



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

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**CALENDAR FOR THE MEETING  
of  
MONDAY, DECEMBER 16, 2024  
CITY COUNCIL CHAMBER  
7:30 P.M.**

**ORDER OF BUSINESS**

**\*AMENDED**

**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)**

- September 16, 2024, Regular Meeting
- September 19, 2024, Special Meeting
- October 7, 2024, Regular Meeting

**VII. PUBLIC HEARINGS**

**VIII. COMMUNICATIONS FROM THE MAYOR**

**ORDERS**

**11450** – An Order Appropriating \$800,000.00 from Sewer Retained Earnings Surplus to Sewer Lechate Pump Station Improvements. *(Finance Committee) Page 21*

**11451** – An Order Appropriating \$150,000.00 from Water Retained Earning Surplus to Water Repairs to Mains Account. *(Finance Committee) Page 25*

**COMMUNICATIONS**

**11455** – Notice of Appointment of Vincent Pusateri, to the position of City Solicitor, for term expiring January 7, 2026. *(Confirmation not required) Page 29*

**11456** – Notice of Appointment of Rachel J. Roberts, to the position of Executive Secretary, for term expiring January 1, 2026. *(Confirmation not required) Page 32*

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

**11452** – Application for Motor Vehicle Dealers Licenses, Class II, Gardner Five Star Auto Sales, 407 Chestnut Street *(Safety Committee; Application received 12/9/2024) Page 33*

**11453** – Fire Department update with Fire Chief Greg Lagoy. *(Finance Committee) Page 35*

**11454** – Report on the Investigation of the Maki Park Project. *Page 38*

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

### **SAFETY COMMITTEE**

**\*11444** – Applications for Motor Vehicle Dealers Licenses, Class I. *(In the City Council and Referred to Safety Committee 12/2/2024) Page 65*

(a) Salvadore Chevrolet, 442 West Broadway

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

**\*11445** – Applications for Motor Vehicle Dealers Licenses, Class II *(In the City Council and Referred to Safety Committee 12/2/2024) Page 69*

(a) AC Auto Clinic, 411 Parker Street

(b) Brian's Auto Sales, 549 W Broadway

(c) Blake Motors, 412 Main Street

(d) Gardner Auto Mart, Inc., 182 West Street

(e) Gardner Motors, LLC, 119 Pearson Blvd

(f) JPJ Automotive, LLC, 78 East Broadway

(g) Mike's Auto, 251 E Broadway

(h) Osagi Enterprise, LLC., 43 Tobey Street

(i) Ric's Radiator Repair Used Car Sales, 800 W Broadway

(j) Riverside Auto, 65 Riverside Road

(k) Salvadore Chevrolet, 421 W Broadway

(l) Salvadore Chevrolet, 249 Timpany Blvd.

(m) J. Wood Inc., 361 West Street

**\*11446** – Applications for Motor Vehicle Dealers Licenses, Class III *(In the City Council and Referred to Safety Committee 12/2/2024) Page 99*

(a) Osagi Enterprise, LLC., Used Auto Parts Sales, 43 Tobey Street.

(b) Riverside Auto, 65 Riverside Road

**APPOINTMENTS COMMITTEE**

**11447** – A Measure Confirming the Mayor’s Appointment of Robert Mojica, to the position of Police Officer, permanent. *Page 103*

**COMMITTEE OF THE WHOLE**

**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, 10/21/2024, 11/4/2024, 11/18/2024; Ordered to First Printing 12/2/2024; First Printing 12/6/2024) Page 104*

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

**XII. NEW BUSINESS**

**XIII. COUNCIL COMMENTS AND REMARKS**

**XIV. CLOSING PRAYER**

**XV. ADJOURNMENT**

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

\***Amended** – Items #11444, 11445, 11446 were added to the agenda.

**REGULAR MEETING OF SEPTEMBER 16, 2024**

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

**CALL TO ORDER**

Council President Elizabeth Kazinskas called the meeting to order at 7:30pm.

**CALL OF THE ROLL**

Assistant City Clerk Jayen Kumar 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 (via phone conference), David Thibault-Muñoz and George Tyros.

**OPENING PRAYER**

President Kazinskas led the Council in reciting the Opening Prayer.

**PLEDGE OF ALLEGIANCE**

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

**OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT**

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

**READING OF MINUTES OF PRIOR MEETING(S)**

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 to waive the reading and accept the MINUTES of September 4, 2024, Regular Meeting.

REGULAR MEETING OF SEPTEMBER 16, 2024

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PUBLIC HEARINGS

There were no public hearings.

COMMUNICATIONS FROM THE MAYOR**#11388**

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

**A RESOLUTION SUPPORTING THE MAYOR'S REQUEST TO THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION TO OBTAIN FULL CUSTODIANSHIP OF ROUTE 140 FROM GREEN STREET TO THE TOWN OF WINCHENDON**

**WHEREAS**, The City of Gardner currently holds all responsibility and liability for the maintenance, upkeep, line painting, paving, design planning, and other responsibilities- financial and physical with the section of State Route 140 from the intersection with Green Street and the border of the City of Gardner and the Town of Winchendon; and

**WHEREAS**, the Massachusetts Department of Transportation currently holds all responsibility for these aspects in all other sections of State Route 140 that run through the City of Gardner; and

**WHEREAS**, the Massachusetts Department of Transportation has made a concerted effort to obtain full custodianship of all other sections of Route 140 in other area municipalities; and

**WHEREAS**, the Massachusetts Department of Transportation and the Administration, through the Mayor, the Department of Public Works, and the City Engineer, have requested that the Massachusetts Department of Transportation take over custody of the section of State Route 140 that the City currently maintains;

**NOW THEREFORE**, The City Council of the City of Gardner hereby adopts this resolution in support of the City's Administration's request for the Massachusetts Department of Transportation to take over custodianship of the section of State Route 140 from the intersection of Green Street to the City's border with the Town of Winchendon.

**#11390**

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, Karen Hardern, Dana Heath, Judy Mack, Paul

REGULAR MEETING OF SEPTEMBER 16, 2024

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Tassone, David Thibault-Muñoz and George Tyros; Councillor Brad Heglin abstained; to grant the measure:

AUTHORIZING FIVE-YEAR CONTRACT PERIOD  
SCHOOL DEPARTMENT COPIER AND PRINTER SERVICES

VOTED: To authorize the City to enter into a contract not to exceed five (5) years for School Department Copier and Printer Services, pursuant to the provisions of Massachusetts General Law, Chapter 30B, section 12 and under the terms outlined in the Purchasing Agent's June 18, 2024, Memorandum.

**#11391**

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 to grant the measure:

AUTHORIZING FIVE-YEAR CONTRACT PERIOD  
FIRE ALARM AND SPRINKLER TESTING SERVICES

VOTED: To authorize the City to enter into a contract not to exceed five (5) years for Fire Alarm and Sprinkler Testing Services, pursuant to the provisions of Massachusetts General Law, Chapter 30B, section 12 and under the terms outlined in the Purchasing Agent's August 28, 2024, Memorandum.

**#11392**

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 to place the measure on file, *A Communication from the Mayor providing an update on the progress at the Waterford Community Center.*

**#11393**

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 to grant the measure:

AN ORDER TO RENAME THE PROPERTY LOCATED AT 62 WATERFORD STREET AS THE  
“WATERFORD COMMUNITY CENTER”

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

REGULAR MEETING OF SEPTEMBER 16, 2024

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VOTED: that the building located at 62 Waterford Street, further identified on the Gardner Assessor's map as Parcel M22-13-4, that was previously named "Waterford Street School," be officially designated and re-named as the Waterford Community Center.

**#11394**

Councillor George Tyros informed the Council that through the Authority Under section 25 of the city Charter, initiate an investigation into if anything did indeed go wrong with the construction of the former park at Maki block, how, if any errors did occur, and what remedies the city may take to address any problems and possible process improvement in the future. Furthermore, that the council president appointed counselor to undertake the investigation and report back to the full council at the earliest time that a thorough recounting of the facts may be made.

Under section 28 of the city's charter, Councillor Calvin Brooks objected to the motion. No further action can be taken and will be postponed for the next meeting.

**ORDERS****#11389**

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 to remove the order from the calendar, *An Order Authorizing \$12,139.35 Payment of Previous Fiscal Year Bill for Public Building Utilities-Mayor's Unclassified Account.*

**REPORTS OF STANDING COMMITTEES**  
**FINANCE COMMITTEE****#11289**

An Ordinance to Amend the Code of the City of Gardner, Part 1, thereof entitled, "Administrative Legislation".

Councillor Alek Dernalowicz requested for MORE TIME.

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

**#11370**

An Ordinance to Amend the Code of the City of Gardner, Chapter 590, thereof entitled "Solid Waste" to change the fee for solid waste collections.

REGULAR MEETING OF SEPTEMBER 16, 2024

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President Kazinskas informed the Council that there was not enough time between the 1<sup>st</sup> Printing Publication and the next action. Because of the insufficient time, the item will remain on the calendar and action will be taken at the next meeting.

**There were no objections, item remains on the calendar.**

**#11371**

An Ordinance to Amend the Code of the City of Gardner, Chapter 553, thereof entitled “Sewer Rates”.

President Kazinskas informed the Council that there was not enough time between the 1<sup>st</sup> Printing Publication and the next action. Because of the insufficient time, the item will remain on the calendar and action will be taken at the next meeting.

**There were no objections, item remains on the calendar.**

**#11372**

An Ordinance to Amend the Code of the City of Gardner, Chapter 171, thereof entitled “Personnel” to amend Schedule E- Non-Union Compensation Schedule.

President Kazinskas informed the Council that there was not enough time between the 1<sup>st</sup> Printing Publication and the next action. Because of the insufficient time, the item will remain on the calendar and action will be taken at the next meeting.

**There were no objections, item remains on the calendar.**

**#11387**

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 to grant the resolution:

**A RESOLUTION RELATING TO THE FUTURE OF COLEMAN STREET SCHOOL**

**WHEREAS**, The City of Gardner has owned a building at 68 Coleman Street, known as Coleman Street School; and

**WHEREAS**, The City of Gardner has not used this property for municipal purposes for a number of years; and



REGULAR MEETING OF SEPTEMBER 16, 2024

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**WHEREAS**, the organization Making Opportunity Count, formerly known as the Montachusett Opportunity Council (MOC), has utilized the space for many years to house the Head Start Program, benefitting many Gardner families and youth;

**NOW THEREFORE BE IT RESOLVED**, The Gardner City Council formally requests the Mayor to study and report with his recommendations the declaration of surplus and later disposal of the building at 68 Coleman Street, known as Coleman Street School, by lease or sale.

**SAFETY COMMITTEE****#11204**

Councillor Craig Cormier informed the Council that the Public Safety Committee had a public hearing on this ordinance and several members of the public submitted their concerns. The recommendation from the Public Safety Committee is to send this ordinance back to the Traffic Commission for additional feedback and information.

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.**

**#11349**

On a motion made by Councillor Craig Cormier and seconded by Councillor Karen Hardern, it was voted on call of the roll, eleven (11) yeas, President Elizabeth Kazinkas and Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, David Thibault-Muñoz and George Tyros to grant, *An Application by EcoATM LLC, for a License to Deal in Second Hand Articles at 677 Timpany Blvd—Inside Walmart.*

**#11350**

Due to a potential conflict of interest, President Elizabeth Kazinkas recused herself and stepped away from this matter. Councillor Aleksander Dernalowicz conducted the meeting.

On a motion made by Councillor Craig Cormier and seconded by Councillor Karen Hardern, it was voted on call of the roll, ten (10) yeas, Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, David Thibault-Muñoz and George Tyros to grant, *An Application by Gardner Ten Pins, Inc., for a Bowling Alley License at 560 W. Broadway.*



REGULAR MEETING OF SEPTEMBER 16, 2024

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**SERVICE COMMITTEE**

**#11326**

A Petition by National Grid, Elm Street and Cross Street – relocate pole ISO approximately 15 feet.

Councillor Tyros requested for MORE TIME.

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

**#11385**

A Measure to Grant National Grid an Easement to Install a Transformer at 95 Pleasant Street.

Councillor David Thibault-Muñoz requested MORE TIME.

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

**NEW BUSINESS**

**There was no new business.**

**CLOSING PRAYER**

President Kazinkas led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion made by Councillor Craig Cormier and seconded by Councillor George Tyros, the meeting adjourned at 7:55pm.

**11 yeas, the motion passes.**

**SPECIAL MEETING OF SEPTEMBER 19, 2024**

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Special Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Thursday evening, September 19, 2024.

**CALL TO ORDER**

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

**ATTENDANCE**

Assistant City Clerk Jayen Kumar called the Roll of Members. Nine (9) Councillors present were present including President Elizabeth Kazinskas and Councillors Calvin Brooks, Aleksander Dernalowicz Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, David Thibault-Muñoz and George Tyros; Councillors Craig Comier and Paul Tassone were absent.

**OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT**

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

Paul DeMeo, 9 Willis Road, Gardner, MA, announced he may or may not be recording the meeting.

**#11394 – Discussion of the New City Park at the Location of the Former Maki Block.**

On a motion made by Councillor George Tyros, seconded by Councillor Aleksander Dernalowicz, it was voted that the Council, under section 25, investigate the newly constructed Park, commonly referred to as Maki Park, that the Council President appoint a Councillor to lead the investigation on their behalf and report to the whole Council of their findings.

Councillor Calvin Brooks would like to the City Council for objecting to this item at the last meeting. He should have been prepared to discuss this, but he was not. Next time he will remember to ask for a short recess instead.

**9 yeas, the motion passes.**



SPECIAL MEETING OF SEPTEMBER 19, 2024

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Adjournment

Motion made by Councillor Judy Mack, seconded by Councillor George Tyros to adjourn.

The Special Meeting concluded at 7:06 p.m.

**9 yeas, the motion passes.**

Accepted by the City Council:

Proposed response from the Law Department for items #11335, 11336, 11337, 11338, 11339, 11340, 11341, 11342, 11343, 11344, 11345, 11346, 11347, and 11347:

DATE  
VIA ELECTRONIC MAIL

**RE: Open Meeting Law Complaints dated 7/15/2024 regarding the July 1, 2024, City Council Meeting Reply**

Dear \_\_\_\_\_,

SPECIAL MEETING OF SEPTEMBER 19, 2024

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The city has received fourteen (14) Open Meeting Law complaints including your Open Meeting Law Complaint served on July 15, 2024. Whereas the deadline to respond to your Complaint is August 2, 2024, this response to your Complaint is timely. The Complaints all present two (2) issues.

The first issue is whether the Open Meeting law was violated by the city's use of an overflow room. The city determined it needed to prepare for a larger crowd. Once this determination was made, Attorney General Determination Letters were reviewed as guidance. Two options were presented. First, was to locate the public meeting in Perry Auditorium. Alternatively, the second option was to use Perry Auditorium as a location to accommodate an overflow crowd. City personnel conferred about these options, and it was decided Perry Auditorium would be used as an overflow room. We respect the fact that reasonable minds may differ on this decision, however, the use of the overflow room has been approved by the Attorney General. For these reasons, it is respectfully suggested that the use of a second room to accommodate a large crowd does not violate the Open Meeting Law.

Secondly, the Complaints raise an issue with the quality of the audio in the Perry Auditorium. The city respectfully disagrees with the assertion that the audio was poor. Staff were assigned to assess and set up audio and visual equipment prior to the meeting. The equipment was tested to ensure it would perform as expected, permitting those attending to hear and see the meeting. The equipment did perform when tested before the meeting by producing a clear audio signal. In addition, additional city staff were present during the meeting to assist members of the public to ensure they would be able to participate in the Public Meeting. After the meeting ended, city personnel who attended the meeting in Perry Auditorium reported that its content was clear and that the speakers were able to be understood. The first time a complaint was received by the city was when the public hearing was posted for the vote on the underlying matter.

The number of complaints received by the city in connection with this matter was concerning as we have had a public hearing scheduled on July 23, 2024, and the overflow room was set up in a similar manner. However, the city has taken additional steps to confirm compliance with the requirements of the Open Meeting Law by ensuring the audio-visual equipment in Perry Auditorium will allow those in attendance to both see and hear the meeting. This included retesting the equipment, adding a test at the beginning of the meeting, having city employees monitor the quality of the audio, have the same people reporting to the Council and suspending the meeting when technical difficulties occurred. Finally, the July 23, 2024, meeting in Perry Auditorium was recorded. To listen to the recording of the July 23, 2024 meeting please use this link <https://drive.google.com/drive/folders/1SIzP1boCAWabTA4tz2E6rkedN2caiAZ->



SPECIAL MEETING OF SEPTEMBER 19, 2024

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[?usp=sharing](#). It is respectfully suggested that this recording exemplifies the experience that attendees had in Perry Auditorium on July 1, 2024.

It is for these reasons that the meeting of July 1, 2024, did not violate the Open Meeting Law.

Very truly yours,

Cc: Michael Nicholson, Mayor  
Titi Siriphan, City Clerk  
Elizabeth Doiron, Assistant City Clerk  
Commonwealth of Massachusetts Attorney General's Office  
Elizabeth Kazinskas, City Council President

DRAFT

**REGULAR MEETING OF OCTOBER 7, 2024**

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Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, October 7, 2024.

**CALL TO ORDER**

Council President Elizabeth Kazinskas called the meeting to order at 7:30pm.

**CALL OF THE ROLL**

City Clerk Titi Siriphan called the Roll of Members. Ten (10) Councillors were present including Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Elizabeth Kazinskas, Judy Mack, Paul Tassone, David Thibault-Muñoz and George Tyros. Councillor Aleksander Dernalowicz was absent.

**OPENING PRAYER**

President Kazinskas led the Council in reciting the Opening Prayer.

**PLEDGE OF ALLEGIANCE**

President Kazinskas led the Council in reciting the “Pledge of Allegiance”.

**OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT**

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

**READING OF MINUTES OF PRIOR MEETING(S)**

On a motion made by Councillor Craig Cormier and seconded by Councillor Dana Heath, it was voted, ten (10) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Dana Heath, Karen Hardern, Brad Heglin, Judy Mack, Paul Tassone, David Thibault-Muñoz and George Tyros to waive the reading and accept the MINUTES of July 23, 2024, Informal Meeting, July 23, 2024 Public Hearing, and July 31, 2024 Special Meeting.

REGULAR MEETING OF OCTOBER 7, 2024

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PUBLIC HEARINGS

There were no public hearings.

COMMUNICATIONS FROM THE MAYOR**#11395**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted, ten (10) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, David Thibault-Muñoz and George Tyros to place on file, *A Communication from the Mayor Regarding the Certification of Valuations Changes and Qualified Comparable Sales – LA3*.

**#11396**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted, ten (10) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, David Thibault-Muñoz and George Tyros to place on file, *A Communication from the Mayor Regarding the Certification of City Valuations-LA4*.

**#11397**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted, ten (10) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, David Thibault-Muñoz and George Tyros to place on file, *A Communication from the Mayor Regarding the Certification of New Growth – LA13*.

**#11398**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted, ten (10) yeas, President Elizabeth Kazinskas and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, David Thibault-Muñoz and George Tyros to place on file, *A Communication from the Mayor Regarding City Employee Health Insurance Rates*.

**#11393**

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 to grant the measure:

AN ORDER TO RENAME THE PROPERTY LOCATED AT 62 WATERFORD STREET AS THE  
“WATERFORD COMMUNITY CENTER”





## REGULAR MEETING OF OCTOBER 7, 2024

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

VOTED: that the building located at 62 Waterford Street, further identified on the Gardner Assessor's map as Parcel M22-13-4, that was previously named "Waterford Street School," be officially designated and re-named as the Waterford Community Center.

**#11394**

Councillor George Tyros informed the Council that through the Authority Under section 25 of the city Charter, initiate an investigation into if anything did indeed go wrong with the construction of the former park at Maki block, how, if any errors did occur, and what remedies the city may take to address any problems and possible process improvement in the future. Furthermore, that the council president appointed counselor to undertake the investigation and report back to the full council at the earliest time that a thorough recounting of the facts may be made.

Under section 28 of the city's charter, Councillor Calvin Brooks objected to the motion. No further action can be taken and will be postponed for the next meeting.

**ORDERS****#11389**

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 to remove the order from the calendar, *An Order Authorizing \$12,139.35 Payment of Previous Fiscal Year Bill for Public Building Utilities-Mayor's Unclassified Account.*

**REPORTS OF STANDING COMMITTEES****FINANCE COMMITTEE****#11289**

An Ordinance to Amend the Code of the City of Gardner, Part 1, thereof entitled, "Administrative Legislation".

Councillor Alek Dernalowicz requested for MORE TIME.

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

**#11370**

An Ordinance to Amend the Code of the City of Gardner, Chapter 590, thereof entitled "Solid Waste" to change the fee for solid waste collections.

REGULAR MEETING OF OCTOBER 7, 2024

---

President Kazinskas informed the Council that there was not enough time between the 1<sup>st</sup> Printing Publication and the next action. Because of the insufficient time, the item will remain on the calendar and action will be taken at the next meeting.

**There were no objections, item remains on the calendar.**

**#11371**

An Ordinance to Amend the Code of the City of Gardner, Chapter 553, thereof entitled “Sewer Rates”.

President Kazinskas informed the Council that there was not enough time between the 1<sup>st</sup> Printing Publication and the next action. Because of the insufficient time, the item will remain on the calendar and action will be taken at the next meeting.

**There were no objections, item remains on the calendar.**

**#11372**

An Ordinance to Amend the Code of the City of Gardner, Chapter 171, thereof entitled “Personnel” to amend Schedule E- Non-Union Compensation Schedule.

President Kazinskas informed the Council that there was not enough time between the 1<sup>st</sup> Printing Publication and the next action. Because of the insufficient time, the item will remain on the calendar and action will be taken at the next meeting.

**There were no objections, item remains on the calendar.**

**#11387**

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 to grant the resolution:

**A RESOLUTION RELATING TO THE FUTURE OF COLEMAN STREET SCHOOL**

**WHEREAS**, The City of Gardner has owned a building at 68 Coleman Street, known as Coleman Street School; and

**WHEREAS**, The City of Gardner has not used this property for municipal purposes for a number of years; and

REGULAR MEETING OF OCTOBER 7, 2024

---

**WHEREAS**, the organization Making Opportunity Count, formerly known as the Montachusett Opportunity Council (MOC), has utilized the space for many years to house the Head Start Program, benefitting many Gardner families and youth;

**NOW THEREFORE BE IT RESOLVED**, The Gardner City Council formally requests the Mayor to study and report with his recommendations the declaration of surplus and later disposal of the building at 68 Coleman Street, known as Coleman Street School, by lease or sale.

**SAFETY COMMITTEE****#11204**

Councillor Craig Cormier informed the Council that the Public Safety Committee had a public hearing on this ordinance and several members of the public submitted their concerns. The recommendation from the Public Safety Committee is to send this ordinance back to the Traffic Commission for additional feedback and information.

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.**

**#11349**

On a motion made by Councillor Craig Cormier and seconded by Councillor Karen Hardern, it was voted on call of the roll, eleven (11) yeas, President Elizabeth Kazinkas and Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, David Thibault-Muñoz and George Tyros to grant, *An Application by EcoATM LLC, for a License to Deal in Second Hand Articles at 677 Timpany Blvd—Inside Walmart.*

**#11350**

Due to a potential conflict of interest, President Elizabeth Kazinkas recused herself and stepped away from this matter. Councillor Aleksander Dernalowicz conducted the meeting.

On a motion made by Councillor Craig Cormier and seconded by Councillor Karen Hardern, it was voted on call of the roll, ten (10) yeas, Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Judy Mack, Paul Tassone, David Thibault-Muñoz and George Tyros to grant, *An Application by Gardner Ten Pins, Inc., for a Bowling Alley License at 560 W. Broadway.*



REGULAR MEETING OF OCTOBER 7, 2024

---

SERVICE COMMITTEE

**#11326**

A Petition by National Grid, Elm Street and Cross Street – relocate pole ISO approximately 15 feet.

Councillor Tyros requested for MORE TIME.

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

WELFARE COMMITTEE

**#11385**

A Measure to Grant National Grid an Easement to Install a Transformer at 95 Pleasant Street.

Councillor David Thibault-Muñoz requested MORE TIME.

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

NEW BUSINESS

**There was no new business.**

CLOSING PRAYER

President Kazinskas led the Council in the Closing Prayer.

ADJOURNMENT

On a motion made by Councillor Craig Cormier and seconded by Councillor George Tyros, the meeting adjourned at 7:55pm.

**11 yeas, the motion passes.**



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

December 6, 2024

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

RECEIVED  
2024 DEC - 6 AM 11:38  
CITY CLERK'S OFFICE  
GARDNER, MA

RE: An Order Appropriating \$800,000.00 from Sewer Retained Earnings Surplus to Sewer Lechate Pump Station Improvements

Dear Madam President and Councilors,

The City's leachate pump station was originally installed in the mid-1980s and handles flow from both the City's solid waste and sludge landfills as well as portions of the gravity run portion of the sewer collection system.

This pump station is in large need of repair due to being past its useful life. This appropriation request is being put forward to undergo these necessary repairs.

Respectfully Submitted,

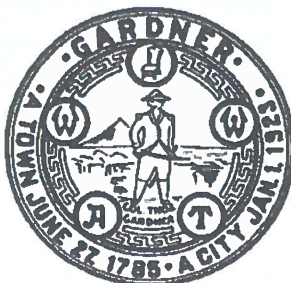
Michael J. Nicholson  
Mayor, City of Gardner

AN ORDER REQUESTING A TRANSFER FROM SEWER SURPLUS/RETAINED EARNINGS TO SEWER DEPT PUMP STATION EXPENDITURES.

ORDERED:

That there be and is hereby transfer the sum of Eight Hundred Thousand Dollars and 00/100 (\$800,000) from Sewer Surplus/Retained Earnings to Sewer Dept Pump Station Expenditures.

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



Highway  
Water  
Sewer  
Forestry  
Parks/Playgrounds  
Cemeteries

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

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

RE: Leachate Pump Station Upgrades

December 6, 2024

Dear Mayor Nicholson:

The Sewer Department is requesting an **\$800,000** from available Sewer Retained Earnings for improvements to the Leachate Pump Station.

The Leachate Pump Station was built in the mid-1980's and is beyond its useful life. This Pump Station handles flow from the Sludge Landfill and Sanitary Landfill located on West Street and pumps approximately 2200 feet to the gravity portion of the collection system further east on West Street.

The design for the project is complete and we received an engineer's estimate of \$760,000, but requesting an addition \$40,000 for any unforeseen issues that may arise during construction. This project is currently out to bid, and we are hoping to start construction in the late spring.

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

Sincerely,

Dane E. Arnold, Director  
Department of Public Works

PC: Public Service Committee  
John Richard, City Auditor



***CITY of GARDNER***  
**Office of the City Auditor**

John Richard, City Auditor  
 95 Pleasant Street, Room 126  
 Gardner, MA 01440

Phone: 978-632-1900 ext. 8020 • Fax: 978-630-3778  
 Email: jrichard@gardner-ma.gov

To: City Council

Re: Money Orders for consideration on December 11, 2024

Listed below are balances in various ledger accounts that pertain to Money Order transfers for your consideration.

These balances are as of December 6, 2024:

|                       |                                        |             | <u>Money<br/>Order</u> |    | <u>Balance</u> |
|-----------------------|----------------------------------------|-------------|------------------------|----|----------------|
| Sewer Enterprise Fund |                                        |             |                        |    |                |
| 61000-31500           |                                        |             |                        |    | \$ 5,364,214   |
|                       | To Sewer Dept for Pump Station Expense | 61440-58614 | \$ 800,000             | \$ | 4,564,214      |
|                       |                                        |             |                        | \$ | 4,564,214      |

Sincerely

*John Richard*

John Richard  
 City Auditor

copies: Mayor  
 City Clerk





City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

December 6, 2024

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

RECEIVED  
2024 DEC - 6 AM 11: 38  
CITY CLERK'S OFFICE  
GARDNER, MA

RE: An Order Appropriating \$150,000.00 from Water Retained Earnings Surplus to Water Repairs to Mains Account

Dear Madam President and Councilors,

As we have continued to make improvements to the City's water system, the Administration is looking to implement a new valve exercising program to ensure that we are replacing our valves in a timely manner to prevent any instances of them either breaking open or shut once operated.

This request is being put forward to implement this program.

Respectfully Submitted,

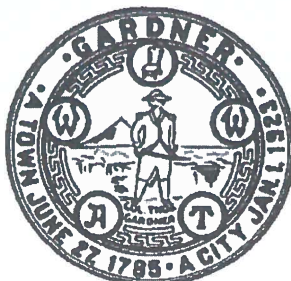
Michael J. Nicholson  
Mayor, City of Gardner

AN ORDER REQUESTING A TRANSFER FROM WATER SURPLUS/RETAINED EARNINGS TO WATER DEPT REPAIRS TO MAINS EXPENDITURES.

ORDERED:

That there be and is hereby transfer the sum of One Hundred, Fifty Thousand Dollars and 00/100 (\$150,000) from Water Surplus/Retained Earnings to Water Dept Repairs to Mains Expenditures.

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



Highway  
Water  
Sewer  
Forestry  
Parks/Playgrounds  
Cemeteries

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

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

RE: Repairs to Mains Shortfall

March 28, 2024

Dear Mayor Nicholson:

The Water Department is requesting the **\$150,000** from the available **Water Surplus** to create a **Valve Exercising** line item to implement a Valve Exercising program to the water valves in the water system.

The Water System has over 1,000 water valves in the system and the Water Department is now required to exercise them as part of an annual report to be submitted to the DEP. Some of these valves are 100 years old and will no doubt either break open or shut once they are operated. These valves will need to be repaired or replaced in a timely manor to assure proper water flow and water quality to the system.

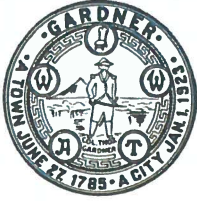
The plan is to exercise, log the condition, and replace the valves as needed as we proceed through this process. The \$150,000 will most likely not cover the costs to complete the first round of this exercising program for the entire system. This process will most likely take a couple of years to complete and then become an on-going maintenance project in the future. Each valve will be cleaned, exercised, and then a plug placed in the stem to prevent debris from reaching the valve. The thought is once each valve is exercised, they are less likely to break in the future.

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

Sincerely,

Dane E. Arnold, Director  
Department of Public Works

PC: Public Service Committee  
John Richard, City Auditor



***CITY of GARDNER***  
**Office of the City Auditor**

John Richard, City Auditor  
 95 Pleasant Street, Room 126  
 Gardner, MA 01440

Phone: 978-632-1900 ext. 8020 • Fax: 978-630-3778  
 Email: jrichard@gardner-ma.gov

To: City Council

Re: Money Orders for consideration on December 11, 2024

Listed below are balances in various ledger accounts that pertain to Money Order transfers for your consideration.

These balances are as of December 6, 2024:

|                                                             | <u>Money<br/>Order</u> | <u>Balance</u> |
|-------------------------------------------------------------|------------------------|----------------|
| Water Enterprise Fund                                       |                        |                |
| 62000-31500                                                 |                        | \$ 1,741,670   |
| To Water Dept for Repairs to Mains Expense      62450-52031 | \$ 150,000.00          | \$ 1,591,670   |
|                                                             |                        | \$ 1,591,670   |

Sincerely

*John Richard*

John Richard  
 City Auditor

copies: Mayor  
 City Clerk

January 7, 2025

# Commonwealth of Massachusetts

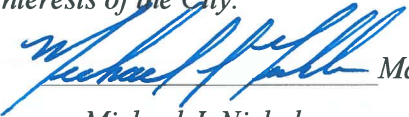
*Worcester County*

*City of Gardner*

## CERTIFICATE OF APPOINTMENT

I appoint Vincent Pusateri to the position of City Solicitor, and I certify

that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.

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

Confirmed by City Council CONFIRMATION NOT REQUIRED.

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

Expires: January 7, 2026

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

Then personally appeared the above named Vincent Pusateri and made oath that he/she would faithfully and impartially perform the duties of the office of City Solicitor according to law and the best of his/her abilities.

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

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

**From:** [Mayor](#)  
**To:** [Titi Siriphan](#)  
**Cc:** [Elizabeth Kazinskas](#)  
**Subject:** FW: Attorney Flick Retiring As City Solicitor - January 7, 2025  
**Date:** Thursday, December 12, 2024 2:39:39 PM  
**Attachments:** [image001.png](#)

---

Hi Madam Clerk,

Can you please include this correspondence as supplemental materials alongside Attorney Pusateri's appointment certificate notifications?

Best,

Mike

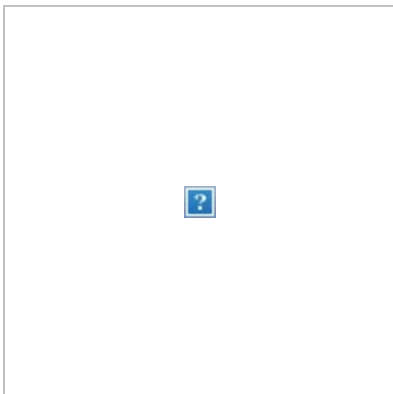
## **Michael J. Nicholson**

Mayor of the City of Gardner

Gardner City Hall, Rm 125

95 Pleasant St

Gardner, MA 01440



---

**From:** Mayor

**Sent:** Monday, November 18, 2024 5:43 PM

**To:** Katharine Jablonski <kjablonski@gardner-ma.gov>; Rachel Roberts (Mayor's Office) <Mayor\_Secretary@gardner-ma.gov>

**Subject:** Attorney Flick Retiring As City Solicitor - January 7, 2025

To all Department Heads, Board Chairs, and City Councilors,

After 17 years of service to the City of Gardner, City Solicitor John Flick has announced his retirement from the City as of January 7, 2025. Attorney Flick made this decision last summer after much contemplation. Attorney Flick will continue his private practice and looks forward to focusing on his private practice.

In discussing the transition of the Law Department, I will be appointing Assistant City Solicitor Vincent Pusateri as City Solicitor following Attorney Flick's retirement. Many of you have had an opportunity to work with Attorney Pusateri since his appointment as the Assistant City Solicitor. In order to assist this transition, please include Attorney Pusateri in all e-mail communications with the Law Department. Attorney Pusateri's e-mail is [vpusateri@pusaterilaw.com](mailto:vpusateri@pusaterilaw.com).

Best,

Mike

**Michael J. Nicholson**

Mayor of the City of Gardner  
Gardner City Hall, Rm 125  
95 Pleasant St  
Gardner, MA 01440

Effective January 1, 2025

# Commonwealth of Massachusetts

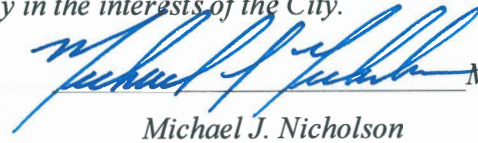
*Worcester County*

*City of Gardner*

## CERTIFICATE OF APPOINTMENT

I appoint Rachel J. Roberts to the position of Executive Secretary, and I certify

that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.

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

Confirmed by City Council CONFIRMATION NOT REQUIRED

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

Expires: January 1, 2026

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

Then personally appeared the above named Rachel J. Roberts and made oath that he/she would faithfully and impartially perform the duties of the office of Executive Secretary, 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 \_\_\_\_\_





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

11452

Date Received

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

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

1. Legal Name of Business: Northeast bus and truck sales LLC  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)

2. Doing Business As: Gardner five star Auto Sales  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)

3. Business Address: 407 Chestnut St Gardner MA 01440  
(Complete street address where business will be conducted and P.O. Box, if any)

4. Business Tel. 978-410-7171 Cellular 413-6950417 Fax \_\_\_\_\_ E-Mail Busandtruck@outlook.com

5. Is the business an individual, partnership, association or corporation? individual

6. If an individual, state full name and residential address: Jesus A Merino Monge  
170 E Hadley Rd apt 138 Amherst MA 01002

7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_

8. If an association or corporation, state full names of the principal officers:  
President \_\_\_\_\_  
Secretary \_\_\_\_\_  
Treasurer \_\_\_\_\_

9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? yes

a. If so, is your principal business the sale of new motor vehicles? NO

b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? yes

c. Is your principal business that of a motor vehicle junk dealer? NO

d. Is your principal business that of a "Repairs"? NO

e. Is your principal business that of "Repossession"? NO

9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
Used Car Dealers  
Small car repair

10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO

If yes, state the name of the manufacturer: \_\_\_\_\_

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

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

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

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

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

Jesus A Meano Monge  
 INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT

DATE SIGNED 12/19/24

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

OR

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

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

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

**Modified Duty**

Firefighter (Injured on duty) May 26 to present  
Firefighter (Non-duty sickness) June 9 to November 7  
Firefighter (Non-duty injury) October 26 to present

**Injury Leave**

Lieutenant May 21 to July 8 & September 18 to November 5

**Military Leave**

Firefighter October 3 to present  
Firefighter (Recruit) November 2023 to January 5, 2025

**Resignations**

Firefighter (10 year member) October 20  
Firefighter (5 year member) January 5, 2025

**Recruits**

Firefighters (3) Graduate Fire Academy December 20  
Firefighter (currently on M.L.) Scheduled graduation June 2025

### OT BUDGET BY YEAR - FIRE

| <b>FY</b> | <b>Orig. Approp.</b> | <b>Expended thru Dec</b> | <b>Full Year</b> | <b>Free Cash</b> |
|-----------|----------------------|--------------------------|------------------|------------------|
| 2025      | \$200,000.00         | \$360,968.11             |                  |                  |
| 2024      | \$300,000.00         | \$300,255.00             | \$468,131.41     | \$0.00           |
| 2023      | \$296,427.00         | \$389,962.00             | \$783,473.21     | \$89,547.00      |
| 2022      | \$300,000.00         | \$356,365.08             | \$677,372.52     | \$135,000.00     |
| 2021      | \$280,500.00         |                          | \$552,558.74     | \$52,000.00      |
| 2020      | \$275,000.00         |                          | \$432,136.51     | \$71,000.00      |

### OT BUDGET BY YEAR - AMB

| <b>FY</b> | <b>Orig. Approp.</b> | <b>Expended thru Dec</b> | <b>Full Year</b> | <b>Free Cash</b> |
|-----------|----------------------|--------------------------|------------------|------------------|
| 2025      | \$70,000.00          | \$53,951.94              |                  |                  |
| 2024      | \$80,000.00          | \$48,023.73              | \$102,028.04     | \$0.00           |
| 2023      | \$72,770.00          | \$42,182.14              | \$90,185.96      | \$0.00           |
| 2022      | \$75,000.00          | \$58,567.10              | \$107,106.49     | \$10,000.00      |
| 2021      | \$70,000.00          |                          | \$112,894.53     | \$13,000.00      |
| 2020      | \$65,000.00          |                          | \$102,317.94     | \$8,700.00       |

| <b>FY 25 OT SUMMARY - FIRE</b> |              |
|--------------------------------|--------------|
| Brush Fire Recalls             | \$13,609.53  |
| General Fire Recalls           | \$9,228.87   |
| Replace Family Leave           | \$1,137.97   |
| Replace Funeral Leave          | \$2,883.57   |
| Replace Injury Leave           | \$11,770.24  |
| Replace Military Leave         | \$16,136.13  |
| Replace Modified Duty          | \$80,029.76  |
| Replace Out of Grade           | \$7,687.27   |
| Replace Personal Leave         | \$31,070.49  |
| Replace Resignation            | \$12,342.27  |
| Replace Sick Leave             | \$42,202.14  |
| Replace Vacation Leave         | \$135,711.91 |
| Miscellaneous                  | \$8,848.44   |

| <b>FY 25 OT SUMMARY - AMB</b> |             |
|-------------------------------|-------------|
| Ambulance Recalls             | \$1,149.72  |
| Replace Injury Leave          | \$2,268.82  |
| Replace Military Leave        | \$5,536.41  |
| Replace Modified Duty         | \$1,053.62  |
| Replace Out of Grade          | \$3,029.86  |
| Replace Personal Leave        | \$17,914.59 |
| Replace Sick Leave            | \$19,739.67 |
| Replace Vacation Leave        | \$2,144.67  |
| Miscellaneous                 | \$1,065.79  |

# Report On The Investigation Of The Maki Park Project

Councillor George Tyros

Gardner City Council

*Pursuant to Section 25 of the City Charter*

Gardner Massachusetts

December 2024

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**INTRODUCTION**

This report is submitted to the City Council of Gardner, pursuant to Section 25 of the City Charter, which states that, “The council, or any committee thereof duly authorized by the council so to do, may investigate the financial transactions of any office or department of the city government, and the official acts and conduct of any official, and, by similar investigations, may secure information upon any matter.”

The purpose of this report is to determine the circumstances which lead to the newly constructed Maki Park differing from what was originally presented to the City Council when it appropriated funds for the project over two years before its eventual completion and to provide recommendations of ways to prevent a similar situation from occurring in the future.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "George Tyros". The signature is stylized with a large initial "G" and a long horizontal stroke at the end.

Councillor George Tyros



## REPORT ON THE INVESTIGATION OF THE MAKI PARK PROJECT

On September 19<sup>th</sup> 2024, the Gardner City Council voted unanimously to initiate a Section 25 City Charter investigation regarding the newly constructed Maki Park and to authorize the Council President to assign one Councillor to conduct the investigation and then report their findings to the City Council. The following information summarizes the purpose, process and findings of that investigation.

### EXECUTIVE SUMMARY

The Maki Park project in Gardner, Massachusetts, was initiated to transform the lot at the former Maki Block building into a new park, addressing significant slope issues and ensuring Americans with Disabilities Act compliance. The Gardner City Council, at the request of the Mayor, appropriated funds for the project in June of 2022. Upon its completion in September of 2024, concerns were raised by the public regarding the park's lack of ADA compliance, prompting an investigation by the City Council. The key issues and events that were examined include the following:

**The design of the park changed from initial concept to bid award.** The conceptual layout, created by Tighe & Bond and presented to the City Council in June of 2022, showed three terraces with individual ramp entrances to each level. The Mayor's letter supporting the project cited the terraces would, "correct the grading issues, bring the slopes to a level that is compliant with ADA standards, and allow us to utilize the area in a productive manner" (Exhibit A). However, in May of 2023 the Bid Set Drawings utilized during the public bidding process for the project clearly show entrances only to the bottom and top terraces, with stairs from each connecting them to the middle terrace (Exhibit O).

**The Department of Community Planning & Development did not apply for or obtain a building permit for the construction of Maki Park.** The notice of violation by the Building Commissioner states, "Maki park does not meet the accessibility requirements as outlined in section 19.00 of 521 CMR; Massachusetts Accessibility Code as the middle tier of the park is not accessible to persons with disabilities" (Exhibit B). This issue was confirmed by both the Building Commissioner and Director of Community Development and Planning during their investigation interviews.

## DATA COLLECTION AND INVESTIGATION METHODOLOGY

Through email communication on September 25<sup>th</sup> 2024, Council President Elizabeth Kazinskas notified Mayor Michael Nicholson, Director of Community Development & Planning Trevor Beauregard, Auditor John Richard, Director of Purchasing Joshua Cormier and Building Commissioner Thomas Zuppa that she had assigned Councillor George Tyros to the investigation of the Maki Park Project. The following day, Councillor Tyros sent requests for documentation to Director Beauregard, Auditor Richard, Director Cormier and Commissioner Zuppa for initial review. The requests were as follows:

**Director Beauregard:** All documentation pertinent to the design and engineering of the park as approved in August of 2021 as part of the City's FY21 CDBG Mini-Entitlement Plan and as presented in June of 2022 to the City Council. All documents pertinent to the project scope and requirements of construction of the park as contracted with the engineering firm and contractor. Any written communication concerning this project.

**Auditor Richard:** All invoices and warrants of funds used for the design, engineering and construction of Maki Park.

**Director Cormier:** All documentation pertinent to the bidding process for Maki Park.

**Commissioner Zuppa:** All documentation pertaining to the permits for construction of the park.

Responses with relative documentation were received on September 27<sup>th</sup> from Auditor Richard and Commissioner Zuppa, September 30<sup>th</sup> from Director Cormier, October 9<sup>th</sup> from Director Beauregard (with complete submission on October 21<sup>st</sup>).

The data from the responses included a folder of 157 files from the Director Beauregard. Those files included design illustrative plans, technical drawings, proposals, grant application narratives, cost estimates for labor and material, invoices, various construction photos, and various documents from the engineering and construction firms the City contracted with for Maki Park. Director Beauregard requested Director of Technology Bob O'Keefe to perform an email search for related communications for the Maki Park Project on October 2<sup>nd</sup>, which was completed October 21<sup>st</sup>, returning 1,772 emails. From those emails, Councillor Tyros observed 10 additional files and 29 emails that contained data relative to the

## INVESTIGATION OF THE MAKI PARK PROJECT

investigation. Auditor Richard provided general ledger account details showing all invoices paid up to September 27<sup>th</sup> and copies of all warrants and invoices for Maki Park. Director Cormier provided bidding documents and the four change orders for the project. Commissioner Zuppa provided the issued electrical permit and violation letter for Maki Park.

After performing the initial review of the submitted data, Councillor Tyros scheduled in-person interviews with Director Beauregard, Director Cormier, Commissioner Zuppa, Human Resource Director Amanda Morse and Mayor Nicholson on November 21<sup>st</sup>, to take place on December 6<sup>th</sup> in City Hall. The purpose of these interviews was to confirm information and findings from the document review and to seek opinions of process improvements moving forward.

## **OBSERVATIONS AND FINDINGS**

### **OBSERVATIONS OF THE DESIGN AND CONSTRUCTION OF MAKI PARK**

In June of 2020, Director Beauregard created an initial concept of what would be known as Maki Park (Exhibit C). In that same month, the engineering firm Tighe & Bond was contacted by Director Beauregard to provide a scope of service for developing construction documents for the project for the purposes of submitting a grant proposal. Their design reflected the initial concept of a three-terrace park with individual ramps accessing each terrace (Exhibit A). This design was used in September of 2020, when Director Beauregard informed the Mayor via email that the City did not receive the requested funds from the MassDOT Shared Streets and Spaces Grant for the Maki Park Project as it did not meet the State's timeline for being completed that year (Exhibit D). On January 19<sup>th</sup> 2021, the Community Development Block Grant Program Steering Committee, administered by the Department of Community Development and Planning, met to discuss FY21 block grant proposed projects, of which included "Maki Park Design" was accepted unanimously by the committee (Exhibit E). In April of 2021, Director Beauregard and Director of Public Works Dane Arnold communicated regarding a new round of the Shared Streets and Spaces Grant Program being announced. Director Arnold expressed concerns relative to the slope of the proposed project lot towards the West and Parker Street side being problematic.

## INVESTIGATION OF THE MAKI PARK PROJECT

Director Beauregard replied that occupying parking spaces in downtown for the program would not be a good idea and proposed the tiered gravel pad approach (Exhibit F). In May of 2021, Economic Development Coordinator Jessica DeRoy reached out to Tighe & Bond to request a revised probable cost estimate for the project for a new grant application to the Shared Streets and Spaces Grant Program. In the application, the response to how the project will be implemented, including staffing roles, was answered as “The City of Gardner Department of Community Development and Planning (DCDP) will manage the project. The Director of DCDP, Trevor Beauregard, will act as Project Manager for the project. The City’s Economic Development Coordinator, Jessica DeRoy, will assist the Director with day-to-day oversight” (Exhibit G). That December, Assistant Director of Community Development and Planning Lyndsy Butler also requested an opinion of probable cost for Maki Park from Tighe & Bond, for the purpose of putting together the FY22 CDBG grant budget. She stated that the process was behind and was looking at FY21 design projects to see about applying for construction funding in FY22 (Exhibit H). In the March 4<sup>th</sup> 2022 CDBG Steering Committee meeting, Maki Park design and construction was unanimously approved as a proposed project for Block Grant FY22 (Exhibit I). In June of 2022, Director Beauregard reached out to Tighe & Bond to ask if they could create a rendering for Maki Park at no cost due to not having any funds available to pay for one (Exhibit J). Later that month, Mayor Nicholson went to the City Council for an appropriation to construct Maki Park, which passed an 8-3 vote of the Council (Exhibit A). In September of 2022, Assistant Director Butler, through discussions with Tighe & Bond regarding bidding timeline and strategy, stated that the City had the funds available for construction of Maki Park (Exhibit K). In November of 2022, Director Beauregard informed Tighe & Bond that Coordinator DeRoy would be overseeing construction of the project. In that email contained a 75% Design Development document dated November 2022, which showed entrance to the park only by ramp access from the lower-tier, with concrete steps connecting the middle and upper-tiers (Exhibit L). When interviewed and asked why the change in design was made in November of 2022, Director Beauregard was not able to offer an explanation. That same month, concerns arose around the condition of the existing retaining wall at the North side of the lot. In an email communication from Tighe & Bond,

## INVESTIGATION OF THE MAKI PARK PROJECT

regarding the same preliminary drawing, concerns were raised about the proposal likely being overbudget as options were being discussed on how to mitigate the retaining wall problem (Exhibit M). The next and final observed design change to the design of Maki Park was found in an April 2023 illustrative plan ordered by the Mayor and Department of Community Development and Planning, showing a three-terrace park with ramp access to the lower and upper-tiers and stairs connecting them to the middle-tier (Exhibit N). When interviewed and asked why the change in design was made in April of 2023, Director Beauregard was unable to offer an explanation. This illustrative plan matches the Bid Set Drawings that were submitted to Purchasing Director Cormier in May of 2023 (Exhibit O). This final plan reflects what was constructed as Maki Park at the time of this report.

On September 3<sup>rd</sup> 2024, a work without a permit violation for Maki Park was sent to the Department of Community Development and Planning by the Building Commissioner. The violation letter states that the Building Commissioner's office received plans for Maki Park on August 28<sup>th</sup> 2024 and that the Commissioner conducted a site visit on August 29<sup>th</sup> 2024 and determined that Maki Park "does not meet the accessibility requirements as outlined in section 19.00 of 521 CMR; Massachusetts Accessibility Code as the middle tier of the park is not accessible to persons with disabilities" (Exhibit B). In interviews conducted by Councillor Tyros, both Director Beauregard and Commissioner Zuppa confirmed that no building permits were applied for or obtained for the Maki Park project.

**FINDINGS OF THE DESIGN AND CONSTRUCTION OF MAKI PARK**

The investigation into the Maki Park project revealed several key findings across various aspects, including design changes, project management, communication, and compliance with accessibility requirements.

**Initial Concept and Design Changes**

- a. The original design for Maki Park, created by Director Beauregard and Tighe & Bond in June 2020, included three terraces with individual ramps for each level. This concept was what was presented to the City Council in June of 2022 for an appropriation.

- b. Design changes were made in November 2022 and April 2023 without documented reasons.
- c. The final design, as shown in the May 2023 Bid Set Drawings, included ramp access only to the lower and upper terraces, with stairs connecting the middle terrace. This was the design that was constructed in the late summer and fall of 2024.

### **Project Management**

- d. The project began with Director Beauregard as project manager, and Economic Development Coordinator DeRoy initially assigned to the project. Other members of the Department of Community Development and Planning were involved in the project in various capacities.
- e. There was no record of routine or scheduled project updates nor review meetings held by the Department of Community Development and Planning.

### **Communication**

- f. There were multiple instances of messages, both internally amongst members of the Department of Community Development and Planning, and externally with other City departments and contractors, looking for project files and documents (such as drawings, budget sheets, account numbers, vendor contact information, etc.).

### **Compliance and Accessibility**

- g. The final design submitted for bidding in May 2023 did not include ramp access to the middle terrace.
- h. A notice of violation from the Building Commissioner stated that Maki Park did not meet accessibility requirements of the Massachusetts State Building Code.

**EXHIBITS**

EXHIBIT A

10709

City of Gardner, *Executive Department*

Michael J. Nicholson, Mayor

RECEIVED

2022 JUN -2 PM 1:25  
CITY CLERK'S OFFICE  
GARDNER, MA



June 1, 2022

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

RE: Free Cash Appropriation Request – Maki Park Construction

Dear Madam President and Councilors,

Attached please find an appropriation request for the renovation of the existing pocket park, located at the site of the former Maki Block Building on the corner of Graham and Parker Streets.

The City has had ownership of this site since February 13, 2017.

The area has been planted with grass, but is currently unusable due to the steep slope and grade of the area.

This project would terrace the location in order to correct the grading issues, bring the slopes to a level that is compliant with ADA standards, and allow us to utilize the area in a productive manner, rather than just a location for planting and mowing grass.

With all of the development currently underway in the Downtown area, this project will truly compliment the private sector investments and partnerships the City has made to breathe new life into our historic downtown.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



EXHIBIT A  
(CONT'D)

Exhibit 2 - Maki Park Outdoor Seating Concept



EXHIBIT B



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



---

**NOTICE OF VIOLATION**

September 3, 2024

Economic Development/  
City of Gardner  
115 Pleasant St. Rm. 202  
Gardner, MA 01440

**Re: Work without a permit violation 57-67 Parker St. Gardner, MA 01440 M.B.L. M22-5-7**

To whom it may concern,

It has recently been brought to the attention of the Building Department that the new park located at the above referenced address is not accessible to persons with disabilities. After a review of building department records, it is determined that the required building permit was not applied for and obtained for the work performed.

This is a violation of section 105 Permits and 114.1 Unlawful Acts of 780 CMR; Massachusetts State Building Code.

**105.1 Required**

*It shall be unlawful to construct, reconstruct, alter, repair, remove or demolish a building or structure; or to change the use or occupancy of a building or structure; or to install or alter any equipment for which provision is made or the installation of which is regulated by 780 CMR without first filing an application with the building official and obtaining the required permit.*

**114.1 Unlawful Acts**

*It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish, occupy or change the use of occupancy of any building, structure or equipment regulated by 780 CMR, or cause same to be done, in conflict with or in violation of any of the provisions of 780 CMR.*

**Mission Statement**

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

EXHIBIT B  
(CONT'D)

After a review of the plans given to my office by on August 28, 2024 and a site visit conducted by myself on August 29, 2024, my determinations are below.

Maki park does not meet the accessibility requirements as outlined in section 19.00 of 521 CMR; Massachusetts Accessibility Code as the middle tier of the park is not accessible to persons with disabilities.

**19.1 General**

*Recreational facilities shall comply with 521 CMR, except as specified or modified in 521 CMR 19.00.*

*Recreational facilities shall include but not be limited to courts, rinks, swimming pools, gymnasiums, stadiums, health and sports clubs, radio control facilities, whirlpools, jacuzzis, gyms, weightlifting areas, playgrounds, zoos, fairgrounds, beaches, piers, docks, bandstands, gazebos, parks, bowling alleys, picnic areas, video arcades and campsites. All areas open to and used by the public, including but not limited to locker rooms, shower facilities, saunas, steam rooms, suntanning rooms, weight rooms, aerobics and dance rooms, tennis, racquet and squash courts and spectator areas in recreation facilities shall be accessible.*

Additionally, the ground surface made up of stone dust is not in compliance with section 29.00 of 521 CMR; Massachusetts Accessibility Code and section 302 Floor or Ground Surfaces of the 2010 ADA Standards including the ADA advisory 302.1 General. See below...

**29.1 General 521 CMR**

*Ground and floor surfaces including floors, walks, ramps, and curb cuts shall be stable, firm, slip resistant, and maintained with materials that ensure continued slip resistance.*

**302.1 General 2010 ADA Standards**

Floor and ground surfaces shall be stable, firm, and slip resistant and shall comply with 302.

**EXCEPTIONS:**

Within animal containment areas, floor and ground surfaces shall not be required to be stable, firm, and slip resistant.

Areas of *sport activity* shall not be required to comply with 302.

**Advisory 302.1 General.** *A stable surface is one that remains unchanged by contaminants or applied force, so that when the contaminant or force is removed, the surface returns to its original condition. A firm surface resists deformation by either indentations or particles moving on its surface. A slip-resistant surface provides sufficient frictional counterforce to the forces exerted in walking to permit safe ambulation.*

Please kindly forward this letter to your contractor and inform them of the building permit requirements. The required building permit can be applied for using the link below.

<https://www.gardner-ma.gov/149/Building-Department>

Respectfully,




**Thomas Zuppa**  
 Building Commissioner  
 Zoning Enforcement Officer  
 City of Gardner Building Department  
 Phone: 978-630-4060  
 Email: [tzuppa@gardner-ma.gov](mailto:tzuppa@gardner-ma.gov)  
 115 Pleasant St. Rm. 101 Gardner, MA 01440

EXHIBIT C

Combination of Rectangular, Square + Round picnic tables - 12 = #24,000  
(2 accessible)  
sun shades for tables/area

ArcGIS WebMap



6/24/2020, 3:45:33 PM

Parcels (2020)

Landscaped Rain Garden 100' x 10'

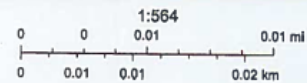
~~100' x 10'~~ = ~~1000~~ sy

60 cubic yards of gravel x \$38.00/ly = \$2,280

24.5 tons of stone dust x \$25/tn = \$612.5

metal Edging \$18.00/lf x 210 lf = \$3,780

- - - - 120 lf granite curbing,
- o-o-o 275 lf metal/wrought iron fencing (3 entrances)



Online Web Mapping Application  
MAP FOR REFERENCE ONLY

EXHIBIT D



EXHIBIT E

**CDBG STEERING COMMITTEE MEETING**

**MINUTES**  
**Tuesday, January 19, 2021 at 9:00 am**  
**Tele-Conference/Web-Meeting, Zoom Meeting**  
**Meeting ID: 95154120331**

**Committee Members present:** Jeffrey Legros, Rick Rossi, Tracy Hutchinson and Trevor Beauregard, Roland Jean  
**Committee Members absent:** Rick Rossi, Rick Germano, Scott Graves and Sandy Mullins  
**Others Present:** Katie Medina, DCDP, Bethany Greene, GEHM, Donata Martin: Boys/Girls Club, Marc Dohan: NewVue and Bernice Richard, VOT

J. Legros opened the meeting at 9:00 am and announced it is being recorded.

**1. Acceptance of Minute:**  
*Motion to accept minutes of December 15, 2020  
 T. Hutchinson/T. Beauregard*  
*All in favor: motion carried, none opposed*

**2. Old Business:**  
**2.1 FY21 Public Social Services Proposals** reviewed, discussed and voted on. The four (4) projects are as follows: The Boys & Girls Club seeking ten thousand (10K), Voices of Truth (Domestic Violence Program) seeking ten thousand (10K), GAAMHA (Drug Abuse Recovery/Assistance Supportive Housing Program) seeking five thousand (5K) and Gardner Public Schools Athletic Program seeking ten thousand (10K).  
*Motion to accept The Boys & Girls Club (STEAM) request for 10K: T. Beauregard/L. Saunders, All in favor: motion carried, none opposed.*  
*Motion to accept Voices of Truth request for 10K: question raised from Trevor asking them if they will be able to utilize program funds allowed where the original request was for 40K. Bernice gave the assurance funds would be utilized. Motion to accept: T. Hutchinson/T. Beauregard. All in favor: motion carried, none opposed.*

1

*Motion to accept GAAMHA request for 5K: \*T. Hutchinson recuses herself from voting\* Program will assist approximately 20 LMI Residents, GAAMHA will match the 5K to fully implement the program. L. Saunders/T. Beauregard. All in favor: motion carried, none opposed.*  
*Motion to accept GPS Athletic Program request for 10K: Program will assist approximately 140-150 LMI resident students: R. Jean/L. Saunders. All in favor: motion carried, none opposed.*

**3. New Business:**  
**3.1 MicroEnterprise Assistance Program:** Discussed previously in November 2020. DHCD wanted vote on the change from 5K to 10K. Approximately 30 applications have been received.  
*Motion made to accept: T. Beauregard/T. Hutchinson. All in favor, motion carried none opposed.*

**3.2 FY21 Block Grant Proposed Projects:**  
**3.2a: Phase III Construction:** Monument Park area for 619K  
*Motion made to accept: T. Beauregard/T. Hutchinson. All in favor, motion carried none opposed.*

**3.2b: Downtown Phase IV Design:** Sidewalk curbing and crossings improvements in the area of Nichols, Parker, West and Oak Street for an estimated \$31,250.  
*Motion made to accept: L. Saunders/R. Jean. All in favor, motion carried none opposed.*

**3.2c: Maki Park Design:** Projected estimated cost \$60K.  
*Motion made to accept: R. Jean/T. Hutchinson. All in favor, motion carried none opposed.*

EXHIBIT F

RE: New Round of Shared Streets and Spaces Grant Program



tbeauregard@gardner-ma.gov  
To: darnold@gardner-ma.gov, Mayor@gardner-ma.gov

Reply Reply All Forward

Tue 4/27/2021 8:45 AM

Exhibit 4\_Maki Park Outdoor Seating Concept.pdf  
.pdf File

Dane,

We would propose a tiered gravel pad design on the Maki site. I don't think occupying parking spaces in downtown for this program is a good idea. As a matter of fact we are looking at moving the George Sweeney seating to Maki because the Mayor's been receiving a number of complaints about our plans. I am waiting to hear back from the State on this.

Trevor

**Trevor Beauregard**

Director  
DODP  
115 Pleasant Street  
Gardner, MA 01440  
(978) 630-4014, x2  
[www.gardner-ma.gov](http://www.gardner-ma.gov)

From: Dane Arnold <darnold@gardner-ma.gov>  
Sent: Tuesday, April 27, 2021 8:36 AM  
To: Trevor Beauregard <tbeauregard@gardner-ma.gov>; Mayor <Mayor@gardner-ma.gov>  
Subject: RE: New Round of Shared Streets and Spaces Grant Program

Trevor,

I like the location, but the problem I see with the Maki lot is the slope towards West/Parker Street could pose a problem. If we looked at the West Street lot, closer to the Ale House/West Street wall, I think its flatter.

Thank You,

**Dane E. Arnold, Director**  
Department of Public Works  
50 Manca Drive  
Gardner MA 01440  
978-630-8195

EXHIBIT G

**Fw: Emergency Grant Program**

MassDOT Shared Streets <SharedStreets@dot.state.ma.us>  
To: jderoy@gardner-ma.gov

Reply Reply All Forward

Fri 5/21/2021 12:39 PM

If there are problems with how this message is displayed, click here to view it in a web browser.  
Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

93696225\_Exhibit 1 - Maki Park Project Overview Map.pdf 4 MB  
101316103\_Exhibit 5, Maki Lot Project Budget.pdf 422 KB

ing the <a href="https://safety.fhwa.dot.gov/ped\_bike/step/resources/" target="\_blank">Safe Transportation for Every Pedestrian (STEP) resource page</a>, to identify appropriate countermeasures based on the safety issues of concern. (Required):

|                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Is the project intended to provide improvements to infrastructure used by children to get to and from school (within two miles) or other youth destinations? If yes, please list schools or destinations. (Required): | Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Detail::                                                                                                                                                                                                              | Holy Family Academy<br>Gardner Junior High School<br>Waterford Street School<br>Just Dance Performance Arts Center<br>Jackson Playground and Skate Park                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Is the proposed project intended to provide improvements to infrastructure used by seniors to reach senior destinations (within one mile)? If yes, please list destinations. (Required):                              | Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Detail::                                                                                                                                                                                                              | Gardner Senior Center<br>Gardner Highrise<br>Binnall House<br>Colonial Apartments<br>Heywood Wakefield Commons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Is the proposed project intended to support safe walking and biking within one mile of a transit stop? If yes, please list the transit stop(s). (Required):                                                           | Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Detail::                                                                                                                                                                                                              | MART Gardner Bus Stops:<br>City Hall<br>Gardner Highrise<br>Heywood Place<br>Levi Heywood Memorial Library                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Does the proposed project support safe routes to open space and/or parks? If yes, please list the name of the facilities. (Required):                                                                                 | Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Detail::                                                                                                                                                                                                              | North Central Pathway<br>Crystal Lake Park                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Will the proposed project be fully implemented by September 7, 2021? (Required):                                                                                                                                      | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Will the proposed project be fully implemented by December 31, 2021? (Required):                                                                                                                                      | Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Is this project intended to be a temporary or permanent improvement? (Required):                                                                                                                                      | Permanent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Description of how the project will be implemented, including staffing roles: (Required):                                                                                                                             | The City of Gardner Department of Community Development and Planning (DCDP) will manage the project. The Director of DCDP, Trevor Bearegard, will act as Project Manager for the project. The City's Economic Development Coordinator, Jessica DeRoy, will assist the Director with day-to-day oversight.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Description of project implementation and key milestones: (Required):                                                                                                                                                 | The design cost of the Maki Park project is estimated at \$23,000 and will take six weeks to complete. The City of Gardner will pay for the design services and will contract the work out to an engineering firm already on-call with the City. The Maki lot construction will follow the procurement procedure established under MGL, Chapter 149, and will be conducted through the City's Purchasing Department. Bidding the construction project will take three weeks and the contractor will be hired the following week. Construction will commence in September of 2021 and be completed in November of 2021.<br><br>Based on a June 25th Award date:<br><br>July 1 to July 30, 2021 Design Maki Park Outdoor Seating and Function Area Project<br><br>August 1 to August 22, 2020 Bid Maki Park Outdoor Seating and Function Area Project<br><br>August 31, 2020 Award contract for construction for Maki<br><br>September 16, 2021 Begin Construction for Maki<br><br>November 7, 2021 Construction Complete for Maki |



EXHIBIT H

RE: [EXTERNAL] RE: Downtown Phase 4 and Maki Park



Lyndsy Butler <lbutler@gardner-ma.gov>  
To: 'Matt P. Wzorek'

Reply Reply All Forward ...  
Fri 12/3/2021 1:23 PM

Your right...I had asked about phase 3... and now I am asking about the next phase . The process is so behind as we just submitted FY21 to the state. I am looking at FY21 design projects to see which ones we will be applying for construction funding in 22. If there is any way you could come up with some preliminary figure for phase 4 and Maki that would be helpful. 😊

**From:** Matt P. Wzorek <MPWzorek@tigheBond.com>  
**Sent:** Friday, December 3, 2021 1:11 PM  
**To:** Lyndsy Butler <lbutler@gardner-ma.gov>  
**Subject:** [EXTERNAL] RE: Downtown Phase 4 and Maki Park

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

Hi Lyndsy,

Just to confirm do you mean phase 3 and park st park? Or do you need phase 4 and Maki? Sorry I may have been mixed up... currently we are working on the phase 3 and park street park.

Thanks,

**Matthew P. Wzorek, PE**  
Project Manager



o. 413.572.3274 | m. 413.530.7568  
53 Southampton Road, Westfield, MA 01085  
w: [tighebond.com](http://tighebond.com) | [halvorsondesign.com](http://halvorsondesign.com)



**From:** Lyndsy Butler <lbutler@gardner-ma.gov>  
**Sent:** Friday, December 3, 2021 12:45 PM  
**To:** Matt P. Wzorek <MPWzorek@tigheBond.com>  
**Subject:** Downtown Phase 4 and Maki Park

[ Caution - External Sender ]

Hi Matt,

I know I had asked a couple weeks back for OPC for Downtown Phase 4 and Maki Park. I am trying to put together FY22 CDBG grant budget. Would you be able to give me a rough estimate?

Thanks!

Lyndsy Butler  
Assistant Director  
DCDP  
115 Pleasant Street  
Gardner, MA 01440  
O:978-630-4011 #1  
C: 978-350-6928  
[www.gardner-ma.gov](http://www.gardner-ma.gov)

EXHIBIT I

**CDBG STEERING COMMITTEE MEETING**

**MINUTES**

**Friday March 4, 2022**

**Manca Annex Hubbard meeting Room 202  
08:30 A.M.**

**Committee Members present:** Lyndsy Butler, Rick Germano, Rick Rossi, Tracy Hutchinson, George Tyros, Trevor Beauregard and Laura Cassidy

**Committee Members absent:** Lauren Saunders and Roland Jean

**Others Present:** Jessica DeRoy

Lyndsy Butler opened the meeting at 8:33 am.

**1. Acceptance of Minute:**

*Motion to accept minutes of January 21, 2022 with noted changes made by Rick Rossi. Seconded by George Tyros*

*All in favor: motion carried, none opposed*

**2. Old Business:**

None

**3. New Business:**

**3.1 Review & Discussion of Public Social Services Proposals for Block Grant FY22**

*-The Boys & Girls Club is requesting an amount of \$13,980. This amount is more than previously discussed (\$10K). Additional funding will provide services to 30 LMI students. Motion made by G. Tyros to accept the increased amount Motion 2<sup>nd</sup> by T. Hutchinson*

*All in favor: motion carried, none opposed.*

*-Gardner Athletics Program is requesting \$15,000 to help 150 student athletes with user fees that qualify for services through review within the free & reduced lunch waiver program. Motion made by T. Beauregard/G. Tyros. All in favor: motion carried, none opposed.*

*-Gardner Emergency Housing Mission is requesting \$5,000 to provide temporary units to 6-8 families with children. Funding will be used to aide families with last minute needs along with transitional assistance. Motion made by T. Beauregard/R. Germano All in favor: motion carried, none opposed*

**3.2 Discussion of project proposals for Block Grant FY22**

1

**Downtown Phase 4:** *West/Oak/Parker/Nichols Street Intersection to include design of crosswalk, sidewalk and lighting repair and upgrade at an estimated cost of \$229,500. Motion made to accept by R. Rossi/R. Germano. All in favor: motion carried, none opposed.*

**Maki Park:** *57-67 Parker Street. Design/Construction of park and public seating area for public amenities and downtown events at an estimated cost of \$177,754. Motion made to accept by G. Tyros/R. Germano All in favor: motion carried, none opposed.*

**Demonition of Slum & Blight:** *(Greenwood Memorial Pool) estimated cost of \$200,000. Motion made to accept by G. Tyros/T. Beauregard All in favor: motion carried, none opposed.*

**4. Announcements and Recognitions**

4.1 Next meeting: TBD

**5. Adjournment**

*Motion to adjourn*


*R. Germano/G. Tyros*





*All in favor.*

Meeting adjourned at 09:03 a.m.

EXHIBIT J

RE: [EXTERNAL] RE: Maki Park and Park St Park

 Trevor Beauregard <tbeauregard@gardner-ma.gov>  
To: Matt P. Wzorek

6/3/2022

Matt,

If you could get something over for Park St beginning of next week it would be great. If you can do a rendering at no cost for Maki then great, but I have no \$\$ to pay for it.

Thanks,  
Trevor Beauregard  
Director  
Dept. Community Development and Planning  
115 Pleasant Street  
Gardner, MA 01440  
978-630-4014, x2

Executive Director  
Gardner Redevelopment Authority

---

**From:** Matt P. Wzorek <MPWzorek@tigheBond.com>  
**Sent:** Tuesday, May 31, 2022 2:52 PM  
**To:** Trevor Beauregard <tbeauregard@gardner-ma.gov>  
**Subject:** [EXTERNAL] RE: Maki Park and Park St Park

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

Hi Trevor,

Sorry, but I don't have much to help you out here. The attached figure you sent is all we have on Maki Park. I can have someone pull together a rendering on this if you want and could have it to you by the of the week. Is this one potentially moving forward?




I will have someone update the Park street Park rendering to remove the bike path extension piece. Is the end of the week ok for this too?

Thanks,

**Matthew P. Wzorek, PE**  
Project Manager

**Tighe&Bond**  
o. 413.572.3274 | m. 413.530.7568

53 Southampton Road, Westfield, MA 01085  
w: [tighebond.com](http://tighebond.com) | [halvorsondesign.com](http://halvorsondesign.com)

---

**From:** Trevor Beauregard <tbeauregard@gardner-ma.gov>  
**Sent:** Tuesday, May 31, 2022 9:12 AM  
**To:** Matt P. Wzorek <MPWzorek@tigheBond.com>  
**Subject:** Maki Park and Park St Park

[ Caution - External Sender ]

Matt,

Would you happen to have a concept plan for the Maki Park site and the Park St Park site you could send me. The attached concept is the only one I have for Maki (I was hoping we might have something a little farther along) and the only concept I have for the Park St site includes the bike trail extension (I need one without the bike trail extension).

Lyndsy may have something you've sent her in the past, but she is out on vacation this week.


Thanks, Trevor





Trevor Beauregard  
Director  
Dept. Community Development and Planning  
115 Pleasant Street  
Gardner, MA 01440  
978-630-4014, x2

Executive Director  
Gardner Redevelopment Authority

EXHIBIT K

FW: [EXTERNAL] RE: [EXTERNAL] Phase 4 and Maki

 Lyndsy Butler <lbutler@gardner-ma.gov>  
To: Trevor Beauregard

 Reply
  Reply All
  Forward
  ...

Wed 9/28/2022 3:55 PM

Trevor,

Matt has asked if we would like to bid out Maki Park and Phase IV together or separately. We have the funds for construction of Maki Park now but the funds for Phase IV ( if we are using block grant) will not be available until July 23.

Lyndsy





---

**From:** Matt P. Wzorek <MPWzorek@tigheBond.com>  
**Sent:** Wednesday, September 28, 2022 3:50 PM  
**To:** Lyndsy Butler <lbutler@gardner-ma.gov>  
**Subject:** [EXTERNAL] RE: [EXTERNAL] Phase 4 and Maki

**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.**

Gotcha. Thanks. Is there a need to get Maki out to bid sooner than later or did you want to try and bid the projects together? At this point they both won't be constructed this year since it is already almost October, but I just didn't know if you want to get Maki bid over the winter for spring construction, or wait until you have the block funds at the end of June and do them together?

They can go separate, but since they are so close in proximity it wouldn't be a bad idea to bid and construct them together. Just a thought, but we can do whatever.

**Matthew P. Wzorek, PE**  
 Project Manager  
  
 o. 413.572.3274 | m. 413.530.7568  
 53 Southampton Road, Westfield, MA 01085  
 w: tighebond.com | halyorandesigns.com  
  

---

**From:** Lyndsy Butler <lbutler@gardner-ma.gov>  
**Sent:** Wednesday, September 28, 2022 3:43 PM  
**To:** Matt P. Wzorek <MPWzorek@tigheBond.com>  
**Subject:** RE: [EXTERNAL] Phase 4 and Maki

[ Caution - External Sender ]

We have the funds to construct Maki Park. Phase 4 construction will most likely be completed with FY22/23 block grant funds which will not be released until July of 2023.

---

**From:** Matt P. Wzorek <MPWzorek@tigheBond.com>  
**Sent:** Wednesday, September 28, 2022 3:32 PM  
**To:** Lyndsy Butler <lbutler@gardner-ma.gov>  
**Subject:** [EXTERNAL] Phase 4 and Maki

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

I forgot if I sent this to you or not already, but here is the survey for Phase 4 and the Maki Park. Once we have some concepts completed I will reach out to go over them with you. What is your overall schedule on these two projects?

Thanks,


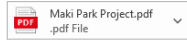
**Matthew P. Wzorek, PE**  
 Project Manager  
  
 o. 413.572.3274 | m. 413.530.7568

EXHIBIT L

FW: [EXTERNAL] Maki Park Preliminary Drawings

Trevor Beaugard <tbeaugard@gardner-ma.gov>  
To: Matt P. Wzorek  
Cc: Lyndsy Butler, Jessica DeRoy

Reply Reply All Forward Thu 11/17/2022 3:52 PM



Matt,  
Looping Jessica DeRoy in on this one since she'll be overseeing construction of the project. We'll discuss tomorrow and get back to you.

Trevor

Trevor Beaugard  
Director  
Dept. Community Development and Planning  
115 Pleasant Street  
Gardner, MA 01440  
978-630-4014, x2

Executive Director  
Gardner Redevelopment Authority

From: Matt P. Wzorek <MPWzorek@tigheBond.com>  
Sent: Thursday, November 17, 2022 2:34 PM  
To: Lyndsy Butler <lbutler@gardner-ma.gov>; Trevor Beaugard <tbeaugard@gardner-ma.gov>  
Subject: [EXTERNAL] Maki Park Preliminary Drawings

**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.**

Lyndsy and Trevor – Attached please find the preliminary drawings set for the Maki Park. I wanted to get this to you to provide any initial feedback on the layout. Once we nail down the layout we will work on the grading and such, but I just wanted to get this in front of you to make sure this was headed in the right direction.

Also, what is shown on here is likely overbudget, but I wanted to see what the ultimate buildout would look like. My thought is that we could include the essential work (grading, site layout, retaining walls, stairs, stone dust, concrete, and fencing (basically anything required to establish the site)) as the base bid work. Then we could work with alternates to see what we could include for the site furnishings like the plantings, tables, shades, etc. My concern is that with the site grading we will likely need some decent retaining walls at each level which will add up. Let me know what you think.

Thanks,

Matthew P. Wzorek, PE

Project Manager



o. 413.572.3274 | m. 413.530.7568

53 Southampton Road, Westfield, MA 01085  
w: [tighebond.com](http://tighebond.com) | [halvorsondesign.com](http://halvorsondesign.com)

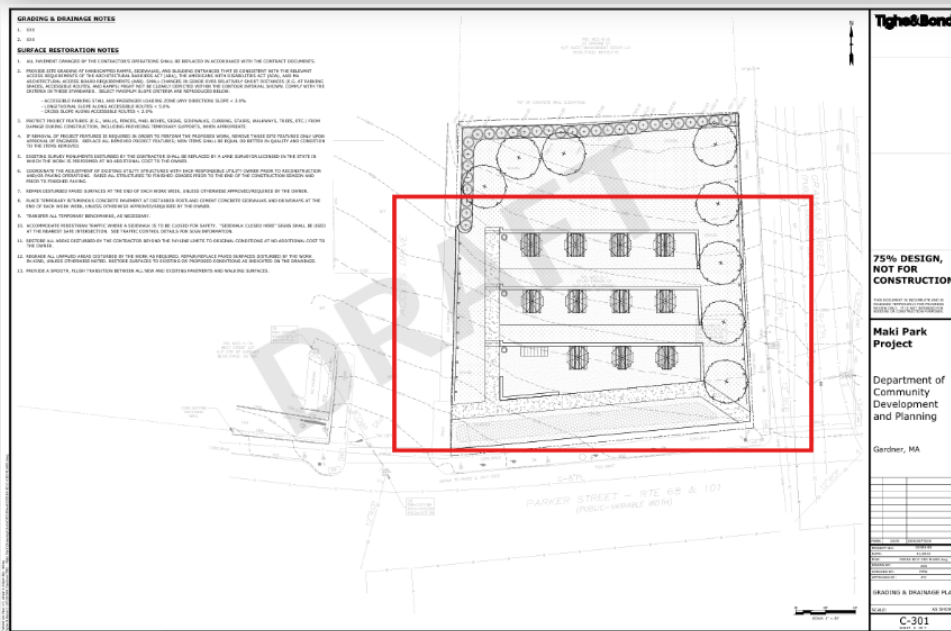


EXHIBIT M

RE: [EXTERNAL] Maki Park Preliminary Drawings



Trevor Beaugard <tbeaugard@gardner-ma.gov>  
To Matt P. Wzorek; Lyndsy Butler  
Cc Jessica DeRoy



11/29/2022

Matt,

I spoke with Lyndsy yesterday about the retaining wall. It doesn't surprise me about the condition. In addition to looking at what it would cost to replace the concrete retaining wall, can we look at an alternative to include a grassy knoll/slope instead? Not sure how much of the site we'd lose with this option or if we can even consider it knowing that the site already slopes toward the roadway. Just thought it might be a less expensive option. If doable maybe we can cut a concrete pad into the middle part of the knoll at its low point.

Either way we should consider having the back property line surveyed, since I was told a portion of the structure on the neighboring property is on our property. It would be good to confirm this.

Thanks, Trevor

Trevor Beaugard  
Director  
Dept. Community Development and Planning  
115 Pleasant Street  
Gardner, MA 01440  
978-630-4014, x2

Executive Director  
Gardner Redevelopment Authority

From: Matt P. Wzorek <MPWzorek@tigheBond.com>  
Sent: Thursday, November 17, 2022 2:34 PM  
To: Lyndsy Butler <butler@gardner-ma.gov>; Trevor Beaugard <tbeaugard@gardner-ma.gov>  
Subject: [EXTERNAL] Maki Park Preliminary Drawings

**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.**

Lyndsy and Trevor – Attached please find the preliminary drawings set for the Maki Park. I wanted to get this to you to provide any initial feedback on the layout. Once we nail down the layout we will work on the grading and such, but I just wanted to get this in front of you to make sure this was headed in the right direction.

Also, what is shown on here is likely overbudget, but I wanted to see what the ultimate buildout would look like. My thought is that we could include the essential work (grading, site layout, retaining walls, stairs, stone dust, concrete, and fencing (basically anything required to establish the site)) as the base bid work. Then we could work with alternates to see what we could include for the site furnishings like the plantings, tables, shades, etc. My concern is that with the site grading we will likely need some decent retaining walls at each level which will add up. Let me know what you think.

Thanks,

**Matthew P. Wzorek, PE**

Project Manager



o. 413.572.3274 | m. 413.530.7568

53 Southampton Road, Westfield, MA 01085

w: [tighebond.com](http://tighebond.com) | [halvorsondesign.com](http://halvorsondesign.com)



EXHIBIT N

Fwd: [EXTERNAL] Maki Park Rendering

Lyndsy Butler <lbutler@gardner-ma.gov>  
To Mayor; Chris Coughlin

1 KB  
image004.png  
1 KB  
G0384-80 Maki Park Illustrative Plan 24x36\_reduced.pdf  
2 MB

4/5/2023

Mayor,

Please see attached rendering for Maki Park.

Lyndsy

Begin forwarded message:

**From:** "Matt P. Wzorek" <MPWzorek@tighebond.com>  
**Date:** April 5, 2023 at 4:32:15 PM EDT  
**To:** Lyndsy Butler <lbutler@gardner-ma.gov>  
**Cc:** Joseph Genga <JGenga@tighebond.com>  
**Subject:** [EXTERNAL] Maki Park Rendering

**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.

Lyndsy,

Attached is the rendering for Maki Park. Let us know what you think and if you want to tweak anything.

Thanks,

**Matthew Wzorek, PE**

Project Manager

o. 413.562.1600 | m. 413.530.7568  
53 Southampton Road, Westfield, MA 01085  
w: [tighebond.com](http://tighebond.com) | [halvorsondesign.com](http://halvorsondesign.com)

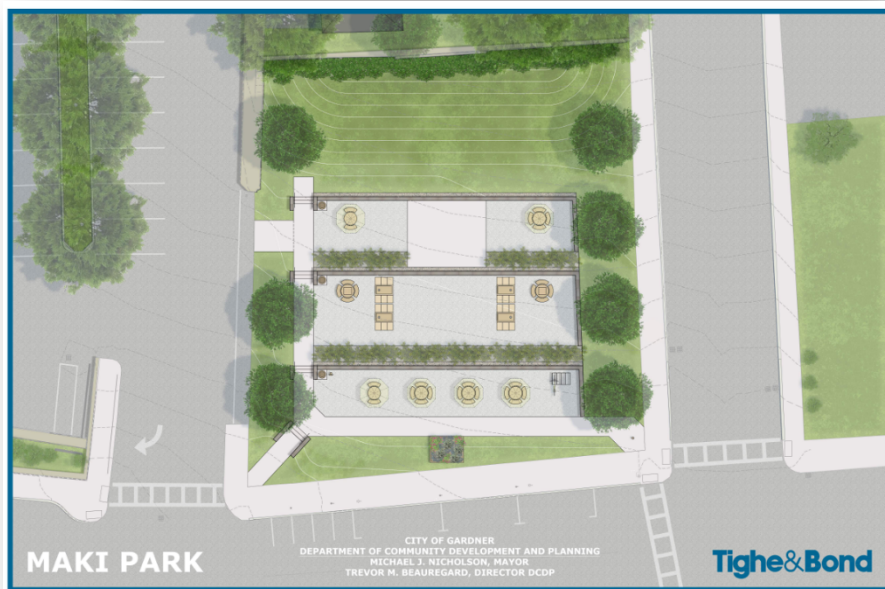





EXHIBIT O

[EXTERNAL] RE: [EXTERNAL] RE: [EXTERNAL] RE: Maki Park Bid Package


 Matt P. Wzorek <MPWzorek@tigheBond.com>  
To Joshua Cormier; Jessica DeRoy  
Cc Lyndsy Butler; Aaron B. Sabbs  
5/2/2023

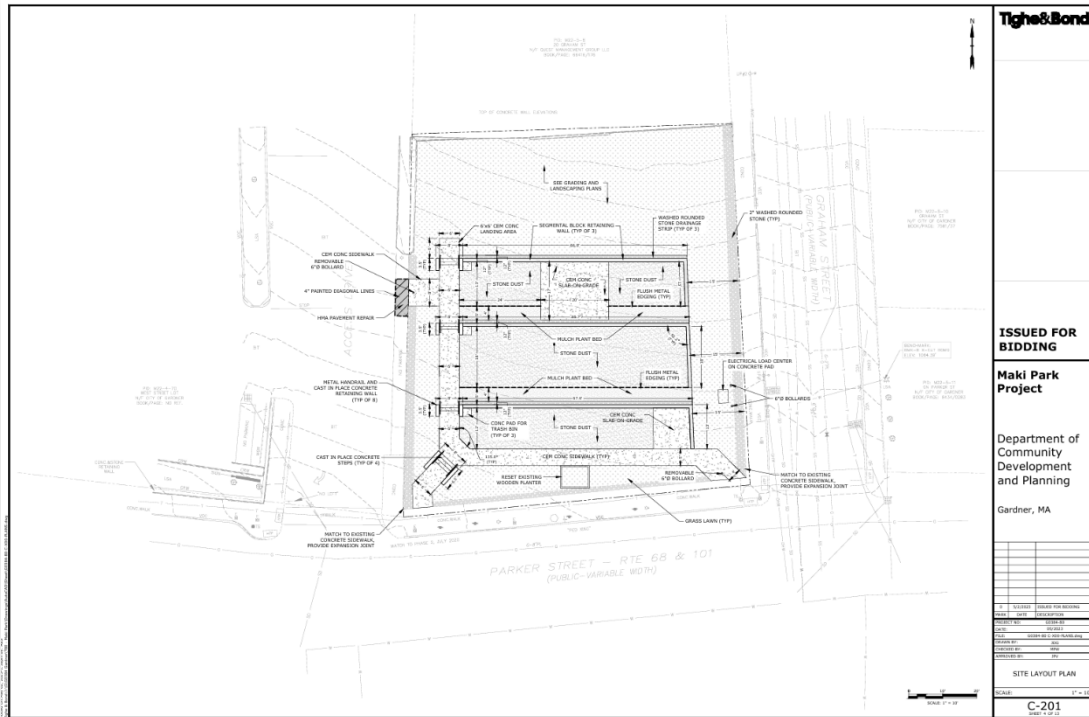
 Maki Park Bid Set Drawings 5-2-2023.pdf 6 MB  
 Maki Park Bid Set Specifications 5-2-2023.pdf 8 MB

**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.  
Josh – Attached are the plans and specs for Maki. Please let me know if you need anything else.

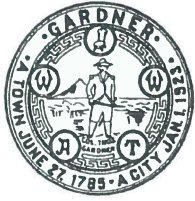
Thanks,

**Matthew Wzorek, PE**  
Project Manager  
**Tighe&Bond**  
o. 413.562.1600 | m. 413.530.7568  
53 Southampton Road, Westfield, MA 01085  
w: [tighebond.com](http://tighebond.com) | [halvorsondesign.com](http://halvorsondesign.com)









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

Date Received 11444 a

*Paid Check*

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

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

1. Legal Name of Business: Salvadore Auto Exchange Inc  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: Salvadore Chrysler Dodge Jeep Ram  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 442 WEST Broadway Gardner MA 01440  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel. 978-630-2200 Cellular \_\_\_\_\_ Fax 978-632-5913 E-Mail pank@salvadoreauto.com
5. Is the business an individual, partnership, association or corporation? Corporation
6. If an individual, state full name and residential address: \_\_\_\_\_
7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_
8. If an association or corporation, state full names of the principal officers:  
President Angelo G. Salvadore  
Secretary Angelo G. Salvadore  
Treasurer Angelo G. Salvadore
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? Yes
  - a. If so, is your principal business the sale of new motor vehicles? Yes
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? Yes
  - c. Is your principal business that of a motor vehicle junk dealer? NO
  - d. Is your principal business that of a "Repairs"? Yes
  - e. Is your principal business that of "Repossession"? NO
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
Land and Building located at 440 West Broadway approx 3.81 acres  
302 FT Frontage on Kinzie Dr Building is 24,984 sq feet  
used for office & showroom
10. Are you a recognized agent of a motor vehicle manufacturer? YES  NO \_\_\_\_\_  
If yes, state the name of the manufacturer: Stellantis

- 11. Do you have a signed contract as required by Section 58, Class 1? YES  NO
- 12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES  NO   
 If yes, in what city or town? Gardner MA  
 Did you receive a license? YES  NO  For what year? 2024
- 13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES  NO  If yes, please explain: \_\_\_\_\_

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

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

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

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

DATE SIGNED 11-14-2023

INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT

OR

SOCIAL SECURITY NUMBER

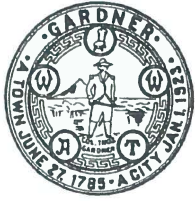
E

ER (EIN)

License Fee must be submitted with this form. Make check payable along with all required documentation and check to: City Clerk, 95 P

ted Application Form, MA 01440.

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



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

Date Received 11/4/44 b  
*Paid Check*

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

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

1. Legal Name of Business: Salvadore Auto Exchange Inc  
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(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 442 West Broadway Gardner MA 01440  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel. 978-630-2200 Cellular \_\_\_\_\_ Fax 978-632-5913 E-Mail pank@salvadoreauto.com
5. Is the business an individual, partnership, association or corporation? Corporation
6. If an individual, state full name and residential address: \_\_\_\_\_
7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_
8. If an association or corporation, state full names of the principal officers:  
 President Angelo G. Salvadore  
 Secretary Angelo G. Salvadore  
 Treasurer Angelo G. Salvadore
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? Yes
  - a. If so, is your principal business the sale of new motor vehicles? Yes
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? Yes
  - c. Is your principal business that of a motor vehicle junk dealer? NO
  - d. Is your principal business that of a "Repairs"? Yes
  - e. Is your principal business that of "Repossession"? NO
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
Land and Building located at 440 West Broadway approx 3.81 acres  
302 FT Frontage on Kinzie Dr Building is 24,984 sq feet  
used for office & showroom
10. Are you a recognized agent of a motor vehicle manufacturer? YES  NO   
 If yes, state the name of the manufacturer: Stellantis

11. Do you have a signed contract as required by Section 58, Class I? YES  NO
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES  NO   
If yes, in what city or town? Gardner MA  
Did you receive a license? YES  NO  For what year? 2024
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES  NO  If yes, please explain: \_\_\_\_\_

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

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

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

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

  
INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT

DATE SIGNED 11-14-2023

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

OR

E

ER (EIN)

**License Fee must be submitted with this form. Make check payable to City of Gardner, 95 Park Street, Gardner, MA 01440. License Fee must be submitted with this form. Make check payable along with all required documentation and check to: City Clerk, 95 P**

**Application Form, MA 01440.**

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

License Application  
Processing Fee - \$200.00



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

Date Received  
**RECEIVED**  
2021 NOV 25 AM 9:50  
CITY OF GARDNER OFFICE  
GARDNER, MA

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

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

1. Legal Name of Business: AC AUTO CLINIC  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: \_\_\_\_\_  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 411 PARKER ST GARDNER MA 01440  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel: 978-632-1138 Cellular \_\_\_\_\_ Fax \_\_\_\_\_ E-Mail \_\_\_\_\_
5. Is the business an individual, partnership, association or corporation? INDIVIDUAL
6. If an individual, state full name and residential address: ROBERT J BROCHU  
61 KORSHOLM AVE GARDNER MA 01440
7. If a partnership, state full names and residential addresses of all partners: NA
8. If an association or corporation, state full names of the principal officers:  
President NA  
Secretary \_\_\_\_\_  
Treasurer \_\_\_\_\_
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? YES
  - a. If so, is your principal business the sale of new motor vehicles? \_\_\_\_\_
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? NO
  - c. Is your principal business that of a motor vehicle junk dealer? NO
  - d. Is your principal business that of a "Repairs"? YES AUTO SALES + REPAIRS
  - e. Is your principal business that of "Repossession"? NO
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
OFFICE AREA + 2 BAY GARAGE AT 411 PARKER ST GARDNER
10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO   
If yes, state the name of the manufacturer: \_\_\_\_\_

- 11. Do you have a signed contract as required by Section 58, Class I? YES \_\_\_\_\_ NO
- 12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES  NO \_\_\_\_\_  
 If yes, in what city or town? GARDNER
- Did you receive a license? YES  NO \_\_\_\_\_ For what year? 2020 - 2024
- 13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO  If yes, please explain: \_\_\_\_\_

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

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

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

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

Robert Burch DATE SIGNED 11/7/24  
 INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT  
 \_\_\_\_\_ OR \_\_\_\_\_  
 SOCIAL SECURITY NUMBER E \_\_\_\_\_ MBER (EIN)

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

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

**MV-1**

Class 1, 2, or 3 Motor  
Vehicle License

Status: Active  
Submitted On: 11/27/2024





**Primary Location**

549 W BROADWAY  
Gardner, MA 01440

**Owner**

MICHAUD BRIAN K,JOHNSTON  
TRUDI L  
LOVEWELL ST 253 Broadway  
GARDNER, MA 01440

**Applicant**

 Brian Michaud  
 978-632-1943  
 brianautobody@yahoo.com  
 549 W Broadway  
Gardner, MA 01440

**Application Information**

Applicant Type\*

Owner

I am applying for a\*

Class II- Principal business buying/selling  
SECOND-HAND vehicles

Type of Business\*

Individual

Type of Application\*

Renewal

**Police Background Check Information**

Date of Birth\*



Social Security Number\*



**IMPORTANT: Every question must be answered with full information; any false statement herein may result in the rejection of your application or the subsequent revocation of your license if issued.**

**NOTE: If the applicant has NOT held a license in the year prior to this application, they must file a duplicate of the application with the registrar. (See Sec. 59).**

## Business Information

Doing Business As\* 

Brian's Auto Sales

Address\*

549 W Broadway

City\*

Gardner

State\*

MA

Zip Code\*

01440

Email\*

brianautobody@yahoo.com

Telephone #\*

978-632-1943

## General Information



Are you engaged principally in the business of buying, selling or exchanging motor vehicles?\*

Yes

Is your principal business that of a "Repairs"?\*

No

Is your principal business that of "Repossession"?\*

No

Give a complete description of all the premises to be used for the purpose of carrying on this business:\*

24'x45' Metal Building with adjoining 13'x32' cinderblock bay with 12'x32' metal office

Are you a recognized agent of a motor vehicle manufacturer?\*

No

Have you ever applied for a CLASS II license in another city or town, or state?\*

No

## Assessor Verification

Property/Street Address\*

549 W Broadway, Gardner, MA 01440

Owner Name\*

Brian K Michaud & Trudi Johnston

Interest\*

owners

Property/Street Address\*

253 Lovewell St, Gardner, MA 01440

Owner Name\*

Brian K Michaud &amp; Trudi Johnston

Interest\*

Owners

## Acknowledgement

Please read the state guidelines on motor vehicle licenses before signing.

I, the applicant, duly authorized by the concerned herein mentioned, hereby apply for a CLASS II license to buy, sell, or assemble second hand motor vehicles thereof, in accordance with the provisions of Chapter 140 of the MA General Laws.

Applicant Signature\*

Brian K Michaud  
Nov 26, 2024

## Attachments

**Copy of Insurance Bond**

Auto Sales Bond.pdf

Uploaded by Brian Michaud on Nov 26, 2024 at 3:06 PM

REQUIRED

**Workers Compensation Insurance Affidavit: General Businesses**

workers comp affidavit.pdf

Uploaded by Brian Michaud on Nov 26, 2024 at 3:06 PM

REQUIRED

**Auto sales bldg plan.pdf**

Auto sales bldg plan.pdf

Uploaded by Brian Michaud on Nov 27, 2024 at 3:29 PM

**Business Certificate exp 2024.pdf**

Business Certificate exp 2024.pdf

Uploaded by Brian Michaud on Nov 27, 2024 at 3:30 PM

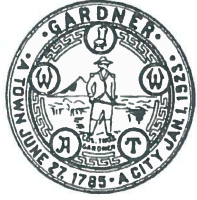
**Sales Tax certificate 2024.pdf**

Sales Tax certificate 2024.pdf

Uploaded by Brian Michaud on Nov 27, 2024 at 3:31 PM

## Timeline

| Label                     | Activated              | Completed | Assignee      | Due Date | Status   |
|---------------------------|------------------------|-----------|---------------|----------|----------|
| ✓ Application Review      | 11/27/2024, 3:31:56 PM | -         | Chris Kumar   | -        | Active   |
| ✓ Assessors Approval      | -                      | -         | -             | -        | Inactive |
| ✓ Tax Approval            | -                      | -         | -             | -        | Inactive |
| ✓ Civil Enforcement       | -                      | -         | -             | -        | Inactive |
| ✓ Police Background Check | -                      | -         | -             | -        | Inactive |
| ✓ City Council Approval   | -                      | -         | -             | -        | Inactive |
| 💰 License Fee Payment     | -                      | -         | Brian Michaud | -        | Inactive |
| 📄 Class II License        | -                      | -         | -             | -        | Inactive |
| ✓ Mail License            | -                      | -         | -             | -        | Inactive |



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

Date Received

*Paid  
Check*

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

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

1. Legal Name of Business: Blake Motors  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)

2. Doing Business As: " "  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)

3. Business Address: 412 Main St Gardner, MA 01440  
(Complete street address where business will be conducted and P.O. Box, if any)

4. Business Tel. 978 790 8006 Cellular \_\_\_\_\_ Fax \_\_\_\_\_ E-Mail russblake174@

5. Is the business an individual, partnership, association or corporation? Individ YAHOO.COM

6. If an individual, state full name and residential address: Russell Levi Blake  
16 Hospital Rd Baldwinville Rd 01436

7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_

8. If an association or corporation, state full names of the principal officers:

President \_\_\_\_\_

Secretary \_\_\_\_\_

Treasurer \_\_\_\_\_

9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? yes

a. If so, is your principal business the sale of new motor vehicles? NO

b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? yes

c. Is your principal business that of a motor vehicle junk dealer? NO

d. Is your principal business that of a "Repairs"? NO

e. Is your principal business that of "Repossession"? NO

9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:

Parking lot Corner of Pine + Main St. Office Area  
located in 412 Main St

10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO

If yes, state the name of the manufacturer: \_\_\_\_\_

11. Do you have a signed contract as required by Section 58, Class 1? YES \_\_\_\_\_ NO N/A
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES X NO \_\_\_\_\_  
 If yes, in what city or town? Gardner  
 Did you receive a license? YES X NO \_\_\_\_\_ For what year? 2008
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO X If yes, please explain: \_\_\_\_\_

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

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

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

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

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

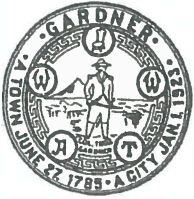
DATE SIGNED 11-1-24

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

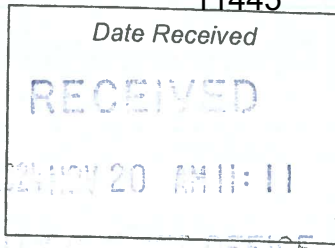
OR [Redacted]  
EMPLOYER IDENTIFICATION NUMBER (EIN)

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

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



APPLICATION FOR LICENSE TO BUY AND  
SELL SECOND HAND MOTOR VEHICLES

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

1. Legal Name of Business: Gardner Auto Mart Inc  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)

2. Doing Business As: \_\_\_\_\_  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)

3. Business Address: 182 West St  
(Complete street address where business will be conducted and P.O. Box, if any)

4. Business Tel. 978-632-1414 Cellular \_\_\_\_\_ Fax \_\_\_\_\_ E-Mail gardnerautomart@gmail.com

5. Is the business an individual, partnership, association or corporation? corporation

6. If an individual, state full name and residential address: \_\_\_\_\_

7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_

8. If an association or corporation, state full names of the principal officers:

President David A Betterz

Secretary Leonard T Betterz

Treasurer Robert J Betterz jr

9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? yes

a. If so, is your principal business the sale of new motor vehicles? NO

b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? yes

c. Is your principal business that of a motor vehicle junk dealer? NO

d. Is your principal business that of a "Repairs"? NO

e. Is your principal business that of "Repossession"? NO

9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:

Property location 182 west st includes 2100 sqft building with office and 3 garage bays. Lot size .2 Acres with parking room for 20 vehicles

10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO X

If yes, state the name of the manufacturer: \_\_\_\_\_

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

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

- Applicable License Application Processing Fee(s)**, check payable to "City of Gardner"
- Surety Bond** in the amount of \$25,000 executed by a surety company authorized to transact business in Massachusetts, or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority. A separate bond shall be required for each different name under which the dealer conducts his business. (Applies only to Class 2 Dealers).
- State and Federal Tax Certification Affidavit**
- City of Gardner PERMIT/APPLICATION GOOD STANDING CERTIFICATE
- Criminal Offender Record Information (CORI) Authorization form.**
- Workers Compensation Insurance Affidavit: General Businesses**
- Business Certificate, either:**
  - o Stamped Articles of Organization, if a Corporation. LLC Agreement if a Limited Liability Company. Partnership Agreement if a Partnership; or
  - o A Business Certificate or D/B/A certificate from the City Clerk's Office
- Parking Plan** (scaled 1" = 40 ft.) showing Building Department-approved parking layout.
- Site Plan** (scaled 1" = 40 ft.) showing all available parking, driveways, entrances and exits, building location, etc.
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- Planning Board and/or Board of Appeals Decisions** (if applicable).

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SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

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

DATE SIGNED 11-12-2024

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

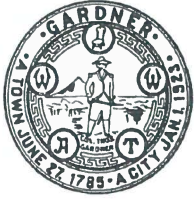
OR

[Redacted]  
EMPLOYER IDENTIFICATION NUMBER (EIN)

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

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

License Application  
Processing Fee - \$200.00



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

Date Received  
**RECEIVED**  
2024 NOV 21 PM 12:02  
CITY OF GARDNER  
CITY CLERK'S OFFICE  
GARDNER, MA

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

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

1. Legal Name of Business: GARDNER MOTORS LLC  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: VILSON AUTO SALES  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 119 PEARSON BLVD  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel. (978) 870 0033 Cellular \_\_\_\_\_ Fax \_\_\_\_\_ E-Mail WORCMG@HOTMAIL.COM
5. Is the business an individual, partnership, association or corporation? CORPORATION
6. If an individual, state full name and residential address: \_\_\_\_\_
7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_
8. If an association or corporation, state full names of the principal officers:  
 President VILSON CAMARCO  
 Secretary \_\_\_\_\_  
 Treasurer \_\_\_\_\_
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? YES
  - a. If so, is your principal business the sale of new motor vehicles? NO
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? YES
  - c. Is your principal business that of a motor vehicle junk dealer? NO
  - d. Is your principal business that of a "Repairs"? YES
  - e. Is your principal business that of "Repossession"? NO
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
OFFICE, GARAGE BAYS AND PARKING LOT
10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO X  
If yes, state the name of the manufacturer: \_\_\_\_\_



11. Do you have a signed contract as required by Section 58, Class I? YES \_\_\_\_\_ NO ✓
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES ✓ NO \_\_\_\_\_  
 If yes, in what city or town? GARDNER
- Did you receive a license? YES ✓ NO \_\_\_\_\_ For what year? 2017 ~ 2023, 2024
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO ✓ If yes, please explain: \_\_\_\_\_  
HAD A DELAY ON 2024 DUE TO PARKING PLANS

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

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

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

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

*Cecilia* DATE SIGNED 10/30/24  
 INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT 0  
 SOCIAL SECURITY NUMBER \_\_\_\_\_ OR \_\_\_\_\_ EMPLOYER IDENTIFICATION NUMBER (EIN) \_\_\_\_\_

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

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



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

Date Received 11445  
*paid check*

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

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

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

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

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

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

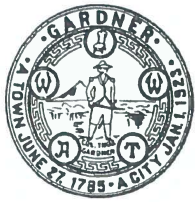
THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. APPLICANT FURTHER CERTIFIES THAT THE INFORMATION CONTAINED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

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

John [Signature] DATE SIGNED 11/9/24  
 INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT  
 OR [Redacted]  
 SOCIAL SECURITY NUMBER \_\_\_\_\_ EMPLOYER IDENTIFICATION NUMBER (EIN) \_\_\_\_\_

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

Date Received 11445

RECEIVED

2011-06 PM 2:20

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

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

1. Legal Name of Business: MIKE'S AUTO / Michael Toth  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: MIKE'S AUTO  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 257 E. Broadway Gardner Ma  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel: 9786304220 Cellular: 9786961306 Fax: \_\_\_\_\_ E-Mail: Tothmto@aol.com
5. Is the business an individual, partnership, association or corporation? individual
6. If an individual, state full name and residential address: Michael Toth  
106 State Rd Baldwinville, Ma 01436
7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_
8. If an association or corporation, state full names of the principal officers:  
 President \_\_\_\_\_  
 Secretary \_\_\_\_\_  
 Treasurer \_\_\_\_\_
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? yes
  - a. If so, is your principal business the sale of new motor vehicles? no
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? yes
  - c. Is your principal business that of a motor vehicle junk dealer? no
  - d. Is your principal business that of a "Repairs"? no
  - e. Is your principal business that of "Repossession"? no
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
Premises described as 32'x60' building with 2 overhead doors, office located in rear, front area for auto display
10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO X  
 If yes, state the name of the manufacturer: \_\_\_\_\_

- 11. Do you have a signed contract as required by Section 58, Class I? YES \_\_\_\_\_ NO X
- 12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES yes NO \_\_\_\_\_  
 If yes, in what city or town? Gardner Ma  
 Did you receive a license? YES X NO \_\_\_\_\_ For what year? 2024
- 13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO X If yes, please explain: \_\_\_\_\_

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

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

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

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

Michael Toth DATE SIGNED 10/30/24  
 INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR AGENT  
 \_\_\_\_\_ OR \_\_\_\_\_  
 EMPLOYER IDENTIFICATION NUMBER (EIN)

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

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

Date Received  
RECEIVED  
2017-11-14 11:23:33

APPLICATION FOR LICENSE TO BUY AND  
SELL SECOND HAND MOTOR VEHICLES

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

1. Legal Name of Business: OSAGI ENTERPRISE LLC  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: USED CAR SALES  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 43 TOPEL ST GARDNER MA 01440  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel. \_\_\_\_\_ Cellular 50874659 Fax \_\_\_\_\_ E-Mail \_\_\_\_\_
5. Is the business an individual, partnership, association or corporation? INDIVIDUAL
6. If an individual, state full name and residential address: KWAME NKUMAH 27 TOWLE DR HOLDEN MA 01520
7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_
8. If an association or corporation, state full names of the principal officers:  
 President \_\_\_\_\_  
 Secretary \_\_\_\_\_  
 Treasurer \_\_\_\_\_
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? YES
  - a. If so, is your principal business the sale of new motor vehicles? NO
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? YES
  - c. Is your principal business that of a motor vehicle junk dealer? NO
  - d. Is your principal business that of a "Repairs"? YES
  - e. Is your principal business that of "Repossession"? NO
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
PREMISES IS USE FOR USE CAR SALES
10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ **NO** \_\_\_\_\_  
If yes, state the name of the manufacturer: \_\_\_\_\_

11. Do you have a signed contract as required by Section 58, Class I? YES \_\_\_\_\_ NO \_\_\_\_\_
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES \_\_\_\_\_ NO \_\_\_\_\_  
 If yes, in what city or town? GARDNER MA
- Did you receive a license? YES \_\_\_\_\_ NO \_\_\_\_\_ For what year? 2024
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO \_\_\_\_\_ If yes, please explain: \_\_\_\_\_

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

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

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

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

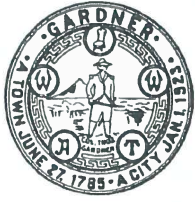
\_\_\_\_\_  
 INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT

DATE SIGNED \_\_\_\_\_

OR \_\_\_\_\_  
 SOCIAL SECURITY NUMBER \_\_\_\_\_ EMPLOYER IDENTIFICATION NUMBER (EIN) \_\_\_\_\_

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

11445

Date Received

RECEIVED  
2008 NOV 21 AM 11:42  
CITY OF GARDNER OFFICE  
GARDNER, MA

APPLICATION FOR LICENSE TO BUY AND  
SELL SECOND HAND MOTOR VEHICLES

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

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



- 11. Do you have a signed contract as required by Section 58, Class I? YES \_\_\_\_\_ NO ✓
- 12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES ✓ NO \_\_\_\_\_  
 If yes, in what city or town? Gardner, MA  
 Did you receive a license? YES ✓ NO \_\_\_\_\_ For what year? 2024
- 13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO ✓ If yes, please explain: \_\_\_\_\_

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

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

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SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

Eric J Hill  
INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER  
SC [Redacted]

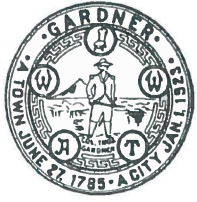
DATE SIGNED [Signature]

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

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Date Received 11445



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

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

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

1. Legal Name of Business: Joseph Champney II  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)

2. Doing Business As: Riverside Auto  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)

3. Business Address: 65 Riverside Rd Gardner MA 01440  
(Complete street address where business will be conducted and P.O. Box, if any)

4. Business Tel: 978-632-7190 Cellular - Fax - E-Mail BAB19@Verizon.net

5. Is the business an individual, partnership, association or corporation? Individual

6. If an individual, state full name and residential address: Joseph M. Champney II  
65 Riverside Rd Gardner MA

7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_

8. If an association or corporation, state full names of the principal officers:

President \_\_\_\_\_

Secretary \_\_\_\_\_

Treasurer \_\_\_\_\_

9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? yes

a. If so, is your principal business the sale of new motor vehicles? No

b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? yes

c. Is your principal business that of a motor vehicle junk dealer? yes

d. Is your principal business that of a "Repairs"? No

e. Is your principal business that of "Repossession"? No

9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:

A certain parcel of land containing 11 acres with all buildings

10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO X

If yes, state the name of the manufacturer: \_\_\_\_\_

- 11. Do you have a signed contract as required by Section 58, Class I? YES \_\_\_\_\_ NO ✓
- 12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES ✓ NO \_\_\_\_\_  
 If yes, in what city or town? Gardner MA
- Did you receive a license? YES ✓ NO \_\_\_\_\_ For what year? 1979-2024
- 13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO ✓ If yes, please explain: \_\_\_\_\_

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

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

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

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

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

DATE SIGNED 11-12-2024

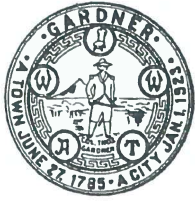
\_\_\_\_\_  
SOCIAL SECURITY NUMBER

OR

~~XXXXXXXXXXXX~~  
EMPLOYER IDENTIFICATION NUMBER (EIN)

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

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



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

11445  
Date Received

*paid check*

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

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

1. Legal Name of Business: Salvadore Auto Exchange, Inc  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)

2. Doing Business As: Salvadore Chevrolet  
(If conducted under any name other than the Applicant's Legal Name An active Business Certificate must be on file with the City Clerk)

3. Business Address: 421 West Broadway Gardner MA 01440  
(Complete street address where business will be conducted and P.O. Box, if any)

4. Business Tel. 978-630-2000 Cellular \_\_\_\_\_ Fax 978-630-6202 E-Mail pamk@salvadoreauto.com

5. Is the business an individual, partnership, association or corporation? Corporation

6. If an individual, state full name and residential address: \_\_\_\_\_

7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_

8. If an association or corporation, state full names of the principal officers:

President Angelo G. Salvadore

Secretary Angelo G. Salvadore

Treasurer Angelo G. Salvadore

9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? YES

a. If so, is your principal business the sale of new motor vehicles? NO

b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? Yes

c. Is your principal business that of a motor vehicle junk dealer? NO

d. Is your principal business that of a "Repairs"? NO

e. Is your principal business that of "Repossession"? NO

9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:

Land & Building Located at 421 West Broadway approx 141 FT of  
Frontage on West Broadway 244 FT ON Risley St lot is  
141 by 120 16900 SA Feet used as offices and showroom

10. Are you a recognized agent of a motor vehicle manufacturer? YES  NO

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

11. Do you have a signed contract as required by Section 58, Class I? YES  NO
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES  NO   
 If yes, in what city or town? Gardner  
 Did you receive a license? YES  NO  For what year? 2024
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES  NO  If yes, please explain: \_\_\_\_\_

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

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

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

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.



DATE SIGNED 11-17-2024

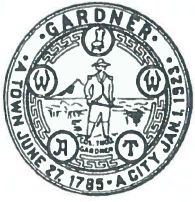
INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT

SOCIAL SECURITY NUMBER

 TAX NUMBER (EIN)

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

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



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

11445

Date Received

*paid check*

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

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

1. Legal Name of Business: Salvadore Auto Exchange, Inc  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: Salvadore Chevrolet  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 249 Timpany Blvd Gardner MA 01440  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel. 978-630-2000 Cellular \_\_\_\_\_ Fax 978-630-0202 E-Mail pamk@salvadoreauto.com
5. Is the business an individual, partnership, association or corporation? Corporation
6. If an individual, state full name and residential address: \_\_\_\_\_
7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_
8. If an association or corporation, state full names of the principal officers:  
 President Angelo G. Salvadore  
 Secretary Angelo G. Salvadore  
 Treasurer Angelo G. Salvadore
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? Yes
  - a. If so, is your principal business the sale of new motor vehicles? NO
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? Yes
  - c. Is your principal business that of a motor vehicle junk dealer? NO
  - d. Is your principal business that of a "Repairs"? Yes
  - e. Is your principal business that of "Repossession"? NO
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
land and building located @ 249 Timpany Blvd & 245 Timpany Blvd  
Frontage of 238 Feet Frontage on Timpany 127 FT Frontage on  
West Broadway lot is 30,717 sq Feet used as offices & showroom
10. Are you a recognized agent of a motor vehicle manufacturer? YES  NO \_\_\_\_\_  
 If yes, state the name of the manufacturer: General Motors


11. Do you have a signed contract as required by Section 58, Class I? YES  NO
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES  NO   
 If yes, in what city or town? Gardner  
 Did you receive a license? YES  NO  For what year? 2024
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES  NO  If yes, please explain: \_\_\_\_\_

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

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

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

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.



DATE SIGNED 11-19-2024

INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT

OR

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

NUMBER (EIN) \_\_\_\_\_

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

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

11445  
Date Received  
*Paul Jueck*

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

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

1. Legal Name of Business: TJ + Sons Auto Repair + Towing Inc  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: TJ + Sons Auto Sales  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 537 West Broadway  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel. 978-632-9844 Cellular \_\_\_\_\_ Fax \_\_\_\_\_ E-Mail tjtowing@verizon.net
5. Is the business an individual, partnership, association or corporation? Corp.
6. If an individual, state full name and residential address: \_\_\_\_\_
7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_
8. If an association or corporation, state full names of the principal officers:  
 President Thomas Farber  
 Secretary Peter Farber  
 Treasurer Peter Farber
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? Yes
  - a. If so, is your principal business the sale of new motor vehicles? NO
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? Yes
  - c. Is your principal business that of a motor vehicle junk dealer? NO
  - d. Is your principal business that of a "Repairs"? Shop Repairs
  - e. Is your principal business that of "Repossession"? NO
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
SW corner of lot as shown - 10 cars max
10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO   
If yes, state the name of the manufacturer: \_\_\_\_\_



- 11. Do you have a signed contract as required by Section 58, Class I? YES \_\_\_\_\_ NO
- 12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES  NO \_\_\_\_\_  
 If yes, in what city or town? Templeton - Gardner  
 Did you receive a license? YES  NO \_\_\_\_\_ For what year? 1984 →
- 13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO  If yes, please explain: \_\_\_\_\_

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

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

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

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

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

DATE SIGNED 11/18/24

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

OR \_\_\_\_\_  
LICENSING AUTHORITY NUMBER (LIT) \_\_\_\_\_

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

Date Received 11445  
**RECEIVED**  
2024 NOV 22 AM 9:05  
CITY CLERK'S OFFICE  
GARDNER, MA

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

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

1. Legal Name of Business: J. Wood Inc  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)

2. Doing Business As: \_\_\_\_\_  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)

3. Business Address: 361 West St. Gardner MA 01440  
(Complete street address where business will be conducted and P.O. Box, if any)

4. Business Tel. 978-297-1800 Cellular \_\_\_\_\_ Fax 297-1855 E-Mail \_\_\_\_\_

5. Is the business an individual, partnership, association or corporation? Corp.

6. If an individual, state full name and residential address: \_\_\_\_\_

\_\_\_\_\_

7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_

\_\_\_\_\_

8. If an association or corporation, state full names of the principal officers:

President Jerrold Wood

Secretary Jerrold Wood

Treasurer Jeffrey Wood

9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? yes

a. If so, is your principal business the sale of new motor vehicles? NO

b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? yes

c. Is your principal business that of a motor vehicle junk dealer? NO

d. Is your principal business that of a "Repairs"? NO

e. Is your principal business that of "Repossession"? NO

9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:

North end of property used as vehicle sales office and sales lot.

10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO

If yes, state the name of the manufacturer: \_\_\_\_\_

License Application  
Processing Fee - \$200.00



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

Date Received

APPLICATION FOR LICENSE TO BUY AND  
SELL SECOND HAND MOTOR VEHICLES

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

1. Legal Name of Business: Joseph Champney II  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: Riverside Auto  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 65 Riverside Rd Gardner MA  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel: 978-632-7190 Cellular      Fax      E-Mail BAR18@Verizon.net
5. Is the business an individual, partnership, association or corporation? Individual
6. If an individual, state full name and residential address: Joseph M. Champney II  
65 Riverside Rd Gardner MA 01440
7. If a partnership, state full names and residential addresses of all partners:
8. If an association or corporation, state full names of the principal officers:  
President       
Secretary       
Treasurer
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? yes
  - a. If so, is your principal business the sale of new motor vehicles? no
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? yes
  - c. Is your principal business that of a motor vehicle junk dealer? yes
  - d. Is your principal business that of a "Repairs"? no
  - e. Is your principal business that of "Repossession"? no
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
A certain parcel of Land containing 11 acres with all buildings
10. Are you a recognized agent of a motor vehicle manufacturer? YES      NO X  
If yes, state the name of the manufacturer:

- 11. Do you have a signed contract as required by Section 58, Class I? YES \_\_\_\_\_ NO
- 12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES  NO \_\_\_\_\_  
 If yes, in what city or town? Gardner MA  
 Did you receive a license? YES  NO \_\_\_\_\_ For what year? From 1979 to 2024
- 13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO  If yes, please explain: \_\_\_\_\_

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

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

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

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

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

DATE SIGNED 11-12-2024

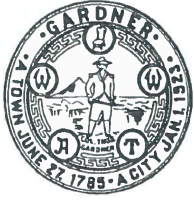
SOCIAL SECURITY NUMBER \_\_\_\_\_

OR [Redacted] MEMBER (EIN)

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

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|               |
|---------------|
| Date Received |
|               |



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

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

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

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

- 11. Do you have a signed contract as required by Section 58, Class I? YES \_\_\_\_\_ NO \_\_\_\_\_
- 12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES \_\_\_\_\_ NO \_\_\_\_\_  
 If yes, in what city or town? GARDNER \_\_\_\_\_
- Did you receive a license? YES \_\_\_\_\_ NO \_\_\_\_\_ For what year? 2024 \_\_\_\_\_
- 13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO \_\_\_\_\_ If yes, please explain: \_\_\_\_\_

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

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

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

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

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

DATE SIGNED \_\_\_\_\_

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

OR

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

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

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

November 18, 2024

Commonwealth of Massachusetts

Worcester County

City of Gardner



CERTIFICATE OF APPOINTMENT

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

[Signature] Mayor Michael J. Nicholson

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

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

Expires: Permanent

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

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

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

Chapter 303 Acts of 1975 and Chapter 409 Acts of 1983

Received \_\_\_\_\_



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

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November 26, 2024

Hon. Elizabeth J. Kazinskas, Council President

And City Councilors

Gardner City Hall, Rm 121

95 Pleasant Street

Gardner, MA 01440

RE: Item #11289- Version 9 Update

Dear Madam President and Councilors,

As requested by the Informal Meeting of the City Council held on Monday, November 18, 2024, I am hereby attaching Version 9 of the Administrative Legislation Ordinance.

This correspondence includes the opinions from the Law Department, a red-lined version of all of the edits received, correspondence for edits received by departments, councilors, and commissions, and Version 9 of the ordinance proposal.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



# VERSION 9

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, PART 1,  
THEREOF ENTITLED, "ADMINISTRATIVE LEGISLATION"**

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

**SECTION 1:** Chapter 13 of the Code of the City of Gardner, entitled "Council on Aging" be deleted in its entirety.

**SECTION 2:** Chapter 22 of the Code of the City of Gardner, entitled "Assessing Department," be deleted in its entirety.

**SECTION 3:** Chapter 31 of the Code of the City of Gardner, entitled "Building Department," be deleted in its entirety.

**SECTION 4:** Chapter 34 of the Code of the City of Gardner, entitled "Capital Improvement Planning Committee," be deleted in its entirety.

**SECTION 5:** Chapter 39 of the Code of the City of Gardner, entitled "Cemetery Commission," be deleted in its entirety.

**SECTION 6:** Chapter 45 of the Code of the City of Gardner, entitled "City Council," be deleted in its entirety.

**SECTION 7:** Chapter 50 of the Code of the City of Gardner, entitled "Community Development and Planning," be deleted in its entirety.

**SECTION 8:** Chapter 62 of the Code of the City of Gardner, entitled "Disability Commission," be deleted in its entirety.

**SECTION 9:** Chapter 75 of the Code of the City of Gardner, entitled "Emergency Management," be deleted in its entirety.

**SECTION 10:** Chapter 87 of the Code of the City of Gardner, entitled "Fire Department," be deleted in its entirety.

**SECTION 11:** Chapter 92 of the Code of the City of Gardner, entitled "Flags," be deleted in its entirety.

**SECTION 12:** Chapter 106 of the Code of the City of Gardner, entitled "Historical Commission," be deleted in its entirety.

**SECTION 13:** Chapter 110 of the Code of the City of Gardner, entitled "Holidays," be deleted in its entirety.

**SECTION 14:** Chapter 113 of the Code of the City of Gardner, entitled "Human Resources Department," be deleted in its entirety.

**SECTION 15:** Chapter 118 of the Code of the City of Gardner, entitled "Information Technology Department," be deleted in its entirety.

**SECTION 16:** Chapter 140 of the Code of the City of Gardner, entitled "Law Department," be deleted in its entirety.

**SECTION 17:** Chapter 152 of the Code of the City of Gardner, entitled "Municipal Golf Course Commission," be deleted in its entirety.

**SECTION 18:** Chapter 156 of the Code of the City of Gardner, entitled "Municipal Grounds Commission," be deleted in its entirety.

**SECTION 19:** Chapter 160 of the Code of the City of Gardner, entitled "Officers and Employees," be deleted in its entirety.

**SECTION 20:** Chapter 182 of the Code of the City of Gardner, entitled "Planning Board," be deleted in its entirety.

**SECTION 21:** Chapter 193 of the Code of the City of Gardner, entitled "Police Department," be deleted in its entirety.

**SECTION 22:** Chapter 217 of the Code of the City of Gardner, entitled "Department of Public Works," be deleted in its entirety.

**SECTION 23:** Chapter 221 of the Code of the City of Gardner, entitled "Purchasing/Civil Enforcement Department," be deleted in its entirety.

**SECTION 24:** Chapter 252 of the Code of the City of Gardner, entitled "Seal," be deleted in its entirety.

**SECTION 25:** Chapter 264 of the Code of the City of Gardner, entitled "Survey Department," be deleted in its entirety.

**SECTION 26:** Chapter 275 of the Code of the City of Gardner, entitled "Traffic Commission," be deleted in its entirety.

**SECTION 27:** Chapter 290 of the Code of the City of Gardner, entitled "Youth Commission," be deleted in its entirety.

**SECTION 28:** Chapter 298 of the Code of the City of Gardner, entitled "Airport," be deleted in its entirety.

**SECTION 29:** That a new Chapter 2 be added to the Code of the City of Gardner, to be entitled "Seal and other Emblems of the City," as follows:

### **Section 1: City Seal.**

A. The Seal of the City of Gardner shall be a circle two inches in diameter having in the center a representation of Colonel Thomas Gardner with sword in hand; in the background Crystal Lake and Monadnock Mountain; within the inner circle, five small circles, the one at the top enclosing a chair, the ones on the sides each enclosing the letter "W," the one at the bottom at the left enclosing the letter "A" and the one at the bottom at the right enclosing the letter "T"; and in the margin the inscription "Gardner, A Town June 27, 1785, A City January 1, 1923," the whole to be arranged according to the impression hereto annexed.

B. Deeds.

a. All deeds given by the City shall be sealed with the City Seal and shall be signed and acknowledged in behalf of the City by the Mayor.

C. Use of Seal.

a. The City Clerk shall be keeper of the City Seal but shall permit the Mayor or any other City officer to affix the same to any document to which the Seal is required to be affixed.

### **Section 2. Flag of the City of Gardner**

A. Description

a. The Flag of the City of Gardner shall consist of a navy-blue rectangular field bearing on either side a representation of the Seal of the City of Gardner in white.

### **Section 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, except those employees of the School Department or those covered by collective bargaining agreements.

**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 sixty (60) days for all Department Head positions, and ninety (90) days for all other officers and positions appointed by the Mayor, unless otherwise defined by the General Laws of the Commonwealth.

#### **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. 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.

**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 full-time position. The duties of said Building Commissioner shall be those set forth in the General Laws of the Commonwealth and the Code of the City of Gardner.

#### B. Electrical Inspection Division

##### a. Division Established

- i. An Inspection of Wires Division of the Building Department is hereby established, the affairs of which shall be conducted by an officer known as the "Electrical Inspector," and such officer is hereby designated as the officer required by the General Laws of the Commonwealth and the Code of the City of Gardner.
- ii. Said Inspection of Wires Division and the Electrical Inspector shall be subject to the authority of the Mayor and the Building Commissioner, and, for fire alarm superintendent related activities, the Electrical Inspector shall report to the Building Commissioner and confer with the Fire Chief.

##### b. Electrical Inspector

- i. The Mayor shall appoint an Electrical Inspector, subject to the provisions of the Code of the City of Gardner and the Charter of the City of Gardner. The Electrical Inspector shall be a licensed electrician in the Commonwealth of Massachusetts.
- ii. They shall keep an accurate record of the transactions of their office and shall report the same to the Building Commissioner on a monthly basis, to be reported to the Mayor as part of the Building Department's Annual Report.

#### C. Plumbing and Gas Inspection Division

##### a. Division and Position Established

An Inspection of Gas and Plumbing Division of the Building Department is hereby established, the affairs of which shall be conducted by an officer known as the "Plumbing and Gas Inspector," and such officer is hereby designated. The Plumbing and Gas Inspector shall be licensed to performing plumbing and gas work by the Commonwealth of Massachusetts.

b. Duties

The Plumbing and Gas Inspector shall perform such duties as may be required in enforcing the rules and regulations established by authority of the Massachusetts Code for Installation of Gas Appliances and Gas Piping, the General Laws of the Commonwealth, and the Code of the City of Gardner as presently in force, and as may be amended and in force from time to time.

**Section 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 employ 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 quasi-municipal agencies as water districts, sewer districts, etc.) in cooperative purchasing plans when the best interest of the City would be served thereby and such action is in accordance with and pursuant to prevailing General Laws.

I. Other duties of Purchasing Agent.

The Purchasing Agent shall perform such other duties related to the functions, duties and authorities set forth herein as may be prescribed by the Mayor or any applicable state or local laws and ordinances.

J. Chief Procurement Officer.

The Chief Procurement Officer shall conduct requests for proposals, including oversight of the solicitation, opening and evaluation of proposals and award of contract, in accordance with the authority delegated by MGL c. 30B.

K. Affirmative Marketing Construction Officer.

The Affirmative Marketing Construction Officer shall serve as the City's liaison with the Supplier Diversity Office and be responsible for all reporting in compliance with MGL c. 93.

L. Municipal Hearing Officer.

The Municipal Hearing Officer shall conduct local hearings of code violations pursuant to and in compliance with MGL c. 148A (Code Enforcement Officer). The Municipal Hearing Officer shall conduct such hearings using formal rules established under MGL c. 148A and shall render a written decision to the appropriate parties.

**Section 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.

D. Quorum

A quorum of each board shall be defined as a majority of the members appointed to each board, commission, or committee at the time of the meeting, unless otherwise specified by statute, charter, or any section of the Code of the City of Gardner.

**Section 2: Airport Commission**

A. Establishment

There shall be an Airport Commission, consisting of not less than three (3) nor more than eleven (11) members.

B. Issuance of Fees and Charges

The Airport Commission shall have the authority, with the approval of majority vote of the City Council and the Mayor, to institute a system of charges and fees for use of the Gardner Municipal Airport.

**Section 3: Bandstand Committee**

A. Establishment

There is hereby established under this section the Community Bandstand Committee, which shall exist and be operated hereunder for the purpose of implementing seasonal programs to be conducted in the City's parks, including but not limited to summer musical concerts and other community entertainment events at the Bandstand located in Monument Park, as well as at the City's other parks, at the City's other municipal grounds and at other appropriate locations in the City.

B. Membership

The Community Bandstand Committee shall consist of no less than three (3) members. One (1) of the members appointed to the Community Bandstand Committee shall be a member of the Municipal Grounds Commission, to carry out the purposes of this section.

C. Donations to Committee

- i. The Community Bandstand Committee may receive donations and gifts of property, both real and personal, in the name of the City to further the purposes as set forth in this section. Upon receipt of any such donation or gift, the Community Bandstand Committee shall provide each such gift or donation to the Treasurer, who shall deposit same into an account to be created and named the "Community Bandstand Committee Program Fund." All funds in such Community Bandstand Committee Program Fund shall be used for the purposes set forth in this section.
- ii. In accordance with the General Laws of the Commonwealth, the Community Bandstand Committee shall from time to time submit a listing of all donations and gifts received by the Committee for acceptance by majority vote of the City Council.

**Section 4: Board Of Assessors**

A. Establishment

- i. There is hereby a Board of Assessors established, who shall work with the City Assessing Department in accordance with the provisions of Chapter 6 of the Code of the City of Gardner.
- ii. Each year at its first meeting the Board shall organize and elect a Chairperson.

C. Duties

The Assessors shall perform, or cause to be performed, all the duties required of assessors under the General Laws of the Commonwealth of Massachusetts and shall be subject to said General Laws, as well as to the Charter and ordinances of the City of Gardner.

D. Employment Status

The City Assessor shall serve full time as an Assessor, while the other members shall be part-time Assessors.

E. Abatements

The Board shall meet with any person filing an application for abatement or his attorney upon request for such a meeting.

**Section 4: Board Of Health**

A. Establishment

- i. There shall be a Board of Health consisting of not less than three (3) members but no more than seven (7) members
- ii. At least one (1) member of the Board of Health shall be a physician and at least one (1) member shall be a registered nurse
- iii. No members of the Board of Health shall be members of the City Council.
- iv. Each year at its first meeting the Board shall organize and elect a Chairperson.

**Section 5: Board Of Registrars Of Voters**

A. Establishment

Per the provisions of the General Laws of the Commonwealth, there shall be a Board of Registrars of Voters consisting of three (3) members and the City Clerk shall serve as its fourth (4th) voting member.

**Section 6: Capital Improvement Planning Committee**

A. Establishment

- i. There shall be established in the City of Gardner a Capital Improvement Planning Committee.
- ii. Members shall consist of the Council President and/or designee(s), the City Engineer, the Director of Community Development and Planning, the City Treasurer, the Director of Public Works, the City Purchasing Agent/Civil Enforcement Director, the City Auditor, and the School Department Business Manager, all of whom shall serve as ex officio full voting members.

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 less than five (5) members but not more 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. Associate Members

The Council on Aging may have up to five (5) associate members, appointed by the mayor, and confirmed by the City Council for a term of one (1) year.

D. 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.

E. 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 three (3) members, but not more than seven (7) 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 36:** 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 37:** Section 2 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Conduct of Examination,” be amended by deleting the phrase, “or the department head” from the section.

**SECTION 38:** Section 3 of Chapter 171 of the Code of the City of Gardner, thereof entitled, “Report” be deleted in its entirety and replaced with the following:

Section 3: The employment candidate cannot commence employment until the Human Resources Department has received the pre-employment screening report clearing the candidate for full duty and/or identifying appropriate and applicable reasonable accommodations.

**SECTION 39:** Section 6 of Chapter 171 of the Code of the City of Gardner, thereof entitled, “Compensation for Blasting Services” be deleted in its entirety.

**SECTION 40:** 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 41:** 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 42:** 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 43:** 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 44:** 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 45:** Section 16 of Chapter 171 of the Code of the City of Gardner, entitled “Grant of Sick Days” shall be amended by replacing “15 days” with “one hundred sixty (160) hours”

**SECTION 46:** Section 17 of Chapter 171 of the Code of the City of Gardner, entitled “Credit and Use of Sick Days,” be deleted in its entirety and replaced with the following:

Section 17: Sick time shall be credited to employees on January 1<sup>st</sup> of each year. Employees may carry an unlimited number of unused sick time at the end of the year into the next year. Sick time shall not be used in less than one (1) hour increments.

**SECTION 47:** Section 18 of Chapter 171 of the Code of the City of Gardner, entitled “Doctor’s Certification,” be deleted in its entirety and replaced with the following:

Section 18: An employee that has been absent from work due to an illness or injury and/or the use of non-occupational sick leave for three (3) or more consecutive days at one time must present a medical note to their department director. This note shall be attached to the weekly benefit time reports. A doctor’s note may also be required if a department head and/or the Director of Human Resources has reasonable cause to believe that the employee may be abusing their non-occupational sick time.

**SECTION 48:** Section 21 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Payment for accumulated sick leave upon death of employee” be deleted in its entirety and replaced with the following:

Section 21: For employees hired before October 17, 1995, in the event that the employee shall die prior to retirement, if the employee has accumulated sick leave, shall be granted pay for such accumulation not to exceed fifty (50) full days of pay, plus an additional fifty percent (50%) of the daily rate for accumulated days over and above the first fifty (50) days, not to exceed a total of one hundred thirty (130) days paid (equivalent to ninety (90) full days of total pay.- 50 full days and 80 at 50%) Payment shall be paid to the estate of said deceased employee.

**SECTION 49:** Section 23 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Sick Leave Incentive Time,” be deleted in its entirety and replaced with the following:

Section 23: Commencing effective January 1, 2024, employees that do not call in sick and/or use sick leave in a calendar month shall earn four (4) hours per month of sick leave incentive time (not defined as vacation or personal time). The use of sick leave incentive time is subject to the approval of the department director. Employees may carry over up to twelve (12) hours of sick leave incentive time between years.

**SECTION 50:** Section 24 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Annual Report; Notification of Absence Due to Illness,” be deleted in its entirety and replaced by the following:

Section 24: On or about July 1<sup>st</sup> of each year, the Human Resources Department will provide the Mayor and the City Auditor a fiscal report of all sick leave accumulated and used by all City employees eligible for this benefit. Each employee will notify their department director each morning by 8:30 a.m. when they are going to be absent from work due to illness or injury.

**SECTION 51:** Section 25 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Grant of Leave,” be deleted in its entirety and replaced with the following:

**Section 25: Grant of Leave**

- A. A full-time and regularly part-time employees, not covered by a collective bargaining agreement, shall be granted bereavement leave without loss of regular straight-time pay for normally scheduled working hours as follows:
- 1) Five (5) consecutive days for the death of an immediate family member of the employee, which shall include a spouse, parent, step-parent, sibling, step sibling, children, step-children, or a person living in the immediate household of the employee.
  - 2) Three (3) consecutive days for the death of family members of the employee, which shall include parent of spouse or grandparent.
  - 3) Two (2) consecutive days for an employee’s niece, nephew, sibling in-law, child in-law, aunt, or uncle.
- B. If there is a delay in scheduling services, the employee may request a delay in their use of this benefit until that time. This request should be directed to the employee’s department director.

- C. For the purposes of this section, miscarriage of pregnancy shall be an eligible use for bereavement leave as defined in the schedule of time previously listed.

**SECTION 52:** Section 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 53:** Section 27(a) of Chapter 171 of the Code of the City of Gardner, thereof entitled “Part-time Employees,” be deleted in its entirety and replaced with the following:

Section 27: Part – Time Employees

- A. Any regular part-time employee of the City that is not covered by a collective bargaining agreement, except those under the control of the School Department and officials elected by the voters of the City, who have been employed for at least five (5) continuous and consecutive years of service and has worked at least 1,000 hours each year of service, shall receive, in addition to their regular compensation, longevity pay of \$75 during the first year that such service is attained and each fiscal year thereafter.
- B. Such employee shall receive an additional \$15 per year for each additional year of part-time continuous and consecutive service with the City.

**SECTION 54:** Section 30 of the Code of the City of Gardner, thereof entitled “Grant of Personal Time,” be deleted in its entirety and replaced with the following:

Section 30: Grant of Personal Time

- 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 forty (40) hours of personal time 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>: thirty-two (32) hours
  2. April 1<sup>st</sup> to June 30<sup>th</sup>: twenty-four (24) hours
  3. July 1<sup>st</sup> to September 30<sup>th</sup>: sixteen (16) hours

**SECTION 55:** Section 31(B) of Chapter 171 of the Code of the City of Gardner, thereof entitled “Use of Personal Days,” be amended by replacing “half day” with “one (1) hour.”

**SECTION 56:** Section 32 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Crediting of Personal Days,” be amended by adding the phrase, “Personal Time cannot be carried over from year to year” at the end of the section.

**SECTION 57:** Section 33 of Chapter 171 of the Code of the City of Gardner, thereof entitled “New Employees,” be deleted in its entirety and replaced with the following:

Section 33: New Employees

Newly hired employees shall be granted personal leave according to the following schedule:

| First Day of Employment  | Number of Personal Hours |
|--------------------------|--------------------------|
| January 1 to March 31    | 40                       |
| April 1 to June 30       | 32                       |
| July 1 to September 30   | 24                       |
| October 1 to December 31 | 16                       |

**SECTION 58:** Article IX of Chapter 171 of the Code of the City of Gardner, thereof entitled “Vacations for City Officers and Employees,” be amended by deleting the words “City Officers and” from the title.

**SECTION 59:** Section 34 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Police Officers,” be amended by deleting the title and replacing the title with “Deputy Chief of Police.”

**SECTION 60:** Section 34 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Police Officers,” be amended by replacing the phrase, “All police officers of the City of Gardner, not covered by a collective bargaining agreement,” with the phrase “The Deputy Chief of Police.”

**SECTION 61:** Section 35 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Firefighters,” be deleted in its entirety.

**SECTION 62:** Section 36 of Chapter 171 of the Code of the City of Gardner, thereof Entitled “Other full-time officers and employees,” be amended by replacing the title of the section with the following: “Full-time Employees.”

**SECTION 63:** Section 36 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Other full-time officers and employees,” be amended by removing the phrase “All other employees or officers,” from the first sentence.

**SECTION 64:** Section 36 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Other full-time officers and employees,” be deleted in its entirety and replaced with the following:

Section 36: City Employees, except those provided for by law and those covered by a collective bargaining agreement, regularly employed full-time by the City shall be granted an annual vacation without loss of pay as follows:

- A. Regularly employed for one (1) to four (4) years shall be entitled one hundred twenty (120) hours
- B. Regularly employed for five (5) to nine (9) years shall be entitled to one hundred sixty (160) hours
- C. Regularly employed for ten (10) to fourteen (14) years shall be entitled to two hundred (200) hours.
- D. Regularly employed for fifteen (15) to nineteen (19) years shall be entitled to two hundred forty (240) hours
- E. Regularly employed for twenty (20) years or more shall be entitled to two hundred eighty (280) hours.

**SECTION 65:** Section 37 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Other Part-time officers and employees,” be amended by replacing the title with “Part-time Employees.”

**SECTION 66:** Section 37 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Other Part-time Officers and Employees,” be amended by removing the words “other” and “or officers” from the first sentence.

**SECTION 67:** Section 40 of Chapter 171 of the Code of the City of Gardner, thereof entitled “New Employees,” be deleted in its entirety and replaced with the following:

Section 40: New full-time employees will earn eight (8) hours per month up to eighty (80) hours per calendar year. This time 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 eighty (80) hours of vacation time. 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 eighty (80) hours of vacation per calendar year.

**SECTION 68:** Section 42 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Minimum Increments,” be amended by replacing the phrase “half day” with “hour.”

**SECTION 69:** Article X of Chapter 171 of the Code of the City of Gardner, thereof entitled, “Salaries of Police and Fire Personnel,” be deleted in its entirety.

**SECTION 70:** Section 44 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Compensation in Lieu of Paid Holidays,” be deleted in its entirety.

**SECTION 71:** Section 45 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Compensation Established,” be deleted in its entirety and replaced with the following:

**Section 45: Compensation Established**

In addition to the provisions of the salary ordinance, the following full-time personnel shall receive compensation to be paid annually as follows:

- A. The Fire Chief shall receive \$1,250.00 for the upkeep and purchase of uniforms, equipment, and footwear.
- B. The Chief of Police and Deputy Chief of Police shall receive \$1,250.00 for the upkeep and purchase of uniforms, equipment, and footwear.
- C. The following shall receive \$500.00 annually for the upkeep and purchase of clothing, gear, and/or footwear:
  - Building Commissioner
  - Director of Public Health
  - Director of Public Works
  - City Engineer
  - Golf Course Superintendent
  - Transfer Station Supervisor
  - Transfer Station Monitor
  - Golf Grounds Maintenance Staff
  - Golf Grounds Maintenance Working Foreman
- D. The following shall receive \$650.00 annually for the upkeep and purchase of clothing, gear, and/or footwear:
  - Golf Motor Equipment Working Foreman
  - Golf Motor Equipment Repairmen

**SECTION 72:** Section 47 of Chapter 171 of the Code of the City of Gardner, thereof entitled “New Employees,” be deleted in its entirety and replaced with the following:

Section: 44: New Employees

Any newly appointed full-time employee as referenced above shall receive clothing/uniform allowance prorated quarterly for the balance of the remaining fiscal year at the time of their appointment.

**SECTION 73:** Section 52 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Department Heads,” be amended by replacing “Council on Aging Director,” with “Senior Center Director.”

**SECTION 74:** Section 52 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Department Heads,” be amended by adding “Director of Cable Operations” above “Director of Community Development and Planning.”

**SECTION 75:** Section 53(A) of Chapter 171 of the Code of the City of Gardner, thereof entitled “Vacation,” be deleted in its entirety.

**Section 76:** 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 one hundred sixty (160) hours
- B. Regularly employed for five (5) to nine (9) years shall be entitled to two hundred (200) hours.
- C. Regularly employed for ten (10) to fourteen (14) years shall be entitled to two hundred forty (240) hours.
- D. Regularly employed for fifteen (15) to nineteen (19) years shall be entitled to two hundred eighty (280) hours.
- E. Regularly employed for twenty (20) years or more shall be entitled to three hundred twenty (320) hours.

**SECTION 77:** 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      | 160 hours               |
| May 1 to August 31         | 120 hours               |
| September 1 to December 31 | 80 hours                |

**SECTION 78:** 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 forty (40) hours of personal time per calendar year. Personal time shall be credited to department heads on January 1 of each year. Personal time is 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>: Forty (40) hours
  - April 1<sup>st</sup> through June 30<sup>th</sup>: thirty-two (32) hours
  - July 1 through September 30<sup>th</sup>: twenty-four (24) hours

- October 1<sup>st</sup> through December 31<sup>st</sup>: eight (8) hours

C. Newly hired department heads shall be granted personal leave according to the following schedule:

| First Day of Employment  | Number of Personal Hours |
|--------------------------|--------------------------|
| January 1 to March 31    | 40                       |
| April 1 to June 30       | 32                       |
| July 1 to September 30   | 24                       |
| October 1 to December 31 | 16                       |

**SECTION 79:** 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 one hundred sixty (160) hours of nonoccupational sick time per calendar year. Sick time shall be credited on January 1 of each year. Department heads may carry an unlimited amount of sick time. Newly hired (hired from outside of the City and not promoted within) department heads shall be granted nonoccupational sick time 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 80:** 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 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 81:** 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 82:** Section 58 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Bereavement Leave” be deleted in its entirety and replaced with the following:

- A. Department Heads shall be granted bereavement leave without loss of regular straight-time pay for normally scheduled working hours as follows:
  - 4) Five (5) consecutive days for the death of an immediate family member of the employee, which shall include a spouse, parent, step-parent, sibling, step sibling, children, step-children, or a person living in the immediate household of the employee.
  - 5) Three (3) consecutive days for the death of family members of the employee, which shall include parent of spouse or grandparent.
  - 6) Two (2) consecutive days for an employee’s niece, nephew, sibling in-law, child in-law, aunt, or uncle.
- D. If there is a delay in scheduling services, the employee may request a delay in their use of this benefit until that time. This request should be directed to the Mayor
- E. For the purposes of this section, miscarriage of pregnancy shall be an eligible use for bereavement leave as defined in the schedule of time previously listed.

**SECTION 83:** 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 84:** 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 85:** 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 86:** 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 87:** 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 88:** 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 89:** 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 90:** 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.

# **OPINIONS FROM THE LAW DEPARTMENT**

# CITY OF GARDNER LAW DEPARTMENT

John M. Flick  
City Solicitor

Vincent Pusateri II  
Assistant City  
Solicitor



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November 26, 2024

Council President Elizabeth J. Kazinskas  
Gardner City Council  
95 Pleasant Street  
GARDNER, MA 01440

**RE: 11289 – An Ordinance to Amend the Code of the City of Gardner, Part 1, thereof entitled “Administrative Legislation” M.G.L. c. 41 section 61A**

Dear Council President Kazinskas,

During the November 18, 2024, informal meeting of the City Council, a question was presented relative to the statutory restriction on temporary appointments made by the Mayor as set forth in *M.G.L. c. 41 section 61A*. I have been asked to offer an opinion to provide further assistance in connection with the Mayor's appointing authority.

The statute is set out in pertinent part in the margin<sup>1</sup>. Mayor to make temporary appointments of the city auditor, city treasurer, and city collector of taxes. These positions are specifically called out in the statute, as these positions are filled by the City Council. The Gardner City Charter provides “SECTION 9. The city clerk, city treasurer, city auditor and city collector

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<sup>1</sup> [1] § 61A. **Appointment of Temporary Officers; Terms of Office; Bond; Powers and Duties.** If the office of city auditor, city treasurer, city collector of taxes or other officer having charge of a city department is vacant, or if any such officer, because of disability or absence, is unable to perform his duties, the mayor, without confirmation by the city council, any provision of a city charter to the contrary notwithstanding, shall appoint a temporary officer to hold such office and exercise the powers and perform the duties thereof until another is duly elected or appointed and has qualified according to law, or the officer who was disabled or incapacitated resumes his duties; but no such temporary officer shall be appointed under this section for a period longer than sixty days. ... *G.L. c. 41, § 61A* .

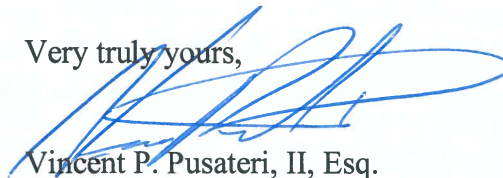
of taxes shall be elected by the city council for terms of three years and may be removed at any time by two thirds vote of the city council.” *Gardner City Charter Section 9.*

The rationale that supports empowering the Mayor’s office to make these appointments is the potential event of a sudden vacancy in these critical city departments. The proposed ordinance change does not include the Mayor’s ability to make these temporary appointments. The City should seek an amendment to the proposal to include these three positions.

Next temporary appointments of department heads (“officers having charge of a city department”) is similarly restricted to 60 days. The statute does not empower the Mayor to make these appointments as the Mayor is empowered to do so by the Charter. “SECTION 6. All heads of departments and members of municipal boards, ... shall be appointed by the mayor, subject to confirmation by the city council...” *Gardner City Charter Section 6.* However, the statute does restrict the temporary appointment without City Council’s approval. The Mayor’s executive authority to make all other temporary appointments is unaffected by the statute as the Charter provides the authority. The Charter provides, “SECTION 4. There shall be a mayor, elected by and from the qualified voters of the city, who shall be the chief executive officer of the city. *Gardner City Charter Section 4.* It continues, “Should an appointive officer of the city be temporarily unable for any cause to perform his duties, the mayor or the city council, whichever has the power of original appointment, may make a temporary appointment of some person to act until the official shall resume his duties”. *Gardner City Charter Section 32.* This would include all other officers, board members, and commissioners who are not department heads.

Therefore, when it comes to amending the code, the Mayor should maintain the authority to appoint 1) the city auditor; 2) the city treasurer; 3) the city collector of taxes; and 4) the department heads, temporarily, but not longer than 60 days. However, for all other temporary appointments, besides those identified above, there is no statutory limit on the temporary appointment. Any other limitation on the Mayor’s appointment authority would erode the separation of powers.

Very truly yours,



Vincent P. Pusateri, II, Esq.  
Assistant City Solicitor

# CITY OF GARDNER LAW DEPARTMENT

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November 26, 2024

Council President Elizabeth J. Kazinskas  
Gardner City Council.  
95 Pleasant St,  
GARDNER, MA 01440

**RE: 11289 – An Ordinance to Amend the Code of the City of Gardner, Part 1, thereof entitled “Administrative Legislation.”**

Dear Council President Kazinskas,

During the City Council informal hearing on November 18, 2024 the Law Department was requested to supply an opinion letter in connection with whether or not the Gardner City Ordinance can be amended to permit the Mayor, with City Council approval, to appoint a range of members to the Boards and Commissions identified in 11289 – An Ordinance to Amend the Code of the City of Gardner, Part 1, thereof entitled “Administrative Legislation.”

It is legally possible to do this, however, the City should further amend the ordinances to define what a quorum would be for each Board and Commission, in which a range of members is permitted. If the City moves in this direction, then, after further investigation, I advise that the quorum of a public body be defined by ordinance to be a majority of the members serving on the body. See *G.L. c. 30A, § 18*.

The Open Meeting Law defines a quorum as a simple majority of the members of a public body, unless otherwise provided in a general or special law, executive order, or other authorizing provision. *Id.* The statute states, “‘Quorum’, a simple majority of the members of the public body, unless otherwise provided in a general or special law, executive order or other authorizing provision.” *Id.*

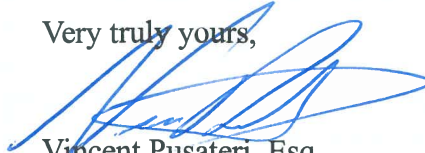
Please note that almost all Boards and Commissions are controlled by a statute and time has not permitted me to analyze each enabling statute against the proposed amendments or the

advice contained in the opinion letter. However, I request the opportunity to continue to review each of the Boards and Commissions against the proposed amendment and this opinion.

The Zoning Board of Appeals is one example as to why a more nuanced review would be appropriate, because in that statute, the quorum is defined.

Therefore, the Mayor, with City Council approval, may pass an ordinance that allows for a range of members to the Boards and Commissions. However, a further review should occur to ensure the nuances with each Board and Commission are identified and considered when doing so.

Very truly yours,



Vincent Pusateri, Esq.  
Assistant City Solicitor

# **RED LINED EDITS**



**Councillor Calvin Brooks:**

Page 5

**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, **except those employees of the School Department or those covered by collective bargaining agreements.**

Page 6:

**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 ninety (90) sixty (60) days for all Department Head positions, and ninety (90) days for all other officers and positions appointed by the Mayor.**

See attached for all other notes

**Councillor Elizabeth Kazinskas:**

Page 7:

Section 1

~~A.— 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.~~

Section 2:

~~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.~~

### Historical Commission

Page 27

#### 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.

### Law Department

Page 20

##### A. Quorum

A quorum of each board shall be defined as a majority of the members appointed to each board, commission, or committee at the time of the meeting, unless otherwise specified by statute, charter, or any section of the Code of the City of Gardner.

Director of Human Resources, Amanda Morse:

All changes replace the references to "Days" with the equivalent "Hours" to making time tracking more manageable.

**Page 32:**

**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 days” with ~~twenty (20) days~~ “one hundred sixty (160) hours”

**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~~ **time** shall be credited to employees on January 1<sup>st</sup> of each year. Employees may carry an unlimited number of unused sick ~~days~~ **time** at the end of the year into the next year. Sick time shall not be used in less than one (1) hour increments.

**Page 34:**

**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 ~~five (5) personal days (equivalent to 40 hours)~~ **forty (40) hours of personal time** 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>: ~~four (4) days~~ **thirty-two (32) hours**
  2. April 1<sup>st</sup> to June 30<sup>th</sup>: ~~three (3) days~~ **twenty-four (24) hours**
  3. July 1<sup>st</sup> to September 30<sup>th</sup>: ~~two (2) day~~ **sixteen (16) hours**

**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 <del>Days</del> <b>hours</b> |
|-------------------------|-------------------------------------------------|
|-------------------------|-------------------------------------------------|

|                          |                   |
|--------------------------|-------------------|
| January 1 to March 31    | <del>5</del> -40  |
| April 1 to June 30       | 4- <del>3</del> 2 |
| July 1 to September 30   | <del>3</del> -24  |
| October 1 to December 31 | 2-16              |

**Page 35:**

**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.

**Page 36:**

**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.

**Page 37:**

**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.

**Page 38:**

**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                       |

**Page 39:**

**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.

**SECTION 81:** Section 56 of Chapter 171 of the Code of the City of Gardner, thereof entitled “Sick Leave Incentive Time,” be deleted in its entirety and replaced with the following:

Effective January 1, 2024, department heads that do not use sick leave in a calendar month shall earn ½ day off (equal to four (4) hours) not to be charged to sick leave or vacation leave. Time earned in this manner shall be referred to as “sick leave incentive time.”

**PROPOSED EDITS  
RECEIVED**

## Comments on Item #11289—Administrative Legislation

### **Section 30**—Section 1: Compensation

Should there be language added stating “excepting School Department employees and employees covered by collective bargaining agreements”?

### **Section 30**—Section 4: Temporary Appointments

MGL Chapter 41, section 61A allows for temporary appointments up to 60 days, so the language should be changed from “90” days to “60” days.

### **Section 34**—Chapter 6 Executive Departments

The proposal uses language creating sizes of “up to” a certain number for boards and commissions. Should the city code establish a specific size for each?

Section 2: Assessing Department—remove “up to five (5) but no less than”, thereby establishing a board of three members.

### **Section 35**—Chapter 7 Boards and Commissions

The proposal uses language creating sizes of “up to” a certain number for boards and commissions. Should the city code establish a specific size for each?

Section 2: Airport Commission—remove “not less than three (3) nor more than eleven (11)” and insert a fixed number of members. (What is the Airport Commission’s current size?)

Section 3: Bandstand Committee—current code says no less than three members. Do we want to fix the number or is this one committee that can be as large as desired?

Section 4: Board of Health—remove “not less than three (3) members but no more than seven (7) members” and insert a fixed number of members. (What is the Board of Health’s current size?)

Section 7: Cemetery Commission—remove “no more than five (5) members but not less than seven (7) members” and insert “three (3) members” which is the current size of the commission.

Section 8: Council on Aging—remove “at least seven (7) members but not more than eleven (11) members” and insert “seven (7) members” which is the current size of the council.

Section 9: Disability Commission—remove “not less than seven (7) members and not more than nine (9) members” and insert “seven (7) members” which is the current size of the commission.

Section 10: Golf Commission—remove “not less than five (5) members, but more than seven (7) members” and insert “five (5) members” which is the current size of the commission.

Section 11: Historical Commission—remove “not less than seven (7) members,



but not more than eleven (11) members” and insert “seven (7) members” which is the current size of the commission.

Section 12: Municipal Grounds Commission (Ai)—remove “at least six (6), but not more than eight (8) members” and insert “six (6) members, five (5) of whom shall be appointed by the mayor, subject to City Council confirmation” as is currently done on the commission.

Section 12: Municipal Grounds Commission (Aii)—remove “who shall be a” and insert “who shall be the sixth member” as is currently done on the commission.

Section 13: Planning Board—remove “no less than five (5) members, no more than nine (9) members” and insert “five (5) members” which is the current size of the board.

Section 16: Youth Commission—remove “no less than three (3) members and” which leaves the size as no more than seven (7) members, which is the current code. Do we want to fix the number or is “no more than” acceptable for this commission?

**Section 36**—Is there a Section 36?

**Section 46**—Sick time increased from 15 to 20 days per year.

**Section 55**—Personal days increased from 3 to 5 days per year.

**Section 65**—Vacation time increased by one week.

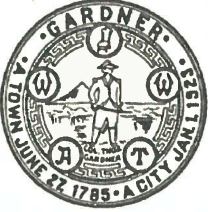
**Section 77**—Vacation time for department heads increased by one week.

**Section 79**—Personal time for department heads increased from 3 to 5 days.

**Section 80**—Sick time for department heads increased by one week

**Section 81**—Sick leave incentive time for department heads equal to 4 hours.

**Comment on Sections 46 to 81**—Do all grants of time-off need to be increased to attract and keep employees. For example, does sick time need to increase by one week? There is also a difference between a half day and 4 hours, and department heads are exempt employees, so should not be tracking their time in hours.



Gardner Historical Commission  
City Hall, 95 Pleasant Street  
Gardner, Massachusetts 01440-2630  
[www.gardner-ma.gov](http://www.gardner-ma.gov)

20 November 2024

Honorable Michael J. Nicholson  
Mayor of the City of Gardner  
95 Pleasant Street, Room 125  
Gardner, MA 01440-2630

Re: Pending Amendment to City Code, New Section 11, Historical Commission

Dear Mayor Nicholson:

At its meeting of November 19, 2024, the Historical Commission voted to request that the proposed amendment to the City Code under Council Calendar No. 11289, specifically Section 35, adding a new Chapter 7, Section 11: Historical Commission, be amended to read, as follows:

“The commission shall consist of not less than three nor more than seven members.”

This amendment is consistent with the limitations placed on the establishment of the Commission membership pursuant to the provisions of Section 8D of Chapter 40 of the General Laws.

Thank you very much for your kind attention and consideration in this matter of mutual concern.

Very truly yours,

*Charles M. LaHaye/a*

Charles M. LaHaye  
Commission Chair

CML/aa  
Cc: City Council