306

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Judy Mack, it was voted to authorize, A Measure to Accept Short-Term Rental Impact Fee MGL 64G, Sec. 3D(b).

11 yeas, motion passes.

## PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

#### #11317

Councillor David Thibault objected to, 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.

Per section 28 of the Gardner City Charter, no further action will be taken, and this item will be continued to the next city council meeting.

## #11318

On a motion made by Councillor Craig Cormier and seconded by Councillor Karen Hardern, it was voted to refer to the Safety Committee for further study and report, An Application by GameStop, Inc. #3725 for a License to deal in Secondhand Articles at 376 Timpany Blvd.

11 yeas, motion passes.

## #11319

On a motion made by Councillor Craig Cormier and seconded by Councillor Karen Hardern, it was voted to refer to the Safety Committee for further study and report, An Application by Gardner Coins & Cards, Inc., for a License to deal in Second-hand Articles at 18 Parker Street.

11 yeas, motion passes.

## #11320

On a motion made by Councillor Craig Cormier and seconded by Councillor Karen Hardern, it was voted to refer to the Safety Committee for further study and report, An Application



IN CITY COUNCIL

## **REGULAR MEETING OF JUNE 17, 2024**

by The Salvation Army – Family Store & Donation Center, for a License to deal in Secondhand Articles at 8 Union Street.

11 yeas, motion passes.

## #11321

On a motion made by Councillor Craig Cormier and seconded by Councillor Karen Hardern, it was voted to refer to the Safety Committee for further study and report, An Application by House of Peace and Education, Inc., d/b/a HOPEful Boutique, for a License to Deal in Second Hand Articles at 29 Pleasant Street.

11 yeas, motion passes.

## #11322

On a motion made by Councillor George Tyros and seconded by Councillor Craig Cormier, it was voted to place on file, Council Request for Opinion from the Law Department Follow Up.

Councillor George informed the Council that he made this request. It has been over a month from the previous vote and there has been a no show, no call, and no response from the City Solicitor on this matter. The City Clerk did reach out formally to the City Solicitor and there was still no answer.

11 yeas, motion passes.

## REPORTS OF STANDING COMMITTEES FINANCE COMMITTEE

## #11256

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor George Tyros, it was voted on call of the roll, six (6) yeas, Councillors Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, David Thibault-Muñoz, Paul Tassone; four (4) nays, President Elizabeth Kazinskas and Councillors Calvin Brooks, Brad Heglin, and George Tyros, to grant, A *Resolution to Rename the City Council Chamber "The Ronald F. Cormier Council Chamber."* 

Councillor Craig Cormier abstained.



IN CITY COUNCIL

**REGULAR MEETING OF JUNE 17, 2024** 

#### #11286

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 APPROPRIATING FROM FREE CASH TO THE MAYOR'S UNCLASSIFIED – S. GRAVES VS CITY LAWSUIT EXPENSE ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Thirty Thousand Dollars and No Cents (\$30,000.00) from Free Cash to the Mayor's Unclassified – S. Graves vs City Lawsuit Expense Account.

#### #11289

Councillor Aleksander Dernalowicz requested more time on, *An Ordinance to Amend the Code of the City of Gardner, Part 1, thereof entitled "Administrative Legislation."* 

There were no objections, more time was granted.

# REPORTS OF STANDING COMMITTEES APPOINTMENTS COMMITTEE

## #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.





## IN CITY COUNCIL

## **REGULAR MEETING OF JUNE 17, 2024**

#### #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.* 

There were no objections. More time was granted.

## REPORTS OF STANDING COMMITTEES SAFETY COMMITTEE

#### #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

## **COMMITTEE OF THE WHOLE**

#### #11287

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor George Tyros, it was voted to send to second and final printing, An Ordinance to Amend the



IN CITY COUNCIL

## REGULAR MEETING OF JUNE 17, 2024

Code of the City of Gardner, Chapter 171, thereof entitled "Personnel" to change the compensation schedule, Exhibit E Non-Union Personnel.

11 yeas, motion passes.

## **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 8:37 p.m.

Accepted by the City Council:



# CITY OF GARDNER MASSACHUSETTS 01440-2630

OFFICE OF THE **CITY CLERK** Room 121, City Hall Tel (978) 630-4058 Fax (978) 630-2589

## NOTICE TO ABUTTERS

October 8, 2024

TO ABUTTERS AND OTHER INTERESTED PARTIES:

Pursuant to the provisions of M.G.L., c. 166, §22, you are hereby notified that a Public Hearing will be conducted on **MONDAY**, **OCTOBER 21**, **2024** at **7:30 o'clock P.M.** on the petition of Massachusetts Electric Company, d/b/a NATIONAL GRID for permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in peition of said Companies:

ELM STREET – 11326 – A Petition by National Grid to relocate 1 SO pole on Elm Stret beginning at a point approximately 360 feet Southeast of the centerline of the intersection of Elm Street and Cross Street. National Grid proposes to relocate pole 7 approximately 15 feet with anchor & guy.

A sketch of the proposed pole location is attached for your edification.

CITY COUNCIL OF GARDNER

Jiti Siriphan

By: TITI SIRIPHAN City Clerk



**ENGINEERING DEPARTMENT** CITY OF GARDNER 50 Manca Drive, Gardner MA 01440

> Robert E. Oliva, City Engineer Telephone (978) 630-8195 roliva@gardner-ma.gov

#### PROJECT REVIEW MEMORANDUM

To: Elizabeth Kazinskas, Council President

Cc: Dane Arnold, DPW Director Titi Siriphan, City Clerk Elizabeth Doiron, Assistant City Clerk

From: Robert Oliva – City Engineer

**Date:** July 18, 2024

**Project:** National Grid City Council Petition – Elm Street

National Grid has submitted a pole petition for a new single owned pole associated with the City's Safe Routes to School (SRTS) project on Elm Street.

The proposed location will require an easement from the City for the pole and associated anchor/guy. The current plans for the SRTS project show the appropriate easement and the Department of Community Development and Planning is currently working on obtaining the necessary easements for the project.

I have inspected the proposed location, reviewed the petition application, and have no comments at this time.

#### 11326

# national**grid**

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

Please notify National Grid's Jennifer Iannalfo of the hearing date / time to 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

#### 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

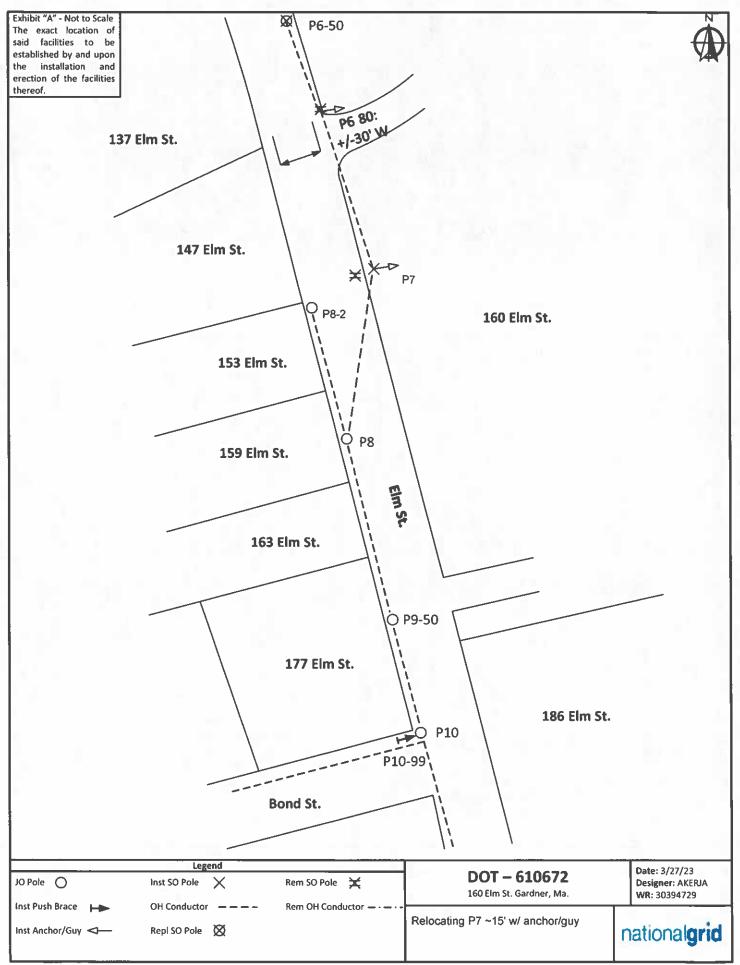
Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

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 Zylmar Garcia

BY

Engineering Department



June 28, 2024

Questions contact - Jarad Aker - 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	at the foregoing order was adopted at a meeting of the			of t	the
City/Town of	, Massachusetts held on the	day of	20	) .	

City/Town Clerk. 20

Massachusetts

#### 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 at

20, at o'clock, M 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

PM 8:



City of Gardner - Executive Department

AM 8:20

Mayor Michael J. Nicholson 2024 OCT

October 10, 2024

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

RE: FY2025 Supplemental Budget

Dear Madam President and Councilors,

As I notified the City Council at the previous meeting, the City received notification on September 19, 2024 that the City's Form LA-13 had been certified by the Commonwealth.

As part of this calculation, \$282,351.00 was identified as "New Growth" for the 2025 Fiscal Year.

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

When the City's budget was adopted by the City Council in June of 2024, the Administration budgeted for \$250,000 of new growth to be added to the tax base. Since new growth came in higher, this leaves us with a surplus in that revenue line of \$32,351.00.

Additionally, on May 6, 2024, the City Council voted to implement a local option meals tax. To date, this has brought in \$32,250.00, with a projection to bring up closer to \$250,000 by the end of the fiscal year.

A municipality may approve a supplemental budget appropriation any time before December 31 of each fiscal year when the new tax rates officially go into effect.

The Administration is hereby submitting this Supplemental Budget request to appropriate \$157,951.00 – all of new growth and \$125,000 of meals tax revenue – to the City's Debt Service Account to help pay off a portion of the City's debt.

With the financial projections and economic trends currently facing the City and several other communities around the Commonwealth, I believe it is in the best financial interest of the City to work toward paying down our debt.

Additionally, since this is the first year that the City has had the meals tax revenue, I believe it best to be conservative on the amount of this revenue appropriated in the first year until we have a clearer picture on what this may bring in.

Respectfully Submitted,

Juchael Juholan

Michael J. Nicholson Mayor, City of Gardner

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

## ORDERED:

To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2024 to June 30, 2025 sums as designated below for the expenditures of the Debt Service department, Operating Expenditure budget, in the amount of ONE HUNDRED, FIFTY-SEVEN THOUSAND NINE HUNDRED FIFTY-ONE DOLLARS 00/100 (\$157,951.00):

Debt Service Dept

Principal-Inside Debt Expense

\$157,951.00

City of Ga	rdner - Executive Department			
Mayor Mich	ael J. Nicholson		(D) 3	
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October 10, 2024	신제 회사 (전원, 이슈)		anar 100 000000.ce	
Hon. Elizabeth J. Kazinskas, Co	ouncil President		P	
And City Councilors Gardner City Hall, Rm 121			ç.	a and
95 Pleasant Street			$\bigcirc$	

RE: An Order Authorizing the Payment of Previous Fiscal Year Bill for Public Building Utilities-Mayor's Unclassified Account.

Dear Madam President and Councilors,

As you are aware, the General Laws of the Commonwealth require that the City Council vote to approve all bills that are associated with work done in a previous fiscal year, when the bill is received after the new fiscal year has started.

This is due to the fact that such approval allows expenses from a previous fiscal year to be paid for with an appropriation for the current fiscal year. The attached request is being put forward to allow for the payments of utility bills received for various City buildings for usage in the previous fiscal year.

Respectfully Submitted,

Gardner, MA 01440

Muchael & Julia

Michael J. Nicholson Mayor, City of Gardner

## AUTHORIZING PAYMENT OF PRIOR YEAR OPERATING EXPENDITURE

*ORDERED:* To authorize payment of prior year MAYOR UNCLASSIFIED operating expenditure account for prior year, as follows:

FY2024	ENERGY & UTILITIES WSB	\$16,577.21
FY2023	ENERGY & UTILITIES WSB	\$49.65
		ψ12.02

	VENDOR		ACCOUNT #		AMOUNT	
FY 23	NATIONAL GRID	HIGH ST.POLE #4	15620-20018	23-Jan	\$ 49.65	*
FY 24	NATIONAL GRID	70 WATERFORD POLE 12-1	77890-84016	23-Aug		
	NATIONAL GRID		77890-84016	24-Jun	\$ 219.45	
	NATIONAL GRID	62 WATERFORD ST.	90520-67016	23-Aug	\$ 1,999.69	
	NATIONAL GRID		90520-67016	24-Jun	\$ 1,837.93	
	NATIONAL GRID	HIGH ST.POLE #4	15620-20018	23-Sep	\$ 40.88	
	NATIONAL GRID	HIGH ST.POLE #4	15620-20018	23-Nov		
	NATIONAL GRID	HIGH ST.POLE #4	15620-20018	24-Jan	-	
	NATIONAL GRID	HIGH ST.POLE #4	15620-20018	24-Feb		
	NATIONAL GRID	HIGH ST.POLE #4	15620-20018	24-Apr		
	NATIONAL GRID	HIGH ST.POLE #4	15620-20018	24-May		
	NATIONAL GRID	HIGH ST.POLE #4	15620-20018	24-Jun		
	NATIONAL GRID	PROSPECT ST.POLE 3	40509-40017	23-Sep	\$ 262.98	
	NATIONAL GRID	PROSPECT ST.POLE 3	40509-40017	23-Nov		
	NATIONAL GRID	PROSPECT ST.POLE 3	40509-40017	24-Jan	•	
	NATIONAL GRID	<b>PROSPECT ST.POLE 3</b>	40509-40017	24-Feb	•	
	NATIONAL GRID	PROSPECT ST.POLE 3	40509-40017	24-Apr	-	
	NATIONAL GRID	<b>PROSPECT ST.POLE 3</b>	40509-40017	24-May		
	NATIONAL GRID	PROSPECT ST.POLE 3	40509-40017	24-Jun		
						\$
						·
FY 24	NRG	62 WATERFORD ST	682001-76678	24-Apr	\$ 3,820.39	
	NRG	62 WATERFORD ST	682001-76678	24-May	\$ 853.50	
						\$

FY 24

FY 24

 EASTERN PROPANE
 WATERFORD ST
 3008467
 24-Jun \$ 514.74

 NRG (HELEN MAE)
 130 ELM HELEN MAE
 682001-57244
 24-Apr \$ 4,487.51

\$ 4,487.51

6,950.72

4,673.89

\$ 16,626.86

SERVICE FOR (X) CITY OF GARDNER HIGH ST POLE 4 GARDNER MA 01440	F
GARDNER MA 01440	
	10

			11405
	BILLING PERIOD		PAGE 1 of 2
	Dec 22, 2022 to	Jan 24, 2023	
/	ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE
	15620-20018	Mar 20, 2023	\$ 49.65
NO PROPERTY OF		i ka den en kanal fan sen fan skrien fan skrien fan skrien fan skrien fan skrien fan skrien skrien fan skrien y New skrief fan skrien f	This has a strict reaction of the second

www.nationalgridus.com

CUSTOMER SERVICE 1-800-322-3223 CREDIT DEPARTMENT 1-888-211-1313 POWER OUTAGE OR DOWNED LINE 1-800-465-1212 CORRESPONDENCE ADDRESS PO Box 960 Northborough, MA 01532-0960 ELECTRIC PAYMENT ADDRESS

PO BOX 371396 PITTSBURGH, PA 15250-7396 DATE BILL ISSUED Jan 24, 2023

## **ACCOUNT BALANCE**

••••••••••••••••••••••••••••••••••••••	National Grid Services	Other Supplier Service	Adjustments	Total
Previous Balance	64.20	23.68	0.00	87.88
Payment(s) Received	- 64,20	- 23.68	- 0.00	- 87.88
Current Charges	35.88	13.77	0.00	49.65
Amount Due 🕨	\$ 35.88	\$ 13.77	\$ 0.00	\$ 49.65

To avoid late payment charges of 0.82%, \$ 49.65 must be received by Mar 20 2023.

Payment concerns? We are here to help. To learn about solutions to help you take control of your energy use and bills, visit www.ngrid.com/billhelp.

## DETAIL OF CURRENT CHARGES

### **Delivery Services**

in

To enroll with a supplier or change to another supplier, you will need the following information about your account: Loadzone WCMA

**Enroliment Information** 

Acci No: 15620-20018 Cycle: 16. CITY

Outdoor lighting is not metered. Your charge is a flat rate based on the quantity and intensity of the lamp(s) you use.

Service Period	No of days	Total Jeage
Dec 22 - Jan 24	33	142 kWh
BATE Street & Security I	Lighting-Company Equip S-1	

ecurity Lighting-Company Equ

	\$ 8,86			
Electric Vehicle Charge	0.00061	х	142 kWh	0.09
Distributed Solar Charge	0.00423726	Х	142 kWh	0.61
Renewable Energy Chg	0.0005	Х	142 kWh	0.07
Energy Efficiency Chg	0.01366	Х	142 kWh	1,94
Transmission Charge	0.02354	Х	142 kWh	3.34
Transition Charge	-0.00094	х	142 kWh	-0.14
Distribution Charge	0.02082	х	142 kWh	2.95

KEEP THIS PORTION FOR YOUR RECORDS

ACCOUNT NUMBER

15620-20018

RETURN THIS FORTION WITH YOUR PAYMENT

## nationalgrid

PO Box 960 Northborough MA 01532

	ENTER AMOUNT ENCLOSED
q	
4	
	Write account number on check and make payable

AMOUNT DUE

\$ 49.65

to National Grid

CITY OF GARDNER C/O TERRI BOIVIN 70 WATERFORD ST GARDNER MA 01440

005181

NATIONAL GRID PO BOX 371396 PITTSBURGH PA 15250-7396

000004965 15620200185000004965079

PLEASE PAY BY

Mar 20, 2023

SERVICE FOR CITY OF GARDNER SCHOOL SUPERINTENDENT OF SCHOOLS 70 WATERFORD ST POLE 12-1 GARDNER MA 01440

DETAIL OF CURRENT CHARGES

BILLING PERIOD May 22, 2024 to	Jun 20. 2024
ACCOUNT NUMBER	PLEASE PAY BY
77890-84016	Aug 14, 2024

11405

AMOUNT DUE \$ 808,94

www.nationalgridus.com

CUSTOMER SERVICE 1-800-322-3223 CREDIT DEPARTMENT 1-888-211-1313

POWER OUTAGE OR DOWNED LINE 1-800-465-1212

CORRESPONDENCE ADDRESS PO Box 960

Northborough, MA 01532 ELECTRIC PAYMENT ADDRESS PO BOX 371396 PITTSBURGH, PA 15250-7396 DATE BILL ISSUED

Jun 20, 2024

ACCOUNT BALANCE

-

A	National Grid Services	Other Supplier Service	Adjustments	Total	
Previous Balance	452.46	323.73	0.00	776.19	
Payment(s) Received	- 173.96	- 125.09	- 0.00	- 299.05	
Amount Past Due	278.50	198.64	0.00	477.14	
Current Charges	189.90	139.40	2.50	331.80	
Amount Due 🕨	\$ 468.40	\$ 338.04	\$ 2.50	\$ 808.94	

To avoid late payment charges of 1.14%, \$ 808.94 must be received by Aug 14 2024.

Payment concerns? We are here to help. To learn about solutions to help you take control of your energy use and bills, visit www.ngrid.com/billhelp.

#### Enrollment Information

To enroll with a supplier or change to another supplier, you will need the following information about your account: Loadzone WGMA Acct No: 77890-84016 Cycle: 17. CITY

Electric Usage History

Month	kWh	Month	kWh
Jun 23	2720	Jan 24	1280
JUI 23	2980	Feb 24	1120
Aug 23	960	Mar 24	1040
Sep 23	960	Apr 24	1200
Oct 23	1040	May 24	1040
Nov 23	1120	Jun 24	1360
Dec 23	1120		

Delívery Ser	vices					Meter		
Type of Service	Current Reading	Previous Reading	=	Difference	х	Multiplier	Ξ	Total Usage
Energy	5087 Actual	5070 Actual		17		80		1360 kWh
					Т	otal Ener	rgy	1360 kWh
Demand-kW	Dema	and-kVA						
8.8 kW	8.8 kV/	A				and the Andrew station to McMatte		na a na start - for na sea start for a start for a start of the start
					Bill	ed Dema	nd	0.0 kW
METER NUMBER 5	3880946 N	EXT SCHEDULED REA	AD D	ATE ON OR A	BOU	T Jul 25		
	/lay 22 - Jun 20 N	UMBER OF DAYS IN F	PERIC	op 29				
RATE Genera	al Service - Small	C/I G-1 VOLTAGI	E DE		L 0	- 2.2 kv		

AMOUNT DUE

\$ 808.94

KEEP THIS FORTION FOR YOUR RECORDS.

ACCOUNT NUMBER

77890-84016

RETURN THIS PORTION WITH YOUR PAYMENT

## nationalgrid

PO Box 960 Northborough MA 01532		
		Write account number on check and make payable to National Grid
CITY OF GARDNER SCHOOL SUPERINTENDENT OF SCHOOLS 160 ELM ST GARDNER MA 01440-2373	035180	NATIONAL GRID PO BOX 371396 PITTSBURGH PA 15250-7396

PLEASE PAY BY

Aug 14, 2024

SERVICE FOR CITY OF GARDNER SCHOOL SUPERINTENDENT OF SCHOOLS 70 WATERFORD ST POLE 12-1 GARDNER MA 01440

BILLING PERIOD		11405 PAGE 3 01 3
May 22, 2024 t	o Jun 20. 2024	
ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE
77890-84016	Aug 14, 2024	\$ 808.94

www.nationalgridus.com

### **Supply Services**



We're here

to help you manage your energy bill.

### SUPPLIER Direct Energy Business. LLC 1001 Liberty Center Pittsburgh, PA 15222 PHONE 888-925-9115 ACCOUNT NO 1686381-7789084016

Electricity Supply	0.1025 x 1360 kWh	139.40
	Total Supply Services	\$ 139.40

### **Other Charges/Adjustments**

Late Payment Charges		2.50
	Total Other Charges/Adjustments	\$ 2.50

We offer ways to help you manage your energy use and monthly bills including budget payment plans, energy efficiency tips and programs, and assistance with community support agencies.

Learn more at ngrid.com/heretohelp

## Estamos aquí para ayudarlo a administrar su factura de energía.

Ofrecemos formas de ayudarlo a gestionar su consumo de energía y sus facturas mensuales, incluidos planes de pago de presupuestos, consejos y programas de eficiencia energética y asistencia con agencias de apoyo comunitario.

Obtenga más información en **ngrid.com/heretohelp** 

### SERVICE FOR CITY OF GARDNER SCHOOL SUPERINTENDENT OF SCHOOLS 70 WATERFORD ST POLE 12-1 GARDNER MA 01440

DETAIL OF CURRENT CHARGES

BILLING PERIOD Jul 24, 2023 to Aug 22, 2023 ACCOUNT NUMBER PLEASE PAY BY

Oct 16, 2023

## 11405

77890-84016

AMOUNT DUE
\$ 871,57

www.nationalgridus.com

CUSTOMER SERVICE 1-800-322-3223 CREDIT DEPARTMENT 1-888-211-1313 POWER OUTAGE OR DOWNED LINE 1-800-465-1212 CORRESPONDENCE ADDRESS PO Box 960 Northborough, MA 01532-0960 ELECTRIC PAYMENT ADDRESS PO BOX 371396 PITTSBURGH, PA 15250-7396 PATE BILLISSUED Aug 22, 2023

ACCOUNT BALANCE	National Grid	Other Supplier	
	Services	Service	Total
Previous Balance	365.00	287.12	652.12
Payment(s) Received	- 0,00	- 0.00	- 0.00
Amount Past Due	365.00	287.12	652.12
Current Charges	126.33	93.12	219.45
Amount Due 🕨	\$ 491.33	\$ 380.24	\$ 871.57

To avoid late payment charges of 1.02%, \$ 871.57 must be received by Oct 16 2023.

Payment concerns? We are here to help. To learn about solutions to help you take control of your energy use and bills, visit www.ngrid.com/billhelp.

#### **Enroliment Information**

To enroll with a supplier or change to another supplier, you will need the following information about your account: Leadzone WCMA

Acct No: 77890-84016 Cycle: 17. CITY

#### Electric Usage History

Month	kWh	Month	kWh
Aug 22	4480	Mar 23	3280
Sep 22	3200	Apr 23	3200
Oct 22	3200	May 23	3120
Nov 22	3040	Jun 23	2720
Dec 22	3280	Jul 23	2960
Jan 23	3520	Aug 23	960
Feb 23	4160		

Type of Service	Current Reading -	Previous Reading	= Differ	ence x	Meter Multiplier	±	Total Usage
Energy	4946 Actual	4934 Actual	12		80		960 kWh
ระสารในขาวขณ้องมีราชขั้นสูงสารให้สุดที่สารที่สารที่สารที่สารที่สารที่สารที่สารที่สารที่สารที่สารที่สารที่สารที่	n manananan kanan ang kanan			-	Total Ener	gy	960 kWh
Demand-kW	Demar	nd-kVA					
3.2 kW	3.2 kVA		-				warmen on her achieved trades 1996 o. 9. discher 19 ob were 1
				Bil	led Dema	nd	0.0 kW
METER NUMBER 5	3880946 NE	XT SCHEDULED REA	D DATE ON	OR ABO	лт Sep 22		
SERVICE PERIOD J	UI 24 - Aug 22 NUI	MBER OF DAYS IN P	ERIOD 2	9			
RATE Genera	al Service - Small C	G.1 VOLTAGE		EVEL C	-2.2 kv		

AMOUNT DUE

\$871.57

KEEP THIS FORTION FOR YOUR RECORDS

ACCOUNT NUMBER

77890-84016

1

REFURN THIS PORTION WITH YOUR PAYMENT

## national**grid**

PO Box 960 Northborough MA 01532		S
		Write account number on check and make payable to National Grid
CITY OF GARDNER SCHOOL SUPERINTENDENT OF SCHOOLS C/O TERRI BOIVIN 70 WATERFORD ST GARDNER MA 01440	027858	NATIONAL GRID PO BOX 371396 PITTSBURGH PA 15250-7396

PLEASE PAY BY

Oct 16, 2023

www.nationalgridus.com

event.

## **Supply Services**

GARDNER MA 01440

CITY OF GARDNER SCHOOL

SUPERINTENDENT OF SCHOOLS 70 WATERFORD ST POLE 12-1

SERVICE FOR

SUPPLIER Direct Energy Business. LLC 1001 Liberty Center Pittsburgh, PA 15222 PHONE 888-925-9115 ACCOUNT NO 1686381-7789084016

	Total Supply Services	\$ 93.12
Electricity Supply	0.097 x 960 kWh	93.12

BILLING PERIOD

ACCOUNT NUMBER

77890-84016

Jul 24, 2023 to Aug 22, 2023

PLEASE PAY BY

Oct 16, 2023

11405 PAGE 3 013

AMOUNT DUE

S 871.57

### SERVICE FOR (School) CITY OF GARDNER SCHOOL SUPT OF SCHOOLS 62 WATERFORD ST GARDNER MA 01440

BILUNG PERIOD		11405 PAGE 1 of 3
Jul 24, 2023 to	Aug 22, 2023	
ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE
90520-67016	Oct 16, 2023	\$ 3,754.91

#### www.nationalgridus.com

CUSTOMER SERVICE 1-800-322-3223 CREDIT DEPARTMENT 1-888-211-1313

POWER OUTAGE OR DOWNED LINE 1-800-465-1212 CORRESPONDENCE ADDRESS PO Box 960 Northborough, MA 01532-0960 ELECTRIC PAYMENT ADDRESS PO BOX 371396 **PITTSBURGH, PA 15250-7396** DATE BILL ISSUED Aug 22, 2023

### ACCOUNT BALANCE

DETAIL OF CURRENT CHARGES

1

GARDNER MA 01440

	National Grid Services	Other Supplier Service	Total
Previous Balance	858.94	896.28	1,755.22
Payment(s) Received	- 0.00	- 0.00	- 0.00
Amount Past Due	858.94	896.28	1.755.22
Current Charges	963.73	1,035.96	1.999.69
Amount Due ►	\$ 1,822.67	\$ 1,932.24	\$ 3 754.91

To avoid late payment charges of 1.02%, \$ 3,754.91 must be received by Oct 16 2023.

Payment concerns? We are here to help. To learn about solutions to help you take control of your energy use and bills, visit www.ngrid.com/billhelp.

#### Enrollment Information

To enroll with a supplier or change to another supplier, you will need the following information about your account: Loadzone WCMA Acot No: 90520-67016 Cycle: 17, CITY

#### **Electric Usage History**

Month	kWh	Month	kWh
Aug 22	17520	Mar 23	14160
Sep 22	13440	Apr 23	15480
Oct 22	11160	May 23	12600
Nov 22	10080	Jun 23	10200
Dec 22	12840	JUI 23	9240
Jan 23	11880	Aug 23	10680
Feb 23	12120		

<b>Delivery Ser</b>	vices							
Type of Service	Current Reading	Previous Reading	Ξ	Difference	х	Meter Multiplier	=	Total Usage
Energy	22708 Actual	22619 Actual		89		120		10680 kWh
and a second	na la confecto e de producto de la construir de Cada de Paramento de ser de constru				1	Total Ener	'gy	10680 kWh
Demand-kW	Dem	and-kVA						
18.0 kW	27.6 K	VA						
					BII	led Dema	nd	18.0 kW
METER NUMBER	5097427	NEXT SCHEDULED REA	AD D	ATE ON OR A	BOL	т Sep 22		
SERVICE PERIOD J	lul 24 - Aug 22 🛯	IUMBER OF DAYS IN F	ERIC	29 00				
RATE Genera	al Service - Dema	and G-2 VOLTAGE	DEL	IVERY LEVEL	. 0	- 2.2 kv		

#### **Billed Demand Last 12 months**

Minimum	18
Maximum	33.6
Average	25.4

KEEP THIS PORTION FOR YOUR RECORDS.

RETURN THIS PORTION WITH YOUR PAYMENT

#### AMOUNT DUE PLEASE PAY BY ACCOUNT NUMBER nationalgrid \$ 3,754.91 Oct 16, 2023 90520-67016 ENTER AMOUNT ENCLOSED PO Box 960 Northborough MA 01532 \$ Write account number on check and make payable to National Grid CITY OF GARDNER SCHOOL NATIONAL GRID SUPT OF SCHOOLS PO BOX 371396 034184 C/O TERRI BOIVIN PITTSBURGH PA 15250-7396 70 WATERFORD ST



SERVICE FOR (SCHOOL) CITY OF GARDNER SCHOOL SUPT OF SCHOOLS 62 WATERFORD ST GARDNER MA 01440

BILLING PERIOD Jul 24, 2023 to	Aug 22, 2023	11405 PAGE 3 of 3
ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE
90520-67016	Oct 16. 2023	\$ 3,754.91

www.nationalgridus.com

## **Supply Services**

SUPPLIER Direct Energy Business, LLC 1001 Liberty Center Pittsburgh, PA 15222 PHONE 888-925-9115 ACCOUNT NO 1686390-9052067016

	Total Supply Services	\$ 1,035.96
Electricity Supply	0.097 x 10680 kWh	1,035.96

### SERVICE FOR CITY OF GARDNER SCHOOL SUPT OF SCHOOLS 62 WATERFORD ST GARDNER MA 01440

BILLING PERIOD May 22, 2024 t	o Jun 20. 2024	11405 PAGE 1 013
ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE
90520-67016	Aug 14, 2024	\$ 5,813.29

AMOUN	T DUE

When the second	
www.nationalgridus.com	ACCOUNT BAL
CUSTOMER SERVICE 1-800-322-3223 CREDIT DEPARTMENT 1-888-211-1313	
POWER OUTAGE OR DOWNED LINE	Previous Balance
1-800-465-1212 CORRESPONDENCE ADDRESS	Payment(s) Received
PO Box 960 Northborough, MA 01532	Amount Past Due
ELECTRIC PAYMENT ADDRESS	Current Charges
PO BOX 371396 PITTSBURGH, PA 15250-7396	Amount Due 🕨
DATE BILL ISSUED Jun 20, 2024	To avoid late payn

### ANCE

**DETAIL OF CURRENT CHARGES** 

	National Grid Services	Other Supplier Service	Adjustments	Total
Previous Balance	6,915.45	0.16	0.00	6.915.61
Payment(s) Received	- 2,940.18	- 0.07	- 0.00	- 2.940.25
Amount Past Due	3,975.27	0.09	0.00	3.975.36
Current Charges	1,815.13	0.00	22.80	1.837.93
Amount Due 🕨	\$ 5.790.40	\$ 0.09	\$ 22.80	\$ 5.813.29

ment charges of 1.14%, \$ 5,813.29 must be received by Aug 14 2024.

Payment concerns? We are here to help. To learn about solutions to help you take control of your energy use and bills, visit www.ngrid.com/billhelp.

#### Enrollment Information

To enroll with a supplier or change to another supplier, you will need the following information about your account: Loadzone WCMA

Acct No: 90520-67016 Cycle: 17, CITY

#### **Electric Usage History**

Month	kWh	Month	kWh
Jun 23	10200	Jan 24	11840
Jul 23	9240	Feb 24	10200
Aug 23	10680	Mar 24	10200
Sep 23	10320	Apr 24	13080
Oct 23	10200	May 24	9960
Nov 23	10440	Jun 24	9240
Dec 23	10440		

<b>Delivery Ser</b>	vices				
Type of Service	Current Reading	Previous Reading =	Difference	Meter X Multiplier =	Total Usage
Energy	23589 Actual	23512 Actual	77	120	9240 kWh
Construction of the local data and the locae data and the local data a				Total Energy	9240 kWh
Demand-kW	Dema	nd-kVA			
18.0 kW	28.8 kV	A			
				Dillad Damand	100 444

	Billed Demand	18.0 kW
METER NUMBER 05097427 NEXT SCHED	DULED READ DATE ON OR ABOUT JUI 25	
SERVICE PERIOD MAY 22 - JUN 20 NUMBER OF	DAYS IN PERIOD 29	
RATE General Service - Demand G-2	VOLTAGE DELIVERY LEVEL 0 - 2.2 KV	

#### **Billed Demand Last 12 months**

Minimum		
Maximum		
Average		

KEEP THIS PORTION FOR YOUR RECORDS

ACCOUNT NUMBER

90520-67016

16.8 25.2 20.3

RETURN THIS PORTION WITH YOUR PAYMENT

## nationalgrid

PO Box 960 Northborough MA 01532		S
		White account number on check and make payeb to National Grid
CITY OF GARDNER SCHOOL SUPT OF SCHOOLS 160 ELM ST GARDNER MA 01440-2373	043446	NATIONAL GRID PO BOX 371396 PITTSBURGH PA 15250-7396

PLEASE PAY BY

Aug 14, 2024

AMOUNT DUE

\$ 5,813.29

SERVICE FOR CITY OF GARDNER SCHOOL SUPT OF SCHOOLS 62 WATERFORD ST GARDNER MA 01440

BILLING PERIOD May 22, 2024 to	o Jun 20. 2024	11405 PAGE 3 of 3
ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE
90520-67016	Aug 14. 2024	\$ 5,813.29

www.nationalgridus.com

### **Other Charges/Adjustments**

Late Payment Charges		22.80
	Total Other Charges/Adjustments	\$ 22.80

## We're here to help you manage your energy bill.

We offer ways to help you manage your energy use and monthly bills including budget payment plans, energy efficiency tips and programs, and assistance with community support agencies.

Learn more at ngrid.com/heretohelp

## Estamos aquí para ayudarlo a administrar su factura de energía.

Ofrecemos formas de ayudarlo a gestionar su consumo de energía y sus facturas mensuales, incluídos planes de pago de presupuestos, consejos y programas de eficiencia energética y asistencia con agencias de apoyo comunitario.

Obtenga más información en **ngrid.com/heretohelp** 

POWER OUTAGE OR DOWNED LINE

Northborough, MA 01532-0960

**PITTSBURGH, PA 15250-7396** 

CORRESPONDENCE ADDRESS

ELECTRIC PAYMENT ADDRESS

www.nationalgridus.com CUSTOMER SERVICE 1-800-322-3223 CREDIT DEPARTMENT 1-888-211-1313

1-800-465-1212

PO BOX 371396

DATE BILL ISSUED

Sep 22, 2023

PO Box 960

### SERVICE FOR (X) CITY OF GARDNER HIGH ST POLE 4 GARDNER MA 01440

	BILLING PERIOD		PAGE
	Aug 24, 2023 to	Sep 22, 2023	
	ACCOUNT NUMBER	PLEASE PAY BY	AMOU
	15620-20018	Nov 16, 2023	S 1
and state			

11405 PAGE 1 012

AMOUNT DUE **S 130.64** 

ACCOUNT BALANCE					
	National Grid Services	Other Supplier Service	Adjustments	Total	
Previous Balance	103.81	26.51	0.00	130.32	
Payment(s) Received	- 32.33	- 8.23	- 0.00	- 40,56	
Amount Past Due	71.48	18.28	0.00	89.76	
Current Charges	31.16	9.22	0.50	40.88	
Amount Due 🕨	\$ 102.64	\$ 27.50	\$ 0.50	S 130.64	

To avoid late payment charges of 1.02%, \$ 130.64 must be received by Nov 16 2023.

Payment concerns? We are here to help. To learn about solutions to help you take control of your energy use and bills, visit www.ngrid.com/billhelp.

#### Enrollment Information

To enroll with a supplier or change to another supplier, you will need the following information about your account: Loadzone WCMA Acci No: 15620-20018 Cycle: 18. CiTY

unt: Delivery Services

DETAIL OF CURRENT CHARGES

Outdoor lighting is not metered. Your charge is a flat rate based on the quantity and intensity of the lamp(s) you use.

Service (	Period	No of days	Tolai Usage
Aug 2	4 - Sep 22	29	95 kWh
RATE			

	Total Deli	ve	rv Services	\$ 7.41
Electric Vehicle Charge	0.00019	х	95 kWh	0.02
Distributed Solar Charge	0.01085	х	95 kWh	1.03
Renewable Energy Chg	0.0005	x	95 kWh	0.05
Energy Efficiency Chg	0.01379	х	95 kWh	1.31
Transmission Charge	0.03555	х	95 kWh	3.37
Transition Charge	-0.00069	х	95 kWh	-0.07
Distribution Charge	0.01777	x	95 kWh	1.70

AMOUNT DUE

\$ 130.64

KEEP THIS PORTION FOR YOUR RECORDS

ACCOUNT NUMBER

15620-20018

SETURN THIS PORTION WITH YOUR PAYMENT

## national**grid**

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'O Box 960 Iorthborough MA 01532		
		Write account number on check and make payable to National Grid
CITY OF GARDNER C/O TERRI BOIVIN 70 WATERFORD ST GARDNER MA 01440	008617	NATIONAL GRID PO BOX 371396 PITTSBURGH PA 15250-7396

PLEASE PAY BY

Nov 16, 2023

www.nationalgridus.com

### SERVICE FOR (X) **CITY OF GARDNER** HIGH ST POLE 4 GARDNER MA 01440

	11405 AGE 1 of 2
ACCOUNT NUMBER PLEASE PAY BY A	MOUNT DUE
15620-20018 Jan 16, 2024	\$ 187.89

#### CUSTOMER SERVICE 1-800-322-3223 CREDIT DEPARTMENT 1-888-211-1313 POWER OUTAGE OR DOWNED LINE 1-800-465-1212 CORRESPONDENCE ADDRESS PO Box 960 Northborough, MA 01532-0960 ELECTRIC PAYMENT ADDRESS PO BOX 371396 PITTSBURGH, PA 15250-7396 DATE BILL ISSUED Nov 22, 2023

ACCOUNT BALANCE					
	National Grid Services	Other Supplier Service	Adjustments	Total	
Previous Balance	108.13	31.22	0.00	139.35	
Payment(s) Received	- 0.00	- 0.00	- 0.00	- 0.00	
Amount Past Due	108.13	31.22	0.00	139.35	
Current Charges	34.78	12.84	0.92	48.54	
Amount Due ►	S 142.91	\$ 44.06	S 0.92	S 187.89	

To avoid late payment charges of 1.02%, \$ 187.89 must be received by Jan 16 2024.

1 Payment concerns? We are here to help. To learn about solutions to help you take control of your energy use and bills, visit www.ngrid.com/billhelp.

#### Enroliment Information

To enroll with a supplier or change to another supplier, you will need the following information about your account: Loadzone WCMA

Acct No: 15620-20018 Cycle: 16, CITY

### DETAIL OF CURRENT CHARGES

### **Delivery Services**

Outdoor lighting is not metered. Your charge is a flat rate based on the quantity and intensity of the lamp(s) you use.

Service Period	5	No of days	Total Usage
Oct 24 - 1	Nov 22	29	119 kWh
RATE S	Street & Security	Lighting-Company Equip S-1	

	<b>Total Deliv</b>	Vel	ry Services	\$ 9.40
Electric Vehicle Charge	0.00019	x	119 kWh	0.02
Distributed Solar Charge	0.01085	x	119 kWh	1.29
Renewable Energy Chg	0.0005	x	119 kWh	0.06
Energy Efficiency Chg	0.01379	х	119 kWh	1.64
Transmission Charge	0.03555	х	119 kWh	4.23
Transition Charge	-0.00069	х	119 kWh	-0.08
Distribution Charge	0.01875	х	119 kWh	2.24

#### KEEF THIS FORTION FOR YOUR RECORDS

ACCOUNT NUMBER

RETURN THIS PORTION WITH YOUR PAYMENT

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PO Box 960

15620-20018 Jan 16, 2024 \$ 187.89 ENTER AMOUNT ENCLOSED Northborough MA 01532 \$ Write account number on check and make payable to National Grid

PLEASE PAY BY

CITY OF GARDNER C/O TERRI BOIVIN 70 WATERFORD ST GARDNER MA 01440

007571

NATIONAL GRID PO BOX 371396 PITTSBURGH PA 15250-7396

AMOUNT DUE

#### SERVICE FOR (X) **CITY OF GARDNER** HIGH ST POLE 4 GARDNER MA 01440

		11405
BILLING PERIOD		PAGE 1 of 2
Dec 22, 2023 t	o Jan 24, 2024	
ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE
15620-20018	Mar 19, 2024	\$ 247.41

### www.nationalgridus.com

CUSTOMER SERVICE 1-800-322-3223 CREDIT DEPARTMENT 1-888-211-1313 POWER OUTAGE OR DOWNED LINE 1-800-465-1212 CORRESPONDENCE ADDRESS PO Box 960 Northborough, MA 01532-0960 ELECTRIC PAYMENT ADDRESS PO BOX 371396 **PITTSBURGH, PA 15250-7396** DATE BILL ISSUED Jan 24, 2024

ACCOUNT BALANCE					
	National Grid Services	Other Supplier Service	Adjustments	Total	
Previous Balance	181.18	58.50	0.00	239.68	
Payment(s) Received	- 37.88	- 10.94	- 0.00	- 48.82	
Amount Past Due	143.30	47.56	0.00	190.86	
Current Charges	39.82	15.32	1.41	56.55	
Amount Due 🕨	S 183.12	S 62.88	S 1.41	S 247,41	

To avoid late payment charges of 1.02%, \$ 247.41 must be received by Mar 19 2024.

Payment concerns? We are here to help. To learn about solutions to help you 1 take control of your energy use and bills, visit www.ngrid.com/billhelp.

#### **Enrollment Information**

To enroll with a supplier or change to another supplier, you will need the following information about your account: Loadzone WCMA Acci No: 15620-20018 Cycle: 16, CITY

### **DETAIL OF CURRENT CHARGES**

#### **Delivery Services**

> Outdoor lighting is not metered. Your charge is a flat rate based on the quantity and intensity of the lamp(s) you use.

Service Period	No. of days	Total Usage
Dec 22 - Jan 24	33	142 KWh
RATE Street & Security	Lighting-Company Equip S-1	

	Total Deli	ve	ry Services	\$ 10.99
Electric Vehicle Charge	0.00019	х	1 <b>42 kWh</b>	0.03
Distributed Solar Charge	0.00926453	X	142 kWh	1.32
Renewable Energy Chg	0.0005	х	142 kWh	0.07
Energy Efficiency Chg	0.01379	х	142 kWh	1,96
Transmission Charge	0.03555	х	142 kWh	5.05
Transition Charge	-0.00069	х	142 kWh	-0.10
Distribution Charge	0.01875	Х	142 kWh	2.66

KEEP THIS PORTION FOR YOUR RECORDS

SETURN THIS FORTION WITH YOU'S PAYMENT

· · · · · · · · · · · · · · · · · · ·	ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE
nationalgrid	15620-20018	Mar 19, 2024	\$ 247.41

PO Box 960 Northborough MA 01532

ENTER AMOUNT ENCLOSED

\$ Write account number on check and make payable

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**CITY OF GARDNER** C/O TERRI BOIVIN 70 WATERFORD ST GARDNER MA 01440

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NATIONAL GRID PO BOX 371396 PITTSBURGH PA 15250-7396

#### SERVICE FOR (X) **CITY OF GARDNER HIGH ST POLE 4** GARDNER MA 01440

BILUNG PERIOD	11405
Jan 24, 2024 to Feb 22, 2024	PAGE 1 of 2
ACCOUNT NUMBER PLEASE PAY BY	AMOUNT DUE
15620-20018 Apr 17, 2024	\$ 243.60

### www.nationalgridus.com CUSTOMER SERVICE 1-800-322-3223 CREDIT DEPARTMENT 1-888-211-1313 POWER OUTAGE OR DOWNED LINE 1-800-465-1212 CORRESPONDENCE ADDRESS PO Box 960 Northborough, MA 01532-0960 ELECTRIC PAYMENT ADDRESS PO BOX 371396 PITTSBURGH, PA 15250-7396 DATE BILL ISSUED Feb 22, 2024

	National Grid Services	Other Supplier Service	Adjustments	Total
Previous Balance	184.19	63.22	0.00	247.41
Payment(s) Received	- 39,38	- 12.41	- 0.00	- 51.79
Amount Past Due	144.81	50.81	0.00	195.62
Current Charges	34.09	12.30	1.59	47.98
Amount Due 🕨	\$ 178.90	\$ 63.11	S 1.59	\$ 243.60

To avoid late payment charges of 1.14%, \$ 243.60 must be received by Apr 17 2024.

> Payment concerns? We are here to help. To learn about solutions to help you take control of your energy use and bills, visit www.ngrid.com/billhelp.

#### **Enrollment Information**

To enroll with a supplier or change to another supplier, you will need the following information about your account: Loadzone WCMA Acct No: 15620-20018 Cycle: 16, CITY

### **DETAIL OF CURRENT CHARGES**

#### **Delivery Services**

Outdoor lighting is not metered. Your charge is a flat rate based on the quantity and intensity of the lamp(s) you use.

Service Pariod		No. of days	Total Usage	
Jan 24 - Feb 22		29	114 kWh	
RATE	Street &	Security Lighting-Company Equip S-1		

	Total Deliv	/01	rv Services	\$ 8.78
Electric Vehicle Charge	0.00019	x	114 kWh	0.02
Distributed Solar Charge	0.00867	x	114 kWh	0.99
Renewable Energy Chg	0.0005	х	114 kWh	0.06
Energy Efficiency Chg	0.01379	х	114 kWh	1.58
Transmission Charge	0.03555	х	114 kWh	4.05
Transition Charge	-0.00069	х	114 kWh	-0.08
Distribution Charge	0.01875	х	114 kWh	2.16

KEEP THIS PORTION FOR YOUR RECORDS

ACCOUNT NUMBER

15620-20018

SETURN THIS PORTION WITH YOUR PAYMENT

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PO Box 960 Northborough MA 01532

ENTER	AMOUNT	ENCLOSED
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AMOUNT DUE

\$ 243.60

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**CITY OF GARDNER** C/O TERRI BOIVIN 70 WATERFORD ST GARDNER MA 01440

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Apr 17, 2024

### SERVICE FOR (X) **CITY OF GARDNER** HIGH ST POLE 4 GARDNER MA 01440

BILLING PERIOD		11405 PAGE 1 of 2
Mar 22. 2024 to	Apr 24, 2024	
ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE
15620-20018	Jun 18, 2024	\$ 295.89

1405

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CUSTOMER SERVICE 1-800-322-3223 CREDIT DEPARTMENT 1-888-211-1313 POWER OUTAGE OR DOWNED LINE 1-800-465-1212 CORRESPONDENCE ADDRESS PO Box 960 Northborough, MA 01532-0960 ELECTRIC PAYMENT ADDRESS PO BOX 371396 PITTSBURGH, PA 15250-7396 DATE BILL ISSUED Apr 24, 2024

### ACCOUNT BALANCE

HOUSENING AND				
	National Grid Services	Other Supplier Service	Adjustments	Total
Previous Balance	216.27	74.74	0.00	291.01
Payment(s) Received	- 35,05	- 12.36	- 0.00	- 47,41
Amount Past Due	181.22	62.38	0.00	243.60
Current Charges	38.66	10.87	2.76	52.29
Amount Due 🕨	S 219.88	\$ 73.25	S 2.76	S 295.89

To avoid late payment charges of 1.14%, \$ 295.89 must be received by Jun 18 2024.

Payment concerns? We are here to help. To learn about solutions to help you 7 take control of your energy use and bills, visit www.ngrid.com/billhelp.

#### **Enrollment Information**

To enroll with a supplier or change to another supplier, you will need the following information about your account: Loadzone WCMA

Acot No: 15620-20018 Cycle: 16. CITY

### **DETAIL OF CURRENT CHARGES**

### **Delivery Services**

Outdoor lighting is not metered. Your charge is a flat rate based on the quantity and intensity of the lamp(s) you use.

Service Pariod Mar 22 - Apr 24		No of days	Total Usage	
		33	106 kWh	
RATE	Street & Security	Lighting-Company Equip S-1		

	Total Deli	ve	rv Services	\$ 9.86
Electric Vehicle Charge	0.00019	x	106 kWh	0.02
Distributed Solar Charge	0.00867	x	106 kWh	0.92
Renewable Energy Chg	0.0005	х	106 kWh	0.05
Energy Efficiency Chg	0.01379	х	106 kWh	1.47
Transmission Charge	0.04222	х	106 kWh	4.48
Transition Charge	-0.00054	х	106 kWh	-0.05
Distribution Charge	0.02801	х	106 kWh	2.97

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ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE
15620-20018	Jun 18, 2024	\$ 295.89

\$

PO Box 960 Northborough MA 01532

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CITY OF GARDNER C/O TERRI BOIVIN 70 WATERFORD ST GARDNER MA 01440

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### SERVICE FOR (X) CITY OF GARDNER HIGH ST POLE 4 GARDNER MA 01440

BILLING PERIOD Apr 24, 2024 to	May 23, 2024	11405 PAGE 1 of 2
ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE
15620-20018	Jul 17, 2024	\$ 339.54

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CUSTOMER SERVICE 1-800-322-3223 CREDIT DEPARTMENT 1-888-211-1313 POWER OUTAGE OR DOWNED LINE 1-800-465-1212 CORRESPONDENCE ADDRESS PO Box 960 Northborough, MA 01532-0960 ELECTRIC PAYMENT ADDRESS PO BOX 371396 PITTSBURGH, PA 15250-7396 DATE BILL ISSUED May 23, 2024

### ACCOUNT BALANCE

	National Grid Services	Other Supplier Service	Adjustments	Total
Previous Balance	221.93	73.96	0.00	295.89
Payment(s) Received	- 0.00	- 0.00	- 0.00	- 0.00
Amount Past Due	221.93	73.96	0.00	295 89
Current Charges	32.59	8.30	2.76	43.65
Amount Due 🕨	\$ 254.52	\$ 82.26	S 2.76	S 339.54

To avoid late payment charges of 1.14%, \$ 339.54 must be received by Jul 17 2024.

Payment concerns? We are here to help. To learn about solutions to help you take control of your energy use and bills, visit www.ngrid.com/billhelp.

#### Enrollment Information

To enroll with a supplier or change to another supplier, you will need the following information about your account: Loadzone WCMA Accl No: 15620-20018 Cycle: 16. CITY DETAIL OF CURRENT CHARGES

### **Delivery Services**

Outdoor lighting is not metered. Your charge is a flat rate based on the quantity and intensity of the lamp(s) you use.

Service Period	No of days	Total Usage
Apr 24 - May 23	29	81 kWh
RATE Street & S	ecurity Lighting-Company Equip S-1	

	Total Deliv	/el	ry Services	\$ 7.28
Electric Vehicle Charge	0.00019	х	81 kWh	0.02
Distributed Solar Charge	0.00867	х	81 kWh	0.71
Renewable Energy Chg	0.0005	х	81 kWh	0.04
Energy Efficiency Chg	0.01006241	x	81 kWh	0.81
Transmission Charge	0.04222	х	81 kWh	3 42
Transition Charge	-0.00054	х	81 kWh	-0.04
Distribution Charge	0.0288824	x	81 kWh	2.32

KEEP THIS FORTION FOR YOUR RECORDS

ACCOUNT NUMBER

SETURN THIS FORTION WITH YOUR PAYMENT

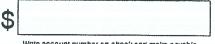
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ENTER AMOUNT ENCLOSED

AMOUNT DUE

\$ 339.54



Write account number on check and make payable to National Grid

CITY OF GARDNER C/O TERRI BOIVIN 70 WATERFORD ST GARDNER MA 01440

007408

NATIONAL GRID PO BOX 371396 PITTSBURGH PA 15250-7396

000004365 15620200183000033954199

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Jul 17, 2024

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### SERVICE FOR (X) CITY OF GARDNER HIGH ST POLE 4 GARDNER MA 01440

		11405
BILUNG PERIOD		PAGE 1 of 2
May 23, 2024 to	o Jun 24, 2024	
ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE
15620-20018	Aug 18, 2024	\$ 386.56
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### CUSTOMER SERVICE 1-800-322-3223 CREDIT DEPARTMENT 1-888-211-1313 POWER OUTAGE OR DOWNED LINE 1-800-465-1212 CORRESPONDENCE ADDRESS PO Box 960 Northborough, MA 01532 ELECTRIC PAYMENT ADDRESS PO BOX 371396 **PITTSBURGH, PA 15250-7396** DATE BILL ISSUED Jun 24, 2024

### ACCOUNT BALANCE

	National Grid Services	Other Supplier Service	Adjustments	Total
Previous Balance	256.58	82.96	0.00	339.54
Payment(s) Received	- 0.00	- 0.00	- 0.00	- 0.00
Amount Past Due	256,58	82.96	0.00	339.54
Current Charges	35.26	8.41	3.35	(47.02
Amount Due ►	\$ 291.84	\$ 91.37	\$ 3.35	\$ 386.56

To avoid late payment charges of 1.14%, \$ 386.56 must be received by Aug 18 2024.

Payment concerns? We are here to help. To learn about solutions to help you take control of your energy use and bills, visit www.ngrid.com/billhelp.

#### **Enroliment Information**

To enroll with a supplier or change to another supplier, you will need the following information about your account: Loadzone WCMA

Acct No: 15620-20018 Cycle: 18, CITY

## DETAIL OF CURRENT CHARGES

### **Delivery Services**

7

Outdoor lighting is not metered. Your charge is a flat rate based on the quantity and intensity of the lamp(s) you use.

Service Period	No of days	To al Usage
May 23 - Jun 24	32	82 kWh
RATE Street & Security L	ighting-Company Equip S-1	
Distribution Char		

	Total Deliv	ver	y Services	\$ 7.33
Electric Vehicle Charge			82 kWh	0.02
Distributed Solar Charge	0.00867	х	82 kWh	0.71
Renewable Energy Chg	0.0005	х	82 kWh	0.04
Energy Efficiency Chg	0.00909	x	82 kWh	0.75
Transmission Charge	0.04222	Х	82 kWh	3.46
Transition Charge	-0.00054	x	82 kWh	-0.04
Distribution Charge	0.02911	х	82 kWh	2.39

KEEP THIS FORTION FOR YOUR RECORDS

ACCOUNT NUMBER

15620-20018

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PO Box 960 Northborough MA 01532

Aug 18, 2024	\$ 386.56

AMOUNT DUE

to National Grid

CITY OF GARDNER C/O TERRI BOIVIN 70 WATERFORD ST GARDNER MA 01440

007256

NATIONAL GRID PO BOX 371396 **PITTSBURGH PA 15250-7396** 

000004702 15620200184000038656231

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SERVICE FOR CITY OF GARDNER PROSPECT ST POLE 3 GARDNER MA 01440

BILLING PERIOD Aug 24, 2023 to	9 Sep 22, 2023	11405 PAGE 1 of 3
ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE
40509-40017	Nov 16, 2023	\$ 518.93

#### www.nationalgridus.com

**CUSTOMER SERVICE** 1-800-322-3223 CREDIT DEPARTMENT 1-888-211-1313

POWER OUTAGE OR DOWNED LINE 1-800-465-1212 CORRESPONDENCE ADDRESS PO Box 960 Northborough, MA 01532-0960 ELECTRIC PAYMENT ADDRESS PO BOX 371396 PITTSBURGH, PA 15250-7396

DATE BILL ISSUED Sep 22, 2023

### ACCOUNT BALANCE

	National Grid Services	Other Supplier Service	Adjustments	Total
Previous Balance	398.10	118.44	0.00	516.54
Payment(s) Received	- 200.84	- 59,75	- 0.00	- 260.59 244
Amount Past Due	197.26	58.69	0.00	255.95
Current Charges	195.93	67.03	0.02	262.98
Amount Due 🕨	\$ 393.19	\$ 125.72	\$ 0.02	S 518.93

To avoid late payment charges of 1.02%, \$ 518.93 must be received by Nov 16 2023.

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#### Enrollment Information

To enroll with a supplier or change to another supplier, you will need the following information about your account: Loadzone WCMA Acot No: 40509-40017 Cycle: 18. CITY

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## DETAIL OF CURRENT CHARGES

#### **Delivery Services**

5

Outdoor lighting is not metered. Your charge is a flat rate based on the quantity and intensity of the lamp(s) you use.

Service Fetiod	No of days	Total Jeage
Aug 24 - Sep 22	29	691 kWh
RATE Street &	Security Lighting-Company Equip S-1	

	<b>Total Deliv</b>	ve	ry Services	\$ 53.88
Electric Vehicle Charge	0.00019	X	691 kWh	0.13
Distributed Solar Charge	0.01085	х	691 kWh	7.50
Renewable Energy Chg	0.0005	х	691 kWh	0.35
Energy Efficiency Chg	0.01379	х	691 kWh	9.53
Transmission Charge	0.03555	х	691 kWh	24.56
Transition Charge	-0.00069	х	691 kWh	-0.47
Distribution Charge	0.01777	х	691 kWh	12.28

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ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE	
40509-40017	Nov 16, 2023	\$ 518.93	

\$

ENTER AMOUNT ENCLOSED

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CITY OF GARDNER C/O TERRI BOIVIN 70 WATERFORD ST GARDNER MA 01440

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NATIONAL GRID PO BOX 371396 PITTSBURGH PA 15250-7396



SERVICE FOR CITY OF GARDNER PROSPECT ST POLE 3 GARDNER MA 01440

BILLING PERIOD		11405 PAGE 3 of 3
Aug 24. 2023 to	PLEASE PAY BY	AMOUNT DUE
40509-40017	Nov 16, 2023	\$ 518.93

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## **Other Charges/Adjustments**

Late Payment Charges		0.02
	Total Other Charges/Adjustments	\$ 0.02

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#### SERVICE FOR CITY OF GARDNER **PROSPECT ST POLE 3** GARDNER MA 01440

		11405
BILLING PERIOD		PAGE 1 of 3
Oct 24. 2023 to	Nov 22, 2023	
ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE
40509-40017	Jan 16, 2024	\$ 894.89
		International Antonio A

### CUSTOMER SERVICE 1-800-322-3223 CREDIT DEPARTMENT 1-888-211-1313 POWER OUTAGE OR DOWNED LINE 1-800-465-1212 CORRESPONDENCE ADDRESS PO Box 960 Northborough, MA 01532-0960 ELECTRIC PAYMENT ADDRESS PO BOX 371396 **PITTSBURGH, PA 15250-7396**

ACCOUNT BALANCE						
	National Grid Services	Other Supplier Service	Adjustments	Total		
Previous Balance	431.60	147.35	0.00	578.95		
Payment(s) Received	- 0.00	- 0,00	- 0.00	- 0.00		
Amount Past Due	431.60	147.35	0.00	578 95		
Current Charges	220.03	93.23	2.68	315.94		
Amount Due 🕨	S 651.63	\$ 240.58	\$ 2.68	\$ 894.89		

To avoid late payment charges of 1.02%, \$ 894.89 must be received by Jan 16 2024.

Payment concerns? We are here to help. To learn about solutions to help you 1 take control of your energy use and bills, visit www.ngrid.com/billhelp.

#### **Enrollment Information**

DATE BILL ISSUED

Nov 22, 2023

To enroll with a supplier or change to another supplier, you will need the following information about your account: Loadzone WCMA Acct No: 40509-40017 Cycle: 16, CITY

### DETAIL OF CURRENT CHARGES

#### **Delivery Services**

Outdoor lighting is not metered. Your charge is a flat rate based on the quantity and intensity of the lamp(s) you use.

Service Period		No of days	Total Usage
Oct 24 - Nov 22		29	864 kWh
RATE	Street & Security	Lighting-Company Equip S-1	

TE	Street	8	Security	Lightin	ig-Com	ipany	Equip	S-1

	Total Deli	ve	ry Services	\$ 68.21
Electric Vehicle Charge	0.00019	х	864 kWh	0.16
Distributed Solar Charge	0.01085	х	864 kWh	9.38
Renewable Energy Chg	0.0005	Х	864 kWh	0.43
Energy Efficiency Chg	0.01379	х	864 kWh	11.91
Transmission Charge	0.03555	х	864 kWh	30.71
Transition Charge	-0.00069	х	864 kWh	-0.59
Distribution Charge	0.01875	х	864 kWh	16.21

#### KEEP THIS FORTION FOR YOUR RECORDS

ACCOUNT NUMBER

40509-40017

SETURN THIS PORTION WITH YOUR PAYMENT

## nationalgrid

PO Box 960 Northborough MA 01532 ENTER AMOUNT ENCLOSED

AMOUNT DUE

\$ 894.89

\$ Write account number on check and make payable to National Grid

CITY OF GARDNER C/O TERRI BOIVIN 70 WATERFORD ST GARDNER MA 01440

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PLEASE PAY BY

Jan 16, 2024



SERVICE FOR CITY OF GARDNER PROSPECT ST POLE 3 GARDNER MA 01440

BILLING PERIOD Oct 24, 2023 to	Nov 22, 2023	11405 PAGE 3 of 3
ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE
40509-40017	Jan 16, 2024	\$ 894.89

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## **Other Charges/Adjustments**

Late Payment Charges		2.68
	Total Other Charges/Adjustments	\$ 2.68

#### SERVICE FOR CITY OF GARDNER **PROSPECT ST POLE 3** GARDNER MA 01440

			11405
	BILLING PERIOD		PAGE 1 of 3
	Dec 22, 2023 to	Jan 24, 2024	
	ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE
	40509-40017	Mar 19, 2024	\$ 1,286.49
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CUSTOMER SERVICE 1-800-322-3223 CREDIT DEPARTMENT 1-888-211-1313 POWER OUTAGE OR DOWNED LINE 1-800-465-1212 CORRESPONDENCE ADDRESS PO Box 960 Northborough, MA 01532-0960

ELECTRIC PAYMENT ADDRESS PO BOX 371396 PITTSBURGH, PA 15250-7396 DATE BILL ISSUED Jan 24, 2024

### **ACCOUNT BALANCE**

	National Grid Services	Other Supplier Service	Adjustments	Total
Previous Balance	889.10	343.83	0.00	1.232.93
Payment(s) Received	- 235.55	- 80.42	- 0.00	- 315.97
Amount Past Due	653.55	263.41	0.00	916.96
Current Charges	252.28	111.35	5.90	369.53
Amount Due 🕨	\$ 905.83	\$ 374.76	S 5.90	\$ 1.286.49

To avoid late payment charges of 1.02%, \$ 1,286.49 must be received by Mar 19 2024.

1 Payment concerns? We are here to help. To learn about solutions to help you take control of your energy use and bills, visit www.ngrid.com/billhelp.

#### **Enroliment Information**

To enroll with a supplier or change to another supplier, you will need the following information about your account: Loadzone WCMA Acct No: 40509-40017 Cycle: 16, CITY

### DETAIL OF CURRENT CHARGES

#### **Delivery Services**

Outdoor lighting is not metered. Your charge is a flat rate based on the quantity and intensity of the lamp(s) you use.

Service P	Periodi	No. of days	Total Usage
Dec 2	2 - Jan 24	33	1032 kWh
RATE	Street & S	Security Lighting-Company Equip S-1	and the set of the set

Street & Security Lighting-Company Equip S-1

	Total Deli	ve	ry Services	\$ 79.85
Electric Vehicle Charge	0.00019	х	1032 kWh	0.20
Distributed Solar Charge	0.00926453	х	1032 kWh	9.56
Renewable Energy Chg	0.0005	х	1032 kWh	0.52
Energy Efficiency Chg	0.01379	X	1032 kWh	14.23
Transmission Charge	0.03555	х	1032 kWh	36.69
Transition Charge	-0.00069	х	1032 kWh	-0.71
Distribution Charge	0.01875	х	1032 kWh	19.36

KEEP THIS PORTION FOR YOUR RECORDS.

SETURN THIS PORTION WITH YOUR PAYMENT

## nationalgrid

PO Box 960 Northborough MA 01532

ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE	
40509-40017	Mar 19, 2024	\$ 1,286.49	

ENTER AMOUNT ENCLOSED

\$ Write account number on check and make payable to National Grid

CITY OF GARDNER C/O TERRI BOIVIN 70 WATERFORD ST GARDNER MA 01440

012198

NATIONAL GRID PO BOX 371396 PITTSBURGH PA 15250-7396

SERVICE FOR CITY OF GARDNER PROSPECT ST POLE 3 GARDNER MA 01440

BILLING PERIOD Dec 22, 2023 to	Jan 24, 2024	11405 PAGE 3 of 3
ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE
40509-40017	Mar 19, 2024	\$ 1,286,49

www.nationalgridus.com

### **Other Charges/Adjustments**

Late Payment Charges		5.90
	Total Other Charges/Adjustments	S 5.90

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We offer ways to help you manage your energy use and monthly bills including budget payment plans, energy efficiency tips and programs, and assistance with community support agencies.

Learn more at ngrid.com/heretohelp

## Estamos aquí para ayudarlo a administrar su factura de energía.

Ofrecemos formas de ayudarlo a gestionar su consumo de energía y sus facturas mensuales, incluidos planes de pago de presupuestos, consejos y programas de eficiencia energética y asistencia con agencias de apoyo comunitario.

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### SERVICE FOR CITY OF GARDNER PROSPECT ST POLE GARDNER MA 01440

	BILLING PERIOD	11405
.E 3	Jan 24, 2024 to Feb 22, 2024	PAGE 1 of 3
10	ACCOUNT NUMBER PLEASE PAY BY	AMOUNT DUE
	40509-40017 Apr 17, 2024	4 <b>\$ 1.259.19</b>
NCE		

### www.nationalgridus.com CUSTOMER SERVICE 1-800-322-3223 CREDIT DEPARTMENT 1-888-211-1313 POWER OUTAGE OR DOWNED LINE

1-800-465-1212 CORRESPONDENCE ADDRESS PO Box 960 Northborough, MA 01532-0960 ELECTRIC PAYMENT ADDRESS PO BOX 371396 PITTSBURGH, PA 15250-7396 DATE BILL ISSUED Feb 22, 2024

### ACCOUNT BALAN

	National Grid Services	Other Supplier Service	Adjustments	Total
Previous Balance	910.09	376.40	0.00	1.286.49
Payment(s) Received	- 244.14	- 93.90	- 0.00	- 338.04
Amount Past Due	665.95	282.50	0.00	948 45
Current Charges	214.90	89.23	6.61	310.74
Amount Due 🕨	\$ 880.85	\$ 371.73	\$ 6.61	\$ 1.259.19

To avoid late payment charges of 1.14%, \$ 1,259.19 must be received by Apr 17 2024.

Payment concerns? We are here to help. To learn about solutions to help you take control of your energy use and bills, visit www.ngrid.com/billhelp.

#### **Enroliment Information**

To enroll with a supplier or change to another supplier, you will need the following information about your account: Loadzone WCMA

Aper No: 40509-40017 Cycle: 18. CITY

### DETAIL OF CURRENT CHARGES

## **Delivery Services**

Outdoor lighting is not metered. Your charge is a flat rate based on the quantity and intensity of the lamp(s) you use.

Service	Penod	No of days	Total Usade
Jan 24 - Feb 22		29	827 kWh
RATE	Street & Security L	ighting-Company Equip S-1	

Total Deliver	y Services	\$ 63,49
		0.16
		7.17
		0 41
0.01379 x	827 kWh	11 41
0.03555 x	827 kWh	29.40
-0.00069 x	827 kWh	-0.57
0.01875 x	827 kWh	15.51
	-0.00069 x 0.03555 x 0.01379 x 0.0005 x 0.00867 x 0.00019 x	0.01875 x 827 kWh -0.00069 x 827 kWh 0.03555 x 827 kWh 0.01379 x 827 kWh 0.0005 x 827 kWh 0.00867 x 827 kWh 0.00019 x 827 kWh <b>Total Delivery Services</b>

#### KEEP THIS PORTION FOR YOUR RECORDS

ACCOUNT NUMBER

40509-40017

RETURN THIS PORTION WITH YOUR PAYMENT

## nationalgrid

PO Box 960 Northborough MA 01532

pr 17, 2024	\$ 1,259.19	
	ENTER AMOUNT ENCLOSED	

AMOUNT DUE

Write account number on check and make payable to National Grid

CITY OF GARDNER C/O TERRI BOIVIN 70 WATERFORD ST GARDNER MA 01440

018707

NATIONAL GRID PO BOX 371396 PITTSBURGH PA 15250-7396

\$

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PLEASE PAY BY

SERVICE FOR CITY OF GARDNER PROSPECT ST POLE 3 GARDNER MA 01440

BILLING PERIOD		11405	
Jan 24, 2024 to Feb 22, 2024		PAGE 3 of 3	
	ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE
	40509-40017	Apr 17, 2024	\$ 1,259.19

www.nationalgridus.com

## **Other Charges/Adjustments**

Late Payment Charges		5.61
	Total Other Charges/Adjustments	\$ 6.61

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### SERVICE FOR CITY OF GARDNER PROSPECT ST POLE 3 GARDNER MA 01440

		11405
BILLING PERIOD		PAGE 1 of 3
Mar 22, 2024 to	Apr 24, 2024	
ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE
40509-40017	Jun 18, 2024	\$ 1,596.47
		A STATE OF A

## www.nationalgridus.com

CUSTOMER SERVICE 1-800-322-3223 CREDIT DEPARTMENT 1-888-211-1313 POWER OUTAGE OR DOWNED LINE

1-800-465-1212 COARESPONDENCE ADDRESS PO Box 960 Northborough, MA 01532-0960 ELECTRIC PAYMENT ADDRESS PO BOX 371396 PITTSBURGH, PA 15250-7396 DATE BILL ISSUED Apr 24, 2024

## ACCOUNT BALANCE

	National Grid Services	Other Supplier Service	Adjustments	Total
Previous Balance	1,111.86	454.49	0.00	1.566.35
Payment(s) Received	- 216.01	- 91.15	- 0.00	- 307.16
Amount Past Due	895.85	363.34	0.00	1,259,19
Current Charges	243.88	79.03	14.37	337.28
Amount Due 🕨	\$ 1,139.73	\$ 442.37	\$ 14.37	\$ 1,596.47

To avoid late payment charges of 1.14%, \$ 1,596.47 must be received by Jun 18 2024.

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#### **Enrollment Information**

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Acci No: 40509-40017 Cycle: 16, CITY

## DETAIL OF CURRENT CHARGES

### **Delivery Services**

Outdoor lighting is not metered. Your charge is a flat rate based on the quantity and intensity of the lamp(s) you use.

Service Pe	eriod	No of days	Total Usage
Mar 22	? - Apr 24	33	771 kWh
RATE	Street &	Security Lighting-Company Equip S-1	

	<b>Total Delivery Services</b>	\$ 71.59
Electric Vehicle Charge	0.00019 x 771 kWh	0.15
Distributed Solar Charge	0.00867 x 771 kWh	6.68
Renewable Energy Chg	0.0005 x 771 kWh	0.39
Energy Efficiency Chg	0.01379 x 771 kWh	10 63
Transmission Charge	0.04222 x 771 kWh	32.55
Transition Charge	-0.00054 x 771 kWh	-0.41
Distribution Charge	0.02801 x 771 kWh	21.60

AMOUNT DUE

KEEP THIS POSTION FOR YOUR RECORDS

SETURN THIS FORTION WITH YOUR PAYMENT



40509-40017 Jun 18, 2024 \$ 1,596.47 PO Box 960 ENTER AMOUNT ENCLOSED Northborough MA 01532 Ś Write account number on check and make payable to National Grid CITY OF GARDNER NATIONAL GRID C/O TERRI BOIVIN PO BOX 371396 70 WATERFORD ST 016217 PITTSBURGH PA 15250-7396 GARDNER MA 01440

PLEASE PAY BY

SERVICE FOR CITY OF GARDNER PROSPECT ST POLE 3 GARDNER MA 01440

BILLING PERIOD Mar 22, 2024 to	Apr 24, 2024	11405 PAGE 3 of 3
ACCOUNT NUMBER 40509-40017	PLEASE PAY BY	AMOUNT DUE
40309-40017	Jun 18, 2024	\$ 1,596.47

www.nationalgridus.com

## Other Charges/Adjustments

Lata Deumouri Oheur	
Late Payment Charges	14.37
Total Other Charges/Adjustmen	ts \$ 14.37

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### SERVICE FOR CITY OF GARDNER PROSPECT ST POLE 3 GARDNER MA 01440

BILLING PERIOD Apr 24, 2024 to	May 23, 2024	11405 PAGE 1 of 3
ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE
40509-40017	Jul 17, 2024	\$ 1,875.58

### www.nationalgridus.com CUSTOMER SERVICE 1-800-322-3223 CREDIT DEPARTMENT 1-888-211-1313 POWER OUTAGE OR DOWNED LINE 1-800-465-1212 CORRESPONDENCE ADDRESS PO Box 960 Northborough, MA 01532-0960 ELECTRIC PAYMENT ADDRESS

PO BOX 371396 PITTSBURGH, PA 15250-7396 DATE BILL ISSUED May 23, 2024

## ACCOUNT BALANCE

	National Grid Services	Other Supplier Service	Adjustments	Total
Previous Balance	1.149.83	446.64	0.00	1,596.47
Payment(s) Received	- 0.00	- 0.00	- 0.00	- 0.00
Amount Past Due	1.149.83	446.64	0.00	1.596.47
Current Charges	204.39	60.37	14.35	279.11
Amount Due 🕨	\$ 1,354.22	S 507.01	\$ 14.35	\$ 1,875.58

To avoid late payment charges of 1.14%, \$ 1,875.58 must be received by Jul 17 2024.

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### Enrollment Information

To enroll with a supplier or change to another supplier, you will need the following information about your account: Loadzone WCMA

Acot No: 40509-40017 Cycle: 18, CITY

## DETAIL OF CURRENT CHARGES

## **Delivery Services**

Outdoor lighting is not metered. Your charge is a flat rate based on the quantity and intensity of the lamp(s) you use.

Service P	errod	No of days	Total Usage
design of the local data was a second d	- May 23	29	589 kWh
RATE	Street & Security Light	ing-Company Equip S-1	

	Total Deli	Vei	ry Services	\$ 52.98
Electric Vehicle Charge	0.00019	х	589 kWh	0.11
	0.00867	X	589 kWh	5.11
Distributed Solar Charge		Х	589 kWh	0.29
Renewable Energy Chg	0.0005			
Energy Efficiency Chg	0.01006241	x	589 kWh	5.92
Transmission Charge	0.04222	х	589 kWh	24.87
Transition Charge	-0.00054	х	589 kWh	-0.32
Distribution Charge	0.0288824			17.00

KEEF TH'S FORTION FOR YOUR RECORDS

RETURN THIS FORTION WITH YOUR PAYMENT

national <b>grid</b>	ACCOUNT NUMBER	CCOUNT NUMBER PLEASE PAY BY AMOUNT DUE			
	40509-40017	Jul 17, 2024	\$ 1,875.58		

PO Box 960 Northborough MA 01532

ENTER AMOUNT ENCLOSED

\$

Write account number on check and make payable to National Grid

CITY OF GARDNER C/O TERRI BOIVIN 70 WATERFORD ST GARDNER MA 01440

019926

NATIONAL GRID PO BOX 371396 PITTSBURGH PA 15250-7396

SERVICE FOR CITY OF GARDNER PROSPECT ST POLE 3 GARDNER MA 01440

		11405
	BILLING PERIOD	PAGE 3 of 3
	Apr 24, 2024 to May 23, 20	
	ACCOUNT NUMBER PLEASE PA	AMOUNT DUE
Managerana	40509-40017 Jul 17, 20	S 1,875.58

www.nationalgridus.com

## **Other Charges/Adjustments**

Late Payment Charges	
Total Other Charge	s/Adjustments \$ 14.35

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SERVICE FOR CITY OF GARDNER PROSPECT ST POLE 3 GARDNER MA 01440

		11405
BILLING PERIOD		PAGE 1 of 3
May 23, 2024 to	o Jun 24, 2024	FAGE 1 01 3
ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE
40509-40017	Aug 18, 2024	\$ 2.175.29
		a second s

## ACCOUNT BALANCE

	National Grid Services	Other Supplier Service	Adjustments	Total
Previous Balance	1,364.43	511.15	0.00	1.875.58
Payment(s) Received	- 0.00	- 0.00	- 0.00	- 0.00
Amount Past Due	1,364.43	511.15	0.00	1.875.58
Current Charges	220.33	61.19	18.19	299.71
Amount Due 🕨	\$ 1,584.76	\$ 572.34	\$ 18.19	\$ 2.175.29

To avoid late payment charges of 1.14%, \$ 2,175.29 must be received by Aug 18 2024.

Payment concerns? We are here to help. To learn about solutions to help you 1 take control of your energy use and bills, visit www.ngrid.com/billhelp.

## DETAIL OF CURRENT CHARGES

## **Delivery Services**

Outdoor lighting is not metered. Your charge is a flat rate based on the quantity and intensity of the lamp(s) you use.

Service I	Period	No of days	<b>T</b> anal 1 (
May 2	3 - Jun 24	32	Total Usage
RATE	Street & Security Lighting-		597 kWh
	Distribution Charge	0.02911 x 597 kWh	17.37
	Transition Charge	-0.00054 x 597 kWh	-0.32
	Transmission Charge Energy Efficiency Chg	0.04222 x 597 kWh	25 20
	Renewable Energy Chg	0.00909 x 597 kWh 0.0005 x 597 kWh	5,42
	Distributed Solar Charge	0.00867 x 597 kWh	0.30
	Electric Vehicle Charge	0.00019 x 597 kWh	5.18
		<b>Total Delivery Services</b>	\$ 53.26

KEEP THIS POSTION FOR YOUR RECORDS

RETURN THIS PORTION WITH YOUR PAYNENT

ACCOUNT NUMBER

40509-40017

## nationalgrid

PO Box 960 Northborough MA 01532

CITY OF GARDNER C/O TERRI BOIVIN 70 WATERFORD ST GARDNER MA 01440

019502

ENTER AMOUNT ENCLOSED

AMOUNT DUE

\$ 2,175.29

Write account number on check and make payable to National Grid

NATIONAL GRID PO BOX 371396 PITTSBURGH PA 15250-7396

\$

www.nationalgridus.com

CUSTOMER SERVICE 1-800-322-3223 CREDIT DEPARTMENT 1-888-211-1313 POWER OUTAGE OR DOWNED LINE 1-800-465-1212 CORRESPONDENCE ADDRESS PO Box 960 Northborough, MA 01532 ELECTRIC PAYMENT ADDRESS PO BOX 371396 PITTSBURGH, PA 15250-7396 DATE BILL ISSUED Jun 24, 2024

**Enrollment Information** 

Loadzone WCMA

To enroll with a supplier or change to another supplier, you will need the following information about your account:

Acct No: 40509-40017 Cycle: 16, CITY

## 000029971 40509400171000217529231

PLEASE PAY BY

Aug 18, 2024

SERVICE FOR CITY OF GARDNER PROSPECT ST POLE 3 GARDNER MA 01440

BILLING PERIOD May 23, 2024	to Jun 24, 2024	11405 PAGE 3 of 3
ACCOUNT NUMBER 40509-40017	PLEASE PAY BY Aug 18, 2024	AMOUNT DUE <b>\$ 2.175.29</b>
	The second s	

www.nationalgridus.com

## Other Charges/Adjustments

Late Payment Charges		18.19
	Total Other Charges/Adjustments	\$ 18.19

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## 11405

HS44204493

04/23/2024

682001 - 76678

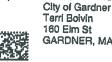
DocuSign Envelope ID: 178020D2-7E6A-43FD-A31D-469ED3AB25A0

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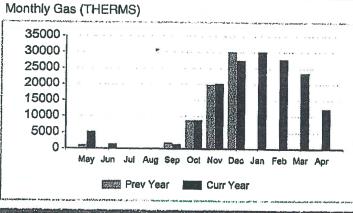
## **CUSTOMER INFORMATION**



Terri Boivin 160 Elm St GARDNER, MA 01440-2373

T2 0 0176 01440-237360

## **USAGE HISTORY**



## MESSAGE CENTER

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		V4/23/2024	
Payment D	05/23/2024		
INVOICE SUMM	IARY		
Previous Balance		\$15,113.22	
Payment Received (Apr	18, 2024)	(\$15,112.04)	
Total Balance Forward		\$1.18	
Adjustments		\$0.00	
Late Payment Charge		\$0.00	
Current Usage Charges		\$11,655.54	
<b>Total Current Charges</b>		\$11,655.54	
L	ess city Portion	-3820.39	
		\$ 7835.15	
Amount Due by Ma	y 23, 2024	\$11,656.72	
DAMATALT			
PAYMENT OPTIC	DNS .		
By web	nrg.com/myaccour	nt	
By phone	1.844.737.6742		
By mail	Remittance sllp be	low	

## QUESTIONS?

Invoice #:

Account # :

Involce Date:

Particular Second	:	Visit Us	nrg.com/myaccount
	E	Call Us	1.844.737.6742

Detach here and return this portion with check or money order. Do not staple or fold.



City of Gardner

Attn: Terrl Boivin 160 Elm St GARDNER, MA 01440 Invoice #:

Account # :

HS44204493 682001 - 76678

\$11,656.72

## Amount Due by May 23, 2024

Amount Enclosed

Please write your account number on your check or money order made payable to NRG Business Marketing.

Check Remittance To:

NRG Business Marketing P.O. Box 32179 New York,NY 10087-2179

Invoice #: HS4420445 Statement Group #: 7667				Contract Volur March	LAPPARE AN ALCONSER	ммвти
	vizi			Aprif Billing Unit:	2,315	MMBTU MMBTU
Serv Loc ID: 733200	Description	Deal10	Date From - To	Volume	Unit Price	Total
Service Period: 03/22/2024-04/19/2024	Commodity	2574918	03/22/2024 -04/19/2024	550.22	\$6.196	\$3,409,16
Utility Name: Flichburg Gas Company Pool/Point: FIT TGP DCQ Utility Acct #: 3112790500 PO #: Address: 160 Eim St. GARDNER, MA 01440	Total :     550.22       Billed volumes are inclusive of a utility line loss factor of 0.99450 for March,0.99450 for			for April	\$3,409.16	

March 12 Constant and a second s	2574918 03/22/2024 -04/19/202	4 616.59	\$6.196 \$3,820.39
	Total::	616.59	\$3,820,39
Billed volumes are inclu	usive of a utility line loss factor of 0.99450	for March, 0.99450	for April
		Total : Billed volumes are inclusive of a utility line loss factor of 0.99450	Total : 616.59 Billed volumes are inclusive of a utility line loss factor of 0.99450 for March,0.99450

modity 2574918	03/22/2024 -04/19/2024	00 01		
and of references on the Kine device of a strange day statement of the second strange in the second statement of		25.24	\$6.196	\$156,39
Total : Billed volumes are inclusive of a utility line loss factor of 0.99450 for M		25.24		\$156.39
			25.24	Total : 25.24 volumes are inclusive of a utility line loss factor of 0.99450 for March,0.99450 for April

Service Perid	od: 03/22/2024-04/19/2024	Commodity	2574918	Date From To		Init Price	Total
	Filchburg Gas Company	And the second sec	2014810	03/22/2024 -04/19/2024	689.09	\$6.196	\$4,269.6
Pool/Point:	FIT TGP DCO		Total :	анного и усторили сологония маркене адможствейскими соли странести.	689.09	ne in sector to the management in sector	\$4,269,60
Jtility Acct #	3/81349500	Billed volumes are in	clusive of a utility lin	ne loss factor of 0.99450 for N	arch 0 99450	for Andi	44,£03,01
PQ #:							
Address:	200 Catherine St.						
	GARONER MA 01440						

G	rand Total	\$11,655.54

#### DocuSign Envelope ID: 187BC168-3EC7-4498-B688-3A71428B3EA3 Invoice #: HS44257351 Account # : 682001 - 76678 Invoice Date: 05/23/2024 Payment Due Date: 06/22/2024 CUSTOMER INFORMATION **INVOICE SUMMARY** 0000106 T2 0 0198 01440-237360 -C01-P00106-I1 City of Gardner **Previous Balance** \$11,656.72 Terri Bolvin **Payment Received** 160 Elm St \$0.00 GARDNER, MA 01440-2373 **Total Balance Forward** \$11,656.72 Adjustments \$0.00 Late Payment Charge \$0.01 Current Usage Charges \$4,697.63 **Total Current Charges USAGE HISTORY** <del>\$4,697.6</del>4 City Portion 853.50 Monthly Gas (THERMS) 3,844.13 Amount Due by Jun 22, 2024 \$16,354.36 PAYMENT OPTIONS 16 By web nrg.com/myaccount G By phone 1.844.737.6742

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**QUESTIONS?** 

By mail

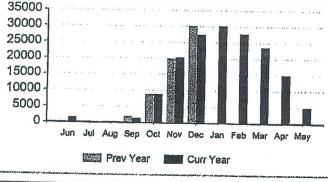
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Remittance slip below

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Invoice #:	HS44257351
Account # :	
	682001 - 76678
Amount Due by Jun 22, 2024	\$16,354.36

Please write your account number on your check or money order made payable to NRG Business Marketing.

Check Remittance To:

NRG Business Marketing P.O. Box 32179 New York, NY 10087-2179

City of Gardner

Attn: Terri Boivin 160 Elm St GARDNER, MA 01440

Invoice #: HS4425731 Statement Group #. 7667				Contract Voli April	A REAL PROPERTY.	MMBTU
				May Billing Units	[清清]	MMBTU MMBTU
Service ID: 733200	Description	Deal ID	Date From - To	Volume	Unit Price	Total
Service Period: 04/20/2024-05/21/2024 Utility Name: Fitchburg Gas Company:	Commodity	2574918	04/20/2024 -05/21/2024	200.90	\$6.196	\$1,244.78
Pool/Point: FIT TGP DCQ Utility Acct #: 3/ 12700500 PO,#: Address: 160 Eim St. GARDNER, MA 01/140	Billed volumes are inclusiv	Total : e of a utility lir	te loss factor of 0.99450 fc	<b>200.90</b> or April,0.99450	for May	\$1,244.78

ų,

Service Period: 04/20/2024-05/21/2024	Commodity	2574918	to be a state of the second of the second	Land Charles Contraction of the	Init Price	Total
Hillty Name: Fitchburg Gas Company		401 40 10	04/20/2024 -05/21/2024	137.75	\$6.196	\$853.50
Pool/Point: FIT TOP DCQ	R. C	Total :		137.75	non a no manter stance.	\$853.50
Hillty Acct #: 3112823500	Billed volumes are inc	clusive of a utility I	ne loss factor of 0.99450 for A	oril 0 99450 fo	May	
PO#;				,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	iniay	
doress: 62 Waterford St.						

Service Period: 04/20/2024-05/21/2024	Commodity	2574918 0	and the second s	Volume L	Init Price	Total
Utility Name: Fitchburg Gas Company	Martin property will a serve on product a serveral to be made by building to serve on	2374918 0	4/20/2024 -05/21/2024	28.16	\$6.196	\$174.4
Pool/Point: FIT TGP DCO		Total :	антонкована повремова се стало осност хонутор техни разбу Собо сторо	28.16	or contraction of the second	\$174.48
Jtility Acct #: 31126 1600	Billed volumes are inc	clusive of a utility line	loss factor of 0.99450 for Ap	nil 0 99450 fo	t Mou	
0#:					1 wiay	
Address: 200 Catherine St.						

Sérvice Period: 04/20/2024-05/21/2024 Utility Name: Fitchburg Gas Company	Commodity	2574918 04/20/2024 -05/21/2024	Participation and the Victor of States and a	It Price         Total           \$6.196         \$2,424.87
Pool/Point: FIT TGP.DCG Utility.Acat #: 3161349500 PO #:	Billed volumes are ir	Total : nclusive of a utility line loss factor of 0.99450 for A	<b>391.36</b> April,0.99450 for M	\$ <b>2,424.8</b> 7 May
Address: 200 Catherine St, GARDNER, MA 01440				

Grand Total	\$4,697.63



Page 1 of 1



EASTERN PROPANE & OIL PO BOX 1800 ROCHESTER, NH 03866 (800) 522-2000 (978) 297-0529

#### **Account Summary**

Customer #	Ship to #	Invoice #	Invoice Date	Due Date	Amount Due
3008467	3008467	7408671	06/23/2024	07/23/2024	\$514.74
Invoice for Servic	es at:			UTILOIZOL4	ψ014.74
GARDNER SCHO SUPERINTENDEN 70 WATERFORD S GARDNER, MA 01	NT OFFICE	VHU			
te charges of 1 1/2% per r	nonth may be charged to a	ll balances over 30 days. Ar	Annual Tank Rental may apply	6	

-pozin)

#### **Account Detail**

Date	Description	Qty	Price	Total
	Previous Balance:			\$0.00
6/20/2024	PROPANE	183.90	\$2.7990	\$514.74
	111.		Totals this Invoice:	\$514.74
			Amount Due: Prompt Pay Discount:	\$514.74 \$9.20
		Net Amount Due if	received by 07/05/2024:	\$505.54
hank you for	your business!	Make payment by	check or credit card & VISA	DISCOVER IN

payment. Bring entire invoice if payment is made in person.



EASTERN PROPANE & OIL PO BOX 1800 ROCHESTER, NH 03866 (800) 522-2000, (978) 297-0529

Customer #	Due Date	Amount Due
3008467	07/23/2024	\$514.74
Prompt Pay Discou Net Amount D	·	Amount Enclosed
If Received	4444141	

Invoice # 7408671

For address changes, check this box and make corrections above

GARDNER SCHOOL DEPT SUPERINTENDENT OFFICE 95 PLEASANT ST GARDNER, MA 01440-2525

Send Payment to:

**EASTERN PROPANE & OIL** PO Box 8900 Lewiston, ME 04243-8900

11405

130 Elm St Helen Mare

Invoice #:	HS44181959
Account # :	682001 - 57244
Invoice Date:	04/09/2024
Payment Due Date:	05/09/2024

Company:	City of Gardner			ICE SUMMA		
	,		Previous			\$0.00
1. dd.m				Received		\$0.00
Attn: Billing Address:	Jennifer Dymek School Superintendents Office					\$0.00
	70 Waterford Street GARDNER, MA 01440	Contra	Adjustme	nts ment Charge		\$0.00
	UNICHEN, MA UT440	Lerming tion		in Charges	X	\$0.00
USAGE H	IISTORY	1 CA MILLOC JION	and the second s	Isage Charges		\$0.00
A A STATE OF	(THERMS)		Total Cu	rrent Charges		\$4,487.51
3000	-		Amoun	t Due by May	09, 2024	\$4,487.51
2000 -						
1500 -			PAYME	NT OPTION	S	A CARLES
1000 - 500 -	· .!!!		1	By web	nrg.com/myaccount	
0			E	By phone	1.844.737.6742	
N	/lay Jun Jul Aug Sep Oct Nov Dec			By mail	Remittance slip below	
MESSAGE	ECENTER	to commence a second place and the second second	QUEST	IONS?		
the second s	RLESS TODAY		÷Þ	Visit Us	nrg.com/myaccount	
<b>GO PAPE</b>						

Detach here and return this portion with check or money order. Do not staple or fold.



nrg\*

City of Gardner

Attn: Jennifer Dymek School Superintendents Office 70 Waterford Street GARDNER, MA 01440 Invoice #:

Account # :

HS44181959 682001 - 57244

\$4,487.51

#### Amount Due by May 09, 2024

Amount Enclosed

Please write your account number on your check or money order made payable to NRG Business Marketing.

Check Remittance To:

NRG Business Marketing P.O. Box 32179 New York,NY 10087-2179 IF YOU SUSPECT A NATURAL GAS LEAK, SMELL GAS OR HAVE ANY OTHER GAS RELATED EMERGENCIES, PLEASE DIAL 911 OR CONTACT YOUR LOCAL DISTRIBUTION UTILITY COMPANY.

#### **GENERAL INFORMATION**

If you end your service with NRG prior to the end of your agreement term, you may be charged an early termination fee. Please refer to your agreement for additional information.

In the event that the Term of your Agreement has expired, your account will be invoiced at a Market Based Rate or dropped.

#### DEFINITIONS

**Board of Public Utilities** – State agency responsible for regulating local utility companies. (May also be called Public Service Commission).

Burner Tip – Point where natural gas is ultimately used by the customer (the meter).

CCF - 100 cubic feet. This is a measure of gas usage.

**City Gate** – Physical connection of an interstate pipeline and the pipeline of the local natural gas utility.

Commodity Charge – The cost of natural gas provided to you during the billing period.

GSA (Gas Settlement Adjustment) – charge or credit for the value of natural gas usage that differs from contracted volume.

Late Payment Charges – Charges for payment of a billed amount after the due date specified on the customer's invoice. Late payment charges may apply as specified in your contract with NRG.

#### **DEFINITIONS CONTINUED**

Line Loss – The difference between the amount of natural gas brought to the city gate, versus the amount of natural gas usage report at the meter (burner tip). Line loss was previously included in your local pricing. Line loss is a regulated charge based on percentages determined by each utility to compensate for the utility's pipeline system loss.

Local Distribution Company (LDC) Charges – The fee assessed by the local utility for delivery of natural gas to the customer's home or business through the utility's distribution lines. In most cases this charge is billed separately by the utility.

MCF - 1,000 cubic feet or 10 CCFs. This is a measure of gas usage.

Meter – A device for measuring levels and volumes of a customer's natural gas usage. The local utility retains responsibility for reading and maintaining these meters.

**MMBTU** – Million British thermal units, which is a heating equivalent measure for natural gas and is an alternative measure of natural gas reserves.

Service Period – The time period associated with when the Utility reads or estimates the customer's natural gas usage for billing purposes. The customer's service period is established by the Utility.

Therm – One hundred thousand (100,000 British thermal units (1 Therm=100,000 BTU).



City of Gardner - Executive Department

Mayor Michael J. Nicholson

October 15, 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 Requesting the Scheduling of the FY2025 Tax Classification Hearing to Determine and Set the Residential Factor for Real Estate Taxation

Dear Madam President and Councilors,

As you are aware, annually, the City Council must vote to determine the percentage of the local tax levy to be borne by each class of real property, following a public hearing held under the provisions of Chapter 40, Section 56 of the General Laws of the Commonwealth.

The Administration is requesting that the City Council vote to set a "factor of 1" to allow the City to continue having a single tax rate in the City.

The Administration is set to present on the benefits of having a single tax rate, the anticipated tax rate for the current fiscal year, how this relates to the City's finances, and impact on the local tax payer.

Now that the City's LA3, LA4, LA13, and Free Cash have been certified, this is the next step in the process of finalizing the City's tax rate for the current fiscal year. Following this hearing and vote, the City's Tax Recapitulation Sheet will be submitted to the Department of Revenue for Certification who will then set the City's tax rate for the fiscal year.

Attached to this letter is the initial information that the Administration has ready for this hearing and vote. Additional information will be provided for the presentation, once scheduled.

Respectfully Submitted,

al J Jukelon

Michael J. Nicholson Mayor, City of Gardner

#### Determination of a Residential Factor of One for Real Estate Taxation for the Fiscal Year 2025 Beginning July 1, 2024 and Ending on June 30, 2025.

VOTED: That the residential factor for real estate taxes be set at one (1) for the Fiscal Year beginning on July 1, 2024 and ending on June 20, 2025.

## **Required Hearing Posting**

#### \*\*\* Notice of FY2025 Tax Classification Hearing \*\*\*

Pursuant to Chapter 40, Section 56 M.G.L. the Gardner City Council will hold a public hearing on \_\_\_\_\_\_ at \_\_\_\_\_ in the Council Chamber, Room 219, at City Hall, 95 Pleasant Street, Gardner, MA.

The purpose of the hearing is to determine the percentage of the local tax levy to be borne by each class of real property. The hearing will include the options available under Chapter 40, Section 56 of the Massachusetts General Laws.

The public is welcome to attend.

# Administration Support Letter for Single Tax Rate



#### City of Gardner - Executive Department

Mayor Michael J. Nicholson

October 15, 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 from the Administration for a Single Tax Rate

Dear Madam President and Councilors,

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

The Board of Assessors voted to recommend that the City Council vote to adopt a residential factor of one (1) for the 2023 Fiscal Year.

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

Following the required procedures for certifications of new growth, tax recapulation, value certifications, and certifications of sales, the tax rate for the current fiscal year is set to be certified at a rate of \$14.37 per thousand dollar valuation. This represents a \$0.62 reduction per thousand dollars, and is the lowest the tax rate has been since 2011. Additionally, this is the lowest dollar amount that the average tax bill in Gardner is expected to increase from the previous fiscal year since 2012. This is due to market valuations and tax rates coming more inline with each other after years of fluctuations in the market.

I respectfully request that the City Council schedule the statutorily required hearing regarding the City's Tax Classification for a single or split tax rate for the 2023 Fiscal year.

Respectfully Submitted,

Muchael Julia

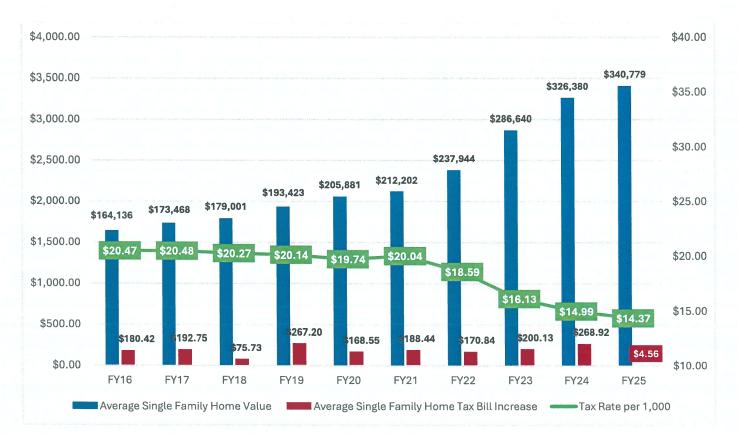
Michael J. Nicholson Mayor, City of Gardner

Historical Data Average Single Family Tax Bill

Fiscal Year	Single Family Assessed Value	Single Family Parcels	Single Family Average Value	Residential Tax Rate	Average Single Family Tax Bill
2013	670,651,600	3909	171,566	17.46	\$2,995.54
2014	633,628,900	3913	161,929	18.87	\$3,055.60
2015	627,774,800	3945	159,132	19.98	\$3,179.45
2016	650,308,100	3962	164,136	20.47	\$3,359.87
2017	689,881,300	3977	173,468	20.48	\$3,552.62
2018	713,318,700	3985	179,001	20.27	\$3,628.35
2019	773,887,200	4001	193,423	20.14	\$3,895.55
2020	824,554,400	4005	205,881	19.74	\$4,064.10
2021	853,053,400	4020	212,202	20.04	\$4,252.53
2022	959,390,400	4032	237,944	18.59	\$4,423.38
2023	1,156,307,700	4034	286,640	16.13	\$4,623.51
2024	1,315,963,900	4032	326,380	14.99	\$4,892.44
2025	1,374,021,800	4032	340,779	14.37	\$4,897.00

#### **Gardner Average Single Family Home Tax Bill History**

Estimated FY25 tax rate

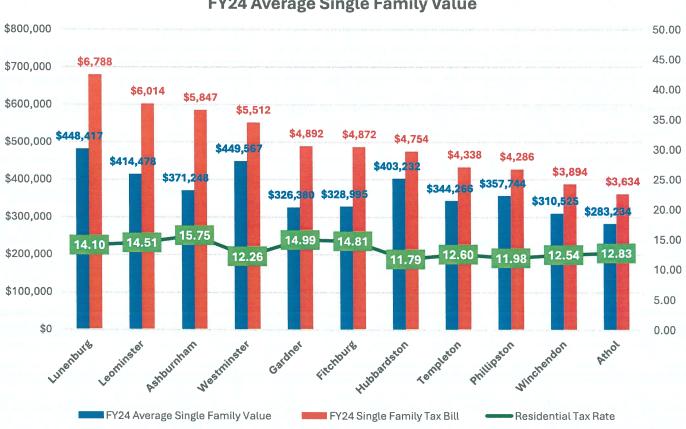


# Average Single Family Home Values, Tax Rates, and Tax Bills in Northern Worcester County

Municipality	Single Family Value	Tax Rate	Single Family Tax Bill	Rank
Ashburnham	371,248	15.75	5,847	196
Athol	283,234	12.83	3,634	333
Fitchburg	328,995	14.81	4,872	266
Gardner	326,380	14.99	4,892	263
Hubbardston	403,232	11.79	4,754	270
Leominster	414,478	14.51	6,014	187
Lunenburg	481,417	14.10	6,788	149
Phillipston	357,744	11.98	4,286	310
Templeton	344,266	12.60	4,338	303
Westminster	449,567	12.26	5,512	220
Winchendon	310,525	12.54	3,894	327

#### FY24 Average Single Family Home Values (N. Worcester County)

351 Municipalities in Massachusetts



#### FY24 Average Single Family Value

City of Gardner FY24 Top 10 Tax Payers

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	OWNER	TOTAL VALUE	TYPE
ц	MASS ELECTRIC	26,834,530	UTILITY
2	UNITIL	22,117,540	UTILITY
ω	JENNY/JESSIE/MAYOR/MIKEY/D PERRI REALTY LLC & PRACK INVESTMENTS	17,639,300	CONDOS
4	BINNALL HOUSE RHF PARTNERS	12,825,000	APARTMENTS
л	CEDAR TIMPANY LLC	12,757,800	RETAIL/COMMERCIAL
6	NEW ENGLAND WOODEN WARE CORP / GTU LLC / URQUHART FAMILY LLC	12,641,800	COMMERCIAL
7	OLDE ENGLISH VILLAGE PRESERVATION LP	12,232,500	APARTMENTS
00	MOUNTAIN CLIMBER LLC	11,173,300	APARTMENTS
9	WAKEFIELD PLACE ASSOC LTD PTNR	10,723,800	APARTMENTS
10	NEW ENGLAND POWER	9,821,780	UTILITY
11	EXCHANGERIGHT NET-LEASED PORTFOLIO 54 DST	9,614,800	RETAIL/COMMERCIAL
12	WAL MART REAL ESTATE	8,631,300	COMMERCIAL
13	GARDEN GATE LJS LLC	8,624,100	

# Gardner Historic Assessments and Percentage Values

Gardner Historic Assessments & Percentages of Value

۲	TOTAL	Residential	Commercial	Industrial	Personal Prop	Res % of Total	CIP % of Total	Rate
2013	1,181,385,479	969,707,075	111,731,325	61,621,600	38,325,479	82.08	17.92	17.46
2014	1,136,149,615	920,245,074	110,967,326	62,394,500	42,542,715	81.00	19.00	18.87
2015	1,131,686,711	896,784,169	111,029,231	62,898,800	60,974,511	79.24	20.76	19.98
2016	1,139,021,076	904,538,011	116,765,889	58,565,500	59,151,676	79.41	20.59	20.47
2017	1,197,247,612	949,314,346	120,068,054	60,033,000	67,832,212	79.29	20.71	20.48
2018	1,245,880,527	984,275,930	126,760,670	63,989,080	70,854,847	79.00	21.00	20.27
2019	1,337,397,809	1,069,105,409	124,307,491	63,340,650	80,644,259	79.94	20.06	20.14
2020	1,412,573,860	1,137,043,228	126,423,872	66,730,100	82,376,660	80.49	19.51	19.74
2021	1,456,237,096	1,175,288,183	130,856,217	63,236,000	86,856,696	80.71	19.29	20.04
2022	1,616,370,964	1,318,229,099	130,973,801	63,946,660	103,221,404	81.55	18.45	18.59
2023	1,954,354,540	1,621,892,966	150,541,334	75,159,200	106,761,040	82.99	17.01	16.13
2024	2,185,643,180	1,835,104,190	162,233,510	77,599,680	110,705,800	83.96	16.04	14.99
2025	2,361,467,020	1,979,379,280	183,937,920	88,992,140	109,157,680	83.82	16.18	14.37
1						FY25 Tax Rate is estimated	stimated	

FY2025 Options Regarding Residential Factor for Tax Rate Residential to Commercial Industrial Properties (CIP)

#### FY2025

CIP SHIFT RATIO	RESIDENTIAL FACTOR	RES%	CIP%	RES TAX* RATE	CIP TAX RATE	
1	100%	83.8199%	16.1801%	14.37	14.37	100%
1.25	95.17%	79.7749%	20.2251%	13.67	17.96	100%
1.5	90.35%	75.7298%	24.2703%	12.98	21.55	100%

FY25 Tax Rate is estimated

CLASS (A)	TOTAL VALUE (B)	% Share ( C)
Residential	1,979,379,280	83.8199%
Commercial	183,937,920	7.7891%
Industrial	88,992,140	3.7685%
Personal Property	109,157,680	4.6225%
	2,361,467,020	100.0000%

CIP % 16.1801%

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

150% \* 16.1801% (D3) = 24.05745% (Max % Share)

Minimum Share of Levy for Class One:

100% - 24.2703% (Max % Share) = 75.7298% (Min % Share)

Minimum Residential Factor (MRF):

75.7298% (Min % Share) /83.8199% (C3) = 90.348% (MRF)

MINIMUM RESIDENTIAL FACTOR LA7: 90.3480%

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

FY2025

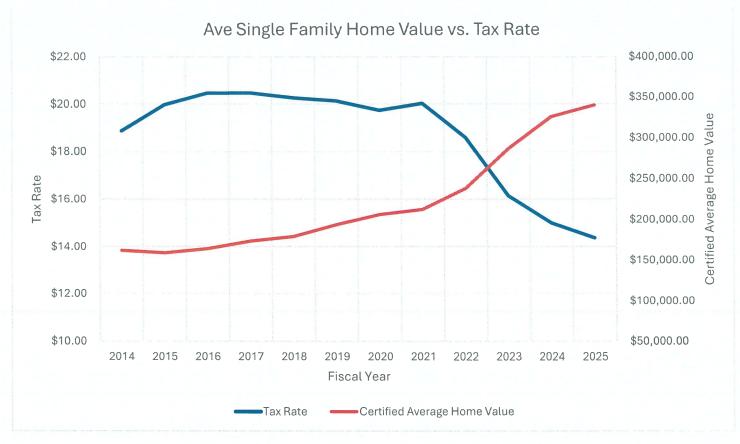
# Single Family Home Valuation and Tax Rate Analysis



Fiscal	Avera	ase in age e Family
Year	Hom	e Tax Bill
FY14	\$	60.06
FY15	\$	123.85
FY16	\$	180.42
FY17	\$	192.75
FY18	\$	75.73
FY19	\$	267.20
FY20	\$	168.55
FY21	\$	188.44
FY22	\$	170.84
FY23	\$	200.13
FY24	\$	268.92
FY25	\$	4.55

	Average
Fiscal	Single Family
Year	Home Value
FY14	\$161,929.00
FY15	\$159,132.00
FY16	\$164,136.00
FY17	\$173,468.00
FY18	\$179,001.00
FY19	\$193,423.00
FY20	\$205,881.00
FY21	\$212,202.00
FY22	\$237,944.00
FY23	\$286,640.00
FY24	\$326,380.00
FY25	\$340,779.00





#### Increase in Average Single Family Home Tax Bill



# FY2025 Preliminary Tax Bills Compared to FY2025 Actual Tax Bills

Average Single Family Home Tax Bill	ly Home Tax Bill
Preliminary Tax Bills	
Average Single Family Home Value	\$ 340,779.00
FY2024 Tax Rate	\$ 14.99
Average Preliminary Tax Bill	\$ 1,277.07
Average amount paid	\$ 2,554.14
Actual Tax Bills (January and April)	
Average Single Family Home Value	\$ 340,779.00
FY2025 Tax Rate	\$ 14.37
Average Single Family Home Tax Bill	\$ 1,171.43
Reduction in Average Single Family Tax	
Bill Preliminary vs Actual	\$ 105.64

Calculation: (((Average Single Family Home Value/1000)\*FY25 Tax Rate)-(((Average Single Family Home Value/1000)\*FY24 Tax Rate)/4)\*2)/2

Average Actual Single Family Home Tax Bill =(((340779/1000)\*14.37)-((((340779/1000)\*14.99)/4)\*2))/2

Under the provisions of the General Laws of the Commonwealth, new valuations must be implemented for the start of the fiscal year. These valuations are based on arms-length sales that took place in the market two years prior, and are certified in the City's annual LA-3 process.

November/December timeframe, but the first two property tax bills for the City are issued in July and October. This is why these bills are While new valuations are implemented for the beginning of the fiscal year, the new tax rate for the fiscal year is not set until the called Preliminary tax bills, because they utilize the FY2025 Valuations, but the FY2024 tax rate. However, Proposition 2 ½ only allows the City to increase property taxes by no more than 2.5% each fiscal year. As such, actual tax bills – the bills issued in January and April after the new tax rate is set and certified – are lower both as a result of both the new tax rate and subtracting the amounts that have already been paid in the higher, preliminary tax bills.

This year, the Average Single-Family home in Gardner is expected to see a reduction of \$105.64 per quarter in the FY2025 Actual Tax Bills compared to the FY2025 Preliminary Tax Bills.

# FY24 to FY25 Tax Bill Comparison

A	Average Single Family Home Tax Bill	II		
	FY2024	FY2025		Difference
Yearly Tax Bill				
Average Single Family Home Value	\$ 326,380.00	\$ 340,	340,779.00	\$14,399.00
Tax Rate	\$ 14.99		14.37	\$ (0.62)
Average Single Family Home Bill	\$ 4,892.44	\$ 4,	4,896.99	\$ 4.56
Preliminary Tax Bills (July and October)	()			
Average Single Family Home Value	\$ 326,380.00	\$ 340,	340,779.00	\$14,399.00
Previous Fiscal Year Tax Rate	\$ 16.13	\$	14.99	\$ (1.14)
Average Preliminary Tax Bill	\$ 1,316.13	\$ 1,	1,277.07	\$ (39.06)
Average amount paid	\$ 2,632.25	\$ 2,	2,554.14	\$ (78.12)
Actual Tax Bills (January and April)				
Average Single Family Home Value	\$ 326,380.00	\$ 340,	340,779.00	\$14,399.00
Current Tax Rate	\$ 14.99	\$	14.37	\$ (0.62)
Average Single Family Home Tax Bill	\$ 11,223.11	\$ 1,	1,171.43	\$ (51.68)
Reduction in Average Single Family Tax				
Bill Preliminary vs Actual	\$ 93.02	\$	105.64	\$ 12.62

Calculation: (((Average Single Family Home Value/1000)\*FY25 Tax Rate)-(((Average Single Family Home Value/1000)\*FY24 Tax Rate)/4)\*2)/2

FY2025 Tax Rate Amount the Average Single Family Home Tax Payer is paying per City Department

Grand Total of Adjusted FY2024 Budget						\$ 73,296,600.68	-
Grand Total of Proposed FY2025 Budget	(Including Suppler	nental Budget)				\$ 77,352,535.22	
Year over Year Budget \$ Increase						\$ 4,055,934.54	
Year over Year % Increase FY24 to FY25						5.2434%	
Average Single Family House Tax Bill						\$4,896.99	
Department	FY2024	FY2025	Incre	ase (Decrease)	Dept % of FY25 Budget		%of Tax Bill
Gardner Public Schools	\$ 31,319,046.00	\$ 34,283,326.00	\$	2,964,280.00	44.321%	\$2,170.39	44.321%
Employee Benefits	\$ 9,857,304.79	\$ 10,717,575.13	\$	860,270.34	13.855%	\$678.50	13.855%
Retirement	\$ 5,615,587.00	\$ 6,018,551.45	\$	402,964.45	7.781%	\$381.02	7.781%
Debt Service	\$ 4,661,106.00	\$ 4,734,706.00	\$	73,600.00	6.121%	\$299.74	6.121%
Police	\$ 3,767,539.32	\$ 3,676,352.01	\$	(91,187.31)	4.753%	\$232.74	4.753%
Fire	\$ 3,125,643.45	\$ 2,996,313.94	\$	(129,329.51)	3.874%	\$189.69	3.874%
Public Works	\$ 2,652,982.06	\$ 2,548,854.68	\$	(104,127.38)	3.295%	\$161.36	3.295%
Cherry Sheet Charges & Assessments	\$ 1,995,594.00	\$ 1,909,667.00	\$	(85,927.00)	2.469%	\$120.90	2.469%
Monty Tech	\$ 1,107,341.00	\$ 1,129,487.82	\$	22,146.82	1.460%	\$71.50	1.460%
Ambulance	\$ 1,025,560.60	\$ 1,029,368.67	\$	3,808.07	1.331%	\$65.17	1.331%
Library	\$ 833,178.83	\$ 859,867.96	\$	26,689.13	1.112%	\$54.44	1.112%
Property Insurances	\$ 815,000.00	\$ 850,000.00	\$	35,000.00	1.099%	\$53.81	1.099%
Dispatch	\$ 796,379.02	\$ 781,564.39	\$	(14,814.63)	1.010%	\$49.48	1.010%
Veterans Services	\$ 563,326.78	\$ 631,144.86	\$	67,818.08	0.816%	\$39.96	0.816%
Info Tech	\$ 518,994.80	\$ 525,391.50	\$	6,396.70	0.679%	\$33.26	0.679%
Building Dept	\$ 453,284.62	\$ 471,559.14	\$	18,274.52	0.610%	\$29.85	0.610%
Mayor's Unclassified	\$ 424,025.31	\$ 357,600.00	\$	(66,425.31)	0.462%	\$22.64	0.462%
Treasurer	\$ 348,947.08	\$ 349,458.58	_	511.50	0.452%	\$22.12	0.452%
Health	\$ 287,885.62	\$ 295,168.09	\$	7,282.47	0.382%	\$18.69	0.382%
Executive Dept	\$ 244,296.22	\$ 246,651.04	\$	2,354.82	0.319%	\$15.61	0.319%
City Clerk	\$ 219,799.35	\$ 225,418.09	\$	5,618.74	0.291%	\$14.27	0.291%
Auditor	\$ 218,167.31	\$ 222,684.58		4,517.27	0.288%	\$14.10	0.288%
Senior Center	\$ 208,008.66	\$ 210,490.08		2,481.42	0.272%		0.272%
Assessor	\$ 200,813.07	\$ 205,104.12		4,291.05	0.265%	1	0.265%
Community Development	\$ 195,654.76	\$ 202,373.44		6,718.68	0.262%	\$12.81	0.262%
Animal Control	\$ 171,945.46	\$ 194,543.80	\$	22,598.34	0.252%		0.252%
Human Resources	\$ 176,410.31	\$ 181,101.47		4,691.16	0.234%		0.234%
Engineering	\$ 175,416.01	\$ 176,016.00	<u> </u>	599.99	0.228%		0.228%
City Hall Maintenance	\$ 165,830.19	\$ 168,387.26	-	2,557.07	0.218%		0.218%
Law	\$ 154,628.25	\$ 157,950.94		3,322.69	0.204%		0.204%
Purchasing	\$ 128,002.98	\$ 131,909.01		3,906.03	0.171%		0.171%
Animal Shelter	\$ 131,090.82			(2,442.09)			
Recreation Department	\$ 67,500.00	\$ 124,500.00	_	57,000.00	and the state of the		0.161%
City Council	\$ 114,009.25	\$ 119,003.72		4,994.47	0.154%		0.154%
Greenwood Pool	\$ 85,200.00	\$ 81,950.00		(3,250.00)		and the second sec	0.104%
Elections	\$ 80,090.00	\$ 79,278.80	_	(811.20)			0.100%
Airprort	\$ 35,549.04	\$ 41,441.30		5,892.26			0.054%
Planning Board	\$ 38,556.69	\$ 39,341.82	_	785.13			0.051%
Conservation	\$ 38,506.69	\$ 39,154.82	_	648.13			0.051%
Parks and Playgrounds	\$ 38,500.00	\$ 37,345.00	_	(1,155.00)		a second s	
Civil Defense	\$ 13,818.62	\$ 14,155.91		337.29			
Weights & Measurers	\$ 10,361.04	\$ 10,665.00	_	303.96			
Civil Enforcement	\$ 7,000.00	\$ 7,000.00		503.90	0.009%		
Zoning Board	\$ 6,400.00		_	(100.00			
License Commission	\$ 3,500.00			(100.00			
Youth Commission	and a second			-	0.005%		
Disability Commission				-	0.001%		
	\$ 500.00		· ·	-	0.001%		
Hisotrical Commission	\$ 100.00 ome Value of \$340,			-	0.000%		0.000%

### LA-3

# Certified Valuation Summary and Qualifying Sales for Value Analysis

REVENUE	
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DEPARTMENT (	SERVICES
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MASSACH	

DIVISION OF LOCAL SERVICES

Certification Valuation Summary Sheet - Fiscal Year 2025

Non Time-Trended Sales

# **Average Proposed Value of Valid Sales**

Sample Size	138	27	5	16	20	17	2
Average Proposed Assessment	337,554	217,948	272,660	286,306	418,790	485,512	78,45(
Average Sale Price	357,757	231,839	280,700	303,181	444,125	535,876	82,500
Agg Ratio	0.94	0.94	0.97	0.94	0.94	0.91	0.9

Note: Low median aggregate ratios (Agg Ratio row) may indicate low assessments on the highest valued properties in that class.

# Average Proposed Value of All Sales FY 2024 Vs FY 2025

Class Analyzed	101	102	103, 109	104	105	211-112	130-132
Sample Size	180	33	6	30	21	23	21
Average Proposed Assessment	337,272	211,942	333,522	294,893	421,943	457,635	32,15
Average Assessment	321,135	189,258	298,056	271,877	328,324	382,091	30,724
Agg % change	5.02	11.99	11.90	8.47	28.51	19.77	4.6

Aggregate percent change (Agg % Change row) for all sales should be compared to the average percent change for arms-length sales in that class.

\* The above statistics excludes any change in the value of more than 50.00% and the following excluded NAL codes { 'D', 'O', 'P', 'G', 'M', 'R' } (non-legacy) and { 'O', 'P', 'R' } (for legacy).

These statistics may be used only to approximate the revaluation effect on the values since any changes due to building improvements, class changes, subdivisions, etc. have not been specifically identified.

Approved Mary Oliver By:	Approved 06/21/2024 On:
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NO RECD MIG ALSO PAREL WIZZ & B ALSO 244 E BROADWAY	WORC COUNTY PROBATE DOCKET #W022P2704EA	WORC COUNTY PROBATE DOCKET: W023P0497EA	QUESTIONNAIRE ALSO 59 ABBOTT ST ALSO M27 10-4 PERMITS AFTER THE SALE	ALSO M22 S 8 ALSO M22 S 24A PURCHASED FROM A FRIEND - PER SALES	WINNIFRO MAILLET DEC'D 7/14/22 SALE BY REMAINDERMAN OF L'E	BUYOUT OPTION	PRIVALI SALE BASED OV REALTON'S CONTACT* PER SALES QUESTIONNAIRE* TENANT PURCHASE, LEASE AGREEMENT FOR	WORCESTER COUNTY PROBATE DOCKET # WORZEPI (5566A	ESTATE SALE WORCESTER COUNTY DOCKET # WO2392030EA	KHOB AND TUBE WIRING GRAATOR WAS TEMANT - SALE LEASE BACK	SOLD W/239 ASH ST BUYER TO ASSUME SOLAR LEASE - SOLD WITH	SOLD WITH M27-8-38	JONATHAN BOMBACI IS PART OF MHG & GDC	WORC COUNTY PROBATE DOCKET: W023P0988EA	PERMATS AFTER THE SALE RESOLD 2024 FOR 345K	MAYOR REALTY OWNS OTHER CONDOS IN THIS COMPLEX - PRIVATE DEAL	CHANGES AFTER SALE - 4/19/24 VISIT, UC @ 65% WORL COUNTY PROBATE DOCKET: WO21D253DR	DEED IN LIEU OF FORECLOSURE		WORCESTER PROBATE DOCKET: WO23P0394E PERMITS AFTER THE SALE	PERMITS AFTER SALE		PARCELS, ALSO W17 2 1 & W17 3 3	SOLD WITH 60 CHAPMAN PK & WIT 3 3 SOLD WITH 60 CHAPMAN PK & WIT 2 1	SOLD WITH 43 OTTER RIVER RD (H37.1.27) FAMILY/ESTATE SALL, WORCESTER COUNTY DOCKET IRWO22P2723EA. SOLD WITH PAREE
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KORANG PRINCE	REALGARDWER LLC AGUILAR MERIBETH LISBETH	FIRST LANDING INVESTMENTS LLC WEST ST MANAGEMENT LLC	SAVETH MEAGHAW FERMANDEZ PREVILLE ZULY DAVAN SIFGAN	PICAZIO STEPHEN CHAMPNEY JOSEPH	AGNIR SHARON SUPERNOR MIKAYLA ROSE	FOSTER DONALD S II	FOSTER DONALD S II	NASH NATHAN FOSTER DONALD S II	DEMALIA JAMES	RUTA CANDACE CAROLYN	COPONEN ROY TORRES ALEXIS SANTIAGO SWEENEY KOHN	CORDEIRO ALOUIDOR ELIJAH HEINILUOMA BARRY	MAPLELEAF RENTALS LLC RICHARD HOLDINGS LLC DASILVA ELIAS GONCALVES	ORTH SAMDRO	377 PARKER STREET LLC	OF AMERICA CALDERON EDUARDO BENJAMIN CASEY E	HAANNEL HARRY A HAANN TOVEEM PROPERTIES LLC FLOYD MARY A MARAMATHA CHRISTIAN CHURCH	BURDICAS STEVEN R	MF DEVELOPMENTS LLC KUTEESA SHAKIRAH	OSOK REALTY LLC FIRST LAND INVESTMENTS LLC	VF GARLOCK LLC	ANGEL	FILTEAU DANIEL A CAPOCCIA ERIX VARGELETIS PEGUERO RAFAEL	LANDRY TAYLOR JACOB	KINGSLEV THOMAS WARREN JR GENDREAU JOHN R	IZAGURRE NATALIO ENRIQUE GARCIA	WINRIDGE HOLDRINGS LLC WINRIDGE HOLDRINGS LLC MOLINA REALTY LLC	DALEY ISAYAH J RICHARD TINA C MERCEDES AMBER	THE SALVATION ARMY	LOPEZ ROWY P ANGEL MEAGHER RYAN P	BETTEZ ROBERT J JR and DAVID A	YANG ROBERT	AUSSEY TIMOTHY	BEROUJOUKI YOUNAN CAGGIANO MICHAELJ PODGORSKI KEVIN W	JAILLET KAYLEE M BOC ADAM	PHILEMOND SYLVNO	CHEA KERWAADD KIERMAAN DYLAN MACPRO LLC	WILLETT SARAH	ALIREZA WILLETT SARAH	RUSSO CLAIRE C FAXHROLDINI FARHAD, FAHIMI	FRANCO NEULER GARCIA JR TEP SOVIDA J	CONNORS JOHN, LEBLANC SANDY	LEGSDIN JOANNE	MORAES VERA L STAGE ONE PROPERTIES LLC	BELLORADO ALICIA STELLA
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PERMITS AFTER SALE	WORE COUNTY DOCKET NO: WODJP2276 MERMITS AFTER SALE - RESOLD 53308 2024 PERMITS AFTER SALE - RESOLD 53308 2024	ALSO: 104 BECKFORD HILL RD, R 22 5 146 8 5 146 4 ALSO: 104 BECKFORD HILL RD, R 22 5 1A & 146 ALSO: 104 BECKFORD HILL RD, R 22 5 164 8 5 168	P2761EA ESTER PROBATE DOCKET N P0838EA	8 6 8		WATER DAMAGED AT TIME OF SALE	2 2 & M17 12 4 SOLD TOGETHER IS AFTER SALE - RESOLD 2024 FOR 4 IS AFTER SALE - RESOLD 2024 FOR 4	M17 12 2 & M17 12 4 SOLD TOGETHER	ALSO DEED 69764/69 (PARCEL 1 & 2). ALL / COMBINED ON THIS PARCEL	ALSO M27 9 24 ALSO M27 9 23	PURCHASED BY TENNART - ARE THEY CXEMP PARCEL EXEMPTED IN 08 6.13.24 CHANGET CODE TOTAL RENO - KITCHS/RETNS/KLEC/PLUMB/FLS/NOOF		ANTHOMY'S 1/2 INTERST SQLD TO DOWN ( LIMO COMY TO COCTET: 22MMSC000261) JOHN NOW HAS 2/2, YOUHAAN HAS 1/2	ESTATE SALE BY TRUSTEES DC REC 69712/1	ALSO PARCEL H32 15-2A ALSO 140 RYAN STREET		FAMILY COURT DOCKET #WE2000078DR	NANDELETES BOOMTE NOEKET INAND 3033
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	WORCESTER PROBATE DOCKET: WO23P2694EA			PERMITS AFTER SALE RESOLD 2024 FOR 220K				LAST MLS LISTING WAS FROM 2021 SALE	UNMARRIED COUPLE SEPARATION	PROBATE DOCKET W023P3602EA	LAST MLS FOUND WAS FROM 2016	(SON & WIFE PURCHASED)	WORCESTER COUNTY DOCKET: W023P2382EA				SUBDIVIDED FROM M22: 10:32 (82:84 MAIN ST)				FOSTER HEALEY RE (978 537 8301)	SELLING RE AGENT IS ADAM BRODEUR OF	DO NOT SEE ON MLS	WORCESTER COUNTY DOCKET: W023P3411EA	PURCHASED	QUESTIONNAIRE: 60% VACANT WHEN	ERIC P & MARGARET DESILETS (PER SALES	SELLER FINANCED \$495KF IVE OWE ENGHT LLC =		ALSO: R22.7 18	ALSO: R22.7 2	QUESTIONNAIRE	PRIVATE SALE - PER NEW OWNER/SALES		
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235,400 217,200	259,000 184,300 310,800	377,500 335,300 207,300 312,000	275,300 306,300 256,100 294,600 332,500	0 247,200 423,700 564,800	934,800 277,100 258,300 244,100 288,500 381,100 288,500	106,600 284,700 394,900 31,100 296,300
243,200 125,700	272,500 223,200 327,100	393,700 433,600 229,700 337,500	288,600 321,900 299,700 296,800 745,900	92,900 276,300 423,100 564,900	840,700 286,800 273,900 256,100 256,100 284,800 398,400 411,000	142,200 315,000 468,800 34,200 316,100
250,000 125,000	320,000 249,900 400,000	425,000 447,000 125,000 300,000	210,000 290,000 310,000 93,000 630,000	50,000 326,000 525,000 560,000	550,000 224,000 248,000 343,000 275,000 425,000 450,000	143,000 310,000 435,000 445,000
0.97	0.85 0.89 0.82		1.37 1.11 0.97 3.19 1.18	1.86 0.85 0.81 1.01	1.53 1.11 1.10 0.75 1.04 0.51	0.99 1.02 1.08 0.087
0.97	0.85 0.89 0.82	0.93	1.37 1.11 0.97 3.19 1.18	1.86 0.81 1.01	1.53 1.11 1.10 0.75 1.04 0.51	0,99 1.02 1.08 0.08

12/29/2023 M27 4 6A	12/29/2023 M27 17 10	12/28/2023 M17 15 3	12/27/2023 X17 2 100 03 02	12/22/2023 M27 7 14		12/22/2023 M22 25 6	12/21/2023 R27 23 5	12/21/2023 R22 21 4	12/21/2023 R22 19 27	12/21/2023 R17 15 10	12/20/2023 R22 18 13	12/20/2023 R12 8 178	12/20/2023 M22 5 29	12/19/2023 M27 22 26	12/15/2023 W27 4 14	12/15/2023 R27 24 59	12/15/2023 R22 9 2	12/15/2023 M27 17 64	12/15/2023 M22 10 328		12/15/2023 M17 4 3	12/14/2023 M27 21 32	12/14/2023 H17 25 6	12/12/2023 M22 7 30	12/8/2023 H32 19 13	12/7/2023 R27 8 19	12/7/2023 M22 17 4	12/4/2023 M32 16 10A	12/1/2023 R22 7 2	12/1/2023 R22 7 18	12/1/2023 M22 7 33	11/30/2023 W27 16 100 02 14
DWYER ROBERT A	LEAHY EUZABETH M and ROBERT G	RUSSO JOHN and CARMELLA	ARSEMAULT CHEVANINE	ESTATE	LAFONTAINE ELEANOR E LIFE	DROUIN SKYLAR	HARRIS CHRISTOPHER N	BOUPHA PHAY	DORA DOROTHY K	WORTHLEY AMY	MOLINA TONY A	COMISKEY PATRICK J	WAGNER JOHN D TRUSTEE	PROJECT 11:11 INC	MEANY JOHN W and EUZABETH E	FRIEND TUCKER N	GUAY MARIO A and VERONICA F	ADAMS ROSS	HC	DOWNTOWN GARDNER HOLDINGS	MOLINA REALTY LLC	DEARDEN LEEDAN	DAVIDSON PAULA M	BRODEUR ADAM P	MILLER JEFF L	MAILLOUX THOMAS R	LECHEVAL LLC	DALE M SPENCER	ML BOWEN LLC	ML BOWEN LLC	TRUSTEES	SILVIA GLENN P and FRANCES M
BOMBAY LLC	ALBERT ANGELA	COLLETTE JOSEPH	LANGFORD LAURINDA ROSA	TURNBAUGH SETH		ROORIGUEZ GERARDO LOPEZ	PAQUET KEITH A	PRATT KENNETH D	BOUPHA PHAY	BOREY NICHOLAS A	AGUILAR QUERI A	COMESKEY PATRICK J	PORCIELLO AMANDA	PEREZ ULIAN ELIZABETH MEHA	MEANY PHILIP A	GUAY MARIO	DUMAS PAUL	CORSI THOMAS	AUTHORITY	GARDNER REDEVELOPMENT	FARRELL VICTORIA	STELLA JAMES JR	AHEARN EDWIN	ROBICHAUD AARON J	KELLY KAILEEN MARIE	KING SCOTT	FIVE OWE EIGHT LLC	BOLDUC DAVID J	NEW MAN VENTURES LLC	NEW MAN VENTURES LLC	RIDLEY JERRY A	TARR SUSAN M
307	260	350	23	58		53	20	305	94	41	376	58	32	65	27	20	195	72	82		10	104	29	408	649	12	114	23	0	78	22	27
PARK ST	WEST ST	W BROADWAY	OLDE COLONIAL DR	HALFORD ST		EMERALD ST	WALNUT ST	MAAIN ST	FAIRLAWN AVE	CLEVELAND ST	CHESTAUT ST	SUMMIT AVE	VERNOW ST	COLEMAN ST	CARTER RD	COMEE ST	LAWRENCE ST	PELLEY ST	MAAN ST		GREENWOOD PL	DOUGLAS RD	SMAKE POND RD	PARKER ST	WEST ST	BECKY AVE	COBURN AVE	COMEAU RD	SHERMAN ST	SHERMAN ST	LEAMY ST	RIDGEWOOD LN
101	101	101	102	104		101	104	105	101	101	105	101	101	104	101	101	101	101	930		105	101	101	104	101	101	401	101	131	111	104	102

## **LA-4**

# Certified Valuation by Classification of Property

### MASSACHUSETTS DEPARTMENT OF REVENUE

#### **DIVISION OF LOCAL SERVICES**

BUREAU OF LOCAL ASSESSMENT

#### ASSESSMENT/CLASSIFICATION REPORT as of January 1, 2024

**Fiscal Year 2025** 

Property Type	Parcel Count	Class1 Residential	Class2 Open Space	Class3 Commercial	Class4 Industrial	Class5 Pers Prop
101	4,032	1,374,021,800				
102	547	95,856,900				
MISC 103,109	80	23,320,200				
104	546	161,087,800				
105	262	107,557,000				
111-125	180	178,375,800				
130-32,106	458	16,926,900				
200-231	0		0			
300-393	293			169,836,400		
400-442	135				86,390,740	
450-452	5				1,874,400	
CH 61 LAND	4 0		0	17,661		
CH 61A LAND	3 3		0	30,000		
CH 61B LAND	6 6		0	501,800		
012-043	59	22,232,880	0	13,552,059	727,000	
501	148					9,496,510
502	152					23,294,220
503	0					0
504	3					57,961,950
505	2					2,585,100
506	0					0
508	3					1,055,600
550-552	7					14,764,300
TOTALS	6,934	1,979,379,280	0	183,937,920	88,992,140	109,157,680
Real and Personal I	Property Total Valu	le			<u> </u>	2,361,467,020
Exempt Parcel Cou	nt & Value				512	483,578,300

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

Signatures Board of Assessors Paulette A. Burns, Assessor , Gardner , duncan.burns75@gmail.com 978-630-4004 | 9/18/2024 9:42 AM Christine Marie Kumar, City Assessor , Gardner , ckumar@gardner-ma.gov 978-630-4004 | 9/17/2024 11:13 AM Charles R. Leblanc, Assessor , Gardner , leblanc37@comcast.net 978-630-4004 | 9/18/2024 9:47 AM

Gardner1406

CITY

MASSACHUSETTS DEPARTMENT OF REVENUE

**DIVISION OF LOCAL SERVICES** 

BUREAU OF LOCAL ASSESSMENT

#### ASSESSMENT/CLASSIFICATION REPORT as of January 1, 2024

**Fiscal Year 2025** 

Comments

No comments to display.

Documents have been uploaded.

Documents

Gardner1406

CITY

# LA-13

# **Certified Tax Base Levy Growth**

MASSACHUSETTS DEPARTMENT OF REVENUE	REVENUE			Gardner	
DIVISION OF LOCAL SERVICES BUREAU OF LOCAL ASSESSMENT				CITY	
	LA13 Retain documentation for 5	LA13 Tax Base Levy Growth for 5 years in case of DOR audit - Fiscal Year 2025	Fiscal Year 2025		
Property Class	(A) All Prior Year Ahatament No	(B) All Prior Vear Abstement Values	(C) New Growth Valuation	(D) DV Tay Rafe	(E) Tax I evv Growth
RESIDENTIAL					
SINGLE FAMILY (101)	2	176,000	4,551,100		
CONDOMINIUM (102)	0	0	50,900		
TWO & THREE FAMILY (104 & 105)	0	0	1,685,900		
MULTI - FAMILY (111-125)	-	503,000	2,376,000		
VACANT LAND (130-132 & 106)	0	0	189,700		
ALL OTHERS (103, 109, 012-018)	0	0	459,000		
TOTAL RESIDENTIAL	8	679,000	9,312,600	14.99	139,596
OPEN SPACE	0	0	0		
OPEN SPACE - CHAPTER 61, 61A, 61B	0	0	0		
TOTAL OPEN SPACE	0	0	0	0.00	0
COMMERCIAL		11,800	2,443,600		
COMMERCIAL - CHAPTER 61, 61A, 61B	0	0	0		
TOTAL COMMERCIAL	1	11,800	2,443,600	14.99	36,630
INDUSTRIAL	0	0	122,900	14.99	1,842
PERSONAL PROPERTY	e	451,940	6,996,840	14.99	104,883
TOTAL REAL & PERSONAL	7	1,142,740	18,875,940		282,951
Community Comments:					
400 MATTHEWS RD (W37//21/1) - THE ADDITION OF 2 LARGE METAL BUILDINGS, INCREASED PRIME ACREAGE, ADDED STORAGE CONTAINERS. 32-52 PARKER STREET (M22//5/24) - 2 DUIL DIAGE UNDED CONSETDINCTION MENT EDOM 38 AND 43 DEDCENT TO 400 DEDCENT COMPLETE Lot dia make some adjustments that howered the total (as commanded to the Vision Form 0/17/24)	N OF 2 LARGE METAL BUILDINGS, INCF	REASED PRIME ACREAGE, ADDED STC	DRAGE CONTAINERS. 32-52 I	ARKER STREET (M22)	//5/24) - 2 report from 0/17/94)
		Signatures			
Board of Assessors					11
1					406
					1

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Page 1 of 2

MASSACHUSETTS DEPARTMENT OF REVENUE	Gardner
DIVISION OF LOCAL SERVICES	CITY
BUREAU OF LOCAL ASSESSMENT	
LA13 Tax Base Levy Growth	
Retain documentation for 5 years in case of DOR audit - Fiscal Year 2025	
Signatures Paulette A. Burns, Assessor , Gardner , duncan.burns75@gmail.com 978-630-4004   9/18/2024 9:43 AM	
Christine Marie Kumar, City Assessor , Gardner , ckumar@gardner-ma.gov 978-630-4004   9/17/2024 11:58 AM Charles R. Leblanc, Assessor , Gardner , leblanc37@comcast.net 978-630-4004   9/18/2024 9:47 AM	
Documents	
Documents have been uploaded.	
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City of Gardner - Executive Department

Mayor Michael J. Nicholson

October 15, 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 a Five (5) Year Contract for School Transportation Services

Dear Madam President and Councilors,

The City's current contract for school bussing services expires at the end of this fiscal year. This request is being put forward so that the City can go out to bid for this contract to cover the period of FY2026 through FY2030.

As you are aware, the General Laws of the Commonwealth require the City Council to authorize any contracts for a period of over three (3) years.

The current contract was entered into in FY2019, and I anticipate there will be an increase in costs for this contract with the new bidding. As such, the five (5) year period provides a financial benefit to the City, as companies tend to offer more competitive rates when they have a longer commitment from the City.

Respectfully Submitted,

schael Juholon

Michael J. Nicholson Mayor, City of Gardner

## AUTHORIZING FIVE-YEAR CONTRACT PERIOD

#### SCHOOL TRANSPORATION SERVICES

Voted: To Authorize the City to enter into a contract not to exceed five (5) years for School Transportation Services, pursuant to the provisions of Massachusetts General Laws, Chapter 30B, Section 12 and under the terms outlined in the Purchasing Agent's October 15, 2024, Memorandum.

NEI OCT 15 PM 1:56

### CITY OF GARDNER PURCHASING DEPARTMENT

Room 217 - City Hall 95 Pleasant Street Gardner, MA 01440-2687



Joshua Cormier, Director jcormier@gardner-ma.gov Telephone (978) 632-0426

- TO: Gardner City Council Mayor Michael J. Nicholson
- FROM: Joshua Cormier, Purchasing Agent

DATE: October 15, 2024

SUBJECT: Request for 5-year contracts

According to MGL c 30B, any contract that exceeds three years must be approved by a majority vote by the City Council.

I respectfully request permission from the Gardner City Council to seek up to a five-year contract (including renewals) for the below listed projects. Following compliance with procurement requirements, all such contracts will continue only if the contracted vendor(s) is in good standing.

• School Transportation Services

My intention to seek a longer-term contract is to attract more competitive rates from vendors and to conduct more effective contract management.

If you have any questions or concerns, please feel free to contact me for additional details.



### City of Gardner - Executive Department

Mayor Michael J. Nicholson

October 14, 2024

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

RE: An Order Accepting the Provisions of Section 5N of Chapter 59 of the General Laws, to Establish a Veteran Property Tax Work-Off Program

Dear Madam President and Councilors,

On June 21, 20210, the City Council voted to accept the provisions of Section 5K of Chapter 59 of the General Laws of the Commonwealth, creating a Senior Tax Work-Off Program with a property tax reduction of up to \$1,000 per calendar year for those participating in the program, based on the hours they volunteered.

This program has been very successful in the City, with twenty (20) senior citizens in the community participating every year since the program was launched.

On October 4, 2023, Governor Healey signed new legislation into law that allows municipalities to create an identical program to this for Veterans who live in the municipality.

After discussions with the City's Director of Veterans Services, City Assessor, City Auditor, and Director of Human Resources, I am hereby putting the acceptance of this provision forward so that the Administration can create this program.

If this is approved, eligible Veterans who are domiciled (have their primary residence) in Gardner will be eligible for a reduction of up to \$1,000 per fiscal year in their property taxes they pay to the City, in exchange for volunteering 68 hours of service to the City (mimicking minimum wage of \$15/hour).

We currently have spaces for ten (10) Veterans to participate in this program, with an application process that will mimic what the City is already doing for the Senior Citizen Tax-Work Off Program.

Respectfully Submitted,

Muchael & Juhrlan

#### AN ORDER ACCEPTING THE PROVISIONS OF SECTION 5N OF CHAPTER 59 OF THE GENERAL LAWS OF THE COMMONWEALTH TO ESTABLISH A PROPERTY TAX WORK-OFF PROGRAM FOR VETERANS

#### VOTED:

To accept the provisions of Section 5N of Chapter 59 of the General Laws of the Commonwealth, empowering the City of Gardner to create and implement a property tax work-off program for Veterans domiciled in Gardner, and to set the limit of the reduction in property tax liability for those participating at one thousand dollars (\$1,000.00) per fiscal year.

# MGL Ch.59, §5N

Part I	ADMINISTRATION OF THE GOVERNMENT
Title IX	TAXATION
Chapter 59	ASSESSMENT OF LOCAL TAXES
Section 5N	REDUCTION OF PROPERTY TAX OBLIGATION OF VETERAN IN EXCHANGE FOR VOLUNTEER SERVICES

Section 5N. In any city or town which accepts this section, the board of selectmen of a town, or in a municipality having a town council form of government, the town council or the mayor, with the approval of the city council in a city, may establish a program to allow veterans, as defined in clause Forty-third of section 7 of chapter 4 or a spouse of a veteran in the case where the veteran is deceased or has a service-connected disability, to volunteer to provide services to that city or town. In exchange for such volunteer services, the city or town shall reduce the real property tax obligations of that veteran on the veteran's tax bills and that reduction shall be in addition to any exemption or abatement to which that person is otherwise entitled; provided, however, that person shall not receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for the services provided pursuant to that reduction; and provided further, that the reduction of the real property tax bill shall not exceed \$1,500 in a given tax year. It shall be the responsibility of the city or town to maintain a record for each taxpayer including, but not limited to, the number of hours of service and the total

amount by which the real property tax has been reduced and to provide a copy of that record to the assessor in order that the actual tax bill reflect the reduced rate. A copy of that record shall also be provided to the taxpayer prior to the issuance of the actual tax bill. The cities and towns shall have the power to create local rules and procedures for implementing this section in a way that is consistent with the intent of this section. Nothing in this section shall be construed to permit the reduction of workforce or otherwise replace existing staff.

The amount by which a person's property tax liability is reduced in exchange for the volunteer services shall not be considered income, wages or employment for purposes of taxation as provided in chapter 62, for the purposes of withholding taxes as provided in chapter 62B, for the purposes of workers' compensation as provided in chapter 152 or any other applicable provisions of the General Laws. While providing such volunteer services, that person shall be considered a public employee for the purposes of chapter 258 and those services shall be deemed employment for the purposes of unemployment insurance as provided in chapter 151A.

A city or town, by vote of its legislative body, subject to its charter, may adjust the exemption in this clause by: (i) allowing an approved representative for persons physically unable to provide such services to the city or town; or (ii) allowing the maximum reduction of the real property tax bill to be based on 125 volunteer service hours in a given tax year, rather than \$1,500. Guidance from the Massachusetts Department of Revenue, Division of Local Services, Financial Management Resource Bureau

#### Menu



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SEARCH

(/) > Division of Local Services (/orgs/division-of-local-services) > DLS Publications and Financial Tools (/dls-publications-and-financial-tools)

## **Highly Recommended: Tax Work-Off**

Financial Management Resource Bureau provides background on two programs that could provide property tax relief, the senior work-off an veterans work-off programs.

## Author: Financial Management Resource Bureau

The DLS **Financial Management Resource Bureau** (/financial-management-resource-bureau) (formerly the Technical Assistance Bureau) has offered financial management advice to municipalities across the state for over 30 years. To share this guidance more broadly, we thought it would be helpful to highlight some of our more useful, timely, or interesting recommendations for the benefit of City & Town readers.

Massachusetts offers two tax work-off programs for qualified homeowners to reduce their property tax bill by up to \$1,500 by volunteering for the community in which they live. The Senior Citizen Tax Work-Off is available to senior citizens 60 years of age or older, while the Veterans Tax Work-Off is offered to any veteran property owner.

The board of selectmen, town council or mayor with the approval of the city council and approval by the municipality's legislative body may establish a work-off program by accepting M.G.L. c. 59, § 5K (https://malegislature.gov/laws/GeneralLaws/PartI/TitleIX/Chapter59/Section5K) for seniors or M.G.L. c 59, § 5N (https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIX/Chapter59/Section5n) for veterans. Municipalities choosing to accept one or both statues should establish written work-off program requirements such as income eligibility, hours, and skills necessary. The program must also be consistent with the community's bylaws or ordinances, as well as state and federal regulations. This article offers some pointers, general guidance, and resources for implementing a successful work off program.

Workers as Employees: Work-off volunteers are assigned, directed, and supervised by the municipality and therefore are considered employees of the municipality while participating in the program. The city or town should take this into account when establishing procedures for the application, interview, and placement

processes. For example, a municipality may want to complete a CORI and reference checks for the volunteer applicant to be consistent with employee onboarding policies.

11408

Treatment of Earned Amounts: A common issue found throughout the state is how municipalities treat the earned amounts of program workers. For state income tax purposes, the earned property tax credit is not considered income. However, the IRS has ruled that the credit, in the form of an abatement, are wages subject to federal income tax and Medicare withholdings. As such, abatements earned through the work-off program cannot be processed with other property abatements or exemptions and applied directly to the tax bill. Instead, to comply with federal regulations, the gross amount earned by a program volunteer must be processed through the municipality's payroll system to generate and report proper withholdings and to issue a Form W-2 at year end. Non-compliance with federal regulations can result in the IRS assessing significant fines to the municipality.

Funding the Programs: Work-off program expenses must be budgeted in the allowance for abatements and exemptions, i.e. overlay account, rather than through departmental appropriations. The expenses can include the municipality's share of federal Medicare taxes. Therefore, as part of the budget development process, the amounts needed to operate the programs should be considered. The assessors should factor these amounts into the amount of overlay being raised each year.

Processing and Applying the Abatement: Abatements earned through a tax work-off program must be applied to the fiscal year actual tax bill. Therefore, the amount of the abatement must be certified by the supervising official to the assessor for processing before the fiscal year's actual tax commitment. To do this, communities that issue the first actual bill as of January 1 conclude their program's cycle near the end of the calendar year. Communities that issue the actual bills as of October 1 have a cutoff date at the end of the summer.

The assessors commit the full tax for the year and process the gross certified amount for the volunteer services as an abatement charged against the overlay account. However, the volunteer's actual tax bill should only have a credit for the amount earned net of the federal withholdings. The difference should be transferred by the accounting official to an account for remittance to the IRS. In no case should a check be issued to the volunteer.

Municipalities with Regional School Districts: Participation in the work-off program only allows volunteers to earn property tax credits in the city or town for which they have a property tax obligation. Because regional school districts are entities separate from the city or town, service to a district is not eligible for the program. Volunteers may receive credit if the school is operated by the municipality as a department and is participating in the program.

Sale of Property: Tax credits earned through a work-off program can only be redeemed as an abatement on a property tax bill. If a program volunteer sells their property during the same fiscal year as their earned abatement, the city or town cannot issue the tax credit in any other payment form, such as a check to the taxpayer. It is the obligation of the volunteer, not the municipality, to ensure the tax reduction is credited to them at the time of closing. As the fiscal year approaches the second quarter and the current year's volunteer's complete their programs, this is a natural point for officials to review their municipality's work-off program policies to correct areas of noncompliance or enhance operational procedures in preparation for a new volunteer cycle. Further legal guidance for senior and veteran tax work-off programs can be found in the DLS **Information Guideline Release 2021-20** (https://dlsgateway.dor.state.ma.us/gateway/DLSPublic/IgrMaintenance/Index/769).

## **Helpful Resources**

DLS Gateway (https://dlsgateway.dor.state.ma.us/gateway/Login)

Community Compact Cabinet (/orgs/community-compact-cabinet)

Subscribe to DLS Alerts (/how-to/how-to-subscribe-to-dls-alerts)

## City & Town is brought to you by:

Editor: Dan Bertrand

Editorial Board: Marcia Bohinc, Linda Bradley, Sean Cronin, Emily Izzo, Lisa Krzywicki and Tony Rassias

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#### 11408

# **Draft Application for Program**



City of Gardner Human Resources Department 95 Pleasant Street, Rm. 226 Gardner, MA 01440-2630 (978) 630-4001 **\*** Fax (978) 630-4025

## 2025 Senior & Veteran Volunteer Incentive Program Application

\*Due to increased interest in the program, and a limited number of openings available, the selection process will be conducted through a lottery drawing. All eligible participants will have an equal chance of being selected.

Name	:			
Addre	ess:			
	Street	City/Town	State	Zip Code
Phone	Number:	Email	Address:	
When	are you available to wo	rk:		
Week Time	days (please check): Mo of Day: (please check):	onday, Tuesday, Wedne Mornings Afternoons	esday, Thursday, F	riday
In cas	e of an emergency or ill	ness please notify:		
Name	:		_ Relationship:	
Addre	ess:			
	Street number:	City/Town	State	Zip Code
Aley	If yes are you 60 year	nior Tax Abatement positio		
Arev	an yes, are you oo year	s of age or older? Yes	ion? Vos No	
5	If yes, are you a Vetera	teran Tax Abatement posit an as defined by MGL Chapt h a copy of your DD 214)	er 4, Section 7, Clause 4	3? Yes No
Do yo	u own & occupy, as you	r principal residence, the pro	perty for which taxes are	e paid? Ves No
Please	check all the ways in w	hich you are available to assi	ist as a volunteer:	
	Clerical Support (filing	g, data entry, phone messages	s, etc.)	
	Facility cleaning (swee	eping, mopping, dusting and	general cleaning)	
		Laborer (mowing, raking, tra areas, snow removal, etc)	ash removal, weeding, w	atering plants, sweeping

Other (please explain):

Have you previously been selected to participate in the program?	Yes	_ No	
If yes, please indicate the year(s) you participated:			

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in immediate dismissal. I acknowledge that I am required to follow all instructions given by my supervisor or his/her designee, to perform all assigned duties and to follow all rules of the City of Gardner. I agree to demonstrate a good attitude and willingness to perform the duties assigned in a pleasant manner.

While working for the City of Gardner, I will:

- > Arrive clean, neat and appropriately attired.
- > Not consume alcohol or illegal drugs before or during my volunteer work assignment.
- Not distribute literature of any type.
- > Not bring other people with me during my volunteer working hours.
- > Avoid the use of profanity while on site.
- > Not engage in inappropriate behavior with employees, members of the public or other volunteers.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### **Background Check**

I understand that the City of Gardner will conduct a background check prior to acceptance as a volunteer. I agree to provide the necessary information as requested and further understand that said background check may include a review of sex offender registries and/or criminal history records (CORI request form attached hereto for execution by applicant).

Applicant Signature:

Date: \_\_\_\_\_

#### Indemnity

I, for myself, my personal representatives and dependents hereby release, indemnify and hold harmless the City of Gardner (the "City"), its elected officials, directors, employees, agents and other volunteers from any and all liability in connection with any injury I may sustain, including any injury caused by negligence, in conjunction with the volunteer activities for the City. Further, I, for myself, my personal representatives and dependents hereby release, indemnify and hold harmless the City, its elected officials, directors, employees, agents and other volunteers from all damages, judgments, expenses, including reasonable attorney fees, costs of liabilities in law or equity suffered because of damage to my personal belongings or any property that may arise out of, or as a consequence of my negligent or intentional acts while volunteering for the City.

I understand that as a volunteer, I am not an employee of the City that my involvement will not lead to employment status, that I will not be eligible for employee benefits or worker's compensation insurance coverage and that I will receive no regular compensation for my services. I understand that I must operate within the scope of the duties associated with my volunteer position, a description of which will be provided to me should I be accepted and approved as a volunteer for the City.

## **City of Gardner Volunteer Incentive Program Service Policy Agreement**

#### I. Application

Volunteers must complete an application, criminal background history consent and execute indemnity agreements contained in the application form before work begins.

#### II. **Specifications**

- Volunteers must be a resident of the City of Gardner;
- At least sixty (60) years of age, or a veteran as defined by MGL Chapter 4, section 7, clause 43; •
- Be a City of Gardner homeowner or the spouse of a homeowner and reside in the house for which the tax • credit is going to be issued.

#### III. **Credit for Service**

There is no payment or benefits for service. This is a limited tax credit program to be applied to the volunteer's individual City of Gardner real estate tax bill.

#### IV. Conduct

Certain conduct will be expected of volunteers while working for the City of Gardner. Any violation of the following may cause termination.

- Arrive clean, neat and appropriately attired.
- If working outside and performing physical labor, jeans or shorts and t-shirts are acceptable. Volunteers CANNOT • wear ripped or torn jeans or shorts. NO biking shorts or boxer shorts.
- Volunteers CANNOT wear halters, low-cut tops, tube tops, tops that show any part of the abdomen, or revealing . clothing of any kind. T-shirts must NOT display pictures, emblems or writings that are lewd, offensive, vulgar or obscene, or advertise or depict alcoholic beverages or drugs.
- No consumption of alcohol or illegal drugs before or during volunteer work assignment. •
- No distribution of literature of any type. •
- Visitors are not allowed during volunteer shift. •
- No inappropriate behavior with employees, patrons or other volunteers. •
- Profanity will not be tolerated while on site. •

#### V. **Opportunity**

Volunteer opportunities include but are not limited to the following: office duties such as filing and copying, trash pickup, park beautification, cleaning and physical labor. The City of Gardner reserves the right to limit the number of volunteers working within various departments at any given time.

I affirm that I have read the above and understand the information presented.

Applicant Signature:

Date:

## Letter of Support from Montachusett Veterans Outreach Center



Montachusett Veterans Outreach Center, Inc. 268 Central Street, STE A Gardner MA 01440 Phone (978)632-9601 Fax (978)632-9476 www.veterans-outreach.org

October 15, 2024

RE: Letter of Support, Veterans Tax Work Off

To whom it may concern:

I ask that you accept this strong support offered by the Montachusett Veterans Outreach Center for the City of Gardner's proposed Veterans Tax Work Off program.

As the largest provider of housing and support services for veterans in the city of Gardner, the Montachusett Veterans Outreach Center is pleased to see this proposal moving forward. Many veterans in this region are unable to work for a variety of reasons, whether physical or mental health related, but are still very much interested in giving back to their community in a meaningful and helpful way. This program provides an excellent opportunity for them to be engaged, to positively contribute to their environment, and to feel like a contributing member of society. We look forward to supporting it in any way possible.

For additional conversation or questions, do not hesitate to reach out.

Thank you, Stephanie Marchetti

Dr. Stephanie Marchetti, Executive Director smarchetti@veterans-outreach.org 978-630-7435

# Letter of Support from City's Veterans Service Department



## Wachusett District Veterans' Services

95 Pleasant Street, Room 14 ' Gardner, MA 01440 978.630.4017 (office) 978.630.4057 (fax)

Cory Hasselmann Veterans' Services Director chasselmann@gardner-ma.gov

October 16, 2024

#### Subject: Proposal to Adopt the Veteran Property Tax Work-Off Program

Dear Madam President and Councilors,

I am writing to propose that the City of Gardner expand its tax relief initiatives by adopting the Veteran Property Tax Work-Off Program. This program offers veterans the opportunity to volunteer their time in exchange for a reduction in their property taxes, capped at \$1,000 annually.

#### **Key Bencfits:**

- 1. **Direct Support for Veterans:** This program provides critical tax relief to veterans, many of whom face financial challenges after their service. By reducing property tax burdens, we help veterans remain in their homes and maintain financial stability.
- 2. **Recognition of Service**: The program offers a practical way to honor the contributions of our veterans by allowing them to continue serving their community while receiving tangible support in return.
- 3. Enhanced Community Engagement: Veterans bring a unique skill set and discipline to any role. Through this program, they can contribute meaningfully to city services, offering support in various departments such as public works, community services, and administrative roles.
- 4. **Mutual Benefit:** This program allows veterans to give back to their city while the municipality benefits from their labor in a cost-effective manner. The city receives the equivalent of paid services while veterans receive property tax relief, making this initiative mutually beneficial for both parties.

Adopting this program would not only provide much-needed financial assistance to our veterans but also strengthen community ties by encouraging veterans to stay engaged and involved in the city they call home. I encourage the Council to consider this valuable opportunity to support our veteran population.

Thank you for your time and consideration.

Sincerely,

Cory Hasselmann Veterans' Services Director, Wachusett District



City of Gardner - Executive Department

Mayor Michael J. Nicholson

October 15, 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 Certification of FY2024 Free Cash

Dear Madam President and Councilors,

As you are aware, following the official closing of every fiscal year, the Massachusetts Department of Revenue certifies general fund free cash and enterprise fund retained earnings.

These funds are comprised of budgetary revenues that came in over budget and expenditures that came in under budget. The Department of Revenue best practice guidelines suggests that cities and towns aim to have a total amount of free cash that is equivalent to approximately three percent (3%) to five percent (5%) of the annual operating budget for the fiscal year in which the amounts are certified.

Our FY2023 Certification of \$2,636,168.00 puts us at 3.14% of our current FY2025 operating budget of \$77,194585, putting us directly in line with these guidelines.

The official certification notification sent to us by the Commonwealth is attached to this correspondence.

Please note, that this is considered FY2024 Free Cash, because the funding came from revenue surpluses and expenditures that came in under budget for the FY2024 year.

Respectfully Submitted,

scheel & Juholon

Michael J. Nicholson Mayor, City of Gardner

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#### Mayor

From:	dlsgateway@dor.state.ma.us
Sent:	Tuesday, October 8, 2024 12:59 PM
То:	leblanc37@comcast.net; Lauren Stinnett; Chris Kumar; duncan.burns75@gmail.com; rivard-diane@montytech.net; Jennifer Dymek; Mayor; John Richard;
	dlsgateway@dor.state.ma.us
Cc:	guzmanda@dor.state.ma.us
Subject:	[EXTERNAL] Notification of free cash approval - Gardner
Attachments:	FreeCashCertification.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.

Massachusetts Department of Revenue Division of Local Services Geoffrey E. Snyder, Commissioner Sean R. Cronin, Senior Deputy Commissioner of Local Services

10/8/2024

#### **NOTIFICATION OF FREE CASH APPROVAL - City of Gardner**

Based upon the un-audited balance sheet submitted, I hereby certify that the amount of available funds or "free cash" as of July 1, 2024 for the City of Gardner is:

General Fund		\$2,636,168.00
Enterprise Fund	SEWER	\$5,364,214.00
Enterprise Fund	WATER	\$1,741,670.00
Enterprise Fund	GOLF COURSE	\$901,425.00
Enterprise Fund	LANDFILL	\$121,705.00
Enterprise Fund	SOLID WASTE	\$275,443.00

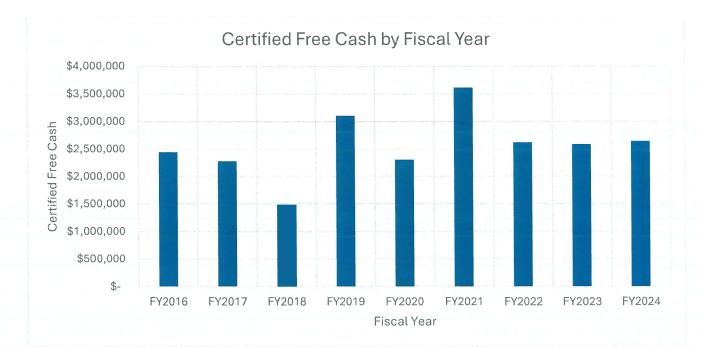
This certification is in accordance with the provisions of G. L. Chapter 59, §23, as amended.

Certification letters will be emailed to the mayor/manager, board of selectmen, prudential committee, finance director and treasurer immediately upon approval, provided an email address is reported in DLS' Local Officials Directory. Please forward to other officials as you deem appropriate.

Sincerely,

×
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Fiscal Year	Cer	tified Free Cash
2016	\$	2,436,499
2017	\$	2,274,137
2018	\$	1,482,830
2019	\$	3,098,475
2020	\$	2,301,969
2021	\$	3,611,634
2022	\$	2,616,362
2023	\$	2,579,559
2024	\$	2,636,168



#### **Please Note:**

FY2018 had a high insurance claim for which the City did not receive reimbursement for from the Insurance Company until FY2019, resulting in low free cash in FY18 and higher free cash in FY19.

Free Cash was exceptionally high in FY2021 due to funding not spent, primarily from the School Department, during the COVID-19 Pandemic Shut Down.

ECENTE

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City of Gardner - Executive Department

Mayor Michael J. Nicholson

October 15, 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 Certification of FY2024 Enterprise Fund Retained Earnings

Dear Madam President and Councilors,

As you are aware, following the official closing of every fiscal year, the Massachusetts Department of Revenue certifies general fund free cash and enterprise fund retained earnings.

These funds are comprised of budgetary revenues that came in over budget and expenditures that came in under budget. These funds must be returned to their respective enterprise funds, under the provisions of the General Laws of the Commonwealth, as they are paid by users of the services that the enterprise accounts fund, and not funded by general fund revenues.

However, while the use of these funds are restricted to the funds in which they came from, their appropriation methods are the same process as Free Cash.

The official certification notification sent to us by the Commonwealth is attached to this correspondence.

Respectfully Submitted,

Tuchael Julalan

Michael J. Nicholson Mayor, City of Gardner

#### Mayor

dlsgateway@dor.state.ma.us
Tuesday, October 8, 2024 12:59 PM
leblanc37@comcast.net; Lauren Stinnett; Chris Kumar; duncan.burns75@gmail.com;
rivard-diane@montytech.net; Jennifer Dymek; Mayor; John Richard;
dlsgateway@dor.state.ma.us
guzmanda@dor.state.ma.us
[EXTERNAL] Notification of free cash approval - Gardner
FreeCashCertification.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.

Massachusetts Department of Revenue Division of Local Services Geoffrey E. Snyder, Commissioner

Sean R. Cronin, Senior Deputy Commissioner of Local Services

10/8/2024

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Enterprise Fund	WATER	\$1,741,670.00
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Enterprise Fund	LANDFILL	\$121,705.00
<b>Enterprise Fund</b>	SOLID WASTE	\$275,443.00

This certification is in accordance with the provisions of G. L. Chapter 59, §23, as amended.

Certification letters will be emailed to the mayor/manager, board of selectmen, prudential committee, finance director and treasurer immediately upon approval, provided an email address is reported in DLS' Local Officials Directory. Please forward to other officials as you deem appropriate.

Sincerely,





### City of Gardner - Executive Department

Mayor Michael J. Nicholson

October 16, 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 Updated Final Budget and Assessment for the Monty Tech School District

the Monty Tech School District

Dear Madam President and Councilors,

Attached, please find the correspondence sent by the Montachusett Regional Vocational Technical School Committee regarding the reduction in assessments for Gardner to the school district based on the final budget as approved by the committee.

Respectfully Submitted,

scheel & Juhalan

Michael J. Nicholson Mayor, City of Gardner

## 11411 Montachusett Regional Vocational Technical School



Monty Tech 1050 Westminster Street Fitchburg, Massachusetts 01420 Phone: (978) 345-9200 Fax: (978) 348-1176 Website: www.montytech.net

October 9, 2024

Ms. Jennifer Dymek City Hall 95 Pleasant Street, Room 118 Gardner, MA 01440

Dear Ms. Dymek:

The 2024-2025 final budget and assessments were approved and certified by the Regional District Committee on October 2, 2024. Please note the revised assessment figures represent a decrease to the original assessment approved at your annual City/Town meeting in Spring 2024.

The certified figures are determined by adding Gardner's share of the State minimum spending requirement, transportation/operating costs, capital and bond costs.

Revised Final FY 2025 Regional School District Assessment	\$1,049,385
Decrease	(\$2,805)

If you have any questions, please feel free to contact Business/HR Manager, Tammy Crockett, at (978) 345-9200 extension 5214.

Sincerely,

Ity J. Dellint

Jeffrey Gallant Treasurer

JG/TC

Cc: Calvin Brooks, Eric Commodore, Monty Tech Reps Michael Nicholson, Mayor Elizabeth J Kazinskas, City Council President John Richard, City Auditor Rachel Roberts, Executive Assistant to the Mayor

Montachusett Regional Vocational Technical School does not discriminate on the basis of race, color, sex, gender identity, religion, national origin, sexual orientation, disability, homelessness, or limited English proficiency. District Title IX Compliance Coordinator: Victoria Zarozinski, Director of Student Support (978) 345-9200 x5237 District 504 Coordinator: Kathryn Schmidt, Asst. Principal (978) 345-9200 x5217

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City of Gardner - Executive Department

Mayor Michael J. Nicholson

October 15, 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 Demolition of 73 Stuart Street

Dear Madam President and Councilors,

At the June 17, 2024 meeting of the City Council, it was voted to appropriate funds toward the demolition of the former factory located at 73 Stuart Street.

I am writing to inform you that the demolition of the structure has begun and is expected to take a little over a month to complete and remove the debris.

When the City Council voted to declare the property surplus in 2022, the Council voted to set the minimum amount at \$17,000 due to the costs associated with the demolition of the building. A municipality may only sell a property for an amount lower than an assessed or appraised value if there is a documented public benefit for such reduction- in this case, the public benefit was blight removal and safety improvements.

However, with the City now demolishing the building, this public benefit for a reduced price is no longer applicable. As such, the Administration will be submitting a request for an amended declaration of surplus with a new value for the vacant land that will remain once the structure is torn down and the debris removed.

Respectfully Submitted,

Muchael Julalan

Michael J. Nichol son Mayor, City of Gardner

RECEIVED



City of Gardner - Executive Department

Mayor Michael J. Nicholson

October 15, 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 Demographic of Gardner Public Schools Population

Dear Madam President and Councilors,

As we approach the first quarter of the 21<sup>st</sup> Century, my office will be working on studying different aspects of the City to see how we have grown, adapted, and evolved over the course of the last 25 years.

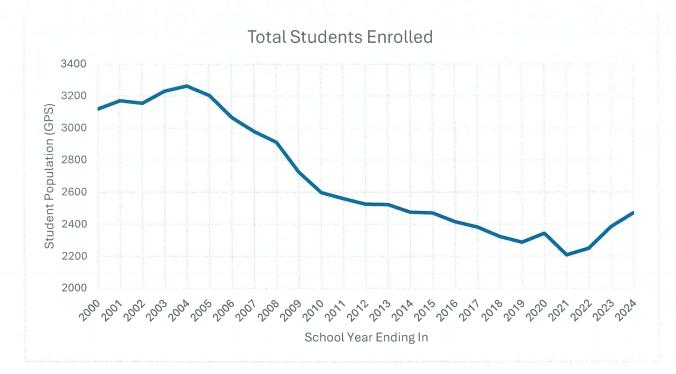
This correspondence is being sent for information purposes only, as there is no action to be taken in relation to the information, but still I felt it important to share as it relates to the student aged population in the City.

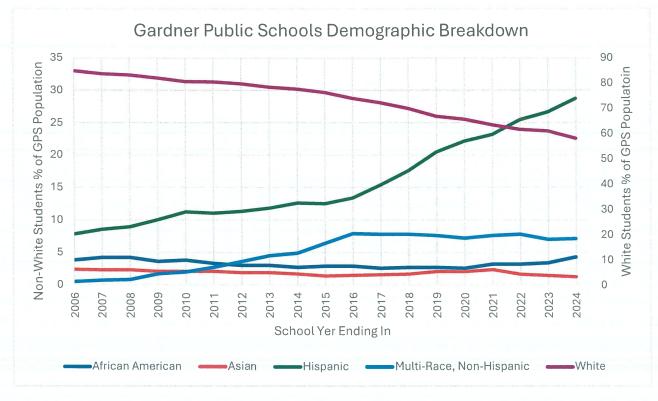
From this data, we can see that our overall public school population is starting to increase again, despite the student population being 20.74% less than what it was in 2000. During this same time, the population of students who identify as Hispanic/Latinx increased by 269.23% from 7.8% to 28.8% of our students.

As we work through other information we gather, I will be sure to keep you informed.

uhael Juholan

Michael J. Nicholson Mayor, City of Gardner

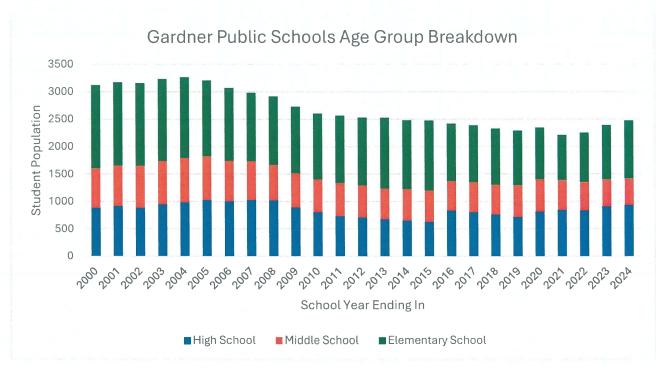




NOTE: Dual axis due to difference in ranges. Non-white Students on left access, Students identifying as white on right axis.

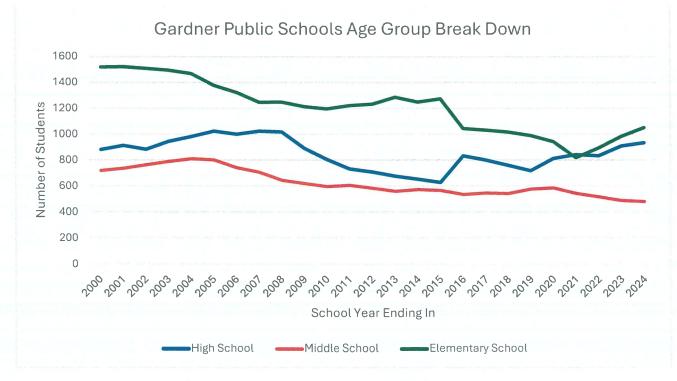
All information obtained from the Massachusetts Department of Elementary and Secondary Education





High School includes Gardner High School and Gardner Academy (once opened)

Elementary School includes Waterford St., Elm St., Helen Mae Sauter, and Prospect Street until closed and Gardner Elementary School once opened.



All information obtained from the Massachusetts Department of Elementary and Secondary Education

					11	14	13
Source: Massachusetts Dept. of Elementary and Seciondary Education	Native Hawailan, Pacific	Native American	Multi-Race, Non-Hispanic White	Hispanic	Asian	4 African American	Race
etts Dept. of	•	0.6	85 0.5	/.8	2.4	3.8	
Elementary	0	0.5	83.8	8.5	2.3	a.2	1002
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Year	Total Students Enrolled
2000	3119
2001	3171
2002	3155
2003	3231
2004	3263
2005	3205
2006	3067
2007	2981
2008	2914
2009	2727
2010	2600
2011	. 2563
2012	2528
2013	3 2526
2014	2478
2015	2473
2016	5 2419
2017	2385
2018	3 2326
2019	2290
2020	2346
2021	2211
2022	2 2251
2023	3 2387
2024	1 2472

413									
Elementary School		Middle School	111611 0011001	High School		School Vear			
1519		718	000	CBB		2000			
1522		735	041	914		2001			
1509		762		RR4	11111	2002			
1496		682	0.0	946		2003			
1470		810		983	2004				
1379		801		1025		2005			
1325		740		1002		2006			
1249		706		1026		2007			
1250		644		1020		2008			
1215		619		893		2009			
1198		595		807		2010			
1224		605		734		2011			
1235		582		711		2012			
1587T	1000	559		678	2013				
TCZT		573		654		2014			
Q/7T	7502	567		630		2015			
104/	40.47	536		836		2016			
10.34	4004	547		804		2017			
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High School Includes Gardner Academy after it opened and Gardner High School Elementary School includes Waterford Street, Elm Street, Helen Mae Sauter, and Prospect Street while they were open, and Gardner Elementary when it opened.

007 17 PX 1:0



City of Gardner - Executive Department

Mayor Michael J. Nicholson

October 16, 2024

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

RE: A Measure Confirming the Mayor's Appointment of Paul Gaj, to the position of Historical Commission Member, for a term expiring October 16, 2027

Dear Madam President and Councilors,

I hereby submit my appointment of Paul Gaj to the position of Historical Commission Member.

This appointment comes at the recommendation of the current historical commission members based on the volunteer work he has already partnered with them on.

Attached to his appointment certificate is also the letter of interest he submitted to my office.

scheel & Juhalan

Michael J. Nicholson Mayor, City of Gardner

October 16, 2024

# Commonwealth of Massachusetts

Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint <u>Paul Gaj</u> to the position of <u>Member, Historical Commission</u>, 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.

Mavor

Michael J. Nicholson

Confirmed by City Council

City Clerk

Titi Siriphan

Expires: October 16, 2027

Worcester, ss.,

Then personally appeared the above named <u>**Paaul Gaj**</u> and made oath that he/she would faithfully and impartially perform the duties of the office of <u>**Member, Historical Commission**</u> 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

# Paul Gaj Design 🧾

Architectural Design, Graphic Design, Fine Art & Creative Services

October 16, 2024

Hon. Michael J. Nicholson, Mayor

City of Gardner 95 Pleasant Street, Room 125 Gardner, MA 01440

Re: Historical Commission Appointment

Dear Mayor Nicholson:

I am writing to respectfully ask for your consideration to appoint me to the Gardner Historical Commission.

In summary, I am an Architectural and Graphic Designer with experience in designing and building residential and historical structures. With the use of traditional and CAD drafting tools, I have been designing buildings and structures of various periods in Massachusetts, Connecticut, and New Hampshire for a number of years.

Further, although not a native of Gardner, I have lived here for seven years and consider it home. I also have children and grandchildren living here who, along with the citizens of Gardner, I hope are positively affected by my contributions to the Commission.

In conclusion, if appointed, I look forward to contributing my skills and knowledge to help the Historical Commission in its efforts to monitor and preserve our historical buildings, artifacts, and sites.

Should you have any questions, please feel free to contact me at 978-807-9422 or by email at pgaj@pgajdesign.com. Thank you very much for your kind consideration.

Sincerely, Paul Gaj

021 OCT 17 PH 3:



# City of Gardner - Executive Department

Mayor Michael J. Nicholson

October 16, 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 477, thereof entitled "Mobile Homes and Trailers"

Dear Madam President and Councilors,

At the request of the Gardner Police Department, I hereby submit this ordinance proposal to the City Council regarding the operation and maintaining of Mobile Homes and Trailers in the City.

This ordinance proposal addresses the recent concerns regarding the increase in overnight parking of RV's and campers in the City in areas other than the houses of those who own these vehicles.

scheel Juholan

Michael J. Nicholson Mayor, City of Gardner

# AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 477, THEREOF ENTITLED "MOBILE HOMES AND TRAILERS."

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

**SECTION 1:** Chapter 477 of the Code of the City of Gardner, thereof entitled "Mobile Homes and Trailers," be deleted in its entirety and replaced with the following thereof:

# Section 1: Purpose and Intent

The City of Gardner is committed to ensuring the safety, health, and welfare of its residents and the general public. This ordinance seeks to regulate the use of campers and recreational vehicles (RVs) on public streets to prevent long-term habitation in such vehicles and to maintain the cleanliness, safety, and accessibility of public spaces. The intent of this ordinance is to prevent the obstruction of public streets and ensure that public ways remain accessible for public use.

# Section 2: Definitions

- 1. **Camper/Recreational Vehicle (RV):** A motor vehicle or trailer designed and equipped for human habitation, including but not limited to motorhomes, travel trailers, campervans, and any other type of recreational vehicle capable of providing living accommodations.
- 2. **Public Ways:** All streets, roads, highways, alleys, sidewalks, and any other publicly owned areas designated for vehicular or pedestrian use.
- 3. **Park:** To leave a vehicle standing, whether occupied or not, other than temporarily for the purpose of and while actively engaged in loading or unloading merchandise or passengers.

#### Section 3: Prohibition of Sleeping in Campers/RVs on Public Ways

- 1. It shall be unlawful for any person to use or occupy a camper/RV for sleeping, habitation, or any living purposes while the camper/RV is parked on any public way within the City of [City Name].
- 2. This prohibition applies to all public ways, including but not limited to residential streets, commercial streets, and public parking lots, regardless of the time of day.

# Section 4: Limitation on Parking Campers/RVs on Public Ways

- 1. No camper/RV may be parked on any public way for a period exceeding **24 consecutive hours**.
- 2. After 24 hours, the owner or operator of the camper/RV must move the vehicle at least **500 feet** from its original location and may not

return to the same location or within 500 feet of that location for a period of **48 hours**.

#### **Section 5: Exceptions**

This ordinance shall not apply to:

- 1. **Emergency Situations:** Where the camper/RV is temporarily parked due to mechanical failure or emergency circumstances, provided that the vehicle is moved within 24 hours of the resolution of the emergency or breakdown.
- 2. **Special Events:** Campers/RVs may be parked on public ways during authorized special events or festivals, provided that the event has been approved by the City and proper permits have been issued allowing such use.
- 3. Loading/Unloading: A camper/RV may be temporarily parked for loading or unloading purposes, provided that this period does not exceed two (2) hours.

#### **Section 6: Penalties**

- Any violation of this ordinance shall result in a fine of not less than \$300 for the first offense and not more than \$100 for subsequent offenses.
- 2. In addition to fines, any camper/RV found in violation of this ordinance may be subject to towing and impoundment at the owner's expense after **24 hours** of non-compliance following a notice of violation.

#### Section 7: Enforcement

The provisions of this ordinance shall be enforced by the Gardner Police Department, Parking Enforcement Officer(s), or any other department or agency designated by the City to ensure compliance with parking and public safety regulations.

### Section 8: Severability

If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

# **SECTION 2:** Effective Date

This ordinance shall take effect upon passage and publication as required by law.

11415



# **CITY OF GARDNER POLICE DEPARTMENT**

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



Nicholas P. Maroni Deputy Chief of Police

Eric P. McAvene Chief of Police

October 16, 2024

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

Dear Mayor Nicholson,

I am writing to express my concern regarding the increasing presence of campers and recreational vehicles (RVs) parked overnight and for extended periods on public streets within our city. I respectfully request that the city council consider an ordinance change that will prohibit sleeping in campers/RVs on public ways and impose stricter limits on the parking of these vehicles on public streets. This issue has significant implications for public health, safety, and the city's infrastructure.

One of the primary concerns with allowing individuals to sleep in campers or RVs on public streets is the improper disposal of waste materials. Unlike homes or established RV parks, which have connections to sewage systems, campers parked on public streets often lack access to proper waste disposal facilities. This situation can lead to the illegal dumping of wastewater and sewage, creating serious environmental and health hazards. Waste materials can contaminate local water supplies, damage ecosystems, and spread harmful bacteria and pathogens. Moreover, the improper disposal of trash, food waste, and other refuse exacerbates the problem, attracting pests and leading to unsanitary conditions.

Ensuring public health and sanitation requires appropriate infrastructure, which is not available on our city streets. Without such an ordinance, the city may find it difficult to enforce proper waste disposal, leading to potentially hazardous and unsanitary conditions for all residents.

Allowing campers/RVs to be parked for extended periods on public streets also raises several safety concerns. First, these large vehicles often obstruct sightlines for other drivers, especially at intersections, crosswalks, and around curves, increasing the risk of accidents. They can also limit visibility for pedestrians and cyclists, posing a significant safety risk. Furthermore, streets that were not designed to accommodate prolonged RV parking can experience congestion, making it difficult for emergency vehicles to navigate through narrow or crowded streets, which could delay response times in critical situations.

Additionally, RVs parked in residential areas for extended periods may create opportunities for illegal or unsafe activities. Without proper regulation, these vehicles could be used for unauthorized purposes, which would be challenging for local law enforcement to monitor. Implementing restrictions will help ensure that our streets remain safe, accessible, and conducive to the well-being of all community members.

11415



# **CITY OF GARDNER POLICE DEPARTMENT**

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



Eric P. McAvene Chief of Police Nicholas P. Maroni Deputy Chief of Police

Permitting extended RV parking without proper infrastructure support may encourage more individuals to utilize city streets in this manner, leading to increased congestion, littering, and damage to city property. The costs associated with cleaning up illegal dumping, repairing damaged roads, and maintaining public spaces can quickly add up, placing an unnecessary financial burden on the city.

I urge the city council to consider adopting an ordinance that prohibits sleeping in campers/RVs on public streets and enforces stricter parking regulations for these vehicles. Such a measure would address significant public health risks related to waste disposal, improve safety for all road users, and alleviate the strain on city infrastructure.

By implementing these changes, we can ensure that our city remains a safe, clean, and welcoming environment for all residents and visitors. Thank you for your consideration on this important issue.

Very truly yours,

Eric P. McAvene/ Chief of Police



# City of Gardner - Executive Department

Mayor Michael J. Nicholson

October 16, 2024

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

RE: An Ordinance to Amend the Code of the City of Gardner, Chapter 600, thereof entitled "Vehicles and Traffic," to add a new Section 21 to be entitled "Parking Meter Fees Waived"

Dear Madam President and Councilors,

The new parking meters purchased by the City are set to arrive imminently and will be installed throughout the parking meter area listed in Chapter 600 of the City Code between now and the end of the calendar year.

As part of the review of items related to the parking meters, it was originally suggested by the City's Department of Veterans Services that the attached ordinance proposal be considered.

Now that we are at a point where the parking meters will be installed and put into service shortly, I am hereby asking that this ordinance be considered to waive all parking meter fees for individuals driving vehicles will certain license plates related to veterans service.

Please note that vehicles with these plates will still be subject to all time limits and other regulations, and that this ordinance only waives the fee for parking at the meters.

scheel of Julia

Michael J. Nicholson Mayor, City of Gardner

# AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 600, THEREOF ENTITLED "VEHICLES AND TRAFFIC," TO ADD A NEW SECTION 21 TO BE ENTITLED "PARKING METER FEES WAIVED."

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

**SECTION 1:** That a new Section 21 be added to Chapter 600 of the Code of the City of Gardner to be entitled, "Parking Meter Fees Waived" to be as follows:

§21 Parking Meter Fees Waived

- A. Vehicles affixed with the following license plates, issued by the Massachusetts Department of Transportation Registry of Motor Vehicles shall be exempt from payment at parking meters throughout the City:
  - a. Handicap/ADA/Disability
  - b. Veteran (of any branch of service)
  - c. Disabled Veteran
  - d. Bronze Star
  - e. Congressional Medal of Honor
  - f. Distinguished Flying Cross
  - g. Ex-POW
  - h. Gold Star Family
  - i. Legion of Valor
  - j. Medal of Liberty
  - k. National Guard
  - l. Pearl Harbor Survivor
  - m. Purple Heart
  - n. Silver Star
- B. All vehicles with plates listed in Section A shall still be liable for all other time limits, restrictions, regulations, or other limitations prescribed by ordinance or the General Laws of the Commonwealth.

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

# 11417



# nationalgrid

October 4<sup>th</sup>, 2024

To the City Council of Gardner, Massachusetts

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID covering the installation of underground facilities.

If you have any questions regarding this permit, please contact:

Will Fontaine (508)-414-7308 or William.fontaine@nationalgrid.com

Please notify National Grid's Alyssa Jones of the hearing date/time to Alyssa.jones@nationalgrid.com

If this petition meets your approval, please return an executed copy to: National Grid: Alyssa Jones; 1101 Turnpike Street, North Andover, MA 01845

Very truly yours,

Zylmar Garcia

Zylmar Garcia Distribution Design Supervisor

Enclosures

Questions contact Central Design: Will Fontaine (508)-414-7308 or <u>William.fontaine@nationalgrid.com</u>

Petition of the Massachusetts Electric Company d/b/a NATIONAL GRID Of NORTH ANDOVER, MASSACHUSETTS For Electric Conduit Location:

To the City Council of Gardner, Massachusetts

Respectfully represents the Massachusetts Electric Company d/b/a NATIONAL GRID of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – City Hall Ave - Gardner, Massachusetts.

The following are the streets and highways referred to:

#### WR# 30950094

City Hall Ave - National Grid to install underground facilities. Install 1 Pad-mounted transformer and ~20' of conduit in the parking lot off Main St and Pleasant St, Gardner, MA.

Location approximately as shown on plan attached.

Massachusetts Electric Company d/b/a NATIONAL GRID *Zylman Garcia* BY

**Engineering Department** 

Questions contact Central Design: Will Fontaine (508)-414-7308 or William.fontaine@nationalgrid.com

Dated: October 4, 2024

# **ORDERED**:

Notice having been given and public hearing held, as provided by law, that the Massachusetts Electric Company d/b/a NATIONAL GRID be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 4th day of October, 2024.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked – City Hall Ave - Gardner, Massachusetts.

The following are the public ways or part of ways along which the underground electric conduits above referred to may be laid:

#### WR# 30950094

City Hall Ave - National Grid to install underground facilities. Install 1 Pad-mounted transformer and ~20' of conduit in the parking lot off Main St and Pleasant St, Gardner, MA.

I hereby certify that the foregoing order was a	dopted at a meeting of the	
held on the	day of	, 20
Received and entered in the records of		

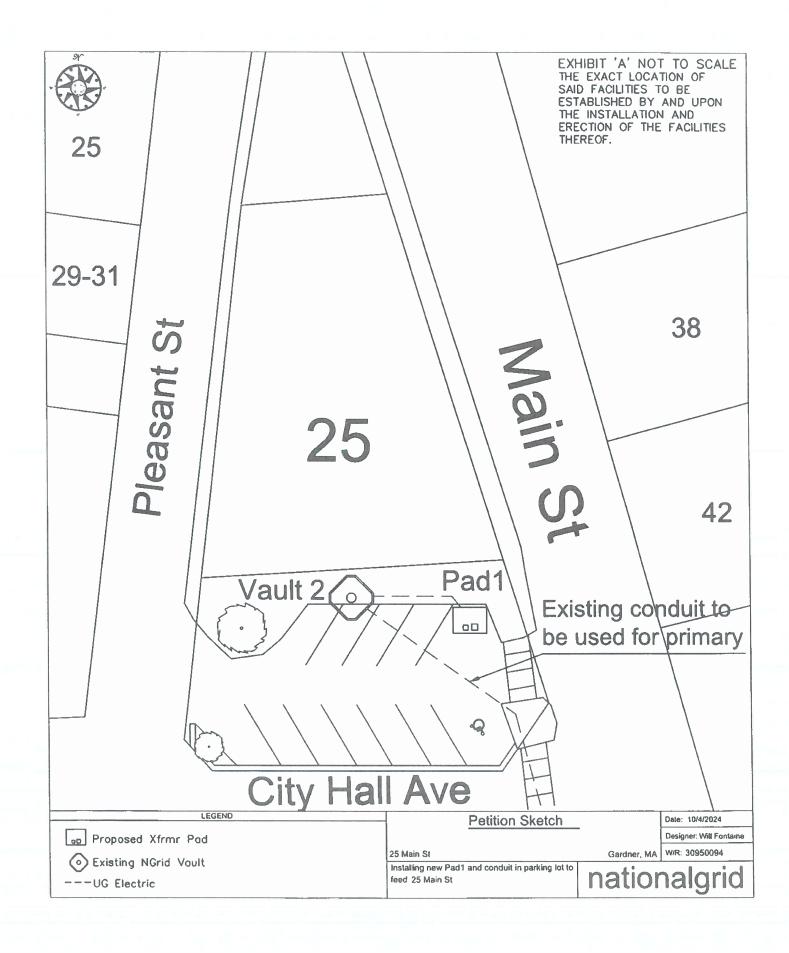
Book ..... Page .....

Attest:

at ....., a public hearing was held on the petition of Massachusetts Electric Company d/b/a NATIONAL GRID for permission to construct the underground electric conduits described in the order herewith recorded, and that I 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 construct the underground electric conduits under said order. And that thereupon said order was duly adopted.

.....





City of Gardner - Executive Department

Mayor Michael J. Nicholson

October 8, 2024

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

RE: Update to Item #11289: An Ordinance to Amend the Code of the City of Gardner, Part 1, thereof entitled "Administrative Legislation."

Dear Madam President and Councilors,

At the October 2, 2024 meeting of the Finance Committee, it was requested that the Administration submit a red-lined copy of the current Part 1 of the City Code to further illustrate these proposed amendments.

Attached to this correspondence, please find the following:

- The latest version of the ordinance amendment proposal
- A red-lined copy of the current City Code showing the proposed amendments
- A clean copy of what Part 1 of the City Code would look like if this amendment proposal is adopted and passed
- A copy of Part 1 of the City Code as it currently exists.

scheel Juhrlan

Michael J. Nicholson Mayor, City of Gardner

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City of Gardner - *Executive Department* Mayor Michael J. Nicholson Updated 9/9/2024

September 9, 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,

As stated during the Finance Committee Meeting of September 4<sup>th</sup>, 2024, based on feedback received by the members of various boards and commissions of the City, I hereby submit a third revision of the ordinance proposal listed as Item#11289.

This revision unifies the timeline for the re-organization of the City's boards and commissions and defines the oaths of office for all positions in the City.

Michael J. Nicholson Mayor, City of Gardner



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.

chael & Julalan

Michael J. Nicholson Mayor, City of Gardner

Original submission 5/7/2024



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
Garnder, 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."

Michael J. Nicholson Mayor, City of Gardner

# Amendment Proposal Administrative Ordinances Legislative Document

# 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.

**<u>SECTION 4:</u>** 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.

**<u>SECTION 10</u>**: 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 3. Elected Official Oath of Office

A. Mayoral Oath of Office

Pursuant to the Charter of the City of Gardner and the General Laws of the Commonwealth, the following oath shall be used to swear in the Mayor-Elect of the City:

"I, (insert name), Do Solemnly Swear That I Will Bear True Faith And Allegiance To The Commonwealth Of Massachusetts And The City Of Gardner, And Will Support The Constitution And The Charter Thereof, (So Help Me God.)

I, (insert name), Do Solemnly Swear And Affirm, That I Will Faithfully And Impartially Discharge And Perform All Of The Duties Incumbent On Me As Mayor Of The City Of Gardner According To The Best Of My Abilities And Understanding, Agreeably, To The Rules And Regulations Of The Constitution And The Laws Of The Commonwealth and the Ordinances and Charter of the City of Gardner. (So Help Me God.)

I, (insert name), Do Solemnly Swear That I Will Support The Constitution Of The United States. (So Help Me God.)"

B. City Council Oath of Office; At-Large and Ward

Pursuant to the Charter of the City of Gardner and the General Laws of the Commonwealth, the following oath shall be used to swear in the City Councilors-Elect of the City:

I, (insert name), do solemnly swear that I will faithfully and impartially discharge and perform the duties of City Councilor according to law and the best of my abilities. (so help me God.)

C. School Committee Oath of Office

Pursuant to the Charter of the City of Gardner and the General Laws of the Commonwealth, the following oath shall be used to swear in the School Committee Members- Elect of the City:

I, (insert name), do solemnly swear that I will faithfully and impartially discharge and perform the duties of School Committee Member according to law and the best of my abilities. (so help me God.)

# Section 4: Colonel Thomas Gardner Day

Whereas history is prologue, and it is important that our children be cognizant of our past, especially the early sacrifices that established the freedom and democracy we enjoy today, annually, on or before the 19th of April, the Mayor shall officially designate Patriots Day as Colonel Thomas Gardner Day in the City of Gardner and shall cause a proclamation to be issued and read in all the schools of Gardner, to honor this patriot who died of wounds received during the Battle of Bunker Hill and for whom our beloved community was named.

#### Section 5: Flags

A. Flag at Half-Mast following death of Veteran

The flag of the United States of America shall be flown at half-mast on all buildings owned or controlled by the City of Gardner after the death of a veteran who has served honorably in the Armed Forces of the United States and shall continue to be flown at half-mast every day until the burial of said veteran.

- B. Authority of the Mayor
  - i. The Mayor of the City of Gardner shall have the authority to have the flag of the United States flown at half-mast by virtue of a state and/or federal proclamation.
- ii. The Mayor of the City of Gardner shall have the authority to have the flag of the City of Gardner flown at half-mast by proclamation by the Mayor.

**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

- A. 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.
- B. Oath of Office

Pursuant to the Charter of the City of Gardner and the General Laws of the Commonwealth, the following oath shall be used to swear in all appointed officials of the City of Gardner, except those appointed to the Gardner Police Department, whose oath shall be given as prescribed by the General Laws of the Commonwealth and the Code of the United States. I, (insert name), do solemnly swear that I will faithfully and impartially perform the duties of (insert position title) according to law and the best of my abilities. (so help me God.)

# 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 up to two (2) 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. Miscellaneous

Unless appointed by means other than those listed in Section 2 of Chapter 3 of the Code of the City of Gardner, all Department Heads, Officers, Employees, Boards, and Commissions shall report to the Mayor and shall appear before the City Council whenever requested to do so, in writing by majority vote of the City Council.

# Section 2: 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 3: Building Department

A. Department Established and Employees

The position of Building Commissioner is hereby established and shall be a fulltime 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 o 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 4: 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.

### Section 5: 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 6: 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 of the Fire Department or, during their absence, the officer in charge of the Department hereby is authorized to go to another city,

town or district for the purpose of aiding fire departments fire apparatus with personnel, and while in the performance of their duties in extending such aid, the members of the Department shall have the same immunities and privileges as if performing the same within the City of Gardner.

iii. 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 7: 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 8: 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 9: 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 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 10: 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 employee all full- and part- time dispatchers as deemed necessary to execute the functions of the division.
- F. Emergency Management Division

Article I: Response to Calls for Mutual Aid

i. Authority of Police Chief

The Chief of the Police Department during their absence, the officer in charge of the Department and hereby is authorized to go to another city, town or district for the purpose of aiding its police department with police vehicles with personnel, and while in the performance of their duties in extending such aid, the members of each Department shall have the same immunities and privileges as if performing the same within the City of Gardner.

#### Article II: Mutual Aid Agreements

ii. Mutual Aid Programs for Police Purposes

The Mayor is hereby authorized under the authority granted by the General Laws of the Commonwealth, to enter into agreement between the City and any other city or town, or combination of other cities and towns, to provide mutual aid programs for police purposes in order to increase the capability of the City's Police Department to protect the lives, safety and property of the citizens of the City of Gardner and those

of said other cities and towns which may be a party to such agreement.

iii. Contents of Agreements

Such mutual aid agreements as authorized hereunder may provide for the furnishing of personal services, supplies, materials, contractual services and equipment when the resources normally available to either the City or the other municipality which is a party to such agreement are not sufficient to cope with a situation which requires police action.

#### Article III: Civil Defense Division

- iv. Division Established
  - A. There shall be established in the City of Gardner a Civil Defense Department to be administered by a Director.
  - B. The Director shall report to the Mayor and Chief of Police and shall appear before the City Council whenever requested to do so.

#### Section 11: 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 12: 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 quasimunicipal 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 13: 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.

C. Organization and Election of Officers

Unless otherwise stated by the General Laws of the Commonwealth or by the provisions of the City Charter of the City of Gardner or the Code of the City of Gardner, all boards and commissions shall annually vote to elect the Chairperson and all other officers of their respective body.

## 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.

- 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) members. 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. Meetings and records.

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 seven (7) 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 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 the General Laws of the Commonwealth, 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: Municipal Grounds Commission

- A. Commission established; membership; terms of office.
- i. There shall be established a Municipal Grounds Commission for the City of Gardner consisting of at least six (6), but not more than eight (8) members
- ii. The Director of Public Works, who shall be a of the Commission during his term of office but may only vote to break a tie in a vote of the other members.
- B. Meetings.

The Commission shall hold meetings no less than quarterly during the course of the year. The Secretary shall keep accurate minutes and records of all meetings of the Commission. The Director of Public Works shall not hold office within the Commission.

C. Duties

The Commission shall be an advisory body and shall advise the Director of Public Works, Mayor and City Council on matters relating to the Municipal Grounds Division.

## Section 13: 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 14: 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 15: 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 Code of the City of Gardner
  - 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 16: 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" form 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.

**<u>SECTION 40</u>**: Section 6 of Chapter 171 of the Code of the City of Gardner, thereof entitled, "Compensation for Blasting Services" be deled 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 16 of Chapter 171 of the Code of the City of Gardner, entitled "Grant of Sick Days" shall be amended by replacing "15" with "twenty (20)."

**SECTION 47:** 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 48:** 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 49:** 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 50:** 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 yearn 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 51:** 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 52:** 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 53:** Section 26(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 54:** 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 55:** 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 56:** 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 57:** 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 58:** 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 59:** 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 60:** 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 61:** 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 62:** Section 35 of Chapter 171 of the Code of the City of Gardner, thereof entitled "Firefighters," be deleted in its entirety.

**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 replacing the title of the section with the following: "Full-time Employees."

**SECTION 64:** 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 65:** 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 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 replacing the title with "Part-time Employees."

**SECTION 67:** 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 words "other" and "or officers" from the first sentence.

**SECTION 68:** 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 69:** 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 70:** 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 71:** 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 72:** 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 73:** 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 74:** 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 75:** 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 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:

A. 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.

B. 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.

C. 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 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  $\frac{1}{2}$  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 straighttime 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.

Amendment Proposal Administrative Ordinances Redlined Version The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

# Part I: Administrative Legislation

# Chapter 1 General Provisions

[HISTORY: Adopted by the City Council of the City of Gardner as indicated in article histories. Amendments noted where applicable.]

> Article I Enforcement

[Adopted 5-21-1990 by Ord. No. 1046]

#### § 1-1 Criminal complaint.

Any person who violates the provisions of any ordinance of the City of Gardner may be penalized by indictment or on complaint brought in District Court. Except as may be otherwise provided by law and as the District Court may see fit to impose, the penalty for each violation or offense shall be not less than \$25 nor more than \$300.

#### § 1-2 Noncriminal disposition.

Any person who violates the provisions of any ordinance of the City of Gardner, the violation of which is subject to a specific penalty, may be penalized by a noncriminal disposition as provided in MGL c. 40, § 21D. The noncriminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty. Without intending to limit the generality of the foregoing, it is the intention of this provision that the following ordinances, rules or regulations are to be included within the scope of this section, that the specific penalties as listed hereunder shall apply in such cases, and that the municipal official listed for each ordinance, rule or regulation shall be the enforcing person for such ordinance, rule or regulation. Nothing herein shall limit or restrict any enforcing person's authority to seek criminal prosecution of any violation of any ordinance, rule or regulation listed herein. Each day on which any violation exists shall be deemed to be a separate offense.

- A. Violation of any provision of Chapters 1 through 10 of the State Sanitary Code (105 CMR 400.000 to 105 CMR 590.000) or Title 5 of the State Environmental Code (310 CMR 15.00). [Amended 4-6-1992 by Ord. No. 1092]
- (1) Enforcing person: Director of Public Health. [Amended 11-18-2013 by Ord. No. 1563]
- (2) Penalty.
- (a) First offense: \$25.
- (b) Second and subsequent offenses: \$50.
- B. Violation of any regulation adopted by the Board of Health under MGL c. 111, § 31, 31B, 122, 127 or 155.
- (1) Enforcing person: Director of Public Health. [Amended 11-18-2013 by Ord. No. 1563]

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- (2) Penalty.
- (a) First offense: \$25.
- (b) Second and subsequent offenses: \$50.
- C. Violation of any regulation from the Massachusetts State Building Code. [Amended 11-18-2013 by Ord. No. 1563]
- (1) Enforcing person: Building Commissioner.
- (2) Penalty.
- (a) First offense: \$25.
- (b) Second and subsequent offenses: \$50.
- D. Violation of any provision of Chapter 675, Zoning, of this Code.
- (1) Enforcing person: Building Commissioner.
- (2) Penalty: \$300. [Amended 11-18 2013 by Ord. No. 1563]
- E. Violation of any regulation from the Uniform State Plumbing Code and Massachusetts Fuel Code, 248 CMR 3 to 11. [Amended 11-18-2013 by Ord. No. 1563]
- (1) Enforcing person: Plumbing Inspector.
- (2) Penalty.
- (a) First offense: \$25.
- (b) Second and subsequent offenses: \$50.
- F. Violation of any regulation from the Massachusetts Electrical Code, 527 CMR 12.00.
- (1) Enforcing person: Wire Inspector.
- (2) Penalty.
- (a) First offense: \$25.
- (b) Second and subsequent offenses: \$50.
- G. Violation of any provision of Chapter 390, Fees, Article VII, Wiring Permits, of this Code.
- (1) Enforcing person: Wire Inspector.
- (2) Penalty.
- (a) First offense: \$25.
- (b) Second and subsequent offenses: \$50.
- H. Violation of MGL c. 148, §§ 26C and 26E, as accepted by the City Council on April 5, 1982.

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- (1) Enforcing person: Fire Chief or legal designee of Fire Chief.
- (2) Penalty: \$25.
- Violation of any regulation from the Air Pollution Control Regulations, 310 CMR 7.00, in which specific reference to 310 CMR 7.52 is cited. [Amended 4-6-1992 by Ord. No. 1092]
- Enforcing person: Fire Chief or legal designee of Fire Chief, Director of Public Health, or any police officer. [Amended 11-18-2013 by Ord. No. 1563]
- (2) Penalty.
- (a) First offense: \$25.
- (b) Second and subsequent offenses: \$50.
- J. Violation of any provision of Chapter 567, Streets and Sidewalks, Article VII, Driveway Permits, of this Code.
- (1) Enforcing person: City Engineer.
- (2) Penalty: \$50.
- K. Violation of any provision of Chapter 553, Sewers, of this Code.
- (1) Enforcing person: Public Works Director.
- (2) Penalty: \$50.
- L. Violation of any provision of Chapter 625, Water, of this Code.
- (1) Enforcing person: Public Works Director.
- (2) Penalty: \$50.
- M. Violation of any provision of Chapter 312, Animals, Article I, Dog Control, of this Code. [Added 12-17-1990 by Ord. No. 1062]
- (1) Enforcing person: Dog Officer or any police officer.
- (2) Penalty. [Amended 11-18-2013 by Ord. No. 1563]
- (a) First offense: \$25.
- (b) Second offense: \$50.
- (c) Third offense: \$100.
- (d) Fourth offense: \$200.
- (e) Fifth and each subsequent offense: \$300.
- N. Violation of any provision of Chapter 610, Vehicles, Wrecked and Abandoned, of this Code. [Added 6-15-1992 by Ord. No. 1096]
- (1) Enforcing person: any police officer.

- (2) Penalty: \$50 a day for each day's violation beyond a fourteen-day period after notice, not to exceed \$300.
- O. Violation of any provision of the Wetland Protection Act, MGL c. 131, § 40. [Added 4 6 1992 by Ord. No. 1092]
- (1) Enforcing person: legal designee of Conservation Commission.
- (2) Penalty.
- (a) First offense: \$25.
- (b) Second and subsequent offenses: \$50.
- P. Violation of MGL c. 111, § 123 (abatement of nuisance by owner). [Added 4-6-1992 by Ord. No. 1092]
- (1) Enforcing person: Director of Public Health. [Amended 11-18-2013 by Ord. No. 1563]
- (2) Penalty: \$20.
- Q. Violation of any provision of Chapter 567, Streets and Sidewalks, Article VI, Street Excavations and Obstructions, of this Code. [Added 6-5-1995 by Ord. No. 1188]
- (1) Enforcing person: Public Works Director.
- (2) Penalty, each offense and each day: \$100.
- R. Violation of any provision of Chapter 330, Bicycles and Play Vehicles, Article I, Bicycles, § 330-3A, of this Code. [Amended 11-18-2013 by Ord. No. 1563]
- (1) Enforcing person: any police officer.
- (2) Penalty, any offense: \$20.
- S. Violation of any provision of Chapter 330, Bicycles and Play Vehicles, Article II, Roller Skates, Skateboards and Toy Vehicles, of this Code. [Added 6-19-1995 by Ord. No. 1190]
- (1) Enforcing person: any police officer.
- (2) Penalty, any offense: \$5.
- T. Violation of any provision of Chapter 636, Water Use Restrictions, of this Code. [Added 9-20-1999 by Ord. No. 1309]
- (1) Enforcing person: Public Works Director.
- (2) Penalty.
- (a) First offense: \$50.
- (b) Each subsequent offense: \$100.

§ 1-3 Purchasing/Civil Enforcement Department. [Added 7-6-2004 by Ord. No. 1409; amended 11-18-2013 by Ord. No. 1563] There is hereby established in the administrative service of the City of Gardner a Civil Enforcement Department to be included with the duties and responsibilities of the Purchasing Department, and this Department shall be titled the "Purchasing/Civil Enforcement Department." The duties and responsibilities of said Department and the Purchasing Agent/Civil Enforcement Director shall include the input, computerized tracking, management, and reporting of various noncriminal violation fines and penalties from imposition through collection. These duties and responsibilities are further defined by Chapter 221, Purchasing/Civil Enforcement Department, of this Code.

## Article II Adoption of Code

## [Adopted 11-18-2013 by Ord. No. 1563]

### § 1-4 Adoption of Code.

The ordinances of the City of Gardner of a general and permanent nature adopted by the City Council of the City of Gardner, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 675, are hereby approved, adopted, ordained and enacted as the "Code of the City of Gardner," hereinafter referred to as the "Code."

### § 1-5 Code superseded prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

## § 1-6 Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances.

## § 1-7 Copy of Code on file.

A copy of the Code has been filed in the office of the City Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance, and, if this ordinance shall be adopted, such copy shall be certified to by the City Clerk, and such certified copy shall remain on file in the office of said City Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect.

#### § 1-8 Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when adopted in such form as to indicate the intention of the Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the City of Gardner" shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be inserted in the Code as amendments and supplements thereto.

#### § 1-9 Publication; filing.

The Clerk of the City of Gardner shall cause this ordinance to be published in the manner required by law. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

### § 1-10 Code to be kept up-to-date.

It shall be the duty of the City Clerk, or someone authorized and directed by the Clerk, to keep up-to-date the certified copy of the Code required to be filed in the Clerk's office for use by the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are included as supplements to said Code.

### § 1-11 Sale of Code.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk or an authorized agent of the Clerk upon the payment of a fee to be set by the City Council. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

### § 1-12 Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Gardner to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to the penalties as set forth in § 1-1 of the Code.

#### § 1-13 Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a 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. If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

## § 1-14 Severability of ordinance provisions.

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.

#### § 1-15 Repealer.

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this Adoption Ordinance, except as hereinafter provided.

## § 1-16 Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-15 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to August 5, 2013.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.

- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the City's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. The annexation or dedication of property or approval of preliminary or final subdivision plats.
- K. Ordinances providing for local improvements or assessing taxes or special assessments therefor.
- L. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.
- M. Any ordinance or portion of an ordinance pertaining to the rate and manner of payment of salaries and compensation of municipal officers and employees or establishing or classifying positions.
- N. Any ordinance or portion of an ordinance establishing traffic or parking regulations.
- O. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the City.
- P. Any ordinance or portion of an ordinance accepting or adopting the provisions of any general law or special act of the commonwealth.

## § 1-17 Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for publication as the Code of the City of Gardner, no changes in the meaning or intent of such ordinances have been made except as provided for in Subsections B and C hereof. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the City Council that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.
- B. Nomenclature. The following titles are updated throughout the Code:
- (1) "Chairman" to "Chairperson."
- (2) "Building Inspector" to "Building Commissioner."
- (3) "Department of Public Safety" to "Police Department."
- (4) "Commissioner of Public Safety" to "Chief of Police."
- C. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

#### § 1-18 When effective.

This ordinance shall take effect upon passage and publication as required by law.

# Chapter 2 Seal and Other Emblems of the City

# 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 3. Elected Official Oath of Office

#### A. Mayoral Oath of Office

Pursuant to the Charter of the City of Gardner and the General Laws of the Commonwealth, the following oath shall be used to swear in the Mayor-Elect of the City;

"I. (insert name). Do Solemnly Swear That I Will Bear True Faith And Allegiance To The Commonwealth Of Massachusetts And The City Of Gardner, And Will Support The Constitution And The Charter Thereof. (So Help Mc God.)

I. (insert name). Do Solemnly Swear And Affirm, That I Will Faithfully And Impartially Discharge And Perform All Of The Duties Incumbent On Me As Mayor Of The City Of Gardner According To The Best Of My Abilities And Understanding, Agreeably, To The Rules And Regulations Of The Constitution And The Laws Of The Commonwealth and the Ordinances and Charter of the City of Gardner. (So Help Me God.)

L (insert name). Do Solemnly Swear That J Will Support The Constitution Of The United States. (So Help Me God.)"

B. City Council Oath of Office: At-Large and Ward

Pursuant to the Charter of the City of Gardner and the General Laws of the Commonwealth, the following oath shall be used to swear in the City Councilors-Elect of the City:

l. (insert name), do solemnly swear that I will faithfully and impartially discharge and perform the duties of City Councilor according to law and the best of my abilities. (so help me God.)

C. School Committee Oath of Office

Pursuant to the Charter of the City of Gardner and the General Laws of the Commonwealth, the following oath shall be used to swear in the School Committee Members- Elect of the City:

I, (insert name), do solemnly swear that I will faithfully and impartially discharge and perform the duties of School Committee Member according to law and the best of my abilities. (so help me God.)

# Chapter 3 Personnel, Appointments, and Employment

### 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

A. Failure by anyone duly appointed and confirmed by majority vote of the City Council. Mavor. 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.

#### B. Oath of Office

Pursuant to the Charter of the City of Gardner and the General Laws of the Commonwealth, the following oath shall be used to swear in all appointed officials of the City of Gardner, except those appointed to the Gardner Police Department, whose oath shall be given as prescribed by the General Laws of the Commonwealth and the Code of the United States.

I, (insert name), do solemnly swear that I will faithfully and impartially perform the duties of (insert position title) according to law and the best of my abilities. (so help me God.)

#### 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.

# Chapter 13 Aging, Council on

Commented [MN1]: Moved to Chapter 7, Section 8

[HISTORY: Adopted by the City Council of the City of Gardner 6-5-1961 by Ord. No. 237; amended in its entirety 11-18-2013 by Ord. No. 1563. Subsequent amendments noted where applicable.]

#### § 13-1 Council established.

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A Council on Aging is hereby established.

§ 13-2 Membership; terms of office. [Amended 3-6-2023 by Ord. No. 1662]

The Council on Aging shall consist of at least seven (7) members but no more than (11) 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 vacaney 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.

## § 13-3 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.

### § 13-4 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.

# Chapter 22 Assessing Department

[HISTORY: Adopted by the City of Gardner at the City election (initiative petition) 11-5-1957 by Ord. No. 186; amended in its entirety 11-18-2013 by Ord. No. 1563. Subsequent amendments noted where applicable.]

### § 22-1 Department established.

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) three Assessors, one of which shall serve as the City Assessor.

#### § 22-2 Board of Assessors.

A. There is hereby a Board of Assessors established, who shall work with the City Assessing Department in accordance with the provision so of Chapter 6 of the Code of the City of Gardner. 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 the City Council. A vacancy occurring may be filed 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. Before entering upon the discharge of their duties, the members shall be sworn to the faithful discharge thereof. [Amended 3-6-2023 by Ord. No. 1663]

- B. Each year at its first meeting the Board shall organize and elect a Chairperson.
- C. 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. The City Assessor shall serve full time as an Assessor, while the other two members shall be part-time Assessors. [Amended 3-6-2023 by Ord. No. 1663]
- E. The Board shall meet with any person filing an application for abatement or his attorney upon request for such a meeting.

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**Commented [MN3]:** Assessing Dept Chapter 6, Sec 2 Board of Assessors, Chapter 7, Section 4

Commented [MN4]: Chapter 6, Section 1

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Commented [MN5]: References new Assessing Dept

Commented [MN6]: Chapter 7, Section 1(c)

§ 22-3 Compensation.

The salary of the Assessors and other employees of the Assessing Department shall be established in the ordinances designating salaries and wages for the City employees.

# Chapter 31 Building Department

[HISTORY: Adopted by the City Council of the City of Gardner as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Building Commissioner See Ch. 160, Art. VIII. Fees See Ch. 390.

> Article I Inspection of Wires Division

[Adopted 9-2-2003 by Ord. No. 1389; amended 8-6-2012 by Ord. No. 1544]

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.

#### § 31-1 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 WiresElectrical Inspector," and such officer is hereby designated as the officer required by MGL e. 166. § 32the General Laws of the Commonwealth and the Code of the City of Gardner.

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 Electrical Inspector 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.

#### § 31-2 Inspector of Wires. <u>Electrical Inspector</u> [Amended 11-18-2013 by Ord. No. 1563]

- A. A. The Mayor shall appoint, subject to recommendation of the Building Commissioner and confirmation by the City Council, an Inspector of Wires Electrical Inspector, who shall be appointed for a term of three years. The Inspector of Wires shall be a journeyman electrician licensed licensed electrician in the Commonwealth of Massachusetts.
- B. HeThey shall keep an accurate record of the transactions of his their 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.

B. The salary of said position of Inspector of Wires shall be included in the ordinances designating salaries

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Commented [MN7]: Chapter 3, Section 1

and wages for the City employees.

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# Chapter 34 Capital Improvement Planning Committee

[HISTORY: Adopted by the City Council of the City of Gardner 9-5-2006 by Ord. No. 1434. Amendments noted where applicable.]

### § 34-1 Committee established; membership. [Amended 11-18-2013 by Ord. No. 1563]

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.

#### § 34-2 Review of projects.

- A. 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.
- 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.

## § 34-3 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.

#### § 34-4 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.

Commented [MN10]: Chapter 7, Sec 1(c)

## § 34-5 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.

# Chapter 39 Cemetery Commission

[HISTORY: Adopted by the City Council of the City of Gardner 9-17-1979 by Ord. No. 707. Amendments noted where applicable.]

## § 39-1 Commission established; membership; appointment.

- A. There shall be established a Cemetery Commission for the City of Gardner consisting of three no more than five (5) members but no less than seven (7) 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.
- B. 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.
- C. Before entering upon the discharge of their duties, the members shall be sworn to the faithful discharge thereof.

### § 39-2 Meetings, minutes and records.

- A. The Commission shall meet annually in March each year to organize and elect a Chairperson and Secretary. The Commission shall hold <u>monthly quarterly</u> meetings <u>each month</u> during the course of the year.
- B. The Secretary shall keep accurate minutes and records of all meetings of the Commission.

## § 39-3 Duties; perpetual care funds.

- A. 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.
- B. 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.
- C. 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. [Amended 3-7-1983 by Ord. No. 805; 8 6 2012 by Ord. No. 1550]

#### § 39-4 Compensation.

Members of said Commission shall receive for their services such compensation as the City Council may prescribe

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# Chapter 45 City Council

[HISTORY: Adopted by the City Council of the City of Gardner as indicated in article histories. Amendments noted where applicable.]

## Article I Meetings

[Adopted 1-29-1923 by Ord. No. 2]

## § 45-1 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. 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. [Amended 3-1-1926 by Ord. No. 20; 1-15-1940 by Ord. No. 61; 3-15-2010 by Ord. No. 1512; 11-18-2013 by Ord. No. 1563]
- 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. [Amended 3-15-2010 by Ord. No. 1512]
- 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 he may deem necessary and shall cause the same to be printed and 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. [Added 11-6-1933 by Ord. No. 34; amended 11-18-2013 by Ord. No. 1563]

#### § 45-2 Special meetings.

- A. Special meetings of the City Council may be called by the President and 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. [Added 11-6-1933 by Ord. No. 34]

Article II Legal Counsel

[Adopted 5-21-2018 by Ord. No. 1612]

## § 45-3 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 § 140-2 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.

# Chapter 50 Community Development and Planning Department

Commented [MN16]: Ch6, Sec4

[HISTORY: Adopted by the City Council of the City of Gardner 9-11-1979 by Ord. No. 702. Amendments noted where applicable.]

CENERAL REFERENCES Planning Board See Ch. 182. Zoning See Ch. 675.

## § 50-1 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. [Amended 11-18-2013 by Ord. No. 1563]

§ 50-2 Duties of Director.

The duties of the Director shall be as follows:

A. Administer Gardner's Community Development Block Grant and Section 312 Loan Program and any and all appropriate federal or state grants to the City of Gardner.

B. Write future Community Development Block Grant preapplications and applications.

C. Prepare an annual budget for the Community Development and Planning Department.

D .- Plan and coordinate activities in:

(1) Industrial financing.

(2) Housing development planning and financing.

Commented [MN17]: Ch3, Sec 1 Commented [MN18]: Ch6, Sec1

- (3) Subdivision review and approval.
- (4) Capital improvement programming.
- (5) Land use, zoning and environmental impact.
- (6) Long range physical planning.
- (7) Social and human services planning.
- (8) Downtown revitalization.
- (9) Park, recreation and open space planning.
- E. Coordinate and upgrade code enforcement in the City of Gardner.
- F Assist in developer selection.
- G. Attend public meetings relevant to community development.
- H. Provide staff and technical assistance to independent authorities, boards, commissions and committees.
- I. Coordinate activities between independent authorities, boards, commissions and committees.
- J. Work with other City department heads and elected officials to undertake community development activities.
- K. Administer the Community Development and Planning Department.
- L. Investigate and pursue possibilities of federal, state and private capital or other outside financial aid in support of community development programs.
- M. Coordinate the planning of Gardner's Heritage State Park.
- N. Employ and supervise, from time to time, such full time or part-time assistance as may be required to accomplish the above duties, subject, however, to proper appropriations being made therefor.

#### § 50-3 Revision of duties.

The duties, powers and responsibilities of said Director may be broadened or diminished at any time by ordinance by a two thirds vote of the City Council consistent with prevailing General Laws, City ordinances and the City Charter.

§ 50-4 Compensation.

The salary of the Director and other employees within the Community Development and Planning Department shall be as established in the ordinances designating salaries and wages for City employees.

# Chapter 62 Disability Commission

[HISTORY: Adopted by the City Council of the City of Gardner 11–17–2003 by Ord. No. 1395. Amendments noted where applicable.] Commented [MN19]: Ch 3, Sec 6

Commented [MN20]: Ch 3, Sec 3

## § 62-1 Commission established; membership; terms of office.

- A. 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) members, legal voters of said City, who shall be appointed by the Mayor, subject to confirmation by the City Council, as follows: the 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. [Amended 11-18-2013 by Ord. No. 1563]
- B. 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. [Amended 11 18 2013 by Ord. No. 1563]
- C. Before entering the discharge of their duties, the members shall be sworn to the faithful discharge thereof.

## § 62-2 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.

### § 62-3 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 the disabled of the City and in conjunction with 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.

# Chapter 75 Emergency Management

[HISTORY: Adopted by the City Council of the City of Gardner as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES Fire Department See Ch. 87. Police Department See Ch. 193.

Hazardous materials See Ch. 432;

Commented [MN22]: Ch 3, Sec1 (appointment process) Ch 3, Sec 8 (Vacancies) City Charter for Hearing for Appointed Officials Removal Commented [MN23]: Ch 3, Sec 3

Commented [MN24]: Ch7, Sec 1(c)

Commented [MN21]: Ch 3, Sec 1

Commented [MN26]: Ch6, Sec 9(F)

## Article I Response to Calls for Aid

[Adopted 4-2-1928 by Ord. No. 25; amended its entirety 11-3-1973 by Ord. No. 600]

## § 75-1 Authority of Police Chief and Fire Chief.

The Chief of the Police Department and the Chief of the Fire Department or, during their absence, the officer in charge of either Department be and hereby is authorized to go to another city, town or district for the purpose of aiding its police and fire departments with police vehicles and/or fire apparatus with personnel, and while in the performance of their duties in extending such aid, the members of each Department shall have the same immunities and privileges as if performing the same within the City of Gardner.

# Article II

## **Mutual Aid Agreements**

Adopted 10-1-1979 by Ord. No. 709]

§ 75-2 Mutual aid programs for police purposes. [Amended 11-18-2013 by Ord. No. 1563]

The Mayor is hereby authorized under the authority granted by MGL c. 40, § 4A (which allows for agreements between local governmental units) the General Laws of the Commonwealth, to enter into agreement between the City and any other city or town, or combination of other cities and towns, to provide mutual aid programs for police purposes in order to increase the capability of the City's Police Department to protect the lives, safety and property of the citizens of the City of Gardner and those of said other cities and towns which may be a party to such agreement.

§ 75-3 Contents of agreements. [Amended 11-18-2013 by Ord. No. 1563]

Such mutual aid agreements as authorized hereunder may provide for the furnishing of personal services, supplies, materials, contractual services and equipment when the resources normally available to either the City or the other municipality which is a party to such agreement are not sufficient to cope with a situation which requires police action.

## Article III Civil Defense Department

Adopted 3-19-2007 by Ord. No. 1456

## § 75-4 Department established; Director.

- A. Pursuant to the Acts and Resolves of Massachusetts 1950, Chapter 639, Section 13, tThere shall be established in the City of Gardner a Civil Defense Department to be administered by a Director.
- B. The Civil Defense Director (the "Director") shall be appointed by the Mayor, subject to confirmation by the City Council, and shall be appointed for a term of three years. Said Director shall hold office until his/her successor is appointed and confirmed. Said Director may be removed from office in the same manner as department heads as provided by Section 8 of the City Charter. Said Director shall report to the Mayor and City Council Chief of Police and shall appear before the City Council whenever requested to do so.

Commented [MN27]: Ch 3, Sec 2

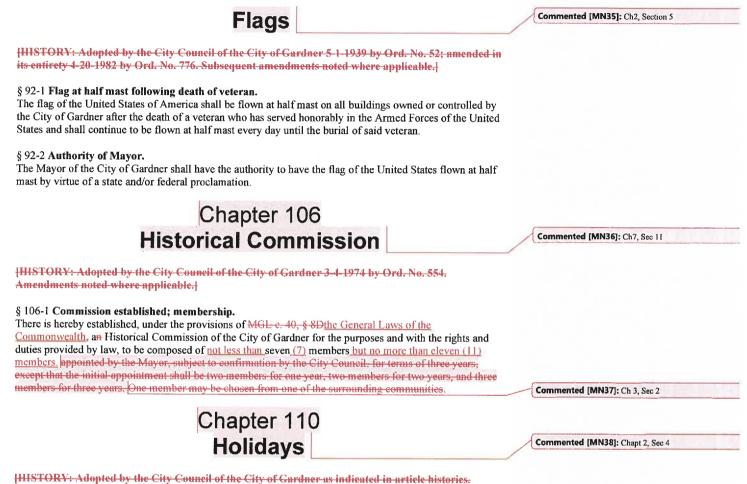
§ 75-5 Duties of Director.

The duties of the Director shall be as follows. The Director shall:

A. Be responsible for the organization, administration and operation of the Civil Defense Department.	
B. Propare the appropriate disaster response plans and ensure that the City is fully prepared to respond in the event of a disaster.	
C. Ensure that the City is in full compliance with any state or federal mandates, guidelines or policies related to the civil defense and disaster response, such as the Homeland Security Act.	
D. Be responsible for the preparation and the carrying out of all emergency functions, other than functions for which military forces other than the National Guard are primarily responsible, for the purpose of minimizing and repairing injury and damage resulting from disasters caused by attack, sabotage or other hostile action or by fire, flood, earthquake or other natural eauses; said functions shall include specifically, but without limiting the generality of the foregoing, fire fighting and police services, medical and health services, rescue, engineering and air raid warning services, evacuation of persons from stricken areas, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions.	
E. In the event of a proclamation of a disaster or a state of extreme emergency by the Governor, Mayor or the State Director of Civil Defense, the Director may request of the appropriate authority all necessary assistance, requisition the necessary personnel or materials from any City department or other source, control and direct all City personnel and equipment, obtain vital supplies and such other properties found lacking and needed for the protection of life and property of the people and commandeer immediately such property, equipment and personnel necessary for the public use during the term of the emergency.	
F. Attend City events such as a parade or fireworks display to direct and assist on the side lines, prepared and ready to help in whatever capacity needed.	
G. Remain in touch with City, state, and federal officials and with weather agencies.	
H. Assist the Police Department with evacuations, road closures and detours and help transport people during severe storms and with missing persons searches.	
<ol> <li>In collaboration with other public and private agencies within the commonwealth, develop or cause to be developed mutual aid agreements for reciprocal civil defense aid and assistance in case of a disaster too great to be dealt with unassisted.</li> </ol>	
J.— Work in an advisory capacity to the Mayor on all civil defense related matters and, in addition to those stated herein, perform those miscellaneous duties and responsibilities as assigned by the Mayor.	
§ 75-6 Revision of duties. The duties, powers and responsibilities of said Director may be broadened or diminished at any time by ordinance.	Commented [MN28]: Ch 3, Sec 6
§ 75-7 Compensation. The salary of the Director and other employees of the Civil Defense Department shall be established in the ordinances designating salaries and wages for the City employees.	Commented [MN29]: Ch3, Sec 3
Chapter 87	

Fire Department	Commented [MN30]: Ch6, Sec 6
[HISTORY: Adopted by the City Council of the City of Gardner 6-16-2014 by Ord. No. 1570. Amendments noted where applicable.]	
GENERAL REFERENCES	Formatted: Body Text
Officers and employees See Ch. 160.	Formatted: Space After: 14.15 pt
Personnel See Ch. 171.	
Fire prevention See Ch. 396.	
§ 87-1 Personnel. The Fire Department of the City of Gardner shall consist of a Fire Chief, a Fire Captain, six Lieutenants, and such fire privates and other support and other such personnel as the Mayor, with the approval of the City Council, shall from time to time deem necessary, subject to appropriation.	
§ 87-2 Appointments. Subject to the following, all appointments to the Fire Department shall be made by the Fire Chief <u> and shall</u> not be subject to confirmation by the City Coucil.	
§ 87-3 Fire Chief. <u>A.</u> 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.	Commented [MN31]: Ch3, Sec 2
B. The Chief of the Fire Department or, during their absence, the officer in charge of the Department hereby is authorized to go to another city, town or district for the purpose of aiding fire departments fire apparatus with personnel, and while in the performance of their duties in extending such aid, the members of the Department shall have the same	Formatted
immunities and privileges as if performing the same within the City of Gardner.	Commented [MN32]: Moved from emergency management section
D. 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.	
3. 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.	Commented [MN33]: Ch 3, Sec 2
87-4 Fire Chief compensation. The compensation for the position of Fire Chief shall be as set forth in the Code of the City of Gardner as	
row time to time amended	

Chapter 92



Amendments noted where applicable.}

Article I

**Colonel Thomas Gardner Day** 

[Adopted 8-7-2000 by Ord. No. 1334]

§ 110-1 Designation.

Whereas history is prologue, and it is important that our children be cognizant of our past, especially the early sacrifices that established the freedom and democracy we enjoy today, annually, on or before the 19th of April, the Mayor shall officially designate Patriots Day as Colonel Thomas Gardner Day in the City of Gardner and shall cause a proclamation to be issued and read in all the schools of Gardner, to honor this patriot who died of wounds received during the Battle of Bunker Hill and for whom our beloved community was named.

# Chapter 113 Human Resources Department

[HISTORY: Adopted by the City Council of the City of Gardner 1-7-1985 by Ord. No. 855; amended in its entirety 11-18-2013 by Ord. No. 1563. Subsequent amendments noted where applicable.]

GENERAL REFERENCES Personnel See Ch. 171.

### § 113-1 Department established; Director.

- A. There shall be established in the City of Gardner a Human Resources 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 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.

#### § 113-2 Duties of Director.

The duties of the Director shall be as follows. The Director shall;

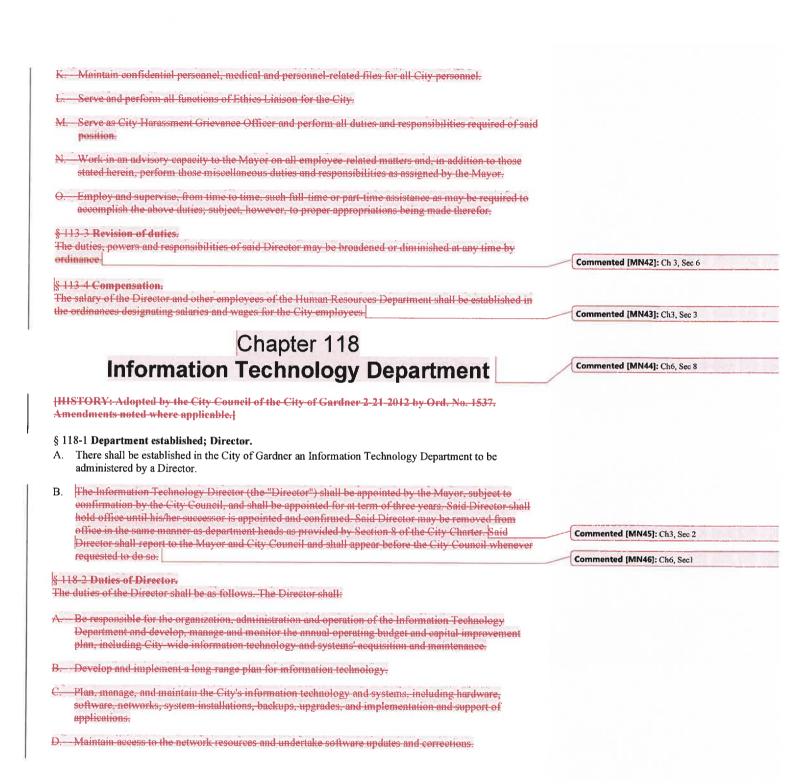
- A. Originate, interpret, apply, and implement various human resources policies, changes and regulating guidelines for the City consistent with the needs and objectives of the City, including but not limited to the Harassment Prevention Policy, Family and Medical Leave Act Policy, Small Necessities Leave Policy, Drug Free Workplace Policy and the Equal Employment Opportunity Policy.
- B. Develop and implement a performance evaluation program.
- C. Act as a liaison for and extend technical guidance to department heads and employees on work performance and appraisal problems.
- D. Assist the Mayor and/or his/her bargaining agents in collective bargaining, grievance matters and discipline situations.
- E. Oversee and administer all employee benefit programs, wage and salary programs, indoctrinations and terminations.
- F. Advise all departments and employees relative to staffing, benefits, recruitments, appointments, career development and promotions.
- G: Administer and maintain records of the City unemployment compensation program, workers' compensation program and employee assistance programs.
- H. Serve as and perform all functions of the Labor Service Director for the City and administer all civil service personnel transactions.
- Be appointed as City representative to the Disability Commission and manage all duries and responsibilities required of said appointment.
- J. Serve as ADA Coordinator for the City and perform all duties and responsibilities required of said position.

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Commented [MN40]: Ch 3, Sec 2

Commented [MN41]: Ch6, Sec1

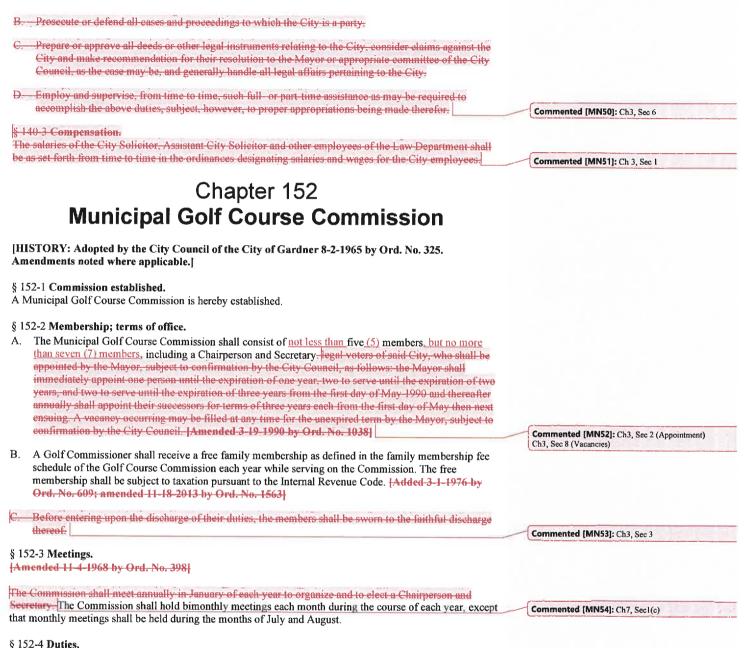
Commented [MN39]: Ch6, Sec7



- E. Act as a technical expert to assist City employees with complex desktop computer hardware and software problems and prepare training courses and provide user support and training in the use of available hardware, software, and utilities, including GIS systems.
- F. Manage the City's wide area network, including the development and maintenance of user accounts, print queues, storage requirements and bandwidth needs; maintain VoIP telephone systems; maintain VoIP hardware and infrastructure; and perform maintenance, user configuration and software configuration changes.
- G. Maintain an annual inventory of computers and related equipment, order and set up new computers, printers, scanners, hardware, software, and other network devices; and manage vendor relationships and arrange for vendor support and repair services.
- H. Maintain assorted peripheral technology such as printers and projectors.
- I. Develop protocols and implement security measures to protect the City's networks against viruses, intrusion, and other potential hazards and establish disaster recovery plans.
- J. Develop applications, as needed.
- K. Be responsible for the operation and management of Internet or intranet website, including the updating and maintenance of the City's website and web presence.
- L. Evaluate information technology needs and work with department heads and other staff to define needs, explore system solutions, and provide business systems consulting services to recommend the effective use of technology to improve efficiency and service.
- M .- Maintain relationships with vendors, consultants, and technology groups and networks.
- N. Research hardware/software developments and trends, recommend information technology purchases to the City Administrator, develop request for proposals and purchase specifications, and meet with vendors and consultants.
- O. Coordinate licensing of software and the identification of hardware assets.
- P. Work closely with the GIS/AutoCAD Technician on the planning, management, implementation, evaluation and establishment of policies and procedures for the City's geographic information systems.
- Q. Design databases, develop applications, establish standards and procedures for database management, maintain data dictionaries, and maintain system documentation.
- R.—Coordinate with the GIS/AutoCAD Technician on the planning, implementation and administration of the integration, consolidation, development, security and integrity of City wide GIS databases.
- S. Supervise employees in such position titles as systems manager and departmental liaisons involved in computer hardware/software support and user support. Requires matrix management of staff involved in the use and maintenance of the GIS system. Supervisory activities include responsibility for performance management, hiring, conducting employee orientation, scheduling work hours/granting time off, providing training and development and assigning/reviewing work.
- T. Work in an advisory capacity to the Mayor on all information technology related matters and, in addition to those stated herein, perform those miscellaneous duties and responsibilities as assigned by the Mayor.

dinance	Commented [MN47]: Ch 3, Sec 6
118-4 Compensation. The salary of the Director and other employees of the Information Technology Department shall be tablished in the ordinances designating salaries and wages for the City employees.	Commented [MN48]: Ch3, Sec 3
Chapter 140	
Law Department	Commented [MN49]: Ch 6, Sec 9
HSTORY: Adopted by the City Council of the City of Gardner 12-15-1986 by Ord. No. 908. mendments noted where applicable.]	
<ul> <li>140-1 Department established.</li> <li><u>A.</u> A. 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.</li> </ul>	Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.58"
<u>B.</u> <u>Both</u> said officers shall be members of the Bar of the Commonwealth of Massachusetts in good standing.	
<ul> <li>B. 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. [Amended 9.8-1987 by Ord. No. 932]</li> <li>C. 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.</li> </ul>	Formatted: Space Before: 0 pt, After: 0 pt, Numbere + Level: 1 + Numbering Style: A, B, C, + Start at: 1 - Alignment: Left + Aligned at: 0.25" + Indent at: 0.58"
NEW: 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	
chaitperson of a City committee upon vote of that committee, or the head of any City Department with the approval of the Mayor.	
Department with the approval of the Mayor. ii. Said written legal opinions shall be issued by the City's Law Department no later than	
<ul> <li>Department with the approval of the Mayor.</li> <li>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.</li> <li>iii. The Law Department shall provide the Mayor with a copy of all written legal opinions</li> </ul>	Formatted: indent: Left: 0.25", No bullets or numbering

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[Amended 11-18 2013 by Ord. No. 1563]

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 Newsin manners generally used in practice by the City, upon their being determined, prior to the date the same are to take effect.

### § 152-5 Appointees.

- A. 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.
- B. The appointees shall perform such duties as shall be required of them by said Commission.

### § 152-6 Compensation. [Added 11-18-2013 by Ord. No. 1563]

The salary of the superintendent and other employees of the Golf Course Commission shall be established in the ordinances designating salaries and wages for the City employees.

Commented [MN55]: Ch3, Sec 1

# Chapter 156 Municipal Grounds Commission

[HISTORY: Adopted by the City Council of the City of Gardner 3-7-1983 by Ord. No. 800; amended 11-7-1988 by Ord. No. 983; 8-6-2012 by Ord. No. 1551. Subsequent amendments noted where applicable.]

## § 156-1 Commission established; membership; terms of office.

There shall be established a Municipal Grounds Commission for the City of Gardner consisting of six members, legal voters of said City, five of whom shall be appointed by the Mayor, subject to confirmation by the City Council, as follows:

- A. The Mayor shall immediately appoint one person to serve 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 April 1983 and thereafter annually shall appoint the appropriate number of persons (either one or two) to serve for the term of three years from the first day of April 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. Before entering upon the discharge of their duties, the members shall be sworn to the faithful discharge thereof.
- B. The sixth member shall be the Director of Public Works, who shall be a nonvoting member of the Commission during his term of office. [Amended 11-18-2013 by Ord. No. 1563]

## § 156-2 Meetings.

The Commission shall meet annually in April of each year to organize and elect a Chairperson and Secretary. The Commission shall hold meetings no less than <u>once a monthquarterly</u> during the course of the year. The Secretary shall keep accurate minutes and records of all meetings of the Commission. The Director of Public Works shall not hold office within the Commission.

### § 156-3 Duties; Community Bandstand Committee.

- A. The Commission shall be an advisory body and shall advise the Director of Public Works, Mayor and City Council on matters relating to the Municipal Grounds Division.
- B. 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.
- The Community Bandstand Committee shall consist of no less than three (3) members, one of whom shall be a member of the Municipal Grounds Commission, to carry out the purposes of this § 156-3B. All members shall be appointed in accordance with § 156-1A. [Added 3-18-2019 by Ord. No. 1618]section.
- C. 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 <u>\$156 3B-this section</u>. 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." All funds in such Community Bandstand Committee Program Fund." All funds in such Community Bandstand Committee Program Fund." All funds in such Community Bandstand Committee Program Fund shall be used for the purposes set forth in <u>\$156 3B. [Added 3-18-2019 by Ord. No. 1618] this section.</u>
- D. 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. The duties, powers and responsibilities of the Commission may be broadened or diminished at any time by ordinance consistent with prevailing General Laws or City ordinances.

#### § 156-4 Compensation.

Members of said Commission shall receive for their services such compensation as the Mayor and City Council may prescribe

### § 156-5 Transfer of personnel.

All necessary persons employed by and under the supervision of the named Municipal Grounds Department, boards and commissions shall, upon the effective date of this chapter, be transferred to the Department of Public Works. All such transfers of personnel shall be made without loss of pay and without change in rating, seniority, retirement or pension rights, or any other privileges under the provisions of this chapter.

# Chapter 160 Officers and Employees

[HISTORY: Adopted by the City Council of the City of Gardner as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES Personnel See Ch. 171

Article I

Commented [MN56]: Ch7, Sec 3

#### Commented [MN57]: Ch3, Sec 1

**Commented [MN58]:** Positions that are no longer in existence are deleted. Positions that are still in existence are moved to their respective department section.

Most aspects of this chapter are covered through Chapt 3, Section 6

Measurers of Lumber	
<del>[Adopted 3-5-1923 by Ord. No. 7]</del>	
§ 160-1 Appointment. The Mayor shall annually in March or whenever vacancies occur appoint one or more Measurers of Lumber.	
Article II Assistant City Clerk	Commented [MN59]: Chapter 3, Section 1 (b)
[Adopted 4 2 1923 by Ord. No. 11; amended in its entirety 3 6-2017 by Ord. No. 1599]	
§ 160-2 Appointment; term; powers and duties. The Office of Assistant City Clerk is established. The City Clerk may appoint up to two (2) 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. Nothing contained herein shall be construed to prevent the reappointment of an Assistant City Clerk upon the expiration of the term of office.	
§ 160-3 Compensation. The salary of Assistant City Clerk shall be included in the ordinances designating salaries and wages for the City employees.	
cu) employees	Commented [MN60]: Ch3, Sec 1
Article III	
Vacancies in City Positions	Commented [MN61]: Ch3, Sec 8
[Adopted 7-1-1935 by Ord. No. 41]	
§ 160-4 Temporary appointment.	Commented [MN62]: Ch3, Sec 4
[Amended 11-18-2013 by Ord. No. 1563]	
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 60 days, and no temporary appointee shall succeed himself as a temporary appointee.	
§ 160-5 Powers and duties of temporary officers.	Commented [MN63]: Ch3, Sec 5
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.	
§ 160-6 Vacancies in City departments.	Commented [MN64]: Ch3, Sec 8
[Added 12-15-1975 by Ord. No. 605; amended 4-21-1998 by Ord. No. 1271; 9-7-2010 by Ord. No. 1521]	
Except for seasonal employees, whenever a vacancy shall occur in any position in any City department (other than a department head), the vacancy shall not be filled by the Mayor until approval is secured from the City Council if the position's job description is to be changed.	
Article IV	
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## Forester

[Adopted 2-5-1945 by Ord. No. 89]	
<u>§ 160-7 Position ereated.</u> {Amended 8-6-2012 by Ord. No. 1545}	
The position of City Forester, also known as the "City Tree Warden," is hereby created.	
<u>§ 160-8 Appointment; term of office; compensation.</u> [Amended 9-17-1979 by Ord. No. 706; 11-18-2013 by Ord. No. 1563]	
The City Forester shall be appointed by the Mayor, subject to confirmation by the City Council. He shall hold office for three years from the date of his appointment. He may also be the superintendent for the supervision of gypsy and brown tail moths. The salary of the Forester shall be established in the ordinances designating salaries and wages for the City employees.	
§ 160 9 Forester to exercise powers and duties of tree worden. The City Forester shall have and exercise all the powers and duties conferred and imposed upon tree wordens by MGL e. 87 and amendments thereof	<b>Commented [MN65]:</b> Position included in DPW Association Collective Bargaining Agreement
Article V Senior Citizens' Director	Commented [MN66]: Ch6, Sec 13
[Adopted 5-7-1979 by Ord. No. 689]	
§ 160-10 Position established. The position of Senior Citizens' Director is hereby established.	
<del>§ 160-11 Appointment; term of office. [Amended 11-18-2013 by Ord. No. 1563]</del>	
On or before the first Monday of July, the Mayor shall appoint a Senior Citizens' Director for a term of three years beginning with the first Monday of July, subject to confirmation of the City Council.	
§ 160–12 Position to be full time; compensation. The Senior Citizens' Director position shall be full time, consisting of 40 hours or its equivalent per week, and the salary for said position shall be included in the salary and wage ordinance of the City.	
§ 160-13 Duties. [Amended 11-18-2013 by Ord. No. 1563]	
The Senior Citizens' Director shall report directly to the <u>Mayor Gardner Council on Aging</u> and shall have the duty and responsibility of working with the Council on <u>Aging</u> 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.

Article VI (Reserved)

§ 160-14 through § 160-17. (Reserved)

Article VII

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## Agent for the Conservation Commission

[Adopted 3-2-1998 by Ord, No. 1262]

§ 160-18 Appointment and compensation. [Amended 11-18-2013 by Ord. No. 1563; 2-6-2017 by Ord. No. 1597]

The position of Agent for the Conservation Commission shall be appointed for three years by the Mayor, subject to confirmation by the City Council. The salary of the Agent for the Conservation Commission shall be established in the ordinances designating salaries and wages for the City employees.

§ 160-19 Reporting.

The Agent for the Conservation Commission shall report to the Director of Community Development and Planning.

§ 160-20 Duties. Duties will consist of the following. The Agent:

A Executes Conservation Commission decisions and policies.

B. Serves as the Commission's agent for the purposes of the Wetlands Protection Act.

C. Represents the Commission at non-Commission meetings and on committees.

- D. Enforces applicable City and state laws and regulations, in particular the Massachusetts Wetlands Protection Act.
- E. Prepares and distributes agendas and minutes.
- F. Maintains files, records, and attendance of the Commission.
- G. Administers operating budget and submits budgets requests.
- H. Attends Commission meetings.
- 1. Provides advice to the Commission on wetland filings, enforcement, and related matters.
- J. Establishes the work schedule of subordinate staff and supervises their work.
- K. Participates in the site plan review process with the Community Development and Planning Department. [Amended 11-18 2013 by Ord. No. 1563]

L. Reviews and administers state and local permit applications received by the Commission-

- M. Makes site inspections of properties and makes recommendations to the Commission on applications and enforcement.
- N. Acts as advisor and technical assistant to the Commission.
- O. Advises applicants about submitting appropriate filings and documentation.
- P. Answer queries and complaints from the public, business, industry, and other City departments and other public agencies.

Q .- Participates in and supports other environmental programs and projects which are relevant to the City.

R. Performs other related duties as required.	Commented [MN67]: Ch3, Sec 6
Article VIII	
Building Commissioner	Commented [MN68]: Ch6, Sec 3
[Adopted 8-5-2002 by Ord. No. 1373]	
§ 160-21 Position established. <del>[Amended 11-18-2013 by Ord. No. 1563]</del>	
The position of Building Commissioner is hereby established and shall be a full-time position.	
<u>§ 160-22 Appointment; term of office.</u> [Amended 11-18-2013 by Ord. No. 1563]	
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.	Commented [MN69]: Ch3, Sec 2
§ 160-23 Duties. The duties of said Building Commissioner shall be those set forth in MGL c. 143:the General Laws of the Commonwealth and Code of the City of Gardner	
<u>§ 160-24 Compensation.</u> [Amended 11-18-2013 by Ord. No. 1563]	
The salary of said position of Building Commissioner shall be included in the ordinances designating salaries and wages for the City employees.	Commented [MN70]: Ch3, Sec 1
Article IX	
Inspector of Gas Piping and Gas Appliances	Commented [MN71]: Ch5, Sec2(C)
Adopted 6-2-2003 by Ord. No. 1388; amended 8-6-2012 by Ord. No. 1546	
§ 160-25 Position created. The position(s) of Inspector of Gas Piping and Gas Appliances is hereby created. 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.	
§ 160-26 Duties. The Inspector of Gas Piping and Gas AppliancesPlumbing 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.	
§ 160-27 <b>Plumbing Inspector to serve.</b> The Plumbing Inspector(s) of the City shall be the Inspector(s) of Gas Pining and Gas Appliances. Said	

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.

§ 160 28 Appointment; term of office; compensation. [Amended 11-18-2013 by Ord. No. 1563]

The Plumbing Inspector(s) and Inspector(s) of Gas Piping and Gas Appliances shall be appointed by the Mavor, 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. The salary of the Inspector shall be established in the ordinances designating salaries and wages for the City employees.

# Article X Agent for the Planning Board

[Adopted 10 2 2006 by Ord. No. 1442]

§ 160-29 Appointment and compensation. Amended 11-18-2013 by Ord. No. 1563]

The position of Agent for the Planning Board shall be appointed for one year by the Mayor, subject to confirmation by the City Council. The salary of the Agent shall be established in the ordinances designating salaries and wages for the City employees.

§ 160-30 Reporting.

The Agent for the Planning Board shall report to the Director of Community Development and Planning.

\$ 160-31 Duties.

Duties shall consist of the following. The Agent for the Planning Board shall:

- A. Assist in the preparation of meeting agenda and minutes for the Planning Board and Development Review Committee and the maintenance of files, records and decisions.
- B.-Assist in the preparation and maintenance of land use, growth management, housing, open space and other relevant plans for the City of Gardner.
- Evaluate land use proposals for conformity with established plans, regulations and ordinances, evaluate C ..... proposals' development impacts and make recommendations based on said evaluations.
- D. Evaluate environmental information and recommend mitigation measures to reduce adverse impacts of development.
- E., Make site inspections, monitor approved projects and make recommendations to the Director and Planning Board regarding compliance with approved plans and conditions of approval, as well as local, state and federal land use regulations and laws.
- F. Respond to inquiries from the public and businesses about land use regulations and advise applicants about filing requirements.

G. - Perform other related duties as required by the Director.

Commented [MN721: Ch3. Sec8

Commented [MN73]: Ch3, Sec 3 Ch3 Sec 1

Commented [MN74]: Ch3, Sec 6

# Chapter 171 Personnel

## Article I Physical Examination of City Employees

### § 171-1 Examination required.

Any new full-time or permanent part-time employee that has been offered a position in the City of Gardner will-may be required to submit to a physical examination prior to beginning work.

## § 171-2 Conduct of examination.

A. A City-designated physician shall conduct all preemployment examinations. The Human Resources Department or the department head-will be responsible for setting up the appointment. [Amended 11-18-2013 by Ord. No. 1563]

Section 3: If required to undertake a preemployment examination, 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.

B. At the time of the exam, the City-designated physician will be provided with all the necessary information to be able to make an informed judgment as to the employee's current titness to perform the required duties.

## § 171-3 Report.

The employee must bring in the original copy of the preemployment screening report prior to the employee's first day on the job.

## § 171-4 Costs.

The City will be billed for all costs associated with the physical.

## § 171-5 Exemption for elected officials.

This article shall not apply to elected officials.

Article II

**Compensation for Blasting Services** 

## [Adopted 6-30-1975 by Ord. No. 593]

§ 171-6-Additional compensation established.

Any employee in the Public Works Department who performs dynamite blasting services for the + City of Gardner under the direction of the Director of Public Works shall, in addition to his regular compensation, be paid an amount of \$10 per day for any day or fraction thereof on which such services are performed. Formatted: Heading 3, Centered

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## Article III Civic Duty Leave

## [Adopted 2-7-2000 by Ord. No. 1314]

### § 171-7 Grant of leave.

Regular full-time City employees, not covered by a collective bargaining agreement, who have summons to appear in court shall be granted civic duty leave.

## § 171-8 Summons to be presented to department head.

Official summons to jury duty or witness appearance must be presented in advance to the appropriate department head to receive authorized leave. <u>The summons and/or jury duty service confirmation shall be submitted to the Human Resources</u> Department to be maintained in the employee's personnel file.

# § 171-9 Employee to report to work if discharged from service.

An employee on authorized civic duty leave who is discharged from court service for the day or a major portion thereof during regular work hours must report to work.

## § 171-10 Personal litigation excluded.

Civic duty leave shall not be authorized for an employee who is involved in personal litigation.

## § 171-11 Effect on other benefits.

Absence due to authorized civic duty leave shall not affect an employee's eligibility for longevity or benefits eligibility.

## § 171-12 Compensation.

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.

During such time as the employee is unable to perform the usual work required of him or her because of civic duty leave, the employee's wages or salary shall be suspended; provided, however, that the City may, on submission of proper vouchers to the City Auditor, authorize payment and pay to 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 in the regular performance of his or her duties.

## § 171-13 Effect on vacation.

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

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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.

An employee summoned for jury duty service prior to taking his or her annual vacation, and the jury service does not terminate prior to the end of the year, shall be entitled to take his or her vacation during the first months of the next year but shall not have two annual vacation periods run concurrently.

## Article IV Paid Holidays

## [Adopted 2-7-2000 by Ord. No. 1315]

## § 171-14 Holidays designated.

- All full-time and regular part-time City employees, not covered by a collective bargaining agreement, except the Police and Fire Department personnel, shall be granted holidays with pay at the rate fixed for such employees respectively on each of the following twelve(12)
   Hegal holidays:
- (1) New Year's Day.
- (2) Martin Luther King Day.
- (3) Presidents Day.
- (4) Patriots Day.
- (5) Memorial Day.
- (6) Juneteenth
- (67) Independence Day.
- (78) Labor Day.
- (98) Columbus Day.
- (109) Veterans Day.
- (110) Thanksgiving Day.
- (124) Christmas Day.
- B. Sunday holidays shall be celebrated on the following Monday. Saturday holidays shall be celebrated on the preceding Friday.

A. 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.

B. 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.

## § 171-15 Compensation for working on holiday.

In the event that a nonexempt employee shall be required to work on said holiday, his or her compensation shall be at  $\frac{1+1/22}{1}$  times his or her 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. At the direction of the department head, the employee may elect to earn compensatory time for the time worked on the holiday.

## Article V

## Nonoccupational Sick Leave

## [Adopted 2-7-2000 by Ord. No. 1316]

## § 171-16 Grant of sick days.

All full-time and regular part-time employees shall be granted a maximum of <u>15-twenty (20)</u> nonoccupational sick days per calendar year at the employee's normal straight-time pay for normally scheduled hours.

## § 171-17 Credit and use of sick days.

Sick days shall credited to employees on January 1 of each year. Employees may carry an unlimited number sick days. Sick time shall not be used in less than one-half-dayhour increments.

§ 171-18 Doctor's certificate. [Amended 11-18-2013 by Ord. No. 1563]

An employee that has been absent from work due to the use of nonoccupational sick leave three (<u>3</u>) consecutive days or more at one time must present a doctor's certificate to <u>his or hertheir</u> department <u>headdirector</u>. This certificate This note shall be attached to the weekly time reports. A doctor's certificate note may also be required if a department head and/or the Director Human Resources has reasonable cause to believe that the employee may be abusing his or her nonoccupational sick leave.

## § 171-19 Payment for accumulated sick leave upon retirement.

Employees hired before October 17, 1995, upon retirement from employment with the City of Gardner, if the employee has accumulated sick leave, shall be granted pay for such accumulation not to exceed 50 days' pay, plus an additional 50% of the daily rate for accumulated days over and the above first 50 days, not to exceed a total of 130 days paid.

## § 171-20 Payment for accumulated sick leave upon voluntary termination of employment.

Employees hired before October 17, 1995, upon voluntary termination of employment, if an employee has an accumulated sick leave balance, shall be granted pay for such accumulation upon termination at a rate of 1/4 day's pay for each such day of accumulated sick leave, not to exceed 30 days paid.

## § 171-21 Payment for accumulated sick leave upon death of employee.

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.

any accrued sick days shall be paid to the estate of said deceased employee.

### § 171-22 New employees.

Newly hired employees shall be granted nonoccupational sick leave at the rate of 1 1/4 days per month worked. Newly hired employees shall earn nonoccupational sick leave in this manner until January 1 after their date of hire.

# § 171-23 Sick leave incentive time.

[Amended 6-1-2009 by Ord. No. 1494]

Commencing effective January 1. 2024, employees that do not call in sick and/or use sick leave in a calendar month shall yearn 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.

Commencing effective July 1, 2009, employees that do not use siek leave in a calendar month shall earn 1/2 day off not to be charged to siek leave or vacation leave. Any days earned as siek leave will be counted as personal time subject to the approval of the department head. Days must be used within one year period of being earned.

# § 171-24 Annual report; notification of absence due to illness.

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.

On the first day of each year, each department head shall submit to the Mayor and City Auditor an accurate accounting of all sick leave accumulated and used during his/her period of employment with the City. In addition to the aforementioned, each employee will notify his or her department head each morning by 8:30 a.m. when he or she is going to absent from work due to illness. Each department head will contact the Mayor's office each morning by 8:30 a.m. when he or she is going to be absent from work due to illness.

## Article VI Bereavement Leave

## [Adopted 2-7-2000 by Ord. No. 1317]

## § 171-25 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.
- A: All full-time and regularly employed part-time employees, not covered by a collective bargaining agreement, shall be granted bereavement leave without loss of regular straighttime pay for normally scheduled working hours, not to exceed three consecutive days, on the account of a death in the immediate family of the employee. "Immediate family" shall include spouse, parent, stepparent, parent of spouse, children, brother, sister, grandparents, grandchildren, or a person living in the immediate household of the employee.
- B. Bereavement leave of one day without loss of regular straight-time pay for normally scheduled working hours may be granted per occurrence for the death of an employee's niece, nephew, brother in-law, sister-in-law, son-in-law, daughter-in-law, aunt or uncle.

Article VII Longevity Pay

[Adopted 2-7-2000 by Ord. No. 1318]

# § 171-26 Full-time employees.

- A. Any full-time regular 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 has been employed for at least five continuous full-time years of service shall receive, in addition to his or her regular compensation, longevity pay of \$150 during the first year that such service is attained and each fiscal year thereafter.
- B. Such employees shall receive an additional \$30 per year for each additional year of fulltime continuous service with the City. but in no event shall longevity pay for any such employee exceed \$1,050 in any fiscal year.

# § 171-27 Part-time employees.

- A. Any part-time regular 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 has been employed for at least five continuous years of service and has worked at least 1,000 hours each year of service shall receive, in addition to his or hertheir 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 service with the City, but in no event shall longevity pay for part-time employees exceed \$525 in any fiscal year.

# § 171-28 Payment date.

Payment of longevity pay shall be made on June 30 to all employees who are entitled during the fiscal year preceding such date, except that an employee whose is terminated, except involuntarily for cause, shall receive payment on the date of termination of such longevity pay for which the employee was eligible in such fiscal year prior to the date of termination.

# § 171-29 Calculation of pay.

For the purpose of calculating longevity pay, a year of employment shall be 32 weeks in the aggregate during the fiscal year.

# Article VIII Personal Leave

# [Adopted 2-7-2000 by Ord. No. 1319]

# § 171-30 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 three 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 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 from the date the

## employee's employment ends, as follows: [Added 12-21-2020 by Ord. No. 1634]

(1) January 1 to April 30 March 31st; two-Three (3) days.

(2) <u>AprilMay</u> 1 to August 31 June 30 <sup>th</sup> : two (3)one days.	Formatted: Superscript
(3) July 1 <sup>st</sup> to Sept 30 <sup>th</sup> : One (1) day	Formatted: Superscript
§ 171-31 Use of personal days.	Formatted: Superscript

- A. Use of personal days is upon the approval of the department head, who has been given 24 hours' notice, except in an emergency.
- B. Personal time shall not be used in less than half-dayone (1) hour increments.

#### § 171-32 Crediting of personal days.

Personal days shall be credited to employees on January 1 of each year. Personal leave is not cumulative and must be used in the calendar year that it is granted. <u>Personal Time cannot be carried over from year to year.</u>

### § 171-33 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	<u>34</u>
April 1 to June 30	<u>3</u> 2
July 1 to September 30	<u>2</u> 4
October 1 to December 31	1

## Article IX

# Vacations for City Officers and Employees

## [Adopted 2-7-2000 by Ord. No. 1320]

§ 171-34 Police officers Deputy Chief of Police .

All police officers The Deputy Chief of Police of the City of Gardner, not 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 to four years shall be entitled to two weeks (14 calendar days).

B. Regularly employed from five to nine years shall be entitled to three weeks (21 calendar days).

**Commented [MN1]:** All other non-department head staff of the Gardner Police Department, besides the Deputy Chief, are union employees covered by the collective bargaining agreement and not the city ordinances

- C. Regularly employed from 10 to 14 years shall be entitled to four weeks (28 calendar days).
- D. Regularly employed for over 15 years shall be entitled to 31 calendar days.
- E. Employees shall have two consecutive days off with each five days of vacation. Each twoweek vacation period shall consist of 10 paid vacation days and four regular days off. One vacation week shall consist of five working days plus two days off.

§ 171-35 Firefighters.

All firefighters of the City of Gardner, not 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 to four years shall be entitled to two weeks (14 calendar days).
- B. Regularly employed from five to nine years shall be entitled to three weeks (21 calendar days).
- C. Regularly employed from 10 to 14 years shall be entitled to four weeks (28 calendar days).

D. Regularly employed for 15 years or more shall be entitled to 31 calendar days.

*§ 171-36 Other full-time officers and employees*. *Full-Time Employees* [Amended 6-1-2009 by Ord. No. 1492]

All other employees or officers, <u>City Employees</u>, 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 two three (3) weeks or 10-fifteen (15) working days.
- B. Regularly employed from five (5) to nine (9) years shall be entitled to three-four (4) weeks or 15-twenty (20) working days.
- C. Regularly employed from <u>40-ten (10)</u> years to <u>fourteen (14)</u> years shall be entitled to <del>four</del> <u>five (5)</u> weeks or <u>20twenty-five (25)</u> working days.
- D. Regularly employed for <u>fifteen (-15)</u> years to <u>nineteen (19)</u> years shall be entitled to <u>fivesix</u> (6) weeks or 25thirty (30) working days. [Amended 12-21-2020 by Ord. No. 1634]
- E. Regularly employed <u>twenty (20)</u> years or more shall be entitled to <u>28seven(7) weeks or</u> thirty-five (35) working days. [Added 12-21-2020 by Ord. No. 1634]

§ 171-37 Other part time officers and employees. Part-Time Employees [Amended 6-1-2009 by Ord. No. 1492]

All other employees or officers, except those provided for by law and those covered by a

Commented [MN2]: All firefighters are now union employees covered by the collective bargaining agreement and not the city ordinances collective bargaining agreement, regularly employed part time by the City shall be granted an annual vacation without loss of pay as follows:

- A. To be eligible a part-time worker must have worked 27 weeks in the aggregate during the 12 months preceding the first day of June in each year and must meet the eligibility requirements of part-time employees as defined in Article XII, § 171-50A.
- B. They shall be entitled to the same vacation increments as full-time employees as defined in § 171-36 based upon an eligible part-time employee's specific work hour schedule. One day will be equivalent to the total number of hours worked per week divided by five days (i.e., one day for 25 hours per week will be equivalent to five hours).

### § 171-38 Vacations to be granted by department heads.

Such vacations shall be granted by the heads of each department, as such time as in their opinion will cause the least interference with the performance of the regular work of the City.

### § 171-39 Determination of regular employment.

A person shall be deemed to be regularly employed within the meaning of this article if he or she has been actually employed for 27 weeks in the aggregate during the 12 months preceding the first day of June of the year in which the vacation is to be granted.

## § 171-40 New employees.

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 carned 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.

January 1 of the year following his/her anniversary date of benefited employment. This vacation will only be allowed upon the completion of a probationary period of six months. In no event shall a new employee be eligible for more than 10 days of vacation per calendar year.

## § 171-41 Accumulation of vacation time.

Employees that do not utilize all of their vacation time within the calendar year it was granted will be allowed to carry over into the next calendar year twice their annual vacation accrual. Any employee who has excess of that amount of vacation accumulation on December 31 shall forfeit any excess of the permitted accumulation.

### § 171-42 Minimum increments.

Vacation time may not be taken in less than one-hourhalf-day increments.

# § 171-43 Payment for accumulated vacation time. [Amended 12-21-2020 by Ord. No. 1634; 6-7-2021 by Ord. No. 1637]

A. Upon termination, resignation or retirement, the annual allotment of vacation time for the

year in which the employee's employment ends shall be prorated monthly from the date the employee's employment ends.

B. In the event that an employee terminates employment with the City, any vacation accrued will be paid to the employee. If an employee dies, any accrued vacation days shall be paid to the estate of said deceased employee.

# Article X Salaries of Police and Fire Personnel

[Adopted 2-7-2000 by Ord. No. 1321]

§ 171-44 Compensation in lieu of paid holidays. [Amended 3-21-2022 by Ord. No. 1646; 9-7-2022 by Ord. No. 1656]

In order to make uniform a policy of paid holidays for certain officers and employees of the City of Gardner, not covered under a collective bargaining agreement, who have not been otherwise provided for, there shall be paid to the following persons, for the 11 holidays per year, in addition to their regular and maximum compensation as follows: 10.15% of the yearly salary in lieu of the 11 paid holidays to each of the persons in the following groups according to his present pay schedule as said schedule may hereafter be in force:

A. Fire Department: Chief.

# Article XI Clothing/Uniform Allowance

[Adopted 9-15-2003 by Ord. No. 1392; amended in its entirety 10-16-2006 by Ord. No. 1443]

## § 171-45 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 \$1,045\$1,250.00 for the upkeep and purchase of uniforms, equipment and footwear. [Amended 12-21-2020 by Ord. No. 1634]
- B. The Chief of Police and Deputy Chief of Police shall receive \$1,045\$1250.00 for the upkeep and purchase of uniforms, equipment and footwear.
- C. The following shall receive \$350\$500.00 for the upkeep and purchase of clothing, gear and/or footwear: [Amended 8 6 2012 by Ord. No. 1552; 5-18 2015 by Ord. No. 1577; 12-21-2020 by Ord. No. 1634]

(1) Building Commissioner.

(2) Local Building Inspector.

Commented [MN3]: Now covered in Compensation Schedule Ordinance

- (3) Plumbing and Gas Inspector. (4) Animal Control Officer. (5) Senior Animal Control Officer. Commented [MN4]: Now a Union Employce Covered by Collective Bargaining Agreement and not the Ordinances (6) Director of Public Health. (7) Assistant Director of Public Health. Commented [MN5]: Now a Union Employee Covered by Collective Bargaining Agreement and not the Ordinances (8) Director of Public Works. (9) Assistant Director of Public Works. Commented [MN6]: Position was discontinued for budget purposes in previous fiscal year and never removed from the (10) Golf Course Superintendent. ordinances (11) Transfer Station Supervisor. (12) Transfer Station Monitor (132) Public Safety Dispatch Center Director. (14) Golf Grounds Maintenance Staff (15) Golf Grounds Maintenance Working Foreman D. Formatted: Indent: Left: 0.5", No bullets or numbering 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

Golf Department working foremen/grounds maintenance men shall receive \$500 and Golf Department working foremen motor equipment repairmen and Electrical (Wire) Inspectors shall receive \$650 for the upkeep and purchase of clothing, gear and/or footwear. [Amended 5-18-2015 by Ord. No. 1577]

§ 171-46 Payment.

Payment shall be made on an annual basis, the last pay day in July.

## § 171-47 New employees.

Any newly appointed full-time employee as referenced above shall receive <u>clothing/uniform</u> allowance prorated quarterly for the balance of the remaining fiscal year at the time of their appointment.a prorated amount of the clothing/uniform allowance for the balance of the remaining fiscal year at the time of his/her appointment.

# Article XII

Full-Time, Part-Time and Seasonal Employment Status

[Adopted 10-2-2006 by Ord. No. 1440]

### § 171-48 Purpose.

For the purpose of the calculation of benefit time and the provision of insurance benefits for employees who are not covered by a collective bargaining agreement, the following standards shall apply.

## § 171-49 Full-time employees.

Full-time employees are defined as employees who are regularly scheduled to work 37 or more hours per week. Full-time employees are eligible for benefit time and longevity pay as described in Articles III, IV, V, VI, VII, VIII and IX of this chapter. Full-time employees are also eligible to elect health, dental, life insurance and/or other optional insurance benefits.

### § 171-50 Part-time employees.

Part-time employees are defined as employees who work less than 37 hours per week. Part-time employees are eligible for benefit time, longevity, insurance and/or other optional insurance benefits as follows:

- A. Part-time employees who are regularly scheduled to work 20 or more hours per week are eligible for benefit time as described in Articles III, IV, V, VI, VII, VIII and IX of this chapter.
- B. Part-time employees hired on or after July 1, 2006, and who are regularly scheduled to work less than 20 hours per week are not eligible for benefit time as described in Articles III, IV, V, VI, VII, VIII and IX of this chapter. They shall receive three days of personal time to be used upon the approval of the department head, who has been given 24 hours' notice, except in an emergency. A day shall be defined as 1/5 of the employee's regular work week. This personal time must be used in the same calendar year in which it was credited to the employee.
- C. Part-time employees who are regularly scheduled to work less than 20 hours per week are not eligible to receive longevity pay or to elect health, dental, life insurance or other optional insurance benefits.

### § 171-51 Temporary and seasonal employees.

Temporary and seasonal employees are not eligible for benefit time, insurance benefits or longevity pay.

Article XIII Department Head Benefit Time and Longevity Pay [Adopted 10-2-2006 by Ord. No. 1441] § 171-52 Department heads. [Amended 3 - 19-2007 by Ord. No. 1457; 8-6-2012 by Ord. No. 1553; 11-18-2013 by Ord. No. 1563; 12-21-2020 by Ord. No. 1634]

Department heads for the purposes of this article shall be:

City Assessor

**Building Commissioner** 

Chief of Police

City Auditor

City Clerk

City Engineer

City Collector/Treasurer

 Council on AgingSenior Center Director
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 Director of Cable Operations
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Director of Community Development and Planning

Director of Information Technology

Director of Human Resources

Director of Public Health

Fire Chief

Golf Course Superintendent

Library Director

Public Works Director

Purchasing Agent/Civil Enforcement Director

Veterans' Director

§ 171-53 Vacation. A. — The Police Chief and Fire Chief shall be granted an annual vacation without loss of pay as

## follows:

- (1) Employed for one to four years shall be entitled to two weeks (14 calendar days).
- (2) Regularly employed five to nine years shall be entitled to three weeks (21 calendar days).
- (3) Regularly employed 10 to 14 years shall be entitled to four weeks (28 calendar days).

(4) Regularly employed for over 15 years shall be entitled to 31 calendar days.

Commented [MN7]: Rolls Police and Fire Chief in on par with all other department heads

#### Β.

- 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.

All other department heads as defined in § 171-52 shall be granted an annual vacation without loss of pay as follows:

- (1) Employed for one to nine years of regular employment shall be entitled to three weeks or 15 working days.
- (2) Regularly employed from 10 years to 14 years shall be entitled to four weeks or 20 working days.
- (3) Regularly employed for 15 years to 19 years shall be entitled to five weeks or 25 working days. [Amended 12-21-2020 by Ord. No. 1634]
- (4) Regularly employed 20 years or more shall be entitled to 28 working days. [Added 12-21-2020 by Ord. No. 1634]
- C. A department head shall be deemed to be regularly employed within the meaning of this article if he or she has been actually employed for 27 weeks in the aggregate during the 12 months preceding the first day of June of the year in which the vacation is to be granted.
- D. Department heads that do not utilize all of their vacation time within the calendar year it was granted will be allowed to carry over into the next calendar year twice their annual vacation accrual. Any department head who exceeds that amount of vacation accumulation on December 31 shall forfeit any excess of the permitted accumulation.
- E. Newly hired department heads shall be granted vacation time according to the following

schedule:

•

	Number of	Vacation Days	
First Day of Employment	Police/Fire	All Other Department Heads <u>Number of Vacation</u> Days	Formatted Table
January 1 to April 30	44	<u>20 Days</u> 15	
May 1 to August 31	-10	<u>15 Days</u> 10	
September 1 to December 31	5	<u>10 Days 5</u>	
accrued will be paid to th	nent head terminates employ e department head. If a depa id to the estate of said deceas	wment with the City, any vacation rtment head dies, any accrued sed department head.	
year in which the departn	ient head's employment ends	al allotment of vacation time for the s shall be prorated monthly from the 12-21-2020 by Ord. No. 1634	
calendar year. Personal da	ays shall be credited to depar	onal days <u>(equivalent to 40 hours)</u> per tment heads on January 1 of each sed in the calendar year in which they	
B. Upon termination, residue for the year in which the d	gnation or retirement, the a	annual allotment of personal	Formatted: Normal, Space After: 8 pt, Line spacing: Multiple 1.08 li, No bullets or numbering
the date the department head's	employment ends as follows	S:	Formatted: Font: (Default) Times New Roman
April 1 <sup>st</sup> t     July 1 three	<sup>st</sup> through March 31 <sup>st</sup> : Five (5 trough June 30 <sup>th</sup> : Four (4) Dough September 30 <sup>th</sup> : Three ( <sup>st</sup> through December 31 <sup>st</sup> : Or	avs (3) Days	
Constant and the second	44 1 4 4	>	Formatted: Font: (Default) Times New Roman
trom-the date the department-h	end's employment ends as fo	llows: [Added 12-21-2020 by Ord.	Formatted: Normal, No bullets or numbering
(1) January 1 to April 30: two	<del>) days.</del>		
•(2) May 1 to Augus	t 31: one day.		Formatted: Font: (Default) Times New Roman

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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

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## § 171-55 Sick leave.

- A. Department heads shall be granted a maximum of <u>15-twenty (20)</u> 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. <u>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.</u>
- B. A department head that has been absent from work due to the use of nonoccupational sick leave three (3) consecutive days or more at one time must present a doctor's <u>certificate\_note</u> to the <u>MayorDirector of Human Resources</u>. A doctor's certificate may also be required if the Mayor has reasonable cause to believe that the department head may be abusing his/her nonoccupational sick leave.
- C. A department head will contact the Mayor's office and Director of Human Resources each morning by 8:30 a.m. when he/she isthey are going to be absent from work due to illness.
- D. Department heads may donate sick leave to another employee of the City of Gardner who is in serious need (due to a serious illness or injury and that employee has utilized all of his/her available sick, personal, compensatory and vacation time). The donated time shall be paid to the employee in need at that employee's rate of pay. Authorization of the donation of this time shall be at the sole discretion of the Mayor.

## § 171-56 Sick leave incentive time. [Amended 6-1-2009 by Ord. No. 1493]

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."

Commencing effective July 1, 2009, department heads that do not use sick leave in a calendar month shall earn 1/2 day off not to be charged to sick leave or vacation leave. Time earned in this manner shall be referred to as "sick leave incentive time."

## § 171-57 Sick leave buy back.

A. For all employees hired as department heads prior to or on February 1, 1979, upon retirement, if a department head has an accumulated sick leave balance, the department

head shall be granted pay for such accumulation upon retirement at a rate of one full day's pay for each such day of accumulated sick leave, not to exceed 50 days' pay, plus an additional 50% of the daily rate for accumulated days over and above the first 50 days that remain. Upon voluntary termination or layoff of employment of a department head, if such department head has an accumulated sick leave balance, the department head shall be granted pay for such accumulation upon termination at a rate of 1/4 day's pay for each such day of accumulated sick leave that remains.

B.

For all department heads hired after February 1, 1979, and prior to October 17, 1995, upon retirement of employment, if the department head has an accumulated sick leave balance, he or she shall be granted pay for such accumulation not to exceed 50 days' pay, plus an additional 50% of the daily rate for accumulated days over and above the first 50 days, but not to exceed 130 days. (equivalent of 90 days of full pay total- 50 full days and 80 days at 50%) Upon voluntary termination or layoff of employment, a department head with an accumulated sick leave balance shall be granted pay for such accumulation at a rate of 1/4 day's pay for each such day of accumulated sick leave, not to exceed 30 days paid.

- C. Department heads hired on or after October 17, 1995, shall not be entitled to the sick leave buy back provision granted in Subsections A and B of this section.
- D. In the event that a department head hired before October 17, 1995, shall die prior to retirement, any accrued sick days shall be paid to the estate of said deceased department head.

### § 171-58 Bereavement leave.

<u>A.</u>A.

- B. 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

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 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.
 Department heads shall be granted bereavement leave without loss of pay for normally scheduled working hours, not to exceed three consecutive days, on the account of a death in the immediate family of the department head. "Immediate family" shall include spouse, parent. stepparent, parent of spouse, children, brother, sister, grandparents, grandchildren, or a person living in the immediate household of the department head.

B. Bereavement leave of one day without loss of pay for normally scheduled working hours may be granted per occurrence for the death of a department head's niece, nephew, brotherin-law, sister-in-law, son-in-law, daughter in-law, aunt or uncle.

# § 171-59 Civic duty leave. See Article III of this chapter.

# § 171-60 Holidays with pay.

- A. Department heads, with the exception of the Police Chief and Fire Chief (see Article X of this chapter), shall be granted holidays with pay on each of the following 12 holidays:
- (1) New Year's Day.
- (2) Martin Luther King Day.
- (3) Presidents Day.
- (4) Patriots Day.
- (5) Memorial Day.

(6) Juneteenth

- (67) Independence Day.
- (87) Labor Day.
- (89) Columbus Day.
- (<u>10</u>9) Veterans Day.
- $(1\underline{1}\theta)$  Thanksgiving Day.
- (11) The day after Thanksgiving.
- (122) Christmas Day.
- B. Sunday holidays shall be celebrated on the following Monday. Saturday holidays shall be celebrated on the preceding Friday.

C. Department Heads shall have the Friday after Thanksgiving off (not defined as a holiday).

## § 171-61 Longevity pay.

- A. Department heads who have been employed for at least five continuous full-time years of service shall receive, in addition to their regular compensation, longevity pay of \$150 during the first year that such service is attained and each fiscal year thereafter. Such department heads shall receive an additional \$30 per year for each additional year of full-time continuous service with the City.
- B. Payment of longevity pay shall be made on the third pay date in June to all department heads who are entitled during the fiscal year preceding such date, except that a department head who is terminated, except involuntarily for cause, shall receive payment on the date of termination for such longevity pay for which the department head was eligible in such fiscal year prior to the date of termination.
- C. For the purpose of calculating longevity pay, a year of employment shall be 32 weeks in the aggregate during the fiscal year.

# Article XIV

# Compensation for College Credits

Adopted 1-7 2008 by Ord. No. 1465

## § 171-62 Additional compensation.

In addition to the provisions of the salary ordinance for personnel for the Police and Fire Departments, compensation shall be paid annually as follows.

### § 171-63 Fire Chief.

[Amended 6-7-2021 by Ord. No. 1636]

- A. A Fire Chief, <u>hired before July 1, 2024</u>, who has completed courses in a degree-granting program toward a degree in fire science offered by a college which is certified by any state agency for such certification shall receive the following additional compensation annually:
- (1) Associate's degree: \$2,000 per year.
- (2) Bachelor's degree: \$4,000 per year.
- (3) Master's degree: \$6,000 per year.
- B. The maximum amount of additional compensation shall not exceed \$6,000 per year.

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.

## § 171-64 Chief of Police and Deputy Chief of Police. [Amended 11-19-2012 by Ord. No. 1555]

- A. Effective July 1, 2012, a Police Chief or Deputy Police Chief who has completed courses in a degree granting program towards a degree in criminal justice or law enforcement offered by a college which is certified by any state agency for such certification, however, under no circumstances shall said state agency certify any program which grants credits for the following: life experience, courses taught by instructors lacking appropriate educational degrees by said agency, and courses lacking appropriate concentration on academic and scholarly research, will receive the following educational incentive compensation:
- (1) Upon attaining an associate degree in law enforcement or criminal justice a bargaining unit member will receive 5% of his/her base salary.
- (2) Upon attaining a baccalaureate degree in law enforcement or criminal justice a bargaining unit member will receive 10% of his/her base salary.
- (3) Upon attaining a master's degree in law enforcement or criminal justice a bargaining unit member will receive 12.5% of his/her base salary.
- B. Effective July 1, 2012, a Police Chief and/or Deputy Police Chief who has received a degree in criminal justice or law enforcement from an educational institution accredited by the New England Association of Colleges and Secondary Schools or by the Board of Higher Education, however, under no circumstances shall said agency of board certify any program which grants credits for the following: life experience, courses taught by instructors lacking appropriate educational degrees by said board or agency, and courses lacking appropriate concentration on academic and scholarly research, shall be eligible to receive the following educational incentive:
- (1) Upon attaining an associate degree in law enforcement or criminal justice a bargaining unit member will receive 5% of his/her base salary:
- (2) Upon attaining a baccalaureate degree in law enforcement or criminal justice a bargaining unit member will receive 10% of his/her base salary.
- (3) Upon attaining a master's degree in law enforcement or criminal justice a bargaining unit member will receive 12.5% of his/her base salary.

### § 171-65 Payment.

Payment shall be made to the employee in a lump on the second pay date in July.

Article XV Yearly Salaries for Various Positions

[Adopted 9-21-1987 by Ord. No. 935; last amended 8-6-2012 by Ord. No. 1542]

**Commented [MN8]:** Now included in Compensation Schedule Ordinance

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### § 171-66 Yearly salaries established.

The yearly salaries for the Mayor, Council President, City Councilors and various other positions shall be as set forth in Schedule 1 included at the end of this chapter. On or after January 1 of each odd-numbered year beginning in 2007, the Finance Committee of the City Council shall report to the Council, as a Committee of the Whole, its recommendations for adjustment, if any, to the salaries of the Mayor and City Councilors.

# Article XVI

# Classification and Compensation

[Adopted 8-5-2013 by Ord. No. 1560]

# § 171-67 Classification plan established.

- A. A classification plan is hereby established for offices and positions in the service of the City, and establishing compensation grades thereof.
- B. 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. [Amended 7-5-2016 by Ord. No. 1594]

### **Classification Class Title**

Pay Grade	Class/Title
S-4	Certified Pool Operator (seasonal)
S-5	Head Lifeguard
S-6	Lifeguard (includes seasonal employees)
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

### **Classification Class Title**

Pay Grade	Class/Title
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

### § 171-68 Compensation schedule.

[Amended 9-28-2017 by Ord. No. 1604]

- A. A classification plan is hereby established for offices and positions in the service of the City, and establishing compensation grades thereof.
- B. All appointive officers and all positions in the City of Gardner, including those filled by popular election, except those under the direction and control of the School Committee and those classified and organized under a collective bargaining agreement, shall be classed into positions, groups and grades according to their duties pertaining to each as herein provided.
- C. The officers, positions, officials and classifications are hereby allocated and fixed into salary grades in accordance with the following schedule.

# § 171-69 Union and contract personnel.

- A. Compensation for union and contract personnel is located in the individual union contract documents, individual employee contracts and the City Employee Handbook.
- B. Whenever personnel with a "Grade" classification covered by this article are promoted to a higher grade, such personnel shall initially upon being so promoted be paid at that step level on their new grade which is the next highest in wage or salary from the step level or salary they were receiving in their former grade.
- C. Whenever personnel with a "Position" classification covered by this article are promoted or appointed to a higher salaried position, such personnel shall initially upon being so promoted or appointed be paid at the step level in their new position which will provide them with a salary which is the next highest from the step level salary they were receiving in their position, but in no event shall said increase in salary be less than \$250.
- D. When a person is first hired by the City, such personnel shall always start his employment on the first and minimum wage or salary applicable to the grade or position for which the person has been hired. The City Council, upon the recommendation of the appointing authority and with the approval of the Mayor, may, due to special reasons and exceptional

circumstances, allow or permit a person to be hired at a rate greater than the minimum rate prescribed for the particular group by the compensation schedule.

E. After six months of continual service, a new City employee shall be elevated to the next step in his/her salary schedule; thereafter he/she shall be elevated to the next succeeding step after 12 months of service.

# Chapter 182 Planning Board

[HISTORY: Adopted by the City Council of the City of Gardner 12-15-1952 by Ord. No. 139. Amendments noted where applicable.]

#### GENERAL REFERENCES

Community Development and Planning Department See Ch. 50. Agent for the Planning Board See Ch. 160, Art. X.

Zoning See Ch. 675.

### § 182-1 Board established; membership.

A Planning Board is hereby established. The Planning Board, hereinafter called the "Board," shall consist, consisting of no less than-of five (5) persons members, no more than nine (9) members, who are residents of Gardner and shall be appointed by the Mayor, subject to confirmation by the City Council All members of the Board shall be sworn to the faithful discharge of the duties incumbent upon them.

### § 182-2 Powers and duties. [Amended 11-18-2013 by Ord. No. 1563]

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.

### § 182-3 Appointment; vacancies; compensation.

The Mayor shall appoint the members of the Board whose term of office shall commonce on January 1 of the year in which they are appointed and confirmed as follows: the Mayor shall on or before January 1, 1953, appoint one person to serve until the 31st day of December 1953, one person to serve until the 31st day of December 1955, one person to serve until the 31st day of December 1955, one person to serve until the 31st day of December 1955, one person to serve until the 31st day of December 1955, one person to serve until the 31st day of December 1955, one person to serve until the 31st day of December 1956, and one person to serve until the 31st day of December 1957, or until their successors are duly appointed, confirmed and sworn. Between the first and 31st day of December 1955, the first and 31st day of December 1954, the first and 31st day of December 1955, the first and 31st day of December 1955, the first and 31st day of December 1956, the Mayor shall appoint a successor to serve a term of five 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.
- D. The members of the Board shall receive for their duties such compensation as the City Council may prescribe.

### § 182-4 Zoning Board of Appeals. Amended 11-18-2013 by Ord. No. 1563

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

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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.

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 e. 41, § 81Z. The Zoning Board of Appeals shall have all the powers and duties imposed and conferred by MGL e. 41, § 81Z and 81AA, as well as all other powers and duties imposed and conferred by MGL c. 41, § 81Z and 81AA, as well as all other powers and duties imposed and conferred by MGL c. 41, § 81Z and 81AA, as well as all other powers and duties imposed and conferred by MGL c. 41, § 81Z and 81AA, as well as all other 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.

## § 182 5 Effective date:

This chapter shall go into effect on January 1, 1953. It shall not affect any act done, any right accrued, any penalty incurred, or any suit, prosecution or proceeding pending.

# Chapter 193 Police Department

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[HISTORY: Adopted by the City Council of the City of Gardner as indicated in article histories. Amendments noted where applicable.]

### GENERAL REFERENCES

Emergency management — See Ch. 75. Purchasing/Civil Enforcement Department — See Ch. 221.

Traffic Commission See Ch. 275.

Alarm systems See Ch. 302.

Article I Special Police Officers

## [Adopted 4-4-1977 by Ord. No. 633]

§ 193-1 Special police officers for City service.

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.

Special Police Officers will be compensated at the current collective bargaining rate for patrol/superior officers.

## § 193-2 Special police officers for private service.

A. The corporation, club or person applying for an appointment under this article shall be liable for the official misconduct of the officer appointed on such application and for the torts of any servant or agent in the employ of such club, corporation or person. When any such application is made by or in behalf of more than one person, it will not be considered unless all applicants sign it, nor when made by a corporation or club, unless it is signed by a duly authorized agent and accompanied by a certified copy of a vote authorizing such application to be made by such agent. All applicants shall be required to state the nature of their interest in the property or locality for which the officer is to be appointed, that is to say, whether as owners, lessees, agents or managers.

B: Applications shall be turned in the first of February of each year, accompanied by a resume of police experience, to the Police Chief for recommendation, then to the Mayor for appointment, then to the Council for acceptance.

## Article II Organization of Police Department

[Adopted 8-3-1992 by Ord. No. 1101]

§ <del>193-3 Official Table of Organization.</del> [Amended 8-2-1993 by Ord. No. 1132; 11-21-1994 by Ord. No. 1175]

The Police Department of the City of Gardner shall consist of a Chief of Police, a Deputy Police Chief, two Lieutenants, at least four Sergennts 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 MGL c. 147, §§ 11, 12 and 13.

### § 193-4 Appointments.

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. All appointments to the Police Department shall be made by the Mayor, subject to approval of the City Council.

#### § 193-5 Chief of Police; Deputy Chief of Police.

[Amended 9-6-1994 by Ord. No. 1170; 11-18-2013 by Ord. No. 1563]

A. A. 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.

B. The Chief of Police shall be the Keeper of the Lockup in compliance with MGL c. 40, § 35.

B. 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. [Added 12 2 2013 by Ord. No. 1566]

### § 193-6 Compensation. [Added 11-18-2013 by Ord. No. 1563]

The salary of the Chief of Police and other employees of the Police Department shall be established in the ordinances designating salaries and wages for the City employees.

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Article III

# **Civilian Police Dispatchers**

[Adopted 2-7-1994 by Ord. No. 1154; amended in its entirety 4-19-1994 by Ord. No. 1159]

#### § 193-7 Appointment.

The Mayor may, upon the recommendation of the Chief of Police and subject to confirmation of the City Council, appoint full-or part-time eivilian dispatchers, as needed by the City of Gardner.

§ 193-8 Supervision.

All civilian dispatchers shall be subject to the authority of the Mayor and the Chief of Police.

# § 193-9 Powers and duties.

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 employee all full- and part- time dispatchers as deemed necessary to execute the functions of the division. No eivilian dispatcher shall exercise police power or authority. Said dispatchers shall be under the direction and control of the Chief of Police and be subject to all rules, regulations, policies, procedures, orders or directions preseribed by the Chief of Police.

# § 193-10 Compensation

Said dispatchers shall receive such compensation as the Mayor, with the approval of the City Council, shall from time to time determine.

# Chapter 217 Public Works, Department of

[HISTORY: Adopted by the City Council of the City of Cardner 3-20-1972 by Ord. No. 501. Amendments noted where applicable.]

# § 217-1 Department established; duties of Director.

A. A. There shall be established in the City of Gardner a Department of Public Works administered by \* a Director.

. 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

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Commented [MN84]: Ch6, Sec10

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.58" sections and over each member of each section. The Director shall sign all vouchers for the Department of Public Works.

B. 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.

B. The Director shall:

- (1) Be responsible for and carry out the supervision of the following divisions: Highway, Water, Sewer, Wastewater Treatment Plant, Municipal Garage and Municipal Grounds (inclusive of Parks, Recreation, Cemetery, Forestry, and Plant and Pest Commission). 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. [Amended 12-2-1974 by Ord. No. 576; 9-17-1979 by Ord. No. 708, 3-7-1983 by Ord. No. 801; 8-6-2012 by Ord. No. 1563]
- (2) Meet when requested by the City Council Public Service Committee. 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. 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. [Amended 10-7-1974 by Ord. No. 570; 9-20-1976 by Ord. No. 620, 2-19-1985 by Ord. No. 858; 11-18-2013 by Ord. No. 1563]
- (3) Appoint on merit and fitness alone and remove all personnel of said divisions contained herein, subject to prevailing General Laws and ordinances. [Amended 8-6 2012 by Ord. No. 1549]
- (4) Attend meetings of the City Council and recommend to the City Council for adoption such measures requiring action by it as he may determine necessary or expedient, with approval of the City Council and Mayor.
- (5) Keep full and complete records of his office and render to the Mayor and the City Council, as offen as may be required by them, a full report of all operations under his control. [Amended 11-18-2013 by Ord. No. 1563]
- (6) Keep the Mayor and the City Council tilly advised as to the needs of the City within the scope of his duties and furnish the Mayor and the City Council, on or before the first day of December of each year, a detailed list of appropriations required during the next ensuing fiscal year for the proper conduct of all departments under his control and make and furnish also a master plan for all major public works for the City, giving priority to the projects in accordance with their necessity and importance; and establish long-range planning as may be determined for the best interest of the City.
- (7) Cause to be performed all of the work of all construction, reconstruction, alteration, repair, maintenance, and upkeep and all other work incidental thereto of the present Department of Public Works, including the following divisions: Highway, Water, Sewer, Wastewater Treatment Plant, Municipal Garage and Municipal Grounds, inclusive of work incidental thereto of the former Board of Cemetery Commissioners and Park Departments. Such work shall be performed in accordance with the policy of long-range plans and priorities of major projects and capital outlay requirements as may be authorized and established by the Department of Public Works. [Amended 3-7-1983 by Ord. No. 801; 8-6-2012 by Ord. No. 1549; 11-18-2013 by Ord. No. 1563]
- (8) Have and exercise all the supervisory powers over the work force pertaining to the assessments of betterments and their abatements vested immediately prior to his appointment and from time to time by

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general or special law or by City ordinance in the following boards and offices of the City: Highway,	
Water, Sewer, Cemetery, Forestry, and Plant Pest Control and Park Departments said commissions	
being abolished upon the appointment of a permanent director. [Amended 9-17-1979 by Ord. No. 708; 3-7-1983 by Ord. No. 801; 8-6-2012 by Ord. No. 1549]	
(9) - Coordinate with the City Engineer the direction and supervision of all types of construction and	
planning relating to divisions herein. Knowledge of the provisions of the General Laws of the	
commonwealth relating to the operation of the Park and Cemetery Divisions; knowledge of contract	
procedures: ability to prepare specifications in the procurement of new equipment; ability to train and plan, assign and supervise the work of Department personnel; and ability to establish effective working	
relationships with employees, engineering personnel. City officials contractors and the general public	
shall be required. [Added 8 6 2012 by Ord. No. 1549]	
(10) Have all the duties and powers vested in the separate boards and commissions of the Park, Recreation	
and. Cemetery and Recreation Commission, except that the Cemetery Commission shall have sole	
control and responsibility for the management of perpetual care funds pursuant to MGL or 114, 8 10.	
and MGL c. 44, § 54. Except as already provided for herein, the Director shall succeed to all the rights.	
privileges, duties and liabilities of the above mentioned boards and commissions. [Added 8-6-2012 by Ord. No. 1549]	
C- Each petition submitted to the City Council and referred to the Director shall be returned to the City	
Council permission submitted to the City Council and referred to the Director shall be returned to the City Council with the recommendation of the Director or the reason for the absence of such recommendation	
within 13 days of the submission of each petition to the Director,	
D. The duties, powers and responsibilities of said Director may be broadened or diminished at any time by	
ordinance by a two-thirds vote of the City Council consistent with prevailing General Laws or	
ordinances.	Commented [MN85]: Ch3, Sec6
§ 217 2 Appointment of Director of Public Works.	
A. The Mayor shall appoint, subject to the confirmation of the City Council, a Director of Public Works for	
a term of three years. The Director of Public Works shall be especially fitted by training and experience	
to perform the duties of said office. Said Director shall hold office until his successor is appointed.	
[Amended 12-2-1974 by Ord. No. 576: 8 6-2012 by Ord. No. 1549; 11-18-2013 by Ord. No. 1563]	
B Said Director may be removed from office in the same manner as department heads as provided by	
Section 8 of the City Charter.	Commented [MN86]: Ch3, Sec 2
§ 217 3 Compensation.	
[Added 11-18-2013 by Ord. No. 1563]	
The colory of the Director and other and large of the Delay of the Delay of the Delay	
The salary of the Director and other employees of the Department of Public Works shall be established in the ordinances designating salaries and wages for the City employees.	Commonited IBANO71, citia p. 1
	Commented [MN87]: Ch3, Sec 1
<u>§ 217-4 Transfer of personnel.</u> [Amended 9-20-1976 by Ord. No. 620; 8-6-2012 by Ord. No. 1549]	
Intended 9-20-19/0 by Ord. No. 020; 0-0-2012 by Ord. No. 13491	
All persons employed by and under the supervision of the named divisions, boards and commissions shall,	
upon the effective date of this chapter, be transferred to the Department of Public Works. All such transferred	
or personnel shall be made without loss of pay and without change of rating seniority retirement or papeion	
rights, of any other privileges under any provisions of this chapter. The incumbent working foremen of the	
afaramentioned divisions and affine affine it at the start of the	
atorementioned divisions and offices affected by this chapter, when transferred to the Department of Public	
aforementioned divisions and offices affected by this chapter, when transferred to the Department of Public Works as hereinbefore provided, shall become working foremen of the corresponding divisions of said Department of Public Works	Commented [MN88]: In Collective Bargaining

Commented [MN88]: In Collective Bargaining Agreement

# Chapter 221 Purchasing/Civil Enforcement Department

### [HISTORY: Adopted by the City Council of the City of Gardner 9-6-2011 by Ord. No. 1530. Amendments noted where applicable.]

#### § 221-1 Purpose.

There is hereby established in the administrative service of the City of Gardner the Purchasing/Civil Enforcement Department and, in said Department, the office of City Purchasing Agent/Civil Enforcement Director, hereinafter referred to as "Director."

### § 221-2 General authority of Director.

The Purchasing Agent/Civil Enforcement Director shall direct, supervise and have control of the Purchasing/Civil Enforcement Department.

The Purchasing Agent/Civil Enforcement Director shall have all powers and duties prescribed by this chapter and shall serve as the City's Chief Procurement Officer (CPO) and Affirmative Marketing Construction Officer.

The Purchasing Agent/Civil Enforcement Director shall be responsible for all purchases and contractual services and all sales of property.

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.

The Purchasing Agent/Civil Enforcement Director shall serve as the City's Municipal Hearing Officer.

## § 221-3 Appointment and compensation of Director; employees.

- A. The Purchasing Agent/Civil Enforcement Director shall be appointed by the Mayor for a term of three years, subject to confirmation by the City Council.
- B. The salary of the Purchasing Agent/Civil Enforcement Director shall be included in the salary and wage ordinance of the City.
- C.— Persons employed in the Purchasing/Civil Enforcement Department shall be under the direct supervision of the Purchasing Agent/Civil Enforcement Director.

### § 221-4 Powers and duties of Director.

A. The Purchasing Agent shall:

(1) Apply the provisions of Massachusetts Uniform Public Procurement Laws to all purchases, orders and contracts for the City of Gardner, utilizing rules of procedure established by the Purchasing Agent as necessary to conform to all aspects of state and federal procurement laws and regulations. Such purchases, orders and contracts shall include procurement of supplies, services, construction and repairs to public buildings, public works projects, design and engineering services, and the acquisition and disposition of real property and personal property.

(2) Ensure that all specifications be definite and certain and shall permit open and fair competition; provided, however, that the provisions of this subsection shall not apply to noncompetitive purchases or contracts.

ommented	[MN89]: Ch3, Sec2	
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ommented	[MN91]: Ch3, Sec6	

(3) Act to procure for the City the highest quality supplies and contractual services, incurring the least expense to the City.

(4) -Endeavor to obtain as full and open competition as possible on all purchases and sales.

- (5) Serve as the City's Affirmative Marketing Construction Officer in cooperation with the Massachusetts Supplier Diversity Office. [Amended 11-18-2013 by Ord. No. 1563]
- B. The Purchasing Agent is authorized to promulgate regulations, policies and procedures consistent with the intent of this chapter, subject to prevailing general laws.
- C. The Purchasing Agent/Civil Enforcement Director shall
- (1) Serve as the Parking Clerk in accordance with MGL e. 90, §§ 20A 1/2 to 20E. The Parking Clerk shall be responsible for the supervision and processing of parking violations, conducting informal hearings for violation appeals, and reporting overdue violations to the Registry of Motor Vehicles. The Parking Clerk shall be responsible for contracting with a state approved vendor for coordination with the Registry of Motor Vehicles.
- (2) Oversee the input, computerized tracking, management and reporting of all noncriminal-fines and penalties from initial imposition through collection.
- (3) Serve as the City's Municipal Hearing Officer in accordance with MGL o. 148A, Code Enforcement Officer. The Municipal Hearing Officer shall conduct requested hearings of code violations pursuant to this chapter and shall be compensated as provided under MGL c. 148A, § 5. [Amended 11 18 2013 by Ord. No. 1563]

### § 221-5 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.

# § 221-6 Sale, alienation or disposal of personal or real property.

- A. 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, Personal property, whether the same is controlled by any department, board or otherwise, shall be sold, alienated or otherwise disposed of except upon the written approval of the City Council committee having charge of matters concerning such department, board or otherwise, and with the written approval of the Mayor.
- B. 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, alienated or otherwise disposed of except with the approval of the City Council and Mayor.

### § 221-7 Award of contract.

A. 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.

Commented [MN92]: Ch3, Sec 6

B. 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.

# § 221-8 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.

### § 221-9 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:

- A. 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
- B. Uphold the bid protest on grounds the protest proves a violation of the Massachusetts Uniform Procurement Act and conduct a new procurement.

## § 221-10 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.

# § 221-11 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.

### § 221-12 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.

# § 221-13 Affirmative Marketing Construction Officer.

Amended 11-18-2013 by Ord. No. 1563

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.

### § 221-14 Municipal Hearing Officer. [Amended 11-18-2013 by Ord. No. 1563]

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.



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Seal

{HISTORY: Adopted by the City Council of the City of Gardner 4-2-1923 by Ord. No. 12. Amendments noted where applicable.}

# § 252-1 Description.

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.

### [Image]

§ 252-2 Deeds.

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.

### § 252-3 Use of Seal.

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.

# Chapter 264 Survey Engineering Department

[HISTORY: Adopted by the City Council of the City of Gardner 12-2-1974 by Ord. No. 577. Amendments noted where applicable.]

# § 264-1 Department established; appointment of City Engineer.

A SurveyAn 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.

#### § 264-2 Duties of City Engineer.

The duties of the City Engineer shall be as follows:

A. The City Engineer shall.

(1) Make plans for and have supervision of all City engineering structures.

(2) Perform all services which properly come under the direction of a certified civil engineer.

(3) Give advice to all City officials authorized to consult with him on matters relating to public improvements of every kind where the advice of a civil engineer would be of service.

(4) Make regular inspections of all dams, bridges, and other public works belonging to the City.

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- (5) In consultation with the Mayor, determine which outside engineering firms shall be selected for service on City projects. [Amended 11-18-2013 by Ord. No. 1563]
- (6) Coordinate his activities with the Director of the Public Works Department. [Amended 3-7-1983 by Ord. No. 803; 11 18 2013 by Ord. No. 1563]

(7) - Administer the Survey Department.

B. The City Engineer may employ, from time to time, such full time or part-time assistance as may be required, subject, however, to proper appropriations being made therefor.

§ 264-3 Survey Department Coordinator. [Added 9-15-1997 by Ord. No. 1251]

- A. There shall be established in the Survey Department the position of Survey Department Coordinator. The Coordinator shall be appointed by and directly report to the City Engineer, subject to confirmation by the City Council, for a term of three years.
- B. The duties of the Survey Department Coordinator shall be as follows:
- (1) GIS Coordinator. Develop and maintain a GIS System for use of various City departments, including Survey, Public Works, Community Development and Planning, Assessing and Building. Initially, research existing data files which can be used to develop the database. Select software which will be compatible with existing hardware available in various City Hall offices. Make recommendations regarding new hardware or upgrades required, including cost estimates. [Amended 11-18-2013 by Ord. No. 1563]
- (2) CADD and information systems implementation in the Survey Department.
- (a) Review files of data maintained by Survey Department and recommend which are suitable for storage and retrieval via computer. Recommend and prioritize software and hardware (scanner, digitizer, etc.) acquisition. Estimate time requirements for data input and skill level for persons to perform this task.
- (b) Review tasks normally performed by Survey Department drafts persons and recommend which tasks can be better or more efficiently performed with a CADD system.
- (c) Implement computer based construction specifications and contract document assembly.
- (3) 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:
- (a) 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.
- (b) Inspect subdivision infrastructure (drainage, sanitary sewers, water mains, roads and sidewalks) during construction and submit periodic reports to the Planning Board.
- (c) Develop stormwater management practices and policies for subdrainage basins within the City.
- (4) Zoning Board of Appeals/Conservation Commission Coordinator. Review all 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.
- (5) 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

(6) Construction administration. Oversee construction contracts being performed directly for the Department of Public Works, based on plans and specifications prepared by the Survey Department, This task will include construction inspection and field documentation of as built quantities and locations. This task will involve supervision of up to two other Survey Department employees.

(7) Any and all other duties as assigned by the City Engineer.

reports to the Department of Environmental Protection.

# § 264-4 Department responsibilities.

The Survey 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 Survey 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 <u>Survey-Engineering</u> 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. [Amended 11-18-2013 by Ord. No. 1563]

A. 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:

- 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.

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B. 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.

C. 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.

D. 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.

## § 264-5 Compensation.

The safary of the City Engineer and other employees within the Survey Department shall be established in the ordinances designating salaries and wages for the City employees.

# Chapter 275 Traffic Commission

[HISTORY: Adopted by the City Council of the City of Gardner 10-3-1988 by Ord. No. 981. Amendments noted where applicable.]

GENERAL REFERENCES Parking — See Ch. **512**. Vehicles and traffic — See Ch. 600.

## § 275-1 Commission established; membership.

A. There shall be established in the City of Gardner a Traffic Commission.

B. 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<u>full voting members</u>. [Amended 11-18-2013 by Ord. No. 1563; 8 5 2019 by Ord. No. 1624]

§ 275-2 Placement of official traffic signs and signals. [Amended 11-18-2013 by Ord. No. 1563]

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,

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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.

## § 275-3 Meetings; duties.

- A. The Traffic Commission shall meet regularly, not less often than quarterly.
- B. Among its duties the Traffic Commission shall:
- Make recommendations to the City Council, supported by engineering studies and reports when necessary, regarding changes required to the <u>Chapter 600Code of the City of Gardner</u>. <u>Vehicles and</u> <u>Traffic, of this Code</u>.
- (2) Monitor all traffic-related issues, from signs to major project proposals.
- (3) Actively pursue state or federal grants for street improvements (including curbing, pedestrian crossings, and signalization).
- (4) Improve traffic on a regional basis, working with and supporting endeavors of the Montachusetts Regional Planning Commission (MRPC), with an active member (appointed by Mayor for a three-year term) to be part of the MRPC. The local Regional Planning Commission.

# Chapter 290 Youth Commission

[HISTORY: Adopted by the City Council of the City of Cardner 5-5-1986 by Ord. No. 884. Amendments noted where applicable.]

#### § 290-1 Commission established; membership.

A. 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.

one of whom shall be a currently elected City Councillor, who shall be appointed by the Mayor, subject to confirmation by the City Council. [Amended 5-16-1994 by Ord. No. 1161; 12-18-2006 by Ord. No. 1446; 9-2-2008 by Ord. No. 1477]

- B. The Mayor shall immediately appoint two persons to serve until the expiration of one year, two 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.

## § 290-2 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.

Commented [MN99]: Ch3, Sec 2(appointment) Ch3, Sec8 (vacancies) City Charter procedure for removal Commented [MN100]: Ch3, Sec3

Commented [MN101]: Ch7, Sec1(c)

Commented [MN98]: Ch7, Sec15

§ 290-3 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.

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Amendment Proposal Administrative Ordinances *Clean Copy* 

# Part I: Administrative Legislation

# Chapter 1 General Provisions

# Article I

# Enforcement

# § 1-1 Criminal complaint.

Any person who violates the provisions of any ordinance of the City of Gardner may be penalized by indictment or on complaint brought in District Court. Except as may be otherwise provided by law and as the District Court may see fit to impose, the penalty for each violation or offense shall be not less than \$25 nor more than \$300.

# § 1-2 Noncriminal disposition.

Any person who violates the provisions of any ordinance of the City of Gardner, the violation of which is subject to a specific penalty, may be penalized by a noncriminal disposition as provided in MGL c. 40, § 21D. The noncriminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty. Without intending to limit the generality of the foregoing, it is the intention of this provision that the following ordinances, rules or regulations are to be included within the scope of this section, that the specific penalties as listed hereunder shall apply in such cases, and that the municipal official listed for each ordinance, rule or regulation shall be the enforcing person for such ordinance, rule or regulation. Nothing herein shall limit or restrict any enforcing person's authority to seek criminal prosecution of any violation of any ordinance, rule or regulation listed herein. Each day on which any violation exists shall be deemed to be a separate offense.

- A. Violation of any provision of Chapters 1 through 10 of the State Sanitary Code (105 CMR 400.000 to 105 CMR 590.000) or Title 5 of the State Environmental Code (310 CMR 15.00).
- (1) Enforcing person: Director of Public Health.
- (2) Penalty.
- (a) First offense: \$25.
- (b) Second and subsequent offenses: \$50.
- B. Violation of any regulation adopted by the Board of Health under MGL c. 111, § 31, 31B, 122, 127 or 155.
- (1) Enforcing person: Director of Public Health.

- (2) Penalty.
- (a) First offense: \$25.
- (b) Second and subsequent offenses: \$50.
- C. Violation of any regulation from the Massachusetts State Building Code.
- (1) Enforcing person: Building Commissioner.
- (2) Penalty.
- (a) First offense: \$25.
- (b) Second and subsequent offenses: \$50.
- D. Violation of any provision of Chapter 675, Zoning, of this Code.
- (1) Enforcing person: Building Commissioner.
- (2) Penalty: \$300.
- E. Violation of any regulation from the Uniform State Plumbing Code and Massachusetts Fuel Code, 248 CMR 3 to 11.
- (1) Enforcing person: Plumbing Inspector.
- (2) Penalty.
- (a) First offense: \$25.
- (b) Second and subsequent offenses: \$50.
- F. Violation of any regulation from the Massachusetts Electrical Code, 527 CMR 12.00.
- (1) Enforcing person: Wire Inspector.
- (2) Penalty.
- (a) First offense: \$25.
- (b) Second and subsequent offenses: \$50.
- G. Violation of any provision of Chapter 390, Fees, Article VII, Wiring Permits, of this Code.
- (1) Enforcing person: Wire Inspector.
- (2) Penalty.
- (a) First offense: \$25.

- (b) Second and subsequent offenses: \$50.
- H. Violation of MGL c. 148, §§ 26C and 26E, as accepted by the City Council on April 5, 1982.
- (1) Enforcing person: Fire Chief or legal designee of Fire Chief.
- (2) Penalty: \$25.
- I. Violation of any regulation from the Air Pollution Control Regulations, 310 CMR 7.00, in which specific reference to 310 CMR 7.52 is cited. [Amended 4-6-1992 by Ord. No. 1092]
- (1) Enforcing person: Fire Chief or legal designee of Fire Chief, Director of Public Health, or any police officer. [Amended 11-18-2013 by Ord. No. 1563]
- (2) Penalty.
- (a) First offense: \$25.
- (b) Second and subsequent offenses: \$50.
- J. Violation of any provision of Chapter 567, Streets and Sidewalks, Article VII, Driveway Permits, of this Code.
- (1) Enforcing person: City Engineer.
- (2) Penalty: \$50.
- K. Violation of any provision of Chapter 553, Sewers, of this Code.
- (1) Enforcing person: Public Works Director.
- (2) Penalty: \$50.
- L. Violation of any provision of Chapter 625, Water, of this Code.
- (1) Enforcing person: Public Works Director.
- (2) Penalty: \$50.
- M. Violation of any provision of Chapter 312, Animals, Article I, Dog Control, of this Code. [Added 12-17-1990 by Ord. No. 1062]
- (1) Enforcing person: Dog Officer or any police officer.
- (2) Penalty. [Amended 11-18-2013 by Ord. No. 1563]
- (a) First offense: \$25.

- (b) Second offense: \$50.
- (c) Third offense: \$100.
- (d) Fourth offense: \$200.
- (e) Fifth and each subsequent offense: \$300.
- N. Violation of any provision of Chapter **610**, Vehicles, Wrecked and Abandoned, of this Code.
- (1) Enforcing person: any police officer.
- (2) Penalty: \$50 a day for each day's violation beyond a fourteen-day period after notice, not to exceed \$300.
- O. Violation of any provision of the Wetland Protection Act, MGL c. 131, § 40.
- (1) Enforcing person: legal designee of Conservation Commission.
- (2) Penalty.
- (a) First offense: \$25.
- (b) Second and subsequent offenses: \$50.
- P. Violation of MGL c. 111, § 123 (abatement of nuisance by owner).
- (1) Enforcing person: Director of Public Health.
- (2) Penalty: \$20.
- Q. Violation of any provision of Chapter **567**, Streets and Sidewalks, Article **VI**, Street Excavations and Obstructions, of this Code.
- (1) Enforcing person: Public Works Director.
- (2) Penalty, each offense and each day: \$100.
- R. Violation of any provision of Chapter 330, Bicycles and Play Vehicles, Article I, Bicycles, § 330-3A, of this Code.
- (1) Enforcing person: any police officer.
- (2) Penalty, any offense: \$20.
- S. Violation of any provision of Chapter **330**, Bicycles and Play Vehicles, Article **II**, Roller Skates, Skateboards and Toy Vehicles, of this Code.

- (1) Enforcing person: any police officer.
- (2) Penalty, any offense: \$5.
- T. Violation of any provision of Chapter 636, Water Use Restrictions, of this Code.
- (1) Enforcing person: Public Works Director.
- (2) Penalty.
- (a) First offense: \$50.
- (b) Each subsequent offense: \$100.

# § 1-3 Purchasing/Civil Enforcement Department.

There is hereby established in the administrative service of the City of Gardner a Civil Enforcement Department to be included with the duties and responsibilities of the Purchasing Department, and this Department shall be titled the "Purchasing/Civil Enforcement Department." The duties and responsibilities of said Department and the Purchasing Agent/Civil Enforcement Director shall include the input, computerized tracking, management, and reporting of various noncriminal violation fines and penalties from imposition through collection. These duties and responsibilities are further defined by Chapter **221**, Purchasing/Civil Enforcement Department, of this Code.

# Article II

# Adoption of Code

# § 4 Adoption of Code.

The ordinances of the City of Gardner of a general and permanent nature adopted by the City Council of the City of Gardner, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 675, are hereby approved, adopted, ordained and enacted as the "Code of the City of Gardner," hereinafter referred to as the "Code."

# § 1-5 Code superseded prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

# § 1-6 Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances.

# § 1-7 Copy of Code on file.

A copy of the Code has been filed in the office of the City Clerk and shall remain there for use

and examination by the public until final action is taken on this ordinance, and, if this ordinance shall be adopted, such copy shall be certified to by the City Clerk, and such certified copy shall remain on file in the office of said City Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect.

#### § 1-8 Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when adopted in such form as to indicate the intention of the Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the City of Gardner" shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be inserted in the Code as amendments and supplements thereto.

## § 1-9 Publication; filing.

The Clerk of the City of Gardner shall cause this ordinance to be published in the manner required by law. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

## § 1-10 Code to be kept up-to-date.

It shall be the duty of the City Clerk, or someone authorized and directed by the Clerk, to keep up-to-date the certified copy of the Code required to be filed in the Clerk's office for use by the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are included as supplements to said Code.

#### § 1-11 Sale of Code.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk or an authorized agent of the Clerk upon the payment of a fee to be set by the City Council. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

# § 1-12 Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Gardner to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to the penalties as set forth in § 1-1 of the Code.

# § 1-13 Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a 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. If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

## § 1-14 Severability of ordinance provisions.

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.

## § 1-15 Repealer.

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this Adoption Ordinance, except as hereinafter provided.

## § 1-16 Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-15 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to August 5, 2013.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the City's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.

- I. The levy or imposition of taxes, assessments or charges.
- J. The annexation or dedication of property or approval of preliminary or final subdivision plats.
- K. Ordinances providing for local improvements or assessing taxes or special assessments therefor.
- L. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.
- M. Any ordinance or portion of an ordinance pertaining to the rate and manner of payment of salaries and compensation of municipal officers and employees or establishing or classifying positions.
- N. Any ordinance or portion of an ordinance establishing traffic or parking regulations.
- O. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the City.
- P. Any ordinance or portion of an ordinance accepting or adopting the provisions of any general law or special act of the commonwealth.

#### § 1-17 Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for publication as the Code of the City of Gardner, no changes in the meaning or intent of such ordinances have been made except as provided for in Subsections **B** and **C** hereof. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the City Council that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.
- B. Nomenclature. The following titles are updated throughout the Code:
- (1) "Chairman" to "Chairperson."
- (2) "Building Inspector" to "Building Commissioner."
- (3) "Department of Public Safety" to "Police Department."
- (4) "Commissioner of Public Safety" to "Chief of Police."
- C. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

#### § 1-18 When effective.

This ordinance shall take effect upon passage and publication as required by law.

# Chapter 2 Seal and Other Emblems of the City

#### 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 3. Elected Official Oath of Office

A. Mayoral Oath of Office

Pursuant to the Charter of the City of Gardner and the General Laws of the Commonwealth, the following oath shall be used to swear in the Mayor-Elect of the City:

"I, (insert name), Do Solemnly Swear That I Will Bear True Faith And Allegiance To The Commonwealth Of Massachusetts And The City Of Gardner, And Will Support The Constitution And The Charter Thereof, (So Help Me God.) I, (insert name), Do Solemnly Swear And Affirm, That I Will Faithfully And Impartially Discharge And Perform All Of The Duties Incumbent On Me As Mayor Of The City Of Gardner According To The Best Of My Abilities And Understanding, Agreeably, To The Rules And Regulations Of The Constitution And The Laws Of The Commonwealth and the Ordinances and Charter of the City of Gardner. (So Help Me God.)

I, (insert name), Do Solemnly Swear That I Will Support The Constitution Of The United States. (So Help Me God.)"

B. City Council Oath of Office; At-Large and Ward

Pursuant to the Charter of the City of Gardner and the General Laws of the Commonwealth, the following oath shall be used to swear in the City Councilors-Elect of the City:

I, (insert name), do solemnly swear that I will faithfully and impartially discharge and perform the duties of City Councilor according to law and the best of my abilities. (so help me God.)

C. School Committee Oath of Office

Pursuant to the Charter of the City of Gardner and the General Laws of the Commonwealth, the following oath shall be used to swear in the School Committee Members- Elect of the City:

I, (insert name), do solemnly swear that I will faithfully and impartially discharge and perform the duties of School Committee Member according to law and the best of my abilities. (so help me God.)

#### Section 4: Colonel Thomas Gardner Day

Whereas history is prologue, and it is important that our children be cognizant of our past, especially the early sacrifices that established the freedom and democracy we enjoy today, annually, on or before the 19th of April, the Mayor shall officially designate Patriots Day as Colonel Thomas Gardner Day in the City of Gardner and shall cause a proclamation to be issued and read in all the schools of Gardner, to honor this patriot who died of wounds received during the Battle of Bunker Hill and for whom our beloved community was named.

#### Section 5: Flags

A. Flag at Half-Mast following death of Veteran

The flag of the United States of America shall be flown at half-mast on all buildings owned or controlled by the City of Gardner after the death of a veteran who has served honorably in the Armed Forces of the United States and shall continue to be flown at half-mast every day until the burial of said veteran.

- B. Authority of the Mayor
- i. The Mayor of the City of Gardner shall have the authority to have the flag of the United States flown at half-mast by virtue of a state and/or federal proclamation.
- ii. The Mayor of the City of Gardner shall have the authority to have the flag of the City of Gardner flown at half-mast by proclamation by the Mayor.

# Chapter 3

# Personnel, Appointments, and Employment

#### **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

- A. 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.
- B. Oath of Office

Pursuant to the Charter of the City of Gardner and the General Laws of the Commonwealth, the following oath shall be used to swear in all appointed officials of the City of Gardner, except those appointed to the Gardner Police Department, whose oath shall be given as prescribed by the General Laws of the Commonwealth and the Code of the United States.

I, (insert name), do solemnly swear that I will faithfully and impartially perform the duties of (insert position title) according to law and the best of my abilities. (so help me God.)

#### 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.

# Part II: Legislative Branch

# Chapter 4 City Council

#### **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.

# Chapter 5

# 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.

# Part III: Executive Branch

# Chapter 6 Executive Departments

#### Section 1. Miscellaneous

Unless appointed by means other than those listed in Section 2 of Chapter 3 of the Code of the City of Gardner, all Department Heads, Officers, Employees, Boards, and Commissions shall report to the Mayor and shall appear before the City Council whenever requested to do so, in writing by majority vote of the City Council.

#### Section 2: 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 3: Building Department

A. Department Established and Employees

The position of Building Commissioner is hereby established and shall be a fulltime 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 o 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 4: 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.

#### Section 5: 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 6: 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 of the Fire Department or, during their absence, the officer in charge of the Department hereby is authorized to go to another city, town or district for the purpose of aiding fire departments fire apparatus with personnel, and while in the performance of their duties in extending such aid, the members of the Department shall have the same immunities and privileges as if performing the same within the City of Gardner.
  - iii. 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 7: 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 8: 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 9: 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 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 10: 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 Chapter31 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 employee all full- and part- time dispatchers as deemed necessary to execute the functions of the division.
- F. Emergency Management Division

Article I: Response to Calls for Mutual Aid

i. Authority of Police Chief

The Chief of the Police Department during their absence, the officer in charge of the Department and hereby is authorized to go to another city, town or district for the purpose of aiding its police department with police vehicles with personnel, and while in the performance of their duties in extending such aid, the members of each Department shall have the same immunities and privileges as if performing the same within the City of Gardner.

#### Article II: Mutual Aid Agreements

ii. Mutual Aid Programs for Police Purposes

The Mayor is hereby authorized under the authority granted by the General Laws of the Commonwealth, to enter into agreement between the City and any other city or town, or combination of other cities and towns, to provide mutual aid programs for police purposes in order to increase the capability of the City's Police Department to protect the lives, safety and property of the citizens of the City of Gardner and those of said other cities and towns which may be a party to such agreement.

iii. Contents of Agreements

Such mutual aid agreements as authorized hereunder may provide for the furnishing of personal services, supplies, materials, contractual services and equipment when the resources normally available to either the City or the other municipality which is a party to such agreement are not sufficient to cope with a situation which requires police action.

#### Article III: Civil Defense Division

- iv. Division Established
  - A. There shall be established in the City of Gardner a Civil Defense Department to be administered by a Director.
  - B. The Director shall report to the Mayor and Chief of Police and shall appear before the City Council whenever requested to do so.

#### Section 11: 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 12: 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 quasimunicipal 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 13: 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.

# Chapter 7 Boards and Commissions

#### 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.

C. Organization and Election of Officers

Unless otherwise stated by the General Laws of the Commonwealth or by the provisions of the City Charter of the City of Gardner or the Code of the City of Gardner, all boards and commissions shall annually vote to elect the Chairperson and all other officers of their respective body.

#### 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." All funds in such 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.
  - 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.
- 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) members. 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. Meetings and records.

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 seven (7) 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 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 the General Laws of the Commonwealth, 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: Municipal Grounds Commission

- i. Commission established; membership; terms of office.
  - i. There shall be established a Municipal Grounds Commission for the City of Gardner consisting of at least six (6), but not more than eight (8) members
- ii. The Director of Public Works, who shall be a of the Commission during his term of office but may only vote to break a tie in a vote of the other members.
- ii. Meetings.

The Commission shall hold meetings no less than quarterly during the course of the year. The Secretary shall keep accurate minutes and records of all meetings of the Commission. The Director of Public Works shall not hold office within the Commission.

iii. Duties

The Commission shall be an advisory body and shall advise the Director of Public Works, Mayor and City Council on matters relating to the Municipal Grounds Division.

#### Section 13: 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 14: 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

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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 15: 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 Code of the City of Gardner
  - 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 16: 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.

# Chapter 8 Personnel

# Article I

# Physical Examination of City Employees

#### § 1 Examination required.

Any new full-time or permanent part-time employee that has been offered a position in the City of Gardner may be required to submit to a physical examination prior to beginning work.

# § 2 Conduct of examination.

A. A City-designated physician shall conduct all preemployment examinations. The Human Resources Department will be responsible for setting up the appointment.

Section 3: If required to undertake a preemployment examination, 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.

#### § 3 Report.

The employee must bring in the original copy of the preemployment screening report prior to the employee's first day on the job.

#### § 4 Costs.

The City will be billed for all costs associated with the physical.

#### § 5 Exemption for elected officials.

This article shall not apply to elected officials.

# Article III

# Civic Duty Leave

#### § 7 Grant of leave.

Regular full-time City employees, not covered by a collective bargaining agreement, who have summons to appear in court shall be granted civic duty leave.

# § 8 Summons to be presented to department head.

Official summons to jury duty or witness appearance must be presented in advance to the appropriate department head to receive authorized leave. 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.

## § 9 Employee to report to work if discharged from service.

An employee on authorized civic duty leave who is discharged from court service for the day or a major portion thereof during regular work hours must report to work.

#### § 10 Personal litigation excluded.

Civic duty leave shall not be authorized for an employee who is involved in personal litigation.

#### § 11 Effect on other benefits.

Absence due to authorized civic duty leave shall not affect an employee's eligibility for longevity or benefits eligibility.

#### §12 Compensation.

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 carned 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.

#### § 13 Effect on vacation.

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.

# Article IV

# **Paid Holidays**

#### \$14 Holidays designated.

- A. All full-time and regular part-time City employees, not covered by a collective bargaining agreement, except the Police and Fire Department personnel, 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) Columbus Day.
- (10) Veterans Day.
- (11) Thanksgiving Day.
- (12) Christmas Day.
- B. Sunday holidays shall be celebrated on the following Monday. Saturday holidays shall be celebrated on the preceding Friday.
  - A. 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.
  - B. 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.

## \$15 Compensation for working on holiday.

In the event that a nonexempt employee shall be required to work on said holiday, his or her compensation shall be at 2 times his or her 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.

## Article V

## Nonoccupational Sick Leave

#### § 16 Grant of sick days.

All full-time and regular part-time employees shall be granted a maximum of twenty (20) nonoccupational sick days per calendar year at the employee's normal straight-time pay for

#### normally scheduled hours.

#### § 17 Credit and use of sick days.

Sick days shall credited to employees on January 1 of each year. Employees may carry an unlimited number sick days. Sick time shall not be used in less than one-hour increments.

## § 18 Doctor's certificate.

An employee that has been absent from work due to the use of nonoccupational sick leave three (3) consecutive days or more at one time must present a doctor's certificate to their department director. This note shall be attached to the weekly time reports. A doctor's note may also be required if a department head and/or the Director Human Resources has reasonable cause to believe that the employee may be abusing his or her nonoccupational sick leave.

## \$19 Payment for accumulated sick leave upon retirement.

Employees hired before October 17, 1995, upon retirement from employment with the City of Gardner, if the employee has accumulated sick leave, shall be granted pay for such accumulation not to exceed 50 days' pay, plus an additional 50% of the daily rate for accumulated days over and the above first 50 days, not to exceed a total of 130 days paid.

## § 20 Payment for accumulated sick leave upon voluntary termination of employment.

Employees hired before October 17, 1995, upon voluntary termination of employment, if an employee has an accumulated sick leave balance, shall be granted pay for such accumulation upon termination at a rate of 1/4 day's pay for each such day of accumulated sick leave, not to exceed 30 days paid.

## \$21 Payment for accumulated sick leave upon death of employee.

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.

#### § 22 New employees.

Newly hired employees shall be granted nonoccupational sick leave at the rate of 1 1/4 days per month worked. Newly hired employees shall earn nonoccupational sick leave in this manner until January 1 after their date of hire.

#### § 23 Sick leave incentive time.

Commencing effective January 1, 2024, employees that do not call in sick and/or use sick leave in a calendar month shall yearn 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.

#### § 24 Annual report; notification of absence due to illness.

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.

## Article VI

### **Bereavement Leave**

#### § 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.

## Article VII

## Longevity Pay

#### § 26 Full-time employees.

- A. Any full-time regular 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 has been employed for at least five continuous full-time years of service shall receive, in addition to his or her regular compensation, longevity pay of \$150 during the first year that such service is attained and each fiscal year thereafter.
- B. Such employees shall receive an additional \$30 per year for each additional year of fulltime continuous service with the City.

#### § 27 Part-time employees.

- A. Any part-time regular 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 has been employed for at least five continuous 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 service with the City.

#### § 28 Payment date.

Payment of longevity pay shall be made on June 30 to all employees who are entitled during the fiscal year preceding such date, except that an employee whose is terminated, except involuntarily for cause, shall receive payment on the date of termination of such longevity pay for which the employee was eligible in such fiscal year prior to the date of termination.

#### \$29 Calculation of pay.

For the purpose of calculating longevity pay, a year of employment shall be 32 weeks in the aggregate during the fiscal year.

## Article VIII

### **Personal Leave**

#### § 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 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 from the date the employee's employment ends, as follows:

- (1) January 1 to March 31st: Three (3) days.
- (2) April 1 to June  $30^{\text{th}}$ : two (3) days.
- (3) July  $1^{st}$  to Sept  $30^{th}$ : One (1) day

#### § 31 Use of personal days.

- A. Use of personal days is upon the approval of the department head, who has been given 24 hours' notice, except in an emergency.
- B. Personal time shall not be used in less than one (1) hour increments.

#### § 32 Crediting of personal days.

Personal days shall be credited to employees on January 1 of each year. Personal leave is not cumulative and must be used in the calendar year that it is granted. Personal Time cannot be carried over from year to year.

#### § 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

## Article IX Vacations for Employees

#### § 34 Deputy Chief of Police .

The Deputy Chief of Police of the City of Gardner, regularly employed full time by the City shall be granted an annual vacation without loss of pay as follows:

- A. Regularly employed for one to four years shall be entitled to two weeks (14 calendar days).
- B. Regularly employed from five to nine years shall be entitled to three weeks (21 calendar days).

- C. Regularly employed from 10 to 14 years shall be entitled to four weeks (28 calendar days).
- D. Regularly employed for over 15 years shall be entitled to 31 calendar days.
- E. Employees shall have two consecutive days off with each five days of vacation. Each twoweek vacation period shall consist of 10 paid vacation days and four regular days off. One vacation week shall consist of five working days plus two days off.

#### § 36 Full- Time Employees

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 fifteen (15) working days.
- B. Regularly employed from five (5) to nine (9) years shall be entitled to four (4) weeks or twenty (20) working days.
- C. Regularly employed from ten (10) years to fourteen (14) years shall be entitled to five (5) weeks or twenty-five (25) working days.
- D. Regularly employed for fifteen (15) years to nineteen (19) years shall be entitled to six (6) weeks or thirty (30) working days.
- E. Regularly employed twenty (20) years or more shall be entitled to seven(7) weeks or thirty-five (35) working days.

#### § 37 Part-Time Employees

All employees, except those provided for by law and those covered by a collective bargaining agreement, regularly employed part time by the City shall be granted an annual vacation without loss of pay as follows:

- A. To be eligible a part-time worker must have worked 27 weeks in the aggregate during the 12 months preceding the first day of June in each year and must meet the eligibility requirements of part-time employees as defined in Article **XII**, § **171-50A**.
- B. They shall be entitled to the same vacation increments as full-time employees as defined in § 171-36 based upon an eligible part-time employee's specific work hour schedule. One day will be equivalent to the total number of hours worked per week divided by five days (i.e., one day for 25 hours per week will be equivalent to five hours).

#### § 38 Vacations to be granted by department heads.

Such vacations shall be granted by the heads of each department, as such time as in their opinion will cause the least interference with the performance of the regular work of the City.

## § 39 Determination of regular employment.

A person shall be deemed to be regularly employed within the meaning of this article if he or she has been actually employed for 27 weeks in the aggregate during the 12 months preceding the first day of June of the year in which the vacation is to be granted.

## § 40 New employees.

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 10 days of vacation per calendar year.

## § 41 Accumulation of vacation time.

Employees that do not utilize all of their vacation time within the calendar year it was granted will be allowed to carry over into the next calendar year twice their annual vacation accrual. Any employee who has excess of that amount of vacation accumulation on December 31 shall forfeit any excess of the permitted accumulation.

#### § 42 Minimum increments.

Vacation time may not be taken in less than one-hour-day increments.

#### § 43 Payment for accumulated vacation time.

- A. Upon termination, resignation or retirement, the annual allotment of vacation time for the year in which the employee's employment ends shall be prorated monthly from the date the employee's employment ends.
- B. In the event that an employee terminates employment with the City, any vacation accrued will be paid to the employee. If an employee dies, any accrued vacation days shall be paid to the estate of said deceased employee.

## Article XI

## **Clothing/Uniform Allowance**

#### § 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 \$1250.00 for the upkeep and purchase of uniforms, equipment and footwear.
- C. The following shall receive \$500.00 for the upkeep and purchase of clothing, gear and/or footwear:
- (1) Building Commissioner.
- (6) Director of Public Health.
- (8) Director of Public Works.
- (10) Golf Course Superintendent.
- (11) Transfer Station Supervisor.
- (12) Transfer Station Monitor
- (13) Public Safety Dispatch Center Director.
- (14) Golf Grounds Maintenance Staff
- (15) 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

#### § 46 Payment.

Payment shall be made on an annual basis, the last pay day in July.

#### §47 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.

## Article XII

## Full-Time, Part-Time and Seasonal Employment Status

#### § 48 Purpose.

For the purpose of the calculation of benefit time and the provision of insurance benefits for employees who are not covered by a collective bargaining agreement, the following standards shall apply.

## \$49 Full-time employees.

Full-time employees are defined as employees who are regularly scheduled to work 37 or more hours per week. Full-time employees are eligible for benefit time and longevity pay as described in Articles III, IV, V, VI, VII, VIII and IX of this chapter. Full-time employees are also eligible to elect health, dental, life insurance and/or other optional insurance benefits.

#### § 50 Part-time employees.

Part-time employees are defined as employees who work less than 37 hours per week. Part-time employees are eligible for benefit time, longevity, insurance and/or other optional insurance benefits as follows:

- A. Part-time employees who are regularly scheduled to work 20 or more hours per week are eligible for benefit time as described in Articles III, IV, V, VI, VII, VIII and IX of this chapter.
- B. Part-time employees hired on or after July 1, 2006, and who are regularly scheduled to work less than 20 hours per week are not eligible for benefit time as described in Articles III, IV, V, VI, VII, VIII and IX of this chapter. They shall receive three days of personal time to be used upon the approval of the department head, who has been given 24 hours' notice, except in an emergency. A day shall be defined as 1/5 of the employee's regular work week. This personal time must be used in the same calendar year in which it was credited to the employee.
- C. Part-time employees who are regularly scheduled to work less than 20 hours per week are not eligible to receive longevity pay or to elect health, dental, life insurance or other optional insurance benefits.

#### § 51 Temporary and seasonal employees.

Temporary and seasonal employees are not eligible for benefit time, insurance benefits or longevity pay.

## Article XIII

## Department Head Benefit Time and Longevity Pay

#### § 52 Department heads.

Department heads for the purposes of this article shall be:

City	Assessor
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Building Commissioner

Chief of Police

City Auditor

City Clerk

City Engineer

City Collector/Treasurer

Senior Center Director

Director of Cable Operations

Director of Community Development and Planning

Director of Information Technology

Director of Human Resources

Director of Public Health

Fire Chief

Golf Course Superintendent

Library Director

Public Works Director

Purchasing Agent/Civil Enforcement Director

Veterans' Director

#### § 53 Vacation.

- 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.
- C. A department head shall be deemed to be regularly employed within the meaning of this article if he or she has been actually employed for 27 weeks in the aggregate during the 12 months preceding the first day of June of the year in which the vacation is to be granted.
- D. Department heads that do not utilize all of their vacation time within the calendar year it was granted will be allowed to carry over into the next calendar year twice their annual vacation accrual. Any department head who exceeds that amount of vacation accumulation on December 31 shall forfeit any excess of the permitted accumulation.
- E. Newly hired department heads shall be granted vacation time according to the following schedule:

Number of Vacation Days

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

- F. In the event that a department head terminates employment with the City, any vacation accrued will be paid to the department head. If a department head dies, any accrued vacation days shall be paid to the estate of said deceased department head.
- G. Upon termination, resignation or retirement, the annual allotment of vacation time for the year in which the department head's employment ends shall be prorated monthly from the date the department head's employment ends.

#### § 54 Personal time.

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

§ 55 Sick leave.

- A. 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.
- B. A department head that has been absent from work due to the use of nonoccupational sick leave three (3) consecutive days or more at one time must present a doctor's note to the Director of Human Resources. A doctor's certificate may also be required if the Mayor has reasonable cause to believe that the department head may be abusing his/her nonoccupational sick leave.
- C. A department head will contact the Mayor's office and Director of Human Resources each morning by 8:30 a.m. when they are going to be absent from work due to illness.
- D. Department heads may donate sick leave to another employee of the City of Gardner who is in serious need (due to a serious illness or injury and that employee has utilized all of his/her available sick, personal, compensatory and vacation time). The donated time shall be paid to the employee in need at that employee's rate of pay. Authorization of the donation of this time shall be at the sole discretion of the Mayor.

#### *§* 56 Sick leave incentive time.

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."

#### § 57 Sick leave buy back.

A. For all employees hired as department heads prior to or on February 1, 1979, upon retirement, if a department head has an accumulated sick leave balance, the department head shall be granted pay for such accumulation upon retirement at a rate of one full day's pay for each such day of accumulated sick leave, not to exceed 50 days' pay, plus an additional 50% of the daily rate for accumulated days over and above the first 50 days that remain. Upon voluntary termination or layoff of employment of a department head, if such department head has an accumulated sick leave balance, the department head shall be granted pay for such accumulated sick leave balance, the department head shall be department head has an accumulated sick leave balance, the department head shall be granted pay for such accumulation upon termination at a rate of 1/4 day's pay for each such day of accumulated sick leave that remains.

Β.

For all department heads hired after February 1, 1979, and prior to October 17, 1995, upon retirement of employment, if the department head has an accumulated sick leave balance, he or she shall be granted pay for such accumulation not to exceed 50 days' pay, plus an additional 50% of the daily rate for accumulated days over and above the first 50 days, but not to exceed 130 days. (equivalent of 90 days of full pay total- 50 full days and 80 days at 50%) Upon voluntary termination or layoff of employment, a department head with an accumulated sick leave balance shall be granted pay for such accumulation at a rate of 1/4 day's pay for each such day of accumulated sick leave, not to exceed 30 days paid.

- C. Department heads hired on or after October 17, 1995, shall not be entitled to the sick leave buy back provision granted in Subsections A and B of this section.
- D. In the event that a department head hired before October 17, 1995, shall die prior to retirement, any accrued sick days shall be paid to the estate of said deceased department head.

#### \$58 Bereavement leave.

A. A.

- B. 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.

#### § 59 Civic duty leave.

See Article III of this chapter.

#### § 60 Holidays with pay.

- A. Department headsshall be granted holidays with pay on each of the following 12 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) Columbus Day.
- (10) Veterans Day.
- (11) Thanksgiving Day.
- (12) Christmas Day.
- B. Sunday holidays shall be celebrated on the following Monday. Saturday holidays shall be celebrated on the preceding Friday.

C. Department Heads shall have the Friday after Thanksgiving off (not defined as a holiday).

#### § 61 Longevity pay.

- A. Department heads who have been employed for at least five continuous full-time years of service shall receive, in addition to their regular compensation, longevity pay of \$150 during the first year that such service is attained and each fiscal year thereafter. Such department heads shall receive an additional \$30 per year for each additional year of full-time continuous service with the City.
- B. Payment of longevity pay shall be made on the third pay date in June to all department heads who are entitled during the fiscal year preceding such date, except that a department head who is terminated, except involuntarily for cause, shall receive payment on the date of termination for such longevity pay for which the department head was eligible in such fiscal year prior to the date of termination.
- C. For the purpose of calculating longevity pay, a year of employment shall be 32 weeks in the aggregate during the fiscal year.

## Article XIV

## **Compensation for College Credits**

#### § 62 Additional compensation.

In addition to the provisions of the salary ordinance for personnel for the Police and Fire Departments, compensation shall be paid annually as follows.

#### § 63 Fire Chief.

- A. A Fire Chief, hired before July 1, 2024, who has completed courses in a degree-granting program toward a degree in fire science offered by a college which is certified by any state agency for such certification shall receive the following additional compensation annually:
- (1) Associate's degree: \$2,000 per year.
- (2) Bachelor's degree: \$4,000 per year.
- (3) Master's degree: \$6,000 per year.
- B. The maximum amount of additional compensation shall not exceed \$6,000 per year.

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.

#### §65 Payment.

Payment shall be made to the employee in a lump on the second pay date in July.

## Article XV

## Yearly Salaries for Various Positions

#### \$66 Yearly salaries established.

The yearly salaries for the Mayor, Council President, City Councilors and various other positions shall be as set forth in Schedule 1 included at the end of this chapter. On or after January 1 of each odd-numbered year beginning in 2007, the Finance Committee of the City Council shall report to the Council, as a Committee of the Whole, its recommendations for adjustment, if any, to the salaries of the Mayor and City Councilors.

## Article XVI

## **Classification and Compensation**

#### \$67 Classification plan established.

- A. A classification plan is hereby established for offices and positions in the service of the City, and establishing compensation grades thereof.
- B. 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**

Pay Grade	Class/Title
S-4	Certified Pool Operator (seasonal)
S-5	Head Lifeguard
S-6	Lifeguard (includes seasonal employees)
T-4	Temporary Seasonal Employees (Department of Public Works)
T-5	Temporary Seasonal Recreational Playground Supervisor
Т-6	Temporary Seasonal Technical

## **Classification Class Title**

Pay Grade	Class/Title
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

## \$68 Compensation schedule.

- A. A classification plan is hereby established for offices and positions in the service of the City, and establishing compensation grades thereof.
- B. All appointive officers and all positions in the City of Gardner, including those filled by popular election, except those under the direction and control of the School Committee and those classified and organized under a collective bargaining agreement, shall be classed into positions, groups and grades according to their duties pertaining to each as herein provided.
- C. The officers, positions, officials and classifications are hereby allocated and fixed into salary grades in accordance with the following schedule.

#### § 69 Union and contract personnel.

- A. Compensation for union and contract personnel is located in the individual union contract documents, individual employee contracts and the City Employee Handbook.
- B. Whenever personnel with a "Grade" classification covered by this article are promoted to a higher grade, such personnel shall initially upon being so promoted be paid at that step level on their new grade which is the next highest in wage or salary from the step level or salary they were receiving in their former grade.
- C. Whenever personnel with a "Position" classification covered by this article are promoted or appointed to a higher salaried position, such personnel shall initially upon being so promoted or appointed be paid at the step level in their new position which will provide them with a salary which is the next highest from the step level salary they were receiving in their position, but in no event shall said increase in salary be less than \$250.

- D. When a person is first hired by the City, such personnel shall always start his employment on the first and minimum wage or salary applicable to the grade or position for which the person has been hired. The City Council, upon the recommendation of the appointing authority and with the approval of the Mayor, may, due to special reasons and exceptional circumstances, allow or permit a person to be hired at a rate greater than the minimum rate prescribed for the particular group by the compensation schedule.
- E. After six months of continual service, a new City employee shall be elevated to the next step in his/her salary schedule; thereafter he/she shall be elevated to the next succeeding step after 12 months of service.

# Administrative Ordinances As Currently Printed In the City Code

11289

City of Gardner, MA Wednesday, October 2, 2024

## Part I: Administrative Legislation

## Chapter 1. General Provisions

[HISTORY: Adopted by the City Council of the City of Gardner as indicated in article histories. Amendments noted where applicable.]

Article I. Enforcement

[Adopted 5-21-1990 by Ord. No. 1046]

## § 1-1. Criminal complaint.

Any person who violates the provisions of any ordinance of the City of Gardner may be penalized by indictment or on complaint brought in District Court. Except as may be otherwise provided by law and as the District Court may see fit to impose, the penalty for each violation or offense shall be not less than \$25 nor more than \$300.

## § 1-2. Noncriminal disposition.

Any person who violates the provisions of any ordinance of the City of Gardner, the violation of which is subject to a specific penalty, may be penalized by a noncriminal disposition as provided in MGL c. 40, § 21D. The noncriminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty. Without intending to limit the generality of the foregoing, it is the intention of this provision that the following ordinances, rules or regulations are to be included within the scope of this section, that the specific penalties as listed hereunder shall apply in such cases, and that the municipal official listed for each ordinance, rule or regulation shall be the enforcing person for such ordinance, rule or regulation. Nothing herein shall limit or restrict any enforcing person's authority to seek criminal prosecution of any violation of any ordinance, rule or regulation listed herein. Each day on which any violation exists shall be deemed to be a separate offense.

- Violation of any provision of Chapters 1 through 10 of the State Sanitary Code (105 CMR 400.000 to 105 CMR 590.000) or Title 5 of the State Environmental Code (310 CMR 15.00).
   [Amended 4-6-1992 by Ord. No. 1092]
  - (1) Enforcing person: Director of Public Health. [Amended 11-18-2013 by Ord. No. 1563]
  - (2) Penalty.
    - (a) First offense: \$25.
    - (b) Second and subsequent offenses: \$50.
- B. Violation of any regulation adopted by the Board of Health under MGL c. 111, § 31, 31B, 122, 127 or 155.
  - (1) Enforcing person: Director of Public Health.

[Amended 11-18-2013 by Ord. No. 1563]

- (2) Penalty.
  - (a) First offense: \$25.
  - (b) Second and subsequent offenses: \$50.
- C. Violation of any regulation from the Massachusetts State Building Code. [Amended 11-18-2013 by Ord. No. 1563]
  - (1) Enforcing person: Building Commissioner.
  - (2) Penalty.
    - (a) First offense: \$25.
    - (b) Second and subsequent offenses: \$50.<sup>[1]</sup>
      - [1] Editor's Note: Original § 2.4, which immediately followed this subsection, was repealed 11-18-2013 by Ord. No. 1563. Section 2.4 referenced portions of the Building Code Ordinance that was repealed in 2002.
- D. Violation of any provision of Chapter 675, Zoning, of this Code.
  - (1) Enforcing person: Building Commissioner.
  - (2) Penalty: \$300. [Amended 11-18-2013 by Ord. No. 1563]
- E. Violation of any regulation from the Uniform State Plumbing Code and Massachusetts Fuel Code, 248 CMR 3 to 11. [Amended 11-18-2013 by Ord. No. 1563]
  - (1) Enforcing person: Plumbing Inspector.
  - (2) Penalty.
    - (a) First offense: \$25.
    - (b) Second and subsequent offenses: \$50.<sup>[2]</sup>
      - [2] Editor's Note: Original § 2.7, which immediately followed this subsection, was repealed 11-18-2013 by Ord. No. 1563. Section 2.7 referenced portions of the Building Code Ordinance that was repealed in 2002.
- F. Violation of any regulation from the Massachusetts Electrical Code, 527 CMR 12.00.
  - (1) Enforcing person: Wire Inspector.
  - (2) Penalty.
    - (a) First offense: \$25.
    - (b) Second and subsequent offenses: \$50.<sup>[3]</sup>
      - [3] Editor's Note: Original § 2.9, which immediately followed this subsection, was repealed 11-18-2013 by Ord. No. 1563. Section 2.9 referenced portions of the Building Code Ordinance that was repealed in 2002.
- G. Violation of any provision of Chapter 390, Fees, Article VII, Wiring Permits, of this Code.
  - (1) Enforcing person: Wire Inspector.
  - (2) Penalty.
    - (a) First offense: \$25.

- H. Violation of MGL c. 148, §§ 26C and 26E, as accepted by the City Council on April 5, 1982.
  - (1) Enforcing person: Fire Chief or legal designee of Fire Chief.

(b) Second and subsequent offenses: \$50.

- (2) Penalty: \$25.
- Violation of any regulation from the Air Pollution Control Regulations, 310 CMR 7.00, in which specific reference to 310 CMR 7.52 is cited. [Amended 4-6-1992 by Ord. No. 1092]
  - Enforcing person: Fire Chief or legal designee of Fire Chief, Director of Public Health, or any police officer. [Amended 11-18-2013 by Ord. No. 1563]
  - (2) Penalty.
    - (a) First offense: \$25.
    - (b) Second and subsequent offenses: \$50.<sup>[4]</sup>
      - [4] Editor's Note: Original § 2.13, which immediately followed this subsection and referenced the Fire Alarm Ordinance, was repealed 11-18-2013 by Ord. No. 1563.
- J. Violation of any provision of Chapter **567**, Streets and Sidewalks, Article **VII**, Driveway Permits, of this Code.
  - (1) Enforcing person: City Engineer.
  - (2) Penalty: \$50.
- K. Violation of any provision of Chapter 553, Sewers, of this Code.
  - (1) Enforcing person: Public Works Director.
  - (2) Penalty: \$50.
- L. Violation of any provision of Chapter 625, Water, of this Code.
  - (1) Enforcing person: Public Works Director.
  - (2) Penalty: \$50.
- M. Violation of any provision of Chapter **312**, Animals, Article I, Dog Control, of this Code. [Added 12-17-1990 by Ord. No. 1062]
  - (1) Enforcing person: Dog Officer or any police officer.
  - (2) Penalty. [Amended 11-18-2013 by Ord. No. 1563]
    - (a) First offense: \$25.
    - (b) Second offense: \$50.
    - (c) Third offense: \$100.
    - (d) Fourth offense: \$200.
    - (e) Fifth and each subsequent offense: \$300.
- N. Violation of any provision of Chapter **610**, Vehicles, Wrecked and Abandoned, of this Code. [Added 6-15-1992 by Ord. No. 1096]
  - (1) Enforcing person: any police officer.

- (2) Penalty: \$50 a day for each day's violation beyond a fourteen-day period after notice, 2789 to exceed \$300.
- O. Violation of any provision of the Wetland Protection Act, MGL c. 131, § 40. [Added 4-6-1992 by Ord. No. 1092]
  - (1) Enforcing person: legal designee of Conservation Commission.
  - (2) Penalty.
    - (a) First offense: \$25.
    - (b) Second and subsequent offenses: \$50.
- P. Violation of MGL c. 111, § 123 (abatement of nuisance by owner). [Added 4-6-1992 by Ord. No. 1092]
  - (1) Enforcing person: Director of Public Health. [Amended 11-18-2013 by Ord. No. 1563]
  - (2) Penalty: \$20.
- Q. Violation of any provision of Chapter 567, Streets and Sidewalks, Article VI, Street Excavations and Obstructions, of this Code.
   [Added 6-5-1995 by Ord. No. 1188]
  - (1) Enforcing person: Public Works Director.
  - (2) Penalty, each offense and each day: \$100.
- R. Violation of any provision of Chapter 330, Bicycles and Play Vehicles, Article I, Bicycles, § 330-3A, of this Code. [Amended 11-18-2013 by Ord. No. 1563]
  - (1) Enforcing person: any police officer.
  - (2) Penalty, any offense: \$20.
- S. Violation of any provision of Chapter 330, Bicycles and Play Vehicles, Article II, Roller Skates, Skateboards and Toy Vehicles, of this Code. [Added 6-19-1995 by Ord. No. 1190]
  - (1) Enforcing person: any police officer.
  - (2) Penalty, any offense: \$5.
- T. Violation of any provision of Chapter **636**, Water Use Restrictions, of this Code. [Added 9-20-1999 by Ord. No. 1309]
  - (1) Enforcing person: Public Works Director.
  - (2) Penalty.
    - (a) First offense: \$50.
    - (b) Each subsequent offense: \$100.

## § 1-3. Purchasing/Civil Enforcement Department.

[Added 7-6-2004 by Ord. No. 1409; amended 11-18-2013 by Ord. No. 1563]

There is hereby established in the administrative service of the City of Gardner a Civil Enforcement Department to be included with the duties and responsibilities of the Purchasing Department, and this Department shall be titled the "Purchasing/Civil Enforcement Department." The duties and responsibilities of said Department and the Purchasing Agent/Civil Enforcement Director shall include the mput, computerized tracking, management, and reporting of various noncriminal violation fines and penalties from imposition through collection. These duties and responsibilities are further defined by Chapter **221**, Purchasing/Civil Enforcement Department, of this Code.

## Article II. Adoption of Code

[Adopted 11-18-2013 by Ord. No. 1563]

## § 1-4. Adoption of Code.

The ordinances of the City of Gardner of a general and permanent nature adopted by the City Council of the City of Gardner, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 675, are hereby approved, adopted, ordained and enacted as the "Code of the City of Gardner," hereinafter referred to as the "Code."

# § 1-5. Code superseded prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

# § 1-6. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances.

# § 1-7. Copy of Code on file.

A copy of the Code has been filed in the office of the City Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance, and, if this ordinance shall be adopted, such copy shall be certified to by the City Clerk, and such certified copy shall remain on file in the office of said City Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect.

# § 1-8. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when adopted in such form as to indicate the intention of the Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the City of Gardner" shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be inserted in the Code as amendments and supplements thereto.

# § 1-9. Publication; filing.

The Clerk of the City of Gardner shall cause this ordinance to be published in the manner required by law. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

## § 1-10. Code to be kept up-to-date.

It shall be the duty of the City Clerk, or someone authorized and directed by the Clerk, to keep up-to-date the certified copy of the Code required to be filed in the Clerk's office for use by the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are included as supplements to said Code.

## § 1-11. Sale of Code.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk or an authorized agent of the Clerk upon the payment of a fee to be set by the City Council. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

## § 1-12. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Gardner to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to the penalties as set forth in § 1-1 of the Code.

## § 1-13. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a 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. If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

# § 1-14. Severability of ordinance provisions.

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.

# § 1-15. Repealer.

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this Adoption Ordinance, except as hereinafter provided.

## § 1-16. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § **1-15** of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

A. Any ordinance adopted subsequent to August 5, 2013.

- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the City's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. The annexation or dedication of property or approval of preliminary or final subdivision plats.
- K. Ordinances providing for local improvements or assessing taxes or special assessments therefor.
- L. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.
- M. Any ordinance or portion of an ordinance pertaining to the rate and manner of payment of salaries and compensation of municipal officers and employees or establishing or classifying positions.
- N. Any ordinance or portion of an ordinance establishing traffic or parking regulations.
- O. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the City.
- P. Any ordinance or portion of an ordinance accepting or adopting the provisions of any general law or special act of the commonwealth.

## § 1-17. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for publication as the Code of the City of Gardner, no changes in the meaning or intent of such ordinances have been made except as provided for in Subsections B and C hereof. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the City Council that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.
- B. Nomenclature. The following titles are updated throughout the Code:
  - (1) "Chairman" to "Chairperson."
  - (2) "Building Inspector" to "Building Commissioner."
  - (3) "Department of Public Safety" to "Police Department."
  - (4) "Commissioner of Public Safety" to "Chief of Police."

- C. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)<sup>[1]</sup>
  - [1] Editor's Note: Schedule A is on file at the office of the City Clerk.

## § 1-18. When effective.

This ordinance shall take effect upon passage and publication as required by law.

## Chapter 13. Aging, Council on

[HISTORY: Adopted by the City Council of the City of Gardner 6-5-1961 by Ord. No. 237; amended in its entirety 11-18-2013 by Ord. No. 1563. Subsequent amendments noted where applicable.]

## § 13-1. Council established.

A Council on Aging is hereby established.

## § 13-2. Membership; terms of office.

#### [Amended 3-6-2023 by Ord. No. 1662]

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.

# § 13-3. 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.

## § 13-4. 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.

## Chapter 22. Assessing Department

[HISTORY: Adopted by the City of Gardner at the City election (initiative petition) 11-5-1957 by Ord. No. 186; amended in its entirety 11-18-2013 by Ord. No. 1563. Subsequent amendments noted where applicable.]

# § 22-1. Department established.

An Assessing Department in the City of Gardner is hereby established under the charge of a board of three Assessors.

# § 22-2. Board of Assessors.

- A. 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 the City Council. A vacancy occurring may be filed 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. Before entering upon the discharge of their duties, the members shall be sworn to the faithful discharge thereof. [Amended 3-6-2023 by Ord. No. 1663]
- B. Each year at its first meeting the Board shall organize and elect a Chairperson.
- C. 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. The City Assessor shall serve full time as an Assessor, while the other two members shall be part-time Assessors.
   [Amended 3-6-2023 by Ord. No. 1663]
- E. The Board shall meet with any person filing an application for abatement or his attorney upon request for such a meeting.

# § 22-3. Compensation.

The salary of the Assessors and other employees of the Assessing Department shall be established in the ordinances designating salaries and wages for the City employees.<sup>[1]</sup> [1] *Editor's Note: See Ch.* **171**, *Personnel, Arts. XV and XVI.* 

# Chapter 31. Building Department

[HISTORY: Adopted by the City Council of the City of Gardner as indicated in article histories. Amendments noted where applicable.]

#### **GENERAL REFERENCES**

Building Commissioner — See Ch. **160**, Art. **VIII.** Fees — See Ch. **390**.

Article I. Inspection of Wires Division

[Adopted 9-2-2003 by Ord. No. 1389; amended 8-6-2012 by Ord. No. 1544]

## § 31-1. 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.

# § 31-2. Inspector of Wires.

[Amended 11-18-2013 by Ord. No. 1563]

- A. 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.
- B. The salary of said position of Inspector of Wires shall be included in the ordinances designating salaries and wages for the City employees.<sup>[1]</sup>
  - [1] Editor's Note: See Ch. **171**, Personnel, Arts. XV and XVI.

## Chapter 34. Capital Improvement Planning Committee

[HISTORY: Adopted by the City Council of the City of Gardner 9-5-2006 by Ord. No. 1434. Amendments noted where applicable.]

## § 34-1. Committee established; membership.

#### [Amended 11-18-2013 by Ord. No. 1563]

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.

## § 34-2. Review of projects.

- A. 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.
- 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.

# § 34-3. 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.

# § 34-4. 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.

# § 34-5. 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.

## Chapter 39. Cemetery Commission

[HISTORY: Adopted by the City Council of the City of Gardner 9-17-1979 by Ord. No. 707. Amendments noted where applicable.]

# § 39-1. Commission established; membership; appointment.

- A. There shall be established a Cemetery Commission for the City of Gardner consisting of three 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.
- B. 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.
- C. Before entering upon the discharge of their duties, the members shall be sworn to the faithful discharge thereof.

## § 39-2. Meetings, minutes and records.

- A. 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.
- B. The Secretary shall keep accurate minutes and records of all meetings of the Commission.

## § 39-3. Duties; perpetual care funds.

- A. 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.
- B. 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.
- C. 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. [Amended 3-7-1983 by Ord. No. 805; 8-6-2012 by Ord. No. 1550]

Members of said Commission shall receive for their services such compensation as the City Council may prescribe.

# Chapter 45. City Council

[HISTORY: Adopted by the City Council of the City of Gardner as indicated in article histories. Amendments noted where applicable.]

## Article I. Meetings

[Adopted 1-29-1923 by Ord. No. 2]

- § 45-1. 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. 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.

[Amended 3-1-1926 by Ord. No. 20; 1-15-1940 by Ord. No. 61; 3-15-2010 by Ord. No. 1512; 11-18-2013 by Ord. No. 1563]

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.

[Amended 3-15-2010 by Ord. No. 1512]

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 he may deem necessary and shall cause the same to be printed and 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. [Added 11-6-1933 by Ord. No. 34; amended 11-18-2013 by Ord. No. 1563]

# § 45-2. Special meetings.

- A. Special meetings of the City Council may be called by the President and 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.

[Added 11-6-1933 by Ord. No. 34]

# Article II. Legal Counsel

## § 45-3. 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 § **140-2** 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.

## Chapter 50. Community Development and Planning Department

[HISTORY: Adopted by the City Council of the City of Gardner 9-11-1979 by Ord. No. 702. Amendments noted where applicable.]

#### **GENERAL REFERENCES** Planning Board — See Ch. **182**. Zoning — See Ch. **675**.

## § 50-1. 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.
  [Amended 11-18-2013 by Ord No. 1563]

[Amended 11-18-2013 by Ord. No. 1563]

# § 50-2. Duties of Director.

The duties of the Director shall be as follows:

- A. Administer Gardner's Community Development Block Grant and Section 312 Loan Program and any and all appropriate federal or state grants to the City of Gardner.
- B. Write future Community Development Block Grant preapplications and applications.
- C. Prepare an annual budget for the Community Development and Planning Department.
- D. Plan and coordinate activities in:
  - (1) Industrial financing.
  - (2) Housing development planning and financing.
  - (3) Subdivision review and approval.
  - (4) Capital improvement programming.
  - (5) Land use, zoning and environmental impact.

- (6) Long-range physical planning.
- (7) Social and human services planning.
- (8) Downtown revitalization.
- (9) Park, recreation and open space planning.
- E. Coordinate and upgrade code enforcement in the City of Gardner.
- F. Assist in developer selection.
- G. Attend public meetings relevant to community development.
- H. Provide staff and technical assistance to independent authorities, boards, commissions and committees.
- I. Coordinate activities between independent authorities, boards, commissions and committees.
- J. Work with other City department heads and elected officials to undertake community development activities.
- K. Administer the Community Development and Planning Department.
- L. Investigate and pursue possibilities of federal, state and private capital or other outside financial aid in support of community development programs.
- M. Coordinate the planning of Gardner's Heritage State Park.
- N. Employ and supervise, from time to time, such full-time or part-time assistance as may be required to accomplish the above duties, subject, however, to proper appropriations being made therefor.

## § 50-3. Revision of duties.

The duties, powers and responsibilities of said Director may be broadened or diminished at any time by ordinance by a two-thirds vote of the City Council consistent with prevailing General Laws, City ordinances and the City Charter.

# § 50-4. Compensation.

The salary of the Director and other employees within the Community Development and Planning Department shall be as established in the ordinances designating salaries and wages for City employees. [1]

[1] Editor's Note: See Ch. **171**, Personnel, Arts. XV and XVI. Original Sec. 5, which immediately followed this section and required reaffirmation of this ordinance after two years, was deleted 5-2-1983 by Ord. No. 815.

# Chapter 62. Disability Commission

[HISTORY: Adopted by the City Council of the City of Gardner 11-17-2003 by Ord. No. 1395. Amendments noted where applicable.]

## § 62-1. Commission established; membership; terms of office.

A. 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

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disabled person, and one member of said Commission shall be either an elected or appointed official of the City.

[Amended 11-18-2013 by Ord. No. 1563]

B. 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.

[Amended 11-18-2013 by Ord. No. 1563]

C. Before entering the discharge of their duties, the members shall be sworn to the faithful discharge thereof.

# § 62-2. 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.

## § 62-3. 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 the disabled of the City and in conjunction with 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 said Commission for the purposes of this section.

## Chapter 75. Emergency Management

[HISTORY: Adopted by the City Council of the City of Gardner as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES Fire Department — See Ch. 87. Police Department — See Ch. 193. Hazardous materials — See Ch. 432.

Article I. Response to Calls for Aid

[Adopted 4-2-1928 by Ord. No. 25; amended its entirety 11-3-1973 by Ord. No. 600]

## § 75-1. Authority of Police Chief and Fire Chief.

The Chief of the Police Department and the Chief of the Fire Department or, during their absence, the officer in charge of either Department be and hereby is authorized to go to another city, town or district for the purpose of aiding its police and fire departments with police vehicles and/or fire apparatus with

personnel, and while in the performance of their duties in extending such aid, the members of each Department shall have the same immunities and privileges as if performing the same within the City of Gardner.

## Article II. Mutual Aid Agreements

[Adopted 10-1-1979 by Ord. No. 709]

# § 75-2. Mutual aid programs for police purposes.

#### [Amended 11-18-2013 by Ord. No. 1563]

The Mayor is hereby authorized under the authority granted by MGL c. 40, § 4A (which allows for agreements between local governmental units), to enter into agreement between the City and any other city or town, or combination of other cities and towns, to provide mutual aid programs for police purposes in order to increase the capability of the City's Police Department to protect the lives, safety and property of the citizens of the City of Gardner and those of said other cities and towns which may be a party to such agreement.

## § 75-3. Contents of agreements.

#### [Amended 11-18-2013 by Ord. No. 1563]

Such mutual aid agreements as authorized hereunder may provide for the furnishing of personal services, supplies, materials, contractual services and equipment when the resources normally available to either the City or the other municipality which is a party to such agreement are not sufficient to cope with a situation which requires police action.

## Article III. Civil Defense Department

[Adopted 3-19-2007 by Ord. No. 1456]

## § 75-4. Department established; Director.

- A. Pursuant to the Acts and Resolves of Massachusetts 1950, Chapter 639, Section 13, there shall be established in the City of Gardner a Civil Defense Department to be administered by a Director.
- B. The Civil Defense Director (the "Director") shall be appointed by the Mayor, subject to confirmation by the City Council, and shall be appointed for a term of three years. Said Director shall hold office until his/her successor is appointed and confirmed. Said Director may be removed from office in the same manner as department heads as provided by Section 8 of the City Charter. Said Director shall report to the Mayor and City Council and shall appear before the City Council whenever requested to do so.

# § 75-5. Duties of Director.

The duties of the Director shall be as follows. The Director shall:

- A. Be responsible for the organization, administration and operation of the Civil Defense Department.
- B. Prepare the appropriate disaster response plans and ensure that the City is fully prepared to respond in the event of a disaster.
- C. Ensure that the City is in full compliance with any state or federal mandates, guidelines or policies related to the civil defense and disaster response, such as the Homeland Security Act.

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- D. Be responsible for the preparation and the carrying out of all emergency functions, other than functions for which military forces other than the National Guard are primarily responsible, for the purpose of minimizing and repairing injury and damage resulting from disasters caused by attack, sabotage or other hostile action or by fire, flood, earthquake or other natural causes; said functions shall include specifically, but without limiting the generality of the foregoing, fire-fighting and police services, medical and health services, rescue, engineering and air-raid warning services, evacuation of persons from stricken areas, emergency welfare services, communications, radiological, chemical and other special weapons of defense, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions.
- E. In the event of a proclamation of a disaster or a state of extreme emergency by the Governor, Mayor or the State Director of Civil Defense, the Director may request of the appropriate authority all necessary assistance, requisition the necessary personnel or materials from any City department or other source, control and direct all City personnel and equipment, obtain vital supplies and such other properties found lacking and needed for the protection of life and property of the people and commandeer immediately such property, equipment and personnel necessary for the public use during the term of the emergency.
- F. Attend City events such as a parade or fireworks display to direct and assist on the side lines, prepared and ready to help in whatever capacity needed.
- G. Remain in touch with City, state, and federal officials and with weather agencies.
- H. Assist the Police Department with evacuations, road closures and detours and help transport people during severe storms and with missing persons searches.
- I. In collaboration with other public and private agencies within the commonwealth, develop or cause to be developed mutual aid agreements for reciprocal civil defense aid and assistance in case of a disaster too great to be dealt with unassisted.
- J. Work in an advisory capacity to the Mayor on all civil defense related matters and, in addition to those stated herein, perform those miscellaneous duties and responsibilities as assigned by the Mayor.

# § 75-6. Revision of duties.

The duties, powers and responsibilities of said Director may be broadened or diminished at any time by ordinance.

## § 75-7. Compensation.

The salary of the Director and other employees of the Civil Defense Department shall be established in the ordinances designating salaries and wages for the City employees.<sup>[1]</sup> [1] Editor's Note: See Ch. **171**, Personnel, Arts, XV and XVI.

## Chapter 87. Fire Department

[HISTORY: Adopted by the City Council of the City of Gardner 6-16-2014 by Ord. No. 1570.<sup>[1]</sup> Amendments noted where applicable.]

#### **GENERAL REFERENCES**

Officers and employees — See Ch. **160**. Personnel — See Ch. **171**. Fire prevention — See Ch. **396**.

[1] Editor's Note: This ordinance also repealed former Ch. 87, Fire Department, Art. I, Hours of Duty of Permanent Firefighters, adopted 4-21-1970 by Ord. No. 453, as amended.

## § 87-1. Personnel.

The Fire Department of the City of Gardner shall consist of a Fire Chief, a Fire Captain, six 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.

# § 87-2. Appointments.

Subject to the following, all appointments to the Fire Department shall be made by the Fire Chief.

# § 87-3. 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.

# § 87-4. Fire Chief compensation.

The compensation for the position of Fire Chief shall be as set forth in the Code of the City of Gardner as from time to time amended.<sup>[1]</sup>

[1] Editor's Note: See Ch. **171**, Personnel, Art. **XVI**, Classification and Compensation.

# Chapter 92. Flags

[HISTORY: Adopted by the City Council of the City of Gardner 5-1-1939 by Ord. No. 52; amended in its entirety 4-20-1982 by Ord. No. 776. Subsequent amendments noted where applicable.]

# § 92-1. Flag at half mast following death of veteran.

The flag of the United States of America shall be flown at half mast on all buildings owned or controlled by the City of Gardner after the death of a veteran who has served honorably in the Armed Forces of the United States and shall continue to be flown at half mast every day until the burial of said veteran.

# § 92-2. Authority of Mayor.

The Mayor of the City of Gardner shall have the authority to have the flag of the United States flown at half mast by virtue of a state and/or federal proclamation.

## Chapter 106. Historical Commission

[HISTORY: Adopted by the City Council of the City of Gardner 3-4-1974 by Ord. No. 554. Amendments noted where applicable.]

# § 106-1. Commission established; membership.

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.

## Chapter 110. Holidays

[HISTORY: Adopted by the City Council of the City of Gardner as indicated in article histories. Amendments noted where applicable.]

# Article I. Colonel Thomas Gardner Day

[Adopted 8-7-2000 by Ord. No. 1334]

#### § 110-1. Designation.

Whereas history is prologue, and it is important that our children be cognizant of our past, especially the early sacrifices that established the freedom and democracy we enjoy today, annually, on or before the 19th of April, the Mayor shall officially designate Patriots Day as Colonel Thomas Gardner Day in the City of Gardner and shall cause a proclamation to be issued and read in all the schools of Gardner, to honor this patriot who died of wounds received during the Battle of Bunker Hill and for whom our beloved community was named.

## Chapter 113. Human Resources Department

[HISTORY: Adopted by the City Council of the City of Gardner 1-7-1985 by Ord. No. 855; amended in its entirety 11-18-2013 by Ord. No. 1563. Subsequent amendments noted where applicable.]

#### **GENERAL REFERENCES**

Personnel — See Ch. 171.

#### § 113-1. Department established; Director.

- A. There shall be established in the City of Gardner a Human Resources 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 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.

# § 113-2. Duties of Director.

The duties of the Director shall be as follows. The Director shall:

A. Originate, interpret, apply, and implement various human resources policies, changes and regulating guidelines for the City consistent with the needs and objectives of the City, including but not limited to the Harassment Prevention Policy, Family and Medical Leave Act Policy, Small Necessities Leave Policy, Drug-Free Workplace Policy and the Equal Employment Opportunity Policy.

- B. Develop and implement a performance evaluation program.
- C. Act as a liaison for and extend technical guidance to department heads and employees on work performance and appraisal problems.
- D. Assist the Mayor and/or his/her bargaining agents in collective bargaining, grievance matters and discipline situations.
- E. Oversee and administer all employee benefit programs, wage and salary programs, indoctrinations and terminations.
- F. Advise all departments and employees relative to staffing, benefits, recruitments, appointments, career development and promotions.
- G. Administer and maintain records of the City unemployment compensation program, workers' compensation program and employee assistance programs.
- H. Serve as and perform all functions of the Labor Service Director for the City and administer all civil service personnel transactions.
- I. Be appointed as City representative to the Disability Commission and manage all duties and responsibilities required of said appointment.
- J. Serve as ADA Coordinator for the City and perform all duties and responsibilities required of said position.
- K. Maintain confidential personnel, medical and personnel-related files for all City personnel.
- L. Serve and perform all functions of Ethics Liaison for the City.
- M. Serve as City Harassment Grievance Officer and perform all duties and responsibilities required of said position.
- N. Work in an advisory capacity to the Mayor on all employee-related matters and, in addition to those stated herein, perform those miscellaneous duties and responsibilities as assigned by the Mayor.
- O. Employ and supervise, from time to time, such full-time or part-time assistance as may be required to accomplish the above duties; subject, however, to proper appropriations being made therefor.

# § 113-3. Revision of duties.

The duties, powers and responsibilities of said Director may be broadened or diminished at any time by ordinance.

# § 113-4. Compensation.

The salary of the Director and other employees of the Human Resources Department shall be established in the ordinances designating salaries and wages for the City employees.<sup>[1]</sup> [1] *Editor's Note: See Ch.* **171**, *Personnel, Arts. XV and XVI*.

## Chapter 118. Information Technology Department

[HISTORY: Adopted by the City Council of the City of Gardner 2-21-2012 by Ord. No. 1537. Amendments noted where applicable.]

# § 118-1. Department established; Director.

- A. There shall be established in the City of Gardner an Information Technology Department to be administered by a Director.
- B. 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.

# § 118-2. Duties of Director.

The duties of the Director shall be as follows. The Director shall:

- A. Be responsible for the organization, administration and operation of the Information Technology Department and develop, manage and monitor the annual operating budget and capital improvement plan, including City-wide information technology and systems' acquisition and maintenance.
- B. Develop and implement a long-range plan for information technology.
- C. Plan, manage, and maintain the City's information technology and systems, including hardware, software, networks, system installations, backups, upgrades, and implementation and support of applications.
- D. Maintain access to the network resources and undertake software updates and corrections.
- E. Act as a technical expert to assist City employees with complex desktop computer hardware and software problems and prepare training courses and provide user support and training in the use of available hardware, software, and utilities, including GIS systems.
- F. Manage the City's wide area network, including the development and maintenance of user accounts, print queues, storage requirements and bandwidth needs; maintain VoIP telephone systems; maintain VoIP hardware and infrastructure; and perform maintenance, user configuration and software configuration changes.
- G. Maintain an annual inventory of computers and related equipment; order and set up new computers, printers, scanners, hardware, software, and other network devices; and manage vendor relationships and arrange for vendor support and repair services.
- H. Maintain assorted peripheral technology such as printers and projectors.
- I. Develop protocols and implement security measures to protect the City's networks against viruses, intrusion, and other potential hazards and establish disaster recovery plans.
- J. Develop applications, as needed.
- K. Be responsible for the operation and management of Internet or intranet website, including the updating and maintenance of the City's website and web presence.
- L. Evaluate information technology needs and work with department heads and other staff to define needs, explore system solutions, and provide business systems consulting services to recommend the effective use of technology to improve efficiency and service.
- M. Maintain relationships with vendors, consultants, and technology groups and networks.
- N. Research hardware/software developments and trends, recommend information technology purchases to the City Administrator, develop request for proposals and purchase specifications, and meet with vendors and consultants.
- O. Coordinate licensing of software and the identification of hardware assets.

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- P. Work closely with the GIS/AutoCAD Technician on the planning, management, implementation, evaluation and establishment of policies and procedures for the City's geographic information systems.
- Q. Design databases, develop applications, establish standards and procedures for database management, maintain data dictionaries, and maintain system documentation.
- R. Coordinate with the GIS/AutoCAD Technician on the planning, implementation and administration of the integration, consolidation, development, security and integrity of City-wide GIS databases.
- S. Supervise employees in such position titles as systems manager and departmental liaisons involved in computer hardware/software support and user support. Requires matrix management of staff involved in the use and maintenance of the GIS system. Supervisory activities include responsibility for performance management, hiring, conducting employee orientation, scheduling work hours/granting time off, providing training and development and assigning/reviewing work.
- T. Work in an advisory capacity to the Mayor on all information technology related matters and, in addition to those stated herein, perform those miscellaneous duties and responsibilities as assigned by the Mayor.

# § 118-3. Revision of duties.

The duties, powers and responsibilities of said Director may be broadened or diminished at any time by ordinance.

# § 118-4. Compensation.

The salary of the Director and other employees of the Information Technology Department shall be established in the ordinances designating salaries and wages for the City employees.<sup>[1]</sup> [1] Editor's Note: See Ch. **171**, Personnel, Arts. XV and XVI.

## Chapter 140. Law Department

[HISTORY: Adopted by the City Council of the City of Gardner 12-15-1986 by Ord. No. 908. Amendments noted where applicable.]

- § 140-1. Department established.
- A. 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. Both said officers shall be members of the Bar of the Commonwealth of Massachusetts in good standing.
- B. 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. [Amended 9-8-1987 by Ord. No. 932]

## § 140-2. Duties of Solicitor and Assistant Solicitor.

The duties of the City Solicitor and Assistant City Solicitor shall be as follows. They shall:

A. Approve contracts, give legal advice and furnish written opinions when so requested by the Mayor, City Council, the chairperson of a City committee or the head of any City department.

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- B. Prosecute or defend all cases and proceedings to which the City is a party.
- C. Prepare or approve all deeds or other legal instruments relating to the City, consider claims against the City and make recommendation for their resolution to the Mayor or appropriate committee of the City Council, as the case may be, and generally handle all legal affairs pertaining to the City.
- D. Employ and supervise, from time to time, such full- or part-time assistance as may be required to accomplish the above duties, subject, however, to proper appropriations being made therefor.

# § 140-3. Compensation.

The salaries of the City Solicitor, Assistant City Solicitor and other employees of the Law Department shall be as set forth from time to time in the ordinances designating salaries and wages for the City employees. [1]

[1] Editor's Note: See Ch. **171**, Personnel, Arts. XV and XVI.

# Chapter 152. Municipal Golf Course Commission

[HISTORY: Adopted by the City Council of the City of Gardner 8-2-1965 by Ord. No. 325. Amendments noted where applicable.]

#### § 152-1. Commission established.

A Municipal Golf Course Commission is hereby established.

- § 152-2. Membership; terms of office.
- A. The Municipal Golf Course Commission shall consist of five 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. [Amended 3-19-1990 by Ord. No. 1038]
- B. 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. [Added 3-1-1976 by Ord. No. 609; amended 11-18-2013 by Ord. No. 1563]
- C. Before entering upon the discharge of their duties, the members shall be sworn to the faithful discharge thereof.

§ 152-3. Meetings.

[Amended 11-4-1968 by Ord. No. 398]

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.

§ 152-4. Duties.

[Amended 11-18-2013 by Ord. No. 1563]

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.

# § 152-5. Appointees.

- A. 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.
- B. The appointees shall perform such duties as shall be required of them by said Commission.

#### § 152-6. Compensation.

#### [Added 11-18-2013 by Ord. No. 1563]

The salary of the superintendent and other employees of the Golf Course Commission shall be established in the arritmeness designation endering and unange for the City angular as [1]

in the ordinances designating salaries and wages for the City employees.<sup>[1]</sup>

[1] Editor's Note: See Ch. **171**, Personnel, Arts. XV and XVI.

#### Chapter 156. Municipal Grounds Commission

[HISTORY: Adopted by the City Council of the City of Gardner 3-7-1983 by Ord. No. 800; amended 11-7-1988 by Ord. No. 983; 8-6-2012 by Ord. No. 1551. Subsequent amendments noted where applicable.]

#### § 156-1. Commission established; membership; terms of office.

There shall be established a Municipal Grounds Commission for the City of Gardner consisting of six members, legal voters of said City, five of whom shall be appointed by the Mayor, subject to confirmation by the City Council, as follows:

- A. The Mayor shall immediately appoint one person to serve 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 April 1983 and thereafter annually shall appoint the appropriate number of persons (either one or two) to serve for the term of three years from the first day of April 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. Before entering upon the discharge of their duties, the members shall be sworn to the faithful discharge thereof.
- B. The sixth member shall be the Director of Public Works, who shall be a nonvoting member of the Commission during his term of office.
   [Amended 11-18-2013 by Ord. No. 1563]

# § 156-2. Meetings.

The Commission shall meet annually in April of each year to organize and elect a Chairperson and Secretary. The Commission shall hold meetings no less than once a month during the course of the year. The Secretary shall keep accurate minutes and records of all meetings of the Commission. The Director of Public Works shall not hold office within the Commission.

# § 156-3. Duties; Community Bandstand Committee.

- A. The Commission shall be an advisory body and shall advise the Director of Public Works, Mayor and City Council on matters relating to the Municipal Grounds Division.
- B. 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. The Community Bandstand Committee shall consist of no less than three members, one of whom shall be a member of the Municipal Grounds Commission, to carry out the purposes of this § 156-3B. All members shall be appointed in accordance with § 156-1A.

[Added 3-18-2019 by Ord. No. 1618<sup>[1]</sup>]

- [1] Editor's Note: This ordinance also redesignated former Subsection B as Subsection D.
- C. 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 § 156-3B. 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." All funds in such Community Bandstand Committee Program Fund. "All funds in such Community Bandstand Committee Program Fund." All funds in such Community Bandstand Committee Program Fund shall be used for the purposes set forth in § 156-3B. [Added 3-18-2019 by Ord. No. 1618]
- D. The duties, powers and responsibilities of the Commission may be broadened or diminished at any time by ordinance consistent with prevailing General Laws or City ordinances.

## § 156-4. Compensation.

Members of said Commission shall receive for their services such compensation as the Mayor and City Council may prescribe.

# § 156-5. Transfer of personnel.

All necessary persons employed by and under the supervision of the named Municipal Grounds Department, boards and commissions shall, upon the effective date of this chapter, be transferred to the Department of Public Works. All such transfers of personnel shall be made without loss of pay and without change in rating, seniority, retirement or pension rights, or any other privileges under the provisions of this chapter.<sup>[1]</sup>

[1] Editor's Note: Original Sec. 4 of Ord. No. 800, as amended 11-7-1988 by Ord. No. 983, regarding the transfer of personnel to the Municipal Grounds Department, which immediately followed this section, was repealed 11-18-2013 by Ord. No. 1563.

## Chapter 160. Officers and Employees

[HISTORY: Adopted by the City Council of the City of Gardner as indicated in article histories. Amendments noted where applicable.]

#### **GENERAL REFERENCES**

Personnel — See Ch. 171.

## Article I. Measurers of Lumber

[Adopted 3-5-1923 by Ord. No. 7]

# § 160-1. Appointment.

The Mayor shall annually in March or whenever vacancies occur appoint one or more Measurers of Lumber.

# Article II. Assistant City Clerk

[Adopted 4-2-1923 by Ord. No. 11; amended in its entirety 3-6-2017 by Ord. No. 1599]

## § 160-2. Appointment; term; powers and duties.

The Office of Assistant City Clerk is established. 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. Nothing contained herein shall be construed to prevent the reappointment of an Assistant City Clerk upon the expiration of the term of office.

# § 160-3. Compensation.

The salary of Assistant City Clerk shall be included in the ordinances designating salaries and wages for the City employees.<sup>[1]</sup>

[1] Editor's Note: See Ch. 171, Personnel, Arts. XV and XVI.

#### Article III. Vacancies in City Positions

[Adopted 7-1-1935 by Ord. No. 41]

#### § 160-4. Temporary appointment.

#### [Amended 11-18-2013 by Ord. No. 1563]

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 60 days, and no temporary appointee shall succeed himself as a temporary appointee.

# § 160-5. 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.

#### § 160-6. Vacancies in City departments.

[Added 12-15-1975 by Ord. No. 605; amended 4-21-1998 by Ord. No. 1271; 9-7-2010 by Ord. No. 1521] Except for seasonal employees, whenever a vacancy shall occur in any position in any City department (other than a department head), the vacancy shall not be filled by the Mayor until approval is secured from

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the City Council if the position's job description is to be changed.

Article IV. Forester

[Adopted 2-5-1945 by Ord. No. 89]

§ 160-7. Position created.

[Amended 8-6-2012 by Ord. No. 1545] The position of City Forester, also known as the "City Tree Warden," is hereby created.

## § 160-8. Appointment; term of office; compensation.

[Amended 9-17-1979 by Ord. No. 706; 11-18-2013 by Ord. No. 1563]

The City Forester shall be appointed by the Mayor, subject to confirmation by the City Council. He shall hold office for three years from the date of his appointment. He may also be the superintendent for the supervision of gypsy and brown tail moths. The salary of the Forester shall be established in the

ordinances designating salaries and wages for the City employees.<sup>[1]</sup>

[1] Editor's Note: See Ch. 171, Personnel, Arts. XV and XVI.

#### § 160-9. Forester to exercise powers and duties of tree warden.

The City Forester shall have and exercise all the powers and duties conferred and imposed upon tree wardens by MGL c. 87 and amendments thereof.

#### Article V. Senior Citizens' Director

[Adopted 5-7-1979 by Ord. No. 689]

§ 160-10. Position established.

The position of Senior Citizens' Director is hereby established.

§ 160-11. Appointment; term of office.

[Amended 11-18-2013 by Ord. No. 1563]

On or before the first Monday of July, the Mayor shall appoint a Senior Citizens' Director for a term of three years beginning with the first Monday of July, subject to confirmation of the City Council.

#### § 160-12. Position to be full time; compensation.

The Senior Citizens' Director position shall be full time, consisting of 40 hours or its equivalent per week, and the salary for said position shall be included in the salary and wage ordinance of the City.<sup>[1]</sup> [1] *Editor's Note: See Ch.* **171**, *Personnel, Arts. XV and XVI*.

§ 160-13. Duties.

[Amended 11-18-2013 by Ord. No. 1563]

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The Senior Citizens' Director shall report directly to the Gardner Council on Aging and shall have the duty and responsibility of working with the Council 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.

# Article VI. (Reserved)

[1] Editor's Note: Former Art. VI, Administrative Assistant, adopted 4-22-1986 by Ord. No. 881, as amended, was repealed 2-16-2016 by Ord. No. 1587.

§ 160-14. through § 160-17. (Reserved)

# Article VII. Agent for the Conservation Commission

[Adopted 3-2-1998 by Ord. No. 1262]

§ 160-18. Appointment and compensation.

[Amended 11-18-2013 by Ord. No. 1563; 2-6-2017 by Ord. No. 1597]

The position of Agent for the Conservation Commission shall be appointed for three years by the Mayor, subject to confirmation by the City Council. The salary of the Agent for the Conservation Commission shall

be established in the ordinances designating salaries and wages for the City employees.<sup>[1]</sup>

[1] Editor's Note: See Ch. 171, Personnel, Arts. XV and XVI.

# § 160-19. Reporting.

The Agent for the Conservation Commission shall report to the Director of Community Development and Planning.

# § 160-20. Duties.

Duties will consist of the following. The Agent:

- A. Executes Conservation Commission decisions and policies.
- B. Serves as the Commission's agent for the purposes of the Wetlands Protection Act.<sup>[1]</sup>
   [1] Editor's Note: See MGL c. 131, § 40.
- C. Represents the Commission at non-Commission meetings and on committees.
- D. Enforces applicable City and state laws and regulations, in particular the Massachusetts Wetlands Protection Act.
- E. Prepares and distributes agendas and minutes.
- F. Maintains files, records, and attendance of the Commission.
- G. Administers operating budget and submits budgets requests.
- H. Attends Commission meetings.
- I. Provides advice to the Commission on wetland filings, enforcement, and related matters.
- J. Establishes the work schedule of subordinate staff and supervises their work.

- K. Participates in the site plan review process with the Community Development and Planning Department. [Amended 11-18-2013 by Ord. No. 1563]
- L. Reviews and administers state and local permit applications received by the Commission.
- M. Makes site inspections of properties and makes recommendations to the Commission on applications and enforcement.
- N. Acts as advisor and technical assistant to the Commission.
- O. Advises applicants about submitting appropriate filings and documentation.
- P. Answer queries and complaints from the public, business, industry, and other City departments and other public agencies.
- Q. Participates in and supports other environmental programs and projects which are relevant to the City.
- R. Performs other related duties as required.

#### Article VIII. Building Commissioner

[Adopted 8-5-2002 by Ord. No. 1373]

#### § 160-21. Position established.

[Amended 11-18-2013 by Ord. No. 1563] The position of Building Commissioner is hereby established and shall be a full-time position.

#### § 160-22. Appointment; term of office.

#### [Amended 11-18-2013 by Ord. No. 1563]

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.

## § 160-23. Duties.

The duties of said Building Commissioner shall be those set forth in MGL c. 143.

## § 160-24. Compensation.

[Amended 11-18-2013 by Ord. No. 1563]

The salary of said position of Building Commissioner shall be included in the ordinances designating salaries and wages for the City employees.<sup>[1]</sup>

[1] Editor's Note: See Ch. 171, Personnel, Arts. XV and XVI.

## Article IX. Inspector of Gas Piping and Gas Appliances

[Adopted 6-2-2003 by Ord. No. 1388; amended 8-6-2012 by Ord. No. 1546]

§ 160-25. Position created.

#### § 160-26. 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.

#### § 160-27. 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.

## § 160-28. Appointment; term of office; compensation.

#### [Amended 11-18-2013 by Ord. No. 1563]

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. The salary of the Inspector shall be established in the ordinances designating salaries and wages for the City employees.<sup>[1]</sup>

[1] Editor's Note: See Ch. **171**, Personnel, Arts. XV and XVI.

#### Article X. Agent for the Planning Board

[Adopted 10-2-2006 by Ord. No. 1442]

#### § 160-29. Appointment and compensation.

#### [Amended 11-18-2013 by Ord. No. 1563]

The position of Agent for the Planning Board shall be appointed for one year by the Mayor, subject to confirmation by the City Council. The salary of the Agent shall be established in the ordinances designating

salaries and wages for the City employees.<sup>[1]</sup>

[1] Editor's Note: See Ch. **171**, Personnel, Arts. XV and XVI.

## § 160-30. Reporting.

The Agent for the Planning Board shall report to the Director of Community Development and Planning.

#### § 160-31. Duties.

Duties shall consist of the following. The Agent for the Planning Board shall:

- A. Assist in the preparation of meeting agenda and minutes for the Planning Board and Development Review Committee and the maintenance of files, records and decisions.
- B. Assist in the preparation and maintenance of land use, growth management, housing, open space and other relevant plans for the City of Gardner.
- C. Evaluate land use proposals for conformity with established plans, regulations and ordinances, evaluate proposals' development impacts and make recommendations based on said evaluations.

- D. Evaluate environmental information and recommend mitigation measures to reduce adverse impacts of development.
- E. Make site inspections, monitor approved projects and make recommendations to the Director and Planning Board regarding compliance with approved plans and conditions of approval, as well as local, state and federal land use regulations and laws.
- F. Respond to inquiries from the public and businesses about land use regulations and advise applicants about filing requirements.
- G. Perform other related duties as required by the Director.

# Chapter 171. Personnel

[HISTORY: Adopted by the City Council of the City of Gardner as indicated in article histories. Amendments noted where applicable.]

#### **GENERAL REFERENCES**

Human Resources Department — See Ch. **113**. Officers and employees — See Ch. **160**.

ATTACHMENTS Attachment 1 - Schedule 1, Yearly Salaries

## Article I. Physical Examination of City Employees

[Adopted 11-4-1974 by Ord. No. 572; amended in its entirety 4-20-1999 by Ord. No. 1300]

# § 171-1. Examination required.

Any new full-time or permanent part-time employee that has been offered a position in the City of Gardner will be required to submit to a physical examination prior to beginning work.

## § 171-2. Conduct of examination.

- A. A City-designated physician shall conduct all preemployment examinations. The Human Resources Department or the department head will be responsible for setting up the appointment. [Amended 11-18-2013 by Ord. No. 1563]
- B. At the time of the exam, the City-designated physician will be provided with all the necessary information to be able to make an informed judgment as to the employee's current fitness to perform the required duties.

# § 171-3. Report.

The employee must bring in the original copy of the preemployment screening report prior to the employee's first day on the job.

## § 171-4. Costs.

The City will be billed for all costs associated with the physical.

§ 171-5. Exemption for elected officials.

This article shall not apply to elected officials.

# Article II. Compensation for Blasting Services

[Adopted 6-30-1975 by Ord. No. 593]

#### § 171-6. Additional compensation established.

Any employee in the Public Works Department who performs dynamite blasting services for the City of Gardner under the direction of the Director of Public Works shall, in addition to his regular compensation, be paid an amount of \$10 per day for any day or fraction thereof on which such services are performed.

Article III. Civic Duty Leave

[Adopted 2-7-2000 by Ord. No. 1314]

§ 171-7. Grant of leave.

Regular full-time City employees, not covered by a collective bargaining agreement, who have summons to appear in court shall be granted civic duty leave.

#### § 171-8. Summons to be presented to department head.

Official summons to jury duty or witness appearance must be presented in advance to the appropriate department head to receive authorized leave.

#### § 171-9. Employee to report to work if discharged from service.

An employee on authorized civic duty leave who is discharged from court service for the day or a major portion thereof during regular work hours must report to work.

#### § 171-10. Personal litigation excluded.

Civic duty leave shall not be authorized for an employee who is involved in personal litigation.

#### § 171-11. Effect on other benefits.

Absence due to authorized civic duty leave shall not affect an employee's eligibility for longevity or benefits eligibility.

# § 171-12. Compensation.

During such time as the employee is unable to perform the usual work required of him or her because of civic duty leave, the employee's wages or salary shall be suspended; provided, however, that the City may, on submission of proper vouchers to the City Auditor, authorize payment and pay to 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 in the regular performance of his or her duties.

# § 171-13. Effect on vacation.

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An employee summoned for jury duty service prior to taking his or her annual vacation, and the jury service does not terminate prior to the end of the year, shall be entitled to take his or her vacation during the first months of the next year but shall not have two annual vacation periods run concurrently.

#### Article IV. Paid Holidays

[Adopted 2-7-2000 by Ord. No. 1315]

## § 171-14. Holidays designated.

- A. All full-time and regular part-time City employees, not covered by a collective bargaining agreement, except the Police and Fire Department personnel, shall be granted holidays with pay at the rate fixed for such employees respectively on each of the following 11 legal holidays:
  - (1) New Year's Day.
  - (2) Martin Luther King Day.
  - (3) Presidents Day.
  - (4) Patriots Day.
  - (5) Memorial Day.
  - (6) Independence Day.
  - (7) Labor Day.
  - (8) Columbus Day.
  - (9) Veterans Day.
  - (10) Thanksgiving Day.
  - (11) Christmas Day.
- B. Sunday holidays shall be celebrated on the following Monday. Saturday holidays shall be celebrated on the preceding Friday.

## § 171-15. Compensation for working on holiday.

In the event that a nonexempt employee shall be required to work on said holiday, his or her compensation shall be at 1 1/2 times his or her regular straight-time pay for all hours worked on such holiday. At the direction of the department head, the employee may elect to earn compensatory time for the time worked on the holiday.

Article V. Nonoccupational Sick Leave

[Adopted 2-7-2000 by Ord. No. 1316]

#### § 171-16. Grant of sick days.

All full-time and regular part-time employees shall be granted a maximum of 15 nonoccupational sick days per calendar year at the employee's normal straight-time pay for normally scheduled hours.

§ 171-17. Credit and use of sick days.

Sick days shall credited to employees on January 1 of each year. Employees may carry an unlimited number sick days. Sick time shall not be used in less than one-half-day increments.

# § 171-18. Doctor's certificate.

#### [Amended 11-18-2013 by Ord. No. 1563]

An employee that has been absent from work due to the use of nonoccupational sick leave three consecutive days or more at one time must present a doctor's certificate to his or her department head. This certificate shall be attached to the weekly time reports. A doctor's certificate may also be required if a department head and/or the Director Human Resources has reasonable cause to believe that the employee may be abusing his or her nonoccupational sick leave.

# § 171-19. Payment for accumulated sick leave upon retirement.

Employees hired before October 17, 1995, upon retirement from employment with the City of Gardner, if the employee has accumulated sick leave, shall be granted pay for such accumulation not to exceed 50 days' pay, plus an additional 50% of the daily rate for accumulated days over and the above first 50 days, not to exceed a total of 130 days paid.

# § 171-20. Payment for accumulated sick leave upon voluntary termination of employment.

Employees hired before October 17, 1995, upon voluntary termination of employment, if an employee has an accumulated sick leave balance, shall be granted pay for such accumulation upon termination at a rate of 1/4 day's pay for each such day of accumulated sick leave, not to exceed 30 days paid.

# § 171-21. Payment for accumulated sick leave upon death of employee.

For employees hired before October 17, 1995, in the event that the employee shall die prior to retirement, any accrued sick days shall be paid to the estate of said deceased employee.

# § 171-22. New employees.

Newly hired employees shall be granted nonoccupational sick leave at the rate of 1 1/4 days per month worked. Newly hired employees shall earn nonoccupational sick leave in this manner until January 1 after their date of hire.

# § 171-23. Sick leave incentive time.

#### [Amended 6-1-2009 by Ord. No. 1494]

Commencing effective July 1, 2009, employees that do not use sick leave in a calendar month shall earn 1/2 day off not to be charged to sick leave or vacation leave. Any days earned as sick leave will be counted as personal time subject to the approval of the department head. Days must be used within one-year period of being earned.

# § 171-24. Annual report; notification of absence due to illness.

On the first day of each year, each department head shall submit to the Mayor and City Auditor an accurate accounting of all sick leave accumulated and used during his/her period of employment with the

City. In addition to the aforementioned, each employee will notify his or her department head each morning by 8:30 a.m. when he or she is going to absent from work due to illness. Each department head will contact the Mayor's office each morning by 8:30 a.m. when he or she is going to be absent from work due to illness.

Article VI. Bereavement Leave

[Adopted 2-7-2000 by Ord. No. 1317]

§ 171-25. Grant of leave.

- A. All full-time and regularly employed 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, not to exceed three consecutive days, on the account of a death in the immediate family of the employee. "Immediate family" shall include spouse, parent, stepparent, parent of spouse, children, brother, sister, grandparents, grandchildren, or a person living in the immediate household of the employee.
- B. Bereavement leave of one day without loss of regular straight-time pay for normally scheduled working hours may be granted per occurrence for the death of an employee's niece, nephew, brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunt or uncle.

# Article VII. Longevity Pay

[Adopted 2-7-2000 by Ord. No. 1318]

- § 171-26. Full-time employees.
- A. Any full-time regular 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 has been employed for at least five continuous full-time years of service shall receive, in addition to his or her regular compensation, longevity pay of \$150 during the first year that such service is attained and each fiscal year thereafter.
- B. Such employees shall receive an additional \$30 per year for each additional year of full-time continuous service with the City, but in no event shall longevity pay for any such employee exceed \$1,050 in any fiscal year.
- § 171-27. Part-time employees.
- A. Any part-time regular 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 has been employed for at least five continuous years of service and has worked at least 1,000 hours each year of service shall receive, in addition to his or her 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 service with the City, but in no event shall longevity pay for part-time employees exceed \$525 in any fiscal year.

# § 171-28. Payment date.

Payment of longevity pay shall be made on June 30 to all employees who are entitled during the fiscal year preceding such date, except that an employee whose is terminated, except involuntarily for cause, shall

receive payment on the date of termination of such longevity pay for which the employee was eligible in such fiscal year prior to the date of termination.

# § 171-29. Calculation of pay.

For the purpose of calculating longevity pay, a year of employment shall be 32 weeks in the aggregate during the fiscal year.<sup>[1]</sup>

[1] Editor's Note: Original Sec. 5, which immediately followed this section and was added 6-1-2009 by Ord. No. 1495, was repealed 5-3-2010 by Ord. No. 1514.

# Article VIII. Personal Leave

[Adopted 2-7-2000 by Ord. No. 1319]

§ 171-30. 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 three personal days 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 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 from the date the employee's employment ends, as follows: [Added 12-21-2020 by Ord. No. 1634]

(1) January 1 to April 30: two days.

(2) May 1 to August 31: one day.

## § 171-31. Use of personal days.

- A. Use of personal days is upon the approval of the department head, who has been given 24 hours' notice, except in an emergency.
- B. Personal time shall not be used in less than half-day increments.

## § 171-32. Crediting of personal days.

Personal days shall be credited to employees on January 1 of each year. Personal leave is not cumulative and must be used in the calendar year that it is granted.

# § 171-33. 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	3	
April 1 to June 30	2	
July 1 to September 30	1	

# Article IX. Vacations for City Officers and Employees

[Adopted 2-7-2000 by Ord. No. 1320]

# § 171-34. Police officers.

All police officers of the City of Gardner, not 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 to four years shall be entitled to two weeks (14 calendar days).
- B. Regularly employed from five to nine years shall be entitled to three weeks (21 calendar days).
- C. Regularly employed from 10 to 14 years shall be entitled to four weeks (28 calendar days).
- D. Regularly employed for over 15 years shall be entitled to 31 calendar days.
- E. Employees shall have two consecutive days off with each five days of vacation. Each two-week vacation period shall consist of 10 paid vacation days and four regular days off. One vacation week shall consist of five working days plus two days off.

# § 171-35. Firefighters.

All firefighters of the City of Gardner, not 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 to four years shall be entitled to two weeks (14 calendar days).
- B. Regularly employed from five to nine years shall be entitled to three weeks (21 calendar days).
- C. Regularly employed from 10 to 14 years shall be entitled to four weeks (28 calendar days).
- D. Regularly employed for 15 years or more shall be entitled to 31 calendar days.

# § 171-36. Other full-time officers and employees.

#### [Amended 6-1-2009 by Ord. No. 1492]

All other employees or officers, 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 to four years shall be entitled to two weeks or 10 working days.
- B. Regularly employed from five to nine years shall be entitled to three weeks or 15 working days.
- C. Regularly employed from 10 years to 14 years shall be entitled to four weeks or 20 working days.
- D. Regularly employed for 15 years to 19 years shall be entitled to five weeks or 25 working days. [Amended 12-21-2020 by Ord. No. 1634]
- E. Regularly employed 20 years or more shall be entitled to 28 working days. [Added 12-21-2020 by Ord. No. 1634]

# § 171-37. Other part-time officers and employees.

[Amended 6-1-2009 by Ord. No. 1492]

All other employees or officers, except those provided for by law and those covered by a collective bargaining agreement, regularly employed part time by the City shall be granted an annual vacation without loss of pay as follows:

- A. To be eligible a part-time worker must have worked 27 weeks in the aggregate during the 12 months preceding the first day of June in each year and must meet the eligibility requirements of part-time employees as defined in Article XII, § 171-50A.
- B. They shall be entitled to the same vacation increments as full-time employees as defined in § **171-36** based upon an eligible part-time employee's specific work hour schedule. One day will be equivalent to the total number of hours worked per week divided by five days (i.e., one day for 25 hours per week will be equivalent to five hours).

# § 171-38. Vacations to be granted by department heads.

Such vacations shall be granted by the heads of each department, as such time as in their opinion will cause the least interference with the performance of the regular work of the City.

# § 171-39. Determination of regular employment.

A person shall be deemed to be regularly employed within the meaning of this article if he or she has been actually employed for 27 weeks in the aggregate during the 12 months preceding the first day of June of the year in which the vacation is to be granted.

# § 171-40. New employees.

New full-time employees will earn one day per month up to 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 January 1 of the year following his/her anniversary date of benefited employment. This vacation will only be allowed upon the completion of a probationary period of six months. In no event shall a new employee be eligible for more than 10 days of vacation per calendar year.

## § 171-41. Accumulation of vacation time.

Employees that do not utilize all of their vacation time within the calendar year it was granted will be allowed to carry over into the next calendar year twice their annual vacation accrual. Any employee who has excess of that amount of vacation accumulation on December 31 shall forfeit any excess of the permitted accumulation.

# § 171-42. Minimum increments.

Vacation time may not be taken in less than one-half-day increments.

## § 171-43. Payment for accumulated vacation time.

[Amended 12-21-2020 by Ord. No. 1634; 6-7-2021 by Ord. No. 1637]

- A. Upon termination, resignation or retirement, the annual allotment of vacation time for the year in which the employee's employment ends shall be prorated monthly from the date the employee's employment ends.
- B. In the event that an employee terminates employment with the City, any vacation accrued will be paid to the employee. If an employee dies, any accrued vacation days shall be paid to the estate of said

deceased employee.

# Article X. Salaries of Police and Fire Personnel

[Adopted 2-7-2000 by Ord. No. 1321]

# § 171-44. Compensation in lieu of paid holidays.

#### [Amended 3-21-2022 by Ord. No. 1646; 9-7-2022 by Ord. No. 1656]

In order to make uniform a policy of paid holidays for certain officers and employees of the City of Gardner, not covered under a collective bargaining agreement, who have not been otherwise provided for, there shall be paid to the following persons, for the 11 holidays per year, in addition to their regular and maximum compensation as follows: 10.15% of the yearly salary in lieu of the 11 paid holidays to each of the persons in the following groups according to his present pay schedule as said schedule may hereafter be in force:

A. Fire Department: Chief.

#### Article XI. Clothing/Uniform Allowance

[Adopted 9-15-2003 by Ord. No. 1392; amended in its entirety 10-16-2006 by Ord. No. 1443]

## § 171-45. Compensation established.

In addition to the provisions of the salary ordinance,<sup>[1]</sup> the following full-time personnel shall receive compensation to be paid annually as follows:

- A. The Fire Chief shall receive \$1,045 for the upkeep and purchase of uniforms, equipment and footwear. [Amended 12-21-2020 by Ord. No. 1634]
- B. The Chief of Police and Deputy Chief of Police shall receive \$1,045 for the upkeep and purchase of uniforms, equipment and footwear.
- C. The following shall receive \$350 for the upkeep and purchase of clothing, gear and/or footwear: [Amended 8-6-2012 by Ord. No. 1552; 5-18-2015 by Ord. No. 1577; 12-21-2020 by Ord. No. 1634]
  - (1) Building Commissioner.
  - (2) Local Building Inspector.
  - (3) Plumbing and Gas Inspector.
  - (4) Animal Control Officer.
  - (5) Senior Animal Control Officer.
  - (6) Director of Public Health.
  - (7) Assistant Director of Public Health.
  - (8) Director of Public Works.
  - (9) Assistant Director of Public Works.
  - (10) Golf Course Superintendent.
  - (11) Transfer Station Supervisor.
  - (12) Public Safety Dispatch Center Director.

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- D. Golf Department working foremen/grounds maintenance men shall receive \$500 and Golf Department working foremen motor equipment repairmen and Electrical (Wire) Inspectors shall receive \$650 for the upkeep and purchase of clothing, gear and/or footwear.
   [Amended 5-18-2015 by Ord. No. 1577]
- [1] Editor's Note: See Ch. **171**, Personnel, Arts. XV and XVI.

§ 171-46. Payment.

Payment shall be made on an annual basis, the last pay day in July.

§ 171-47. New employees.

Any newly appointed full-time employee as referenced above shall receive a prorated amount of the clothing/uniform allowance for the balance of the remaining fiscal year at the time of his/her appointment.

# Article XII. Full-Time, Part-Time and Seasonal Employment Status

[Adopted 10-2-2006 by Ord. No. 1440]

§ 171-48. Purpose.

For the purpose of the calculation of benefit time and the provision of insurance benefits for employees who are not covered by a collective bargaining agreement, the following standards shall apply.

# § 171-49. Full-time employees.

Full-time employees are defined as employees who are regularly scheduled to work 37 or more hours per week. Full-time employees are eligible for benefit time and longevity pay as described in Articles III, IV, V, VI, VII, VIII and IX of this chapter. Full-time employees are also eligible to elect health, dental, life insurance and/or other optional insurance benefits.

# § 171-50. Part-time employees.

Part-time employees are defined as employees who work less than 37 hours per week. Part-time employees are eligible for benefit time, longevity, insurance and/or other optional insurance benefits as follows:

- A. Part-time employees who are regularly scheduled to work 20 or more hours per week are eligible for benefit time as described in Articles III, IV, V, VI, VII, VIII and IX of this chapter.
- B. Part-time employees hired on or after July 1, 2006, and who are regularly scheduled to work less than 20 hours per week are not eligible for benefit time as described in Articles III, IV, V, VI, VII, VIII and IX of this chapter. They shall receive three days of personal time to be used upon the approval of the department head, who has been given 24 hours' notice, except in an emergency. A day shall be defined as 1/5 of the employee's regular work week. This personal time must be used in the same calendar year in which it was credited to the employee.
- C. Part-time employees who are regularly scheduled to work less than 20 hours per week are not eligible to receive longevity pay or to elect health, dental, life insurance or other optional insurance benefits.

§ 171-51. Temporary and seasonal employees.

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Temporary and seasonal employees are not eligible for benefit time, insurance benefits or longevity pay.

#### Article XIII. Department Head Benefit Time and Longevity Pay

[Adopted 10-2-2006 by Ord. No. 1441]

#### § 171-52. Department heads.

[Amended 3-19-2007 by Ord. No. 1457; 8-6-2012 by Ord. No. 1553; 11-18-2013 by Ord. No. 1563; 12-21-2020 by Ord. No. 1634] Department heads for the purposes of this article shall be:

City Assessor **Building Commissioner** Chief of Police **City Auditor** City Clerk City Engineer City Collector/Treasurer Council on Aging Director Director of Community Development and Planning Director of Information Technology **Director of Human Resources Director of Public Health Fire Chief Golf Course Superintendent** Library Director Public Works Director Purchasing Agent/Civil Enforcement Director

Veterans' Director

## § 171-53. Vacation.

- A. The Police Chief and Fire Chief shall be granted an annual vacation without loss of pay as follows:
  - (1) Employed for one to four years shall be entitled to two weeks (14 calendar days).
  - (2) Regularly employed five to nine years shall be entitled to three weeks (21 calendar days).
  - (3) Regularly employed 10 to 14 years shall be entitled to four weeks (28 calendar days).
  - (4) Regularly employed for over 15 years shall be entitled to 31 calendar days.
- B. All other department heads as defined in § 171-52 shall be granted an annual vacation without loss of pay as follows:
  - (1) Employed for one to nine years of regular employment shall be entitled to three weeks or 15 working days.
  - (2) Regularly employed from 10 years to 14 years shall be entitled to four weeks or 20 working days.
  - (3) Regularly employed for 15 years to 19 years shall be entitled to five weeks or 25 working days.

- (4) Regularly employed 20 years or more shall be entitled to 28 working days. [Added 12-21-2020 by Ord. No. 1634]
- C. A department head shall be deemed to be regularly employed within the meaning of this article if he or she has been actually employed for 27 weeks in the aggregate during the 12 months preceding the first day of June of the year in which the vacation is to be granted.
- D. Department heads that do not utilize all of their vacation time within the calendar year it was granted will be allowed to carry over into the next calendar year twice their annual vacation accrual. Any department head who exceeds that amount of vacation accumulation on December 31 shall forfeit any excess of the permitted accumulation.
- E. Newly hired department heads shall be granted vacation time according to the following schedule:

	Number of Vacation Days		
First Day of Employment	Police/Fire	All Other Department Heads	
January 1 to April 30	14	15	
May 1 to August 31	10	10	
September 1 to December 31	5	5	

- F. In the event that a department head terminates employment with the City, any vacation accrued will be paid to the department head. If a department head dies, any accrued vacation days shall be paid to the estate of said deceased department head.
- G. Upon termination, resignation or retirement, the annual allotment of vacation time for the year in which the department head's employment ends shall be prorated monthly from the date the department head's employment ends. [Added 12-21-2020 by Ord. No. 1634]
- § 171-54. Personal time.
- A. Department heads shall be granted three personal days 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: [Added 12-21-2020 by Ord. No. 1634]
  - (1) January 1 to April 30: two days.
  - (2) May 1 to August 31: one day.

§ 171-55. Sick leave.

- A. Department heads shall be granted a maximum of 15 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.
- B. A department head that has been absent from work due to the use of nonoccupational sick leave three consecutive days or more at one time must present a doctor's certificate to the Mayor. A doctor's certificate may also be required if the Mayor has reasonable cause to believe that the department head may be abusing his/her nonoccupational sick leave.

- C. A department head will contact the Mayor's office each morning by 8:30 a.m. when he/she is going to be absent from work due to illness.
- D. Department heads may donate sick leave to another employee of the City of Gardner who is in serious need (due to a serious illness or injury and that employee has utilized all of his/her available sick, personal, compensatory and vacation time). The donated time shall be paid to the employee in need at that employee's rate of pay. Authorization of the donation of this time shall be at the sole discretion of the Mayor.

#### § 171-56. Sick leave incentive time.

#### [Amended 6-1-2009 by Ord. No. 1493]

Commencing effective July 1, 2009, department heads that do not use sick leave in a calendar month shall earn 1/2 day off not to be charged to sick leave or vacation leave. Time earned in this manner shall be referred to as "sick leave incentive time."

# § 171-57. Sick leave buy back.

- A. For all employees hired as department heads prior to or on February 1, 1979, upon retirement, if a department head has an accumulated sick leave balance, the department head shall be granted pay for such accumulation upon retirement at a rate of one full day's pay for each such day of accumulated sick leave, not to exceed 50 days' pay, plus an additional 50% of the daily rate for accumulated days over and above the first 50 days that remain. Upon voluntary termination or layoff of employment of a department head, if such department head has an accumulated sick leave balance, the department head shall be granted pay for such accumulation upon termination at a rate of 1/4 day's pay for each such day of accumulated sick leave that remains.
- B. For all department heads hired after February 1, 1979, and prior to October 17, 1995, upon retirement of employment, if the department head has an accumulated sick leave balance, he or she shall be granted pay for such accumulation not to exceed 50 days' pay, plus an additional 50% of the daily rate for accumulated days over and above the first 50 days, but not to exceed 130 days. Upon voluntary termination or layoff of employment, a department head with an accumulated sick leave balance shall be granted pay for such accumulation at a rate of 1/4 day's pay for each such day of accumulated sick leave, not to exceed 30 days paid.
- C. Department heads hired on or after October 17, 1995, shall not be entitled to the sick leave buy back provision granted in Subsections **A** and **B** of this section.
- D. In the event that a department head hired before October 17, 1995, shall die prior to retirement, any accrued sick days shall be paid to the estate of said deceased department head.

# § 171-58. Bereavement leave.

- A. Department heads shall be granted bereavement leave without loss of pay for normally scheduled working hours, not to exceed three consecutive days, on the account of a death in the immediate family of the department head. "Immediate family" shall include spouse, parent, stepparent, parent of spouse, children, brother, sister, grandparents, grandchildren, or a person living in the immediate household of the department head.
- B. Bereavement leave of one day without loss of pay for normally scheduled working hours may be granted per occurrence for the death of a department head's niece, nephew, brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunt or uncle.

§ 171-59. Civic duty leave.

See Article III of this chapter.

# § 171-60. Holidays with pay.

- A. Department heads, with the exception of the Police Chief and Fire Chief (see Article **X** of this chapter), shall be granted holidays with pay on each of the following 12 holidays:
  - (1) New Year's Day.
  - (2) Martin Luther King Day.
  - (3) Presidents Day.
  - (4) Patriots Day.
  - (5) Memorial Day.
  - (6) Independence Day,
  - (7) Labor Day.
  - (8) Columbus Day.
  - (9) Veterans Day.
  - (10) Thanksgiving Day.
  - (11) The day after Thanksgiving.
  - (12) Christmas Day.
- B. Sunday holidays shall be celebrated on the following Monday. Saturday holidays shall be celebrated on the preceding Friday.

#### § 171-61. Longevity pay.

- A. Department heads who have been employed for at least five continuous full-time years of service shall receive, in addition to their regular compensation, longevity pay of \$150 during the first year that such service is attained and each fiscal year thereafter. Such department heads shall receive an additional \$30 per year for each additional year of full-time continuous service with the City.
- B. Payment of longevity pay shall be made on the third pay date in June to all department heads who are entitled during the fiscal year preceding such date, except that a department head who is terminated, except involuntarily for cause, shall receive payment on the date of termination for such longevity pay for which the department head was eligible in such fiscal year prior to the date of termination.
- C. For the purpose of calculating longevity pay, a year of employment shall be 32 weeks in the aggregate during the fiscal year.<sup>[1]</sup>
  - [1] Editor's Note: Original Sec. 10D, which immediately followed this subsection and was added 6-1-2009 by Ord. No. 1496, was repealed 5-3-2010 by Ord. No. 1515.

## Article XIV. Compensation for College Credits

[Adopted 1-7-2008 by Ord. No. 1465]

§ 171-62. Additional compensation.

In addition to the provisions of the salary ordinance<sup>[1]</sup> for personnel for the Police and Fire Departments, compensation shall be paid annually as follows.

[1] Editor's Note: See Ch. 171, Personnel, Arts. XV and XVI.

#### § 171-63. Fire Chief.

[Amended 6-7-2021 by Ord. No. 1636]

- A. A Fire Chief who has completed courses in a degree-granting program toward a degree in fire science offered by a college which is certified by any state agency for such certification shall receive the following additional compensation annually:
  - (1) Associate's degree: \$2,000 per year.
  - (2) Bachelor's degree: \$4,000 per year.
  - (3) Master's degree: \$6,000 per year.
- B. The maximum amount of additional compensation shall not exceed \$6,000 per year.

# § 171-64. Chief of Police and Deputy Chief of Police.

[Amended 11-19-2012 by Ord. No. 1555]

- A. Effective July 1, 2012, a Police Chief or Deputy Police Chief who has completed courses in a degreegranting program towards a degree in criminal justice or law enforcement offered by a college which is certified by any state agency for such certification, however, under no circumstances shall said state agency certify any program which grants credits for the following: life experience, courses taught by instructors lacking appropriate educational degrees by said agency, and courses lacking appropriate concentration on academic and scholarly research, will receive the following educational incentive compensation:
  - (1) Upon attaining an associate degree in law enforcement or criminal justice a bargaining unit member will receive 5% of his/her base salary.
  - (2) Upon attaining a baccalaureate degree in law enforcement or criminal justice a bargaining unit member will receive 10% of his/her base salary.
  - (3) Upon attaining a master's degree in law enforcement or criminal justice a bargaining unit member will receive 12.5% of his/her base salary.
- B. Effective July 1, 2012, a Police Chief and/or Deputy Police Chief who has received a degree in criminal justice or law enforcement from an educational institution accredited by the New England Association of Colleges and Secondary Schools or by the Board of Higher Education, however, under no circumstances shall said agency of board certify any program which grants credits for the following: life experience, courses taught by instructors lacking appropriate educational degrees by said board or agency, and courses lacking appropriate concentration on academic and scholarly research, shall be eligible to receive the following educational incentive:
  - (1) Upon attaining an associate degree in law enforcement or criminal justice a bargaining unit member will receive 5% of his/her base salary.
  - (2) Upon attaining a baccalaureate degree in law enforcement or criminal justice a bargaining unit member will receive 10% of his/her base salary.
  - (3) Upon attaining a master's degree in law enforcement or criminal justice a bargaining unit member will receive 12.5% of his/her base salary.

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Payment shall be made to the employee in a lump on the second pay date in July.

#### Article XV. Yearly Salaries for Various Positions

[Adopted 9-21-1987 by Ord. No. 935; last amended 8-6-2012 by Ord. No. 1542]

## § 171-66. Yearly salaries established.

The yearly salaries for the Mayor, Council President, City Councilors and various other positions shall be as set forth in Schedule 1 included at the end of this chapter. On or after January 1 of each odd-numbered year beginning in 2007, the Finance Committee of the City Council shall report to the Council, as a Committee of the Whole, its recommendations for adjustment, if any, to the salaries of the Mayor and City Councilors.

#### Article XVI. Classification and Compensation

[Adopted 8-5-2013 by Ord. No. 1560]

# § 171-67. Classification plan established.

- A. A classification plan is hereby established for offices and positions in the service of the City, and establishing compensation grades thereof.
- B. 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. [Amended 7-5-2016 by Ord. No. 1594]

Classification Class Title	
Pay Grade	Class/Title
S-4	Certified Pool Operator (seasonal)
S-5	Head Lifeguard
S-6	Lifeguard (includes seasonal employees)
T-4	Temporary Seasonal Employees (Department of Public Works)
T-5	Temporary Seasonal Recreational Playground Supervisor
Т-6	Temporary Seasonal Technical
GC-4	Golf Course Laborers/Pro-Shop Assistants - tem- porary 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

#### Classification Class Title

§ 171-68. Compensation schedule.

- A. A classification plan is hereby established for offices and positions in the service of the City, and establishing compensation grades thereof.
- B. All appointive officers and all positions in the City of Gardner, including those filled by popular election, except those under the direction and control of the School Committee and those classified and organized under a collective bargaining agreement, shall be classed into positions, groups and grades according to their duties pertaining to each as herein provided.
- C. The officers, positions, officials and classifications are hereby allocated and fixed into salary grades in accordance with the following schedule.<sup>[1]</sup>
  - [1] Editor's Note: The Compensation Schedule is **included as an attachment to this chapter**.

## § 171-69. Union and contract personnel.

- A. Compensation for union and contract personnel is located in the individual union contract documents, individual employee contracts and the City Employee Handbook.
- B. Whenever personnel with a "Grade" classification covered by this article are promoted to a higher grade, such personnel shall initially upon being so promoted be paid at that step level on their new grade which is the next highest in wage or salary from the step level or salary they were receiving in their former grade.
- C. Whenever personnel with a "Position" classification covered by this article are promoted or appointed to a higher salaried position, such personnel shall initially upon being so promoted or appointed be paid at the step level in their new position which will provide them with a salary which is the next highest from the step level salary they were receiving in their position, but in no event shall said increase in salary be less than \$250.
- D. When a person is first hired by the City, such personnel shall always start his employment on the first and minimum wage or salary applicable to the grade or position for which the person has been hired. The City Council, upon the recommendation of the appointing authority and with the approval of the Mayor, may, due to special reasons and exceptional circumstances, allow or permit a person to be hired at a rate greater than the minimum rate prescribed for the particular group by the compensation schedule.
- E. After six months of continual service, a new City employee shall be elevated to the next step in his/her salary schedule; thereafter he/she shall be elevated to the next succeeding step after 12 months of service.

## Chapter 182. Planning Board

[HISTORY: Adopted by the City Council of the City of Gardner 12-15-1952 by Ord. No. 139. Amendments noted where applicable.]

#### GENERAL REFERENCES

Community Development and Planning Department — See Ch. **50**. Agent for the Planning Board — See Ch. **160**, Art. **X**. Zoning — See Ch. **675**.

## § 182-1. Board established; membership.

A Planning Board is hereby established. The Planning Board, hereinafter called the "Board," shall consist of five persons who are residents of Gardner and shall be appointed by the Mayor, subject to confirmation by the City Council. All members of the Board shall be sworn to the faithful discharge of the duties incumbent upon them.

# § 182-2. Powers and duties.

[Amended 11-18-2013 by Ord. No. 1563]

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.

# § 182-3. 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 as follows: the Mayor shall on or before January 1, 1953, appoint one person to serve until the 31st day of December 1953, one person to serve until the 31st day of December 1954, one person to serve until the 31st day of December 1955, one person to serve until the 31st day of December 1956, and one person to serve until the 31st day of December 1957, or until their successors are duly appointed, confirmed and sworn. Between the first and 31st day of December 1953, the first and 31st day of December 1956, and the first and 31st day of December 1956, and the first and 31st day of December of each year after 1956, the Mayor shall appoint a successor to serve a term of five 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.
- D. The members of the Board shall receive for their duties such compensation as the City Council may prescribe.

# § 182-4. Zoning Board of Appeals.

#### [Amended 11-18-2013 by Ord. No. 1563]

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.

# § 182-5. Effective date.

This chapter shall go into effect on January 1, 1953. It shall not affect any act done, any right accrued, any penalty incurred, or any suit, prosecution or proceeding pending.

# Chapter 193. Police Department

[HISTORY: Adopted by the City Council of the City of Gardner as indicated in article histories. Amendments noted where applicable.]

#### **GENERAL REFERENCES**

Emergency management — See Ch. **75**. Purchasing/Civil Enforcement Department — See Ch. **221**. Traffic Commission — See Ch. **275**. Alarm systems — See Ch. **302**.

Article I. Special Police Officers

[Adopted 4-4-1977 by Ord. No. 633]

§ 193-1. Special police officers for City service.

The City of Gardner may employ a person in police duty only when such duty is absolutely essentiat to its regular services as an employee of the City.

# § 193-2. Special police officers for private service.

- A. The corporation, club or person applying for an appointment under this article shall be liable for the official misconduct of the officer appointed on such application and for the torts of any servant or agent in the employ of such club, corporation or person. When any such application is made by or in behalf of more than one person, it will not be considered unless all applicants sign it, nor when made by a corporation or club, unless it is signed by a duly authorized agent and accompanied by a certified copy of a vote authorizing such application to be made by such agent. All applicants shall be required to state the nature of their interest in the property or locality for which the officer is to be appointed, that is to say, whether as owners, lessees, agents or managers.
- B. Applications shall be turned in the first of February of each year, accompanied by a resume of police experience, to the Police Chief for recommendation, then to the Mayor for appointment, then to the Council for acceptance.

# Article II. Organization of Police Department

[Adopted 8-3-1992 by Ord. No. 1101]

§ 193-3. Official Table of Organization.

[Amended 8-2-1993 by Ord. No. 1132; 11-21-1994 by Ord. No. 1175]

The Police Department of the City of Gardner shall consist of a Chief of Police, a Deputy Police Chief, two Lieutenants, at least four 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 MGL c. 147, §§ 11, 12 and 13.

§ 193-4. Appointments.

All appointments to the Police Department shall be made by the Mayor, subject to approval of the City Council.

# § 193-5. Chief of Police; Deputy Chief of Police.

[Amended 9-6-1994 by Ord. No. 1170; 11-18-2013 by Ord. No. 1563]

- A. 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.
- B. 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

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providing for such exemption, and shall meet such minimum qualifications for said position 289 he Mayor, with the approval of the City Council, shall from time to time establish. [Added 12-2-2013 by Ord. No. 1566]

#### § 193-6. Compensation.

#### [Added 11-18-2013 by Ord. No. 1563]

The salary of the Chief of Police and other employees of the Police Department shall be established in the ordinances designating salaries and wages for the City employees.<sup>[1]</sup> [1] *Editor's Note: See Ch.* **171**, *Personnel, Arts. XV and XVI.* 

#### Article III. Civilian Police Dispatchers

[Adopted 2-7-1994 by Ord. No. 1154; amended in its entirety 4-19-1994 by Ord. No. 1159]

#### § 193-7. Appointment.

The Mayor may, upon the recommendation of the Chief of Police and subject to confirmation of the City Council, appoint full- or part-time civilian dispatchers, as needed by the City of Gardner.

#### § 193-8. Supervision.

All civilian dispatchers shall be subject to the authority of the Mayor and the Chief of Police.

#### § 193-9. Powers and duties.

No civilian dispatcher shall exercise police power or authority. Said dispatchers shall be under the direction and control of the Chief of Police and be subject to all rules, regulations, policies, procedures, orders or directions prescribed by the Chief of Police.

#### § 193-10. Compensation

Said dispatchers shall receive such compensation as the Mayor, with the approval of the City Council, shall from time to time determine.

#### Chapter 217. Public Works, Department of

[HISTORY: Adopted by the City Council of the City of Gardner 3-20-1972 by Ord. No. 501. Amendments noted where applicable.]

#### § 217-1. 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. The Director shall:
  - (1) Be responsible for and carry out the supervision of the following divisions: Highway, Water, Sewer, Wastewater Treatment Plant, Municipal Garage and Municipal Grounds (inclusive of Parks, Recreation, Cemetery, Forestry, and Plant and Pest Commission). 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.

[Amended 12-2-1974 by Ord. No. 576; 9-17-1979 by Ord. No. 708, 3-7-1983 by Ord. No. 801; 8-6-2012 by Ord. No. 1549; 11-18-2013 by Ord. No. 1563]

(2) Meet when requested by the City Council Public Service Committee. 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. 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.

[Amended 10-7-1974 by Ord. No. 570; 9-20-1976 by Ord. No. 620, 2-19-1985 by Ord. No. 858; 11-18-2013 by Ord. No. 1563]

- (3) Appoint on merit and fitness alone and remove all personnel of said divisions contained herein, subject to prevailing General Laws and ordinances. [Amended 8-6-2012 by Ord. No. 1549]
- (4) Attend meetings of the City Council and recommend to the City Council for adoption such measures requiring action by it as he may determine necessary or expedient, with approval of the City Council and Mayor.
- (5) Keep full and complete records of his office and render to the Mayor and the City Council, as often as may be required by them, a full report of all operations under his control. [Amended 11-18-2013 by Ord. No. 1563]
- (6) Keep the Mayor and the City Council fully advised as to the needs of the City within the scope of his duties and furnish the Mayor and the City Council, on or before the first day of December of each year, a detailed list of appropriations required during the next ensuing fiscal year for the proper conduct of all departments under his control and make and furnish also a master plan for all major public works for the City, giving priority to the projects in accordance with their necessity and importance, and establish long-range planning as may be determined for the best interest of the City.
- (7) Cause to be performed all of the work of all construction, reconstruction, alteration, repair, maintenance, and upkeep and all other work incidental thereto of the present Department of Public Works, including the following divisions: Highway, Water, Sewer, Wastewater Treatment Plant, Municipal Garage and Municipal Grounds, inclusive of work incidental thereto of the former Board of Cemetery Commissioners and Park Departments. Such work shall be performed in accordance with the policy of long-range plans and priorities of major projects and capital outlay requirements as may be authorized and established by the Department of Public Works. [Amended 3-7-1983 by Ord. No. 801; 8-6-2012 by Ord. No. 1549; 11-18-2013 by Ord. No. 1563]
- (8) Have and exercise all the supervisory powers over the work force pertaining to the assessments of betterments and their abatements vested immediately prior to his appointment and from time to time by general or special law or by City ordinance in the following boards and offices of the City: Highway, Water, Sewer, Cemetery, Forestry, and Plant Pest Control and Park Departments, said commissions being abolished upon the appointment of a permanent director. [Amended 9-17-1979 by Ord. No. 708; 3-7-1983 by Ord. No. 801; 8-6-2012 by Ord. No. 1549]
- (9) Coordinate with the City Engineer the direction and supervision of all types of construction and planning relating to divisions herein. Knowledge of the provisions of the General Laws of the commonwealth relating to the operation of the Park and Cemetery Divisions; knowledge of contract procedures; ability to prepare specifications in the procurement of new equipment; ability to train and plan, assign and supervise the work of Department personnel; and ability to establish effective working relationships with employees, engineering personnel, City officials, contractors and the general public shall be required. [Added 8-6-2012 by Ord. No. 1549]

(10) Have all the duties and powers vested in the separate boards and commissions of the Park, Recreation, Cemetery and Recreation Commission, except that the Cemetery Commission shall have sole control and responsibility for the management of perpetual care funds pursuant to MGL c. 114, § 19, and MGL c. 44, § 54. Except as already provided for herein, the Director shall succeed to all the rights, privileges, duties and liabilities of the above-mentioned boards and commissions.

[Added 8-6-2012 by Ord. No. 1549]

- C. Each petition submitted to the City Council and referred to the Director shall be returned to the City Council with the recommendation of the Director or the reason for the absence of such recommendation within 13 days of the submission of each petition to the Director.
- D. The duties, powers and responsibilities of said Director may be broadened or diminished at any time by ordinance by a two-thirds vote of the City Council consistent with prevailing General Laws or ordinances.

# § 217-2. Appointment of Director of Public Works.

A. The Mayor shall appoint, subject to the confirmation of the City Council, a Director of Public Works for a term of three years. The Director of Public Works shall be especially fitted by training and experience to perform the duties of said office. Said Director shall hold office until his successor is appointed.

[Amended 12-2-1974 by Ord. No. 576; 8-6-2012 by Ord. No. 1549; 11-18-2013 by Ord. No. 1563]

- B. Said Director may be removed from office in the same manner as department heads as provided by Section 8 of the City Charter.<sup>[1]</sup>
  - Editor's Note: Original Sec. 3 of Ord. No. 501, which immediately followed this section and was [1] amended 12-2-1974 by Ord. No. 576, was repealed 5-17-1976 by Ord. No. 616.

# § 217-3. Compensation.

#### [Added 11-18-2013 by Ord. No. 1563]

The salary of the Director and other employees of the Department of Public Works shall be established in

the ordinances designating salaries and wages for the City employees.<sup>[1]</sup>

Editor's Note: See Ch. 171, Personnel, Arts. XV and XVI. [1]

# § 217-4. Transfer of personnel.

#### [Amended 9-20-1976 by Ord. No. 620; 8-6-2012 by Ord. No. 1549]

All persons employed by and under the supervision of the named divisions, boards and commissions shall, upon the effective date of this chapter, be transferred to the Department of Public Works. All such transfers of personnel shall be made without loss of pay and without change of rating, seniority, retirement or pension rights, or any other privileges under any provisions of this chapter. The incumbent working foremen of the aforementioned divisions and offices affected by this chapter, when transferred to the Department of Public Works as hereinbefore provided, shall become working foremen of the corresponding divisions of said Department of Public Works.

## Chapter 221. Purchasing/Civil Enforcement Department

[HISTORY: Adopted by the City Council of the City of Gardner 9-6-2011 by Ord. No. 1530. Amendments noted where applicable.]

§ 221-1. Purpose.

There is hereby established in the administrative service of the City of Gardner the Purchasing/Civil Enforcement Department and, in said Department, the office of City Purchasing Agent/Civil Enforcement Director, hereinafter referred to as "Director."

# § 221-2. General authority of Director.

The Purchasing Agent/Civil Enforcement Director shall direct, supervise and have control of the Purchasing/Civil Enforcement Department. The Purchasing Agent/Civil Enforcement Director shall have all powers and duties prescribed by this chapter and shall serve as the City's Chief Procurement Officer (CPO) and Affirmative Marketing Construction Officer. The Purchasing Agent/Civil Enforcement Director shall be responsible for all purchases and contractual services and all sales of property. 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. The Purchasing Agent/Civil Enforcement Director shall serve as the City's Municipal Hearing Officer.

# § 221-3. Appointment and compensation of Director; employees.

- A. The Purchasing Agent/Civil Enforcement Director shall be appointed by the Mayor for a term of three years, subject to confirmation by the City Council.
- B. The salary of the Purchasing Agent/Civil Enforcement Director shall be included in the salary and wage ordinance of the City.<sup>[1]</sup>
   [1] Editor's Note: See Ch. 171, Personnel, Arts. XV and XVI.
- C. Persons employed in the Purchasing/Civil Enforcement Department shall be under the direct supervision of the Purchasing Agent/Civil Enforcement Director.

## § 221-4. Powers and duties of Director.

- A. The Purchasing Agent shall:
  - (1) Apply the provisions of Massachusetts Uniform Public Procurement Laws to all purchases, orders and contracts for the City of Gardner, utilizing rules of procedure established by the Purchasing Agent as necessary to conform to all aspects of state and federal procurement laws and regulations. Such purchases, orders and contracts shall include procurement of supplies, services, construction and repairs to public buildings, public works projects, design and engineering services, and the acquisition and disposition of real property and personal property.
  - (2) Ensure that all specifications be definite and certain and shall permit open and fair competition; provided, however, that the provisions of this subsection shall not apply to noncompetitive purchases or contracts.
  - (3) Act to procure for the City the highest quality supplies and contractual services, incurring the least expense to the City.
  - (4) Endeavor to obtain as full and open competition as possible on all purchases and sales.
  - (5) Serve as the City's Affirmative Marketing Construction Officer in cooperation with the Massachusetts Supplier Diversity Office. [Amended 11-18-2013 by Ord. No. 1563]
- B. The Purchasing Agent is authorized to promulgate regulations, policies and procedures consistent with the intent of this chapter, subject to prevailing general laws.
- C. The Purchasing Agent/Civil Enforcement Director shall

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- (1) Serve as the Parking Clerk in accordance with MGL c. 90, §§ 20A 1/2 to 20E. The Parking Clerk shall be responsible for the supervision and processing of parking violations, conducting informal hearings for violation appeals, and reporting overdue violations to the Registry of Motor Vehicles. The Parking Clerk shall be responsible for contracting with a state-approved vendor for coordination with the Registry of Motor Vehicles.
- (2) Oversee the input, computerized tracking, management and reporting of all noncriminal fines and penalties from initial imposition through collection.
- (3) Serve as the City's Municipal Hearing Officer in accordance with MGL c. 148A, Code Enforcement Officer. The Municipal Hearing Officer shall conduct requested hearings of code violations pursuant to this chapter and shall be compensated as provided under MGL c. 148A, § 5.

[Amended 11-18-2013 by Ord. No. 1563]

## § 221-5. 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.

## § 221-6. Sale, alienation or disposal of personal or real property.

- A. Personal property shall be declared scrap or surplus by the functional department head. No tangible personal property, whether the same is controlled by any department, board or otherwise, shall be sold, alienated or otherwise disposed of except upon the written approval of the City Council committee having charge of matters concerning such department, board or otherwise and with the written approval of the Mayor.
- B. Real property shall be declared surplus by a vote of the City Council with the approval of the Mayor. No real estate, whether the same is controlled by any department, board or otherwise, shall be sold, alienated or otherwise disposed of except with the approval of the City Council and Mayor.

## § 221-7. Award of contract.

- A. 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.
- B. 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.

## § 221-8. 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.

## § 221-9. 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:

- A. 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
- B. Uphold the bid protest on grounds the protest proves a violation of the Massachusetts Uniform Procurement Act and conduct a new procurement.

## § 221-10. 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.

## § 221-11. 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.

## § 221-12. 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.

## § 221-13. Affirmative Marketing Construction Officer.

#### [Amended 11-18-2013 by Ord. No. 1563]

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.

### § 221-14. Municipal Hearing Officer.

#### [Amended 11-18-2013 by Ord. No. 1563]

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.

### Chapter 252. Seal

[HISTORY: Adopted by the City Council of the City of Gardner 4-2-1923 by Ord. No. 12. Amendments noted where applicable.]

## § 252-1. Description.

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.



## § 252-2. Deeds.

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.

### § 252-3. Use of Seal.

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.

## Chapter 264. Survey Department

[HISTORY: Adopted by the City Council of the City of Gardner 12-2-1974 by Ord. No. 577. Amendments noted where applicable.]

## § 264-1. Department established; appointment of City Engineer.

A Survey 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.

## § 264-2. Duties of City Engineer.

The duties of the City Engineer shall be as follows:

- A. The City Engineer shall:
  - (1) Make plans for and have supervision of all City engineering structures.
  - (2) Perform all services which properly come under the direction of a certified civil engineer.
  - (3) Give advice to all City officials authorized to consult with him on matters relating to public improvements of every kind where the advice of a civil engineer would be of service.
  - (4) Make regular inspections of all dams, bridges, and other public works belonging to the City.

- (5) In consultation with the Mayor, determine which outside engineering firms shall be selected for service on City projects.
   [Amended 11-18-2013 by Ord. No. 1563]
- (6) Coordinate his activities with the Director of the Public Works Department. [Amended 3-7-1983 by Ord. No. 803; 11-18-2013 by Ord. No. 1563]
- (7) Administer the Survey Department.
- B. The City Engineer may employ, from time to time, such full-time or part-time assistance as may be required, subject, however, to proper appropriations being made therefor.

### § 264-3. Survey Department Coordinator.

[Added 9-15-1997 by Ord. No. 1251]

- A. There shall be established in the Survey Department the position of Survey Department Coordinator. The Coordinator shall be appointed by and directly report to the City Engineer, subject to confirmation by the City Council, for a term of three years.
- B. The duties of the Survey Department Coordinator shall be as follows:
  - (1) GIS Coordinator. Develop and maintain a GIS System for use of various City departments, including Survey, Public Works, Community Development and Planning, Assessing and Building. Initially, research existing data files which can be used to develop the database. Select software which will be compatible with existing hardware available in various City Hall offices. Make recommendations regarding new hardware or upgrades required, including cost estimates. [Amended 11-18-2013 by Ord. No. 1563]
  - (2) CADD and information systems implementation in the Survey Department.
    - (a) Review files of data maintained by Survey Department and recommend which are suitable for storage and retrieval via computer. Recommend and prioritize software and hardware (scanner, digitizer, etc.) acquisition. Estimate time requirements for data input and skill level for persons to perform this task.
    - (b) Review tasks normally performed by Survey Department drafts persons and recommend which tasks can be better or more efficiently performed with a CADD system.
    - (c) Implement computer-based construction specifications and contract document assembly.
  - (3) 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:
    - (a) 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.
    - (b) Inspect subdivision infrastructure (drainage, sanitary sewers, water mains, roads and sidewalks) during construction and submit periodic reports to the Planning Board.
    - (c) Develop stormwater management practices and policies for subdrainage basins within the City.
  - (4) Zoning Board of Appeals/Conservation Commission Coordinator. Review all 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.
  - (5) 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

City of Gardner, MA Part I: Administrative Legislation

sewer system. Quantify estimates of flow reduction due to these efforts and prepare and submit semiannual reports to the Department of Environmental Protection.

- (6) Construction administration. Oversee construction contracts being performed directly for the Department of Public Works, based on plans and specifications prepared by the Survey Department. This task will include construction inspection and field documentation of as-built quantities and locations. This task will involve supervision of up to two other Survey Department employees.
- (7) Any and all other duties as assigned by the City Engineer.

## § 264-4. Department responsibilities.

The Survey 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 Survey 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 Survey 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<sup>[1]</sup> 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.<sup>[2]</sup>

[Amended 11-18-2013 by Ord. No. 1563]

- [1] Editor's Note: See MGL c. 41, §§ 81K to 81GG.
- [2] Editor's Note: Original Secs. 4 and 5, which immediately followed this section and provided for the transfer of personnel and materials to the Survey Department, were repealed 11-18-2013 by Ord. No. 1563.

## § 264-5. Compensation.

The salary of the City Engineer and other employees within the Survey Department shall be established in the ordinances designating salaries and wages for the City employees.<sup>[1]</sup> [1] *Editor's Note: See Ch.* **171**, *Personnel, Arts. XV and XVI.* 

## Chapter 275. Traffic Commission

[HISTORY: Adopted by the City Council of the City of Gardner 10-3-1988 by Ord. No. 981. Amendments noted where applicable.]

#### **GENERAL REFERENCES**

Parking — See Ch. **512**. Vehicles and traffic — See Ch. **600**.

## § 275-1. Commission established; membership.

- A. There shall be established in the City of Gardner a Traffic Commission.
- B. 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. [Amended 11-18-2013 by Ord. No. 1563; 8-5-2019 by Ord. No. 1624]

## § 275-2. Placement of official traffic signs and signals.

#### [Amended 11-18-2013 by Ord. No. 1563]

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.

### § 275-3. Meetings; duties.

- A. The Traffic Commission shall meet regularly, not less often than quarterly.
- B. Among its duties the Traffic Commission shall:
  - (1) 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.
  - (2) Monitor all traffic-related issues, from signs to major project proposals.
  - (3) Actively pursue state or federal grants for street improvements (including curbing, pedestrian crossings, and signalization).
  - (4) Improve traffic on a regional basis, working with and supporting endeavors of the Montachusetts Regional Planning Commission (MRPC), with an active member (appointed by Mayor for a threeyear term) to be part of the MRPC.

### Chapter 290. Youth Commission

[HISTORY: Adopted by the City Council of the City of Gardner 5-5-1986 by Ord. No. 884. Amendments noted where applicable.]

## § 290-1. Commission established; membership.

- A. 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. [Amended 5-16-1994 by Ord. No. 1161; 12-18-2006 by Ord. No. 1446; 9-2-2008 by Ord. No. 1477]
- 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.

#### § 290-2. 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.

#### § 290-3. 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.



City of Gardner - Executive Department

Mayor Michael J. Nicholson

 RECEIVED

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 NTY CLEINER DR.

October 2, 2024

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

RE: An Order Authorizing the City to Enter into a 5-Year Contract for Grant Writing and Government Outreach Services

Dear Madam President and Councilors,

As you are aware, for the last year, the City has hired on-call grant writers to assist the City in navigating the unprecedented amount of grant funding that is currently available. The return on this investment have been well over expectations.

In order to keep this progress going, I am requesting that the City Council vote to authorize the administration to enter into a five (5) year contract for grant writing and government outreach (lobbying) services. This will then be put out for a request for proposals (RFP) under the requirements of the General Laws.

An appropriation to fund this contract will be put before the City Council once free cash is certified.

Respectfully Submitted,

Muchael Juhrlan

Michael J. Nicholson Mayor, City of Gardner

#### AUTHORIZING FIVE-YEAR CONTRACT PERIOD GRANT WRITING & GOVERNMENT OUTREACH SERVICES

VOTED: To authorize the City to enter into a contract not to exceed five (5) years for Grant Writing and Government Outreach Services, pursuant to the provisions of Massachusetts General Law, Chapter 30B, section 12 and under the terms outlined in the Purchasing Agent's October 2, 2024, Memorandum.

#### CITY OF GARDNER PURCHASING DEPARTMENT

Room 217 - City Hall 95 Pleasant Street Gardner, MA 01440-2687



Joshua Cormier, Director jcormier@gardner-ma.gov Telephone (978) 632-0426

TO: Gardner City Council Mayor Michael J. Nicholson

FROM: Joshua Cormier, Purchasing Agent

DATE: October 2, 2024

SUBJECT: Request for 5-year contracts

According to MGL c 30B, any contract that exceeds three years must be approved by a majority vote by the City Council.

I respectfully request permission from the Gardner City Council to seek up to a five-year contract (including renewals) for the below listed projects. Following compliance with procurement requirements, all such contracts will continue only if the contracted vendor(s) is in good standing.

• Grant Writing & Government Outreach Services

My intention to seek a longer-term contract is to attract more competitive rates from vendors and to conduct more effective contract management.

If you have any questions or concerns, please feel free to contact me for additional details.



# CITY OF GARDNER MASSACHUSETTS 01440

OFFICE OF THE **CITY CLERK** Room 121, City Hall Tel (978) 630-4058 Fax (978) 630-2589

## ABUTTERS NOTICE AND OTHER INTERESTED PARTIES

Pursuant to the provisions of Chapter 567 of *The Code of the City of Gardner*, notice is hereby given that the Public Safety Committee will conduct a Public Hearing on Friday, September 13, 2024 at 8:15 a.m. in the City Council Chamber, Room 219, City Hall, 95 Pleasant Street, Gardner, Massachusetts, regarding:

#11204 – An Ordinance to Amend the Code of the City of GardnerChapter 600, Entitled "Vehicles and Traffic", Section 24, Entitled"Parking Prohibited on Certain Streets" – Edgell Street, from ElmStreet to Lawrence Street.

Persons interested in this matter are encouraged to attend and to offer testimony.

CITY COUNCIL OF GARDNER Titi Siriphan, City Clerk 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:

<u>SECTION 1:</u> 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

Name of Street Edgell Street <u>Side</u> North Location From Elm Street to Lawrence Street



City of Gardner - Executive Department

Mayor Michael J. Nicholson

2024 AUG 28 PM 4: 1,6

August 28, 2024

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

RE: A Measure to Grant National Grid an Easement to install a transformer at 95 Pleasant Street

Dear Madam President and Councilors,

Attached, please find a request for an easement for National Grid to install a new electrical transformer near Perry Auditorium as part of the Knowlton Street Electric Vehicle Charger project that I notified the City Council on as Item #11355 at the August 5, 2024 meeting.

By installing this transformer, not only does this give the area the electrical capacity it needs to install the ten (10) fast chargers for electric vehicles in the parking lot, but also significantly reduces the cost of upgrading the City Hall electrical service.

I respectfully ask that the City Council vote to grant the requested easement so that this project can move forward.

Respectfully Submitted,

wheel Julia

Michael J. Nicholson Mayor, City of Gardner

## EASEMENT AUTHORIZATION CITY OF GARDNER AND NATIONAL GRID

VOTED: To approve and authorize the Mayor to sign an Easement Deed with National Grid, to allow for the installation of a new electrical transformer near Perry Auditorium as part of the Knowlton Street electric Vehicle Charger project.

#### **GRANT OF EASEMENT**

CITY OF GARDNER, a municipal corporation having a usual place of business at 95 Pleasant Street, Gardner, Massachusetts 01440 (hereinafter referred to as the "Grantor"), for consideration of One (\$1.00) dollar, grants to MASSACHUSETTS ELECTRIC COMPANY, a Massachusetts corporation with its usual place of business at 170 Data Drive, Waltham, Massachusetts 02451 (hereinafter referred to as the "Grantee") with quitclaim covenants, the perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, lines to consist of, but not limited to, one (1) pole, (which may be erected at different times) with wires and cables strung upon and from the same and all necessary anchors, guys, and appurtenances (hereinafter referred to as the "OVERHEAD SYSTEM") and an "UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM" (hereinafter referred to as the "UNDERGROUND SYSTEM") consisting of lines of buried wires and cables and lines of wires and cables installed in underground conduits, together with all equipment and appurtenances thereto, and without limiting the generality of the foregoing, but specifically including the following equipment, namely: manholes, manhole openings, bollards, handholes, junction boxes, transformers, transformer vaults, padmounts, padmount transformers and all housings, connectors, switches, conduits, cables and wires, all located over, across, under and upon a portion of the Grantor's property in Gardner, Worcester County, Massachusetts, for the purpose of serving the Grantor's property and others.

Said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are located in, through, under, over, across and upon a portion of the Grantor's (the "Registry") property situated on the westerly side of Pleasant Street and the easterly side of Connors Street, being more particularly described on a deed dated January 22, 1921, and recorded with the Worcester South District Registry of Deeds in Book 2236, Page 20.

Said "OVERHEAD SYSTEM" is to originate from Pole P8, which is located on the westerly side of Connors Street, then proceed in an easterly direction from said Pole crossing Connors Street over, upon and across a portion of the Grantor's property to Pole P8-1, to be established by and upon the final installation thereof by the Grantee.

WR#30825979

Address of Grantees: Mass El. – 170 Data Drive, Waltham, Massachusetts 02451 After recording return to: Jeffrey Lord National Grid USA Service Company, Inc. 939 Southbridge Street Worcester, MA 01610

Property Address: 95 Pleasant Street, Gardner, MA 01440 (Worcester South County)

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And further, said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantor) are approximately shown on a sketch entitled: "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.; <u>Easement Sketch</u>; 95 Pleasant St, Gardner, MA; Date: 8/6/24; Designer: Will Fontaine: W/R: 30825979; Installing new P8-1 and 1500 kVA Xfrmr; nationalgrid", a reduced copy of said sketch is attached hereto as "Exhibit A", copies of which are in the possession of the Grantor and Grantee herein, but the final definitive locations of said "OVERHEAD SYSTEM" shall become established by and upon the installation and erection thereof by the Grantee.

Also with the further perpetual right and easement from time to time without further payment therefore to pass and repass over, across and upon said Grantor's property as is reasonable and necessary in order to renew, replace, repair, remove, add to, maintain, operate, patrol and otherwise change said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and each and every part thereof and to make such other excavation or excavations as may be reasonably necessary in the opinion and judgment of the Grantee, its successors and assigns, and to clear and keep cleared the portions and areas of the Grantor's property wherein the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are specifically located, as shown on the sketch herein referred to, of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, as may, in the opinion and judgment of the Grantee, interfere with the efficient and safe operation and maintenance of the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and excavation or excavations and restore the surface of the land to as reasonably good condition as said surface was in immediately prior to the excavation or excavations thereof.

If said herein referred to locations as approximately shown on the sketch herein also referred to are unsuitable for the purposes of the Grantee, its successors and assigns, then said locations may be changed to areas mutually satisfactory to both the Grantor and the Grantee herein; and further, said newly agreed to locations shall be indicated and shown on the sketch above referred to by proper amendment or amendments thereto. The Grantor, for itself, its successors and assigns, covenant and agrees with the Grantee, for itself, its successors and assigns, that this Grant of Easement and the location of the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" may not be changed or modified without the written consent of the Grantee, its successors and assigns, which consent shall not be unreasonably withheld.

It is the intention of the Grantor to grant to the Grantee, its successors and assigns, all the rights and easements aforesaid and any and all additional and/or incidental rights needed to install, erect, maintain and operate within the Grantor's property an "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" for the transmission of intelligence and for the purpose of supplying electric service to the Grantor's property, including, without limitation, the building, buildings or proposed buildings shown on the last herein referred to sketch or amended sketch and the right to service others from said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM".

WR#30825979

The easements herein granted are non-exclusive, however, it is agreed that the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" shall remain the exclusive property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns, shall pay all taxes assessed thereon.

For Grantor's title see deed dated January 22, 1921, recorded with the Registry in Book 2236, Page 20.

IN WITNESS WHEREOF, City of Gardner has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by Michael J. Nicholson, its Mayor, being thereto duly authorized this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

#### CITY OF GARDNER

By: Michael J. Nicholson Its: Mayor

Commonwealth of Massachusetts

County of \_\_\_\_\_} ss.

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned Notary Public, personally appeared Michael J. Nicholson, proved to me through satisfactory evidence of identity, which was \_\_\_\_\_\_, to be the person whose name is signed on the preceding Grant of Easement and acknowledged to me that they signed it voluntarily for its stated purpose, as Mayor of the City of Gardner.

Signature of Notary Public

Printed Name of Notary

My Commission Expires

Place Notary Seal and/or Any Stamp Above

WR#30825979

