



City of Gardner – Mayor’s Office
Mayor Michael J. Nicholson

July 2, 2026

Hon. George C. Tyros, Council President
 And City Councilors
 Gardner City Hall, Rm 121
 95 Pleasant St
 Gardner, MA 01440

RE: Response to Item #11857: City Charter Section 25 Information Request to the Mayor of
 Compliance with City Code Article I §464-1

Dear Mr. President and Councilors,

At the meeting of June 15, 2026, the City Council voted to request information, under Section 25 of the City Charter, with regard to compliance with §464-1 of the Code of the City of Gardner.

Section 1 of Chapter 464 of the Code of the City of Gardner states:

§ 464-1 Grounds for denial, suspension or revocation of license or permit.

Any board, officer, or department shall deny any application for or revoke or suspend a building permit or any local license or permit, including renewals and transfers, for any person, corporation, or business enterprise who or which has neglected or refused to pay any local taxes, fees, assessments, betterments, or any other municipal charges, including amounts assessed under the provisions of MGL c. 40, § 21D, or with respect to any activity, event, or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.

In summary, this states that the City is unable to issue any permit, license, approval, etc. (here after “permit”) to any applicant who owes the City money due to “taxes, fees, assessments, betterments, or any other municipal charges,” that are still outstanding.

The Process:

When applications come in, this is done through a process known as a “Certificate of Good Standing.” In this process, an applicant for a permit submits their initial application which is then shared with the City Assessor, Tax Collector, and Civil Enforcement Offices.

The City Assessor identifies all of the properties owned by the applicant within the City. This both involves a check of all properties owned individually by the applicant and a check of records with the Secretary of the Commonwealth's Office to see if the applicant is either an officer of a/any Limited Liability Corporation (LLC) that owns properties in the City, is an officer or listed board member of a non-profit organization that owns property in the City, or a trustee of a Trust that owns properties in the City. Once this verification is concluded, a full listing of all properties for which the applicant has a financial interest in is produced and attached to the permit.

In the case of a building permit application, this also allows the City Assessor to flag the property as having work done to it, so that these improvements can be captured in City new growth valuations.

Once this is complete, the permit then moves to the City Treasurer and Civil Enforcement Office.

The City Treasurer/Tax Collector's office then reviews all of the properties listed by the City Assessor and confirms that tax payments are up to date. If there are taxes owed on any of the properties for which payments are not current, the permit is denied unless payment is received.

The City's Civil Enforcement Division of the City's Purchasing Department also reviews the names of the applicant and any other entity for which the applicant has a financial interest owes any money to the City in fees, fines, assessments, tickets, etc. If there are any outstanding financial obligations that the applicant individually or the organizations for which they have a financial interest. If there are any funds owed to the City, the permit is denied until payment is received.

There are instances in which sound judgement decisions can be made with a pending application if the applicant is not directly at fault for the delinquent funds. For instance if a business applies for a sign permit but their landlord owes the City property taxes, approval from the Mayor can be sought under §464-5 for the permit to still be issued so that the business is not penalized for the issues of their landlord.

The Issue:

In February of 2026, the former building commissioner was attempting to cut back the time it took for permits to be issued to applicants for various projects applied for through the building department.

As a way to cut back on the time it took for a permit to be reviewed and issued, the former commissioner removed the certificate of good standing step from workflow for permits issued by the building department, unaware of this requirement of the City Code.

This was noticed and brought up to the former commissioner when the other departments normally involved started not to see permits come through.

At this point, instruction was given to re-set the workflow of all permits issued to make sure that the requirements of the City Code were met along with an explanation of why this is important to the City that this process be followed the correct way.

In response to this, the former commissioner reinstated the Good Standing Certificate process into the workflow, however, with a setting that made it so that if a response from a department in the Good Standing process was not received after three (3) days, it was given automatic approval and moved forward to the next step. This is something that again, while good intentioned to keep the process moving in a timely manner, does not follow the correct process as outlined by the City Code. As such this was also addressed as needing to be fixed.

The Correction:

To correct these issues, I held a meeting with all departments that have permits issued through the City's OpenGov online permitting software and all those departments involved in the Good Standing Certification process.

During this meeting, it was identified that out of all of the permits issued by the City, only thirteen (13) applications still needed corrections to bring the process fully into compliance with the City Code. These permits are all related to building, electrical, plumbing, and zoning. All other applications in the City have been corrected to the proper process.

Additionally, it was noted that the option for a department to put a permit "on hold" was not functioning correctly, as it did not prohibit the next step in the application process from moving forward and rather than putting the permit on hold, instead made it so that the rest of the process could proceed with the process now ending with the department who put it on hold originally. This glitch is also being addressed so that this puts a full pause on the permit rather than a delayed skip step response.

These applications are in the process of being corrected. In the OpenGov system each application's workflow must be done individually for each application. This was confirmed by OpenGov that a single correction cannot be made to the system over all but must be on an application-by-application basis.

As these permits are being corrected, additional training was provided to every department on the OpenGov permitting system so that information on the process could be shared with each department so that problems like this could be avoided in the future. Representatives from OpenGov were on site from 12pm to 2pm on June 24, 2026, to provide training on the platform and one staff member from every department was asked to attend.

Additional training times are being worked on for staff who were unable to attend this training but are interested in learning more about the process.

Additionally, an email has been sent to all department heads reminding them of the requirement of §464-1 for all permits and applications.

Conclusion:

While well intended as a way to make the permitting process simpler and quicker for applicants looking to build in the City, a change was made to the permitting system that should not have been made and needed to be corrected in order to ensure full compliance with the City Code.

This section of the code exists for an important reason that must be upheld in the processes undertaken by the City's departments. We are working to make all necessary corrections to this process as we move forward to avoid this happening again.

Respectfully Submitted,

A handwritten signature in blue ink, reading "Michael J. Nicholson". The signature is fluid and cursive, with the first name "Michael" and last name "Nicholson" clearly legible.

Michael J. Nicholson
Mayor, City of Gardner