

WARD COUNCILLORS

1 – David R. Thibault-Muñoz
2 – Dana M. Heath
3 – Paul G. Tassone
4 – Karen G. Hardern
5 – Aleksander H. Dernalowicz, Esq.

COUNCIL PRESIDENT

George C. Tyros



COUNCILLORS AT LARGE

Calvin D. Brooks
Craig R. Cormier
Brad E. Heglin
Elizabeth J. Kazinskas
Judy A. Mack

City of Gardner Massachusetts

CALENDAR FOR THE MEETING

of

TUESDAY, JANUARY 20, 2026

CITY COUNCIL CHAMBER

7:30 P.M.

ORDER OF BUSINESS

I. CALL TO ORDER

II. CALL OF THE ROLL OF COUNCILLORS

**** ADMINISTRATIVE OATH OF OFFICE TO THOSE NOT PRESENT ON
JANUARY 5, 2026**

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 15, 2025, Regular Meeting
- October 6, 2025, Regular Meeting
- October 20, 2025, Regular Meeting

VII. PUBLIC HEARINGS

VIII. COMMUNICATIONS FROM THE MAYOR

11761 – Notice of Appointment of Rachel J. Roberts, to the position of Executive Secretary, for term expiring January 1, 2027. *Page 38*

11762 – Notice of Appointment of Vincent Pusateri II, Esq., to the position of City Solicitor, for term expiring January 5, 2029. *Page 40*

IX. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

11754 – High Street – National Grid to Relocate 2 Jointly Owned Poles on High Street beginning at a point approximately 10’ feet south of the centerline of the intersection of High Street and Newton Street and continuing approximately 120’ feet in an east direction. Relocating P30 and P31 on High Street to alleviate clearance issues to new construction being built on Newton Street. *(Public Hearing Required) Page 44*

X. REPORTS OF STANDING COMMITTEES

FINANCE COMMITTEE

11685 – A Measure Declaring the Land located at 13-17 West Lynde Street, as Defined in the Attached Approval Not Required (ANR) Plan, as Surplus for the Purpose of Disposition. *Page 48*

11764 – Discussion on City Council Rules. *Page 61*

XI. UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION

XII. NEW BUSINESS

11765 – A Resolution to File and Accept Grants with and from the Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs for the Parkland Acquisitions and Renovations for Communities (PARC) Program for Development of Ovilla Case Playground. *Page 69*

XIII. COUNCIL COMMENTS AND REMARKS

XIV. CLOSING PRAYER

XV. ADJOURNMENT

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

**REGULAR MEETING OF SEPTEMBER 15, 2025**

Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, September 15, 2025.

CALL TO ORDER

President Geoge Tyros called the meeting to order at 7:30 o'clock p.m.

CALL OF THE ROLL

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

OPENING PRAYER**PLEDGE OF ALLEGIANCE**

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

OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT

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

READING & ACCEPTANCE OF MINUTES

There were no meeting minutes present.

COMMUNICATIONS FROM THE MAYOR**#11694**

Mayor Nicholson informed the Council that he is proposing an Ad-Hoc Compensation Committee to continue discussions, ask questions, get answers and reach a consensus. He has appointed Councillors Brad Heglin and Elizabeth Kazinskas and Human Resource Director

REGULAR MEETING OF SEPTEMBER 15, 2025

Amanda Morse to join him in the committee and create a comprehensive solution that can gather the requisite Council support to pass a compensation ordinance.

On a motion made by Councillor Elizabeth Kazinskas and seconded by Councillor Judy Mack, it was voted to place on file, *A Communication from the Mayor Regarding the Formation of an Ad-Hoc Committee*.

10 yeas, motion passes.

REPORTS OF STANDING COMMITTEE
SERVICE COMMITTEE

#11693

Councillor Paul Tassone informed the Council of the September Public Service Committee Update:

- The City received Chapter 90 funding later than usual this year. Funding, which typically arrives in April, was received in early August, leaving approximately two and a half months for construction instead of the full summer season. However, the funding amount increased from \$600,000 to \$1.1 million. The City is working with Mass Broken Stone to complete paving work, weather permitting.
- Current paving work includes Green Street Rotary to Bertha Ave, Beech and Heywood Street, and Woodland Street sidewalks and ramps.
- Upcoming projects include Crystal Lake Drive, Abbott Street, Cross Street, milling only with new ADA-compliant ramps, Lakeview, Chatham, Plymouth, Ida, Highland, Glazier, Reservoir Hill, and Sylvan Roads.
- A \$450,000 state grant was awarded for Pearl Street and Betty Spring Road to the Rotary. Elizabeth Street will also be paved following the completion of the new water main installation. Timing conflicts with school traffic were discussed, and adjustments such as later start times or weekend work will be considered to minimize disruption.
- Recent improvements include replacing sand with approximately \$17,000 worth of rubber mulch at Pulaski Playground, supported by a \$500 donation from UNITIL.
- Additional work included repairing dog park drainage, replacing mulch, and repaving walking areas.
- Plans are underway to relocate usable playground equipment from Waterford Street School to Bickford Playground, along with the addition of new rubber mulch.
- At the transfer station, drainage issues are being addressed in coordination with the Board of Health.

REGULAR MEETING OF SEPTEMBER 15, 2025

- The Crystal Lake Water Treatment Facility roof replacement project, totaling \$130,000, will begin soon.
- The salt shed installation bid came in under \$100,000, with a three-month completion timeline.
- The James Street Pump Station will be rebuilt using a nearly \$1 million grant, with bidding expected to begin shortly.
- The City is exploring funding options for replacing aging DPW equipment. Concerns were raised regarding incomplete tree removal work on side streets, where stumps were not fully ground, mulched, and reseeded as required. The City will revisit these locations to complete the work when conditions allow.
- The updated Floodplain Ordinance has generated resident concerns due to new FEMA maps. Staff are assisting residents with documentation to help avoid unnecessary flood insurance requirements.
- Safe Routes to School: Elm Street reconstruction will begin this fall with underground work, followed by sidewalks and roadway improvements in the spring.
- Safe Streets for All: The City received \$280,000, including a \$57,000 state match, to develop a Vision Zero plan. This will include public meetings and demonstration projects.
- Permitting continues as usual, with additional support available for first-time applicants.
- Preparations are underway for the MVP grant public meetings regarding the Keys Road culvert, scheduled for October 22nd.
- Work is also ongoing to modernize site inspections and forms to improve communication.

On a motion made by Councillor Paul Tassone and seconded by Councillor Craig Cormier, it was voted to place on file, *September Public Service Committee Update*.

10 yeas, motion passes.

REPORTS OF STANDING COMMITTEE
WELFARE COMMITTEE

#11688

On a motion made by Councillor Judy Mack and seconded by Councillor Dana Heath, it was voted to refer to the Planning Board, Welfare Committee and schedule a joint public hearing on, *An Ordinance to Amend Chapter 675 of the Code of the City of Gardner, thereof entitled*

REGULAR MEETING OF SEPTEMBER 15, 2025

“Zoning” to Allow for the Operation and Use of Cottage Kitchens in Residential Districts within the City of Gardner.”

10 yeas, motion passes.

REPORTS OF STANDING COMMITTEE
FINANCE COMMITTEE

#11684

On a motion made by Councillor Brad Heglin, seconded by Councillor Dana Heath, it was voted on call of the roll, nine (9) yeas, President George Tyros and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Elizabeth Kazinskas, Paul Tassone and David Thibaul-Muñoz; one (1) nay, Councillor Judy Mack; to adopt the order:

DECLARING SURPLUS FOR PURPOSE OF DISPOSAL 25 MAIN STREET

VOTED: To declare 25 Main Street, identified as Parcel B on the attached plot plan, further identified on the City of Gardner Assessor's Map as M22/5/44, as surplus for the purpose of leasing for commercial use for a minimum value of \$10 per year, in accordance with prevailing General Laws, and upon such other terms as the mayor shall consider proper in accordance with this Vote.

#11689

On a motion made by Councillor Judy Mack and seconded by Councillor Brad Heglin, it was voted on call of the roll, ten (10) yeas, President George Tyros and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Elizabeth Kazinskas, Judy Mack, Paul Tassone and David Thibaul-Muñoz, to adopt the order:

AN ORDER APPROPRIATING AN ADDITIONAL SUM OF MONEY FROM AVAILABLE ENTERPRISE FUNDS-VARIOUS RECEIPTS RESERVED TO VARIOUS ACCOUNTS FOR THE FISCAL YEAR BEGINNING JULY 1, 2025 TO JUNE 30, 2026

ORDERED:

That there be and is hereby appropriated for the Fiscal Year beginning July 1, 2025, to June 30, 2026, the additional sum of ONE HUNDRED FIFTY-FOUR THOUSAND, NINE HUNDRED FIFTY-ONE DOLLARS 6/100 CENTS (\$154,951.06) from Available Enterprise Funds-Receipts Reserved to the following accounts:



REGULAR MEETING OF SEPTEMBER 15, 2025

Sewer Dept	Enterprise Fund	\$40,608.33
Water Dept	Enterprise Fund	40,608.33
Golf Course	Enterprise Fund	58,756.30
Solid Waste	Enterprise Fund	14,978.10

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

#11690

On a motion made by Councillor Judy Mack and seconded by Councillor Brad Heglin, it was voted on call of the roll, ten (10) yeas, President George Tyros and Councillors Calvin Brooks, Craig Cormier, Karen Hardern, Dana Heath, Brad Heglin, Elizabeth Kazinskas, Judy Mack, Paul Tassone and David Thibaul-Muñoz, to adopt the order:

AN ORDER TO RAISE AND APPROPRIATE AN ADDITIONAL SUM OF MONEY FOR VARIOUS EXPENSE EXPENDITURE BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2025 TO JUNE 30, 2026.

ORDERED: To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2025 to June 30, 2026 an additional sum as designated below for the expenditures of the various department, Expense Expenditure budget, in the amount of TWO HUNDRED, FIVE THOUSAND FIVE HUNDRED EIGHTY-NINE DOLLARS 23/100 (\$205,589.23):

Mayors Unclassified Reserve Account	\$ 205,589.23
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ADJOURNMENT

On a motion by Councillor Dana Heath and seconded by Councillor Brad Heglin, it was voted, to adjourn at 7:50 p.m.

Accepted by the City Council:

**REGULAR MEETING OF OCTOBER 6, 2025**

Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, October 6, 2025.

CALL TO ORDER

President Geoge Tyros called the meeting to order at 7:30 o'clock p.m.

CALL OF THE ROLL

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

OPENING PRAYER**PLEDGE OF ALLEGIANCE**

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

OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT

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

READING & ACCEPTANCE OF MINUTES

On a motion made by Councillor Elizabeth Kazinskas and seconded by Councillor Paul Tassone, it was voted, eleven (11) yeas, President George Tyros and Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Elizabeth Kazinskas, Judy Mack, Paul Tassone, and David Thibault-Muñoz to waive the reading and accept the minutes of June 6, 2025, Informal Meeting.

REGULAR MEETING OF OCTOBER 6, 2025

COMMUNICATIONS FROM THE MAYOR

#11710

Councillor Judy Mack informed the Council that she would like to thank Youth Center Director Brandon Hughey for the update on the first month of the program. He reported that teens in the community are actively enjoying the programs and amenities offered at the youth center. Average daily attendance is approximately 22 members, with a total of 46 registered participants in September. Attendance increased by 46% over the first three weeks, which Councillor Mack noted as very encouraging. He added that individuals or businesses interested in supporting the youth center through donations of materials, school supplies, or snacks are encouraged to contact the Center Director.

On a motion made by Councillor Judy Mack and seconded by Councillor Aleksander Dernalowicz, it was voted to place on file, *A Communication from the Mayor Regarding Youth Center*.

11 yeas, motion passes.

REPORTS OF STANDING COMMITTEE
WELFARE COMMITTEE

#11704

On a motion made by Councillor Judy Mack and seconded by Councillor David Thibault-Muñoz, it was voted to refer to the Planning Board, Welfare Committee and schedule a joint public hearing on, *An Ordinance to Amend Chapter 675 of the Code of the City of Gardner, thereof Entitled Zoning, to Promote Housing Growth and Production in the City*.

11 yeas, motion passes.

REPORTS OF STANDING COMMITTEE
FINANCE COMMITTEE

#11683

On a motion made by Councillor Judy Mack, seconded by Councillor Aleksander Dernalowicz, it was voted to grant the order:

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



REGULAR MEETING OF OCTOBER 6, 2025

VOTED: To authorize the Mayor to enter into an Intermunicipal Agreement with the Town of Hubbardston for the purpose of providing Veteran's services among the two communities for the remainder of this fiscal year and through Fiscal Year 2028, under such terms and conditions as the Mayor deems appropriate and in accordance with the provisions of Section 4A of Chapter 40 of the General Laws.

11 yeas, motion passes.

#11695

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

AN ORDER TRANSFERRING APPROPRIATIONS FOR BUILDING DEPT FROM SALARIES & WAGES TO OPERATING EXPENDTURES.

ORDERED: That there be and is hereby transferred the appropriations sum of Five Thousand, Seven Hundred and Ninety-Five Dollars (\$5,795.00) Building Dept from Salaries & Wages to Operating Expenditures as follows:

BUILDING DEPT PROF SERVICES EXPENSE	\$5,795.00
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#11696

On a motion made by Councillor Brad Heglin and seconded by Councillor Aleksander Dernalowicz, it was voted to place on file, *A Communication from the Mayor Regarding the Request for Proposal (RFP) Review Committee for 130 Elm Street- Helen Mae Sauter School.*

11 yeas, motion passes.

#11697

On a motion made by Councillor Brad Heglin and seconded by Councillor Aleksander Dernalowicz, it was voted to place on file, *A Communication from the Mayor Regarding the Request for Proposal (RFP) Review Committee for 53 School Street- School Street School.*

11 yeas, motion passes.



REGULAR MEETING OF OCTOBER 6, 2025

#11699

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

AN ORDER TO RAISE AND APPROPRIATE AN ADDITIONAL SUM OF MONEY FOR VARIOUS OPERATIONAL EXPENDITURE BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2025 TO JUNE 30, 2026.

ORDERED: To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2025 to June 30, 2026 an additional sum as designated below for the expenditures of the various departments, Operating Expenditure budget, in the amount of ONE HUNDRED, EIGHTY-THREE THOUSAND THREE HUNDRED SEVENTEEN DOLLARS 62/100 (\$183,317.62):

Police Dept	Body Camera Equip/Service Expense	\$35,000.00
Mayor Uncl Dept	Prof Services Grant Writing Expense	54,000.00
School Dept	E-Rate Internet Expense	39,171.62
DPW Dept	Tree Removal Expense	30,000.00
Ambulance Dept	Used Vehicle Expense	25,000.00

#11700

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Judy Mack, to adopt the order, *A Measure authorizing the City to borrow \$6,911,028.00 for the Gardner Middle School Massachusetts School Building Authority Accelerated Repair Roof Replacement Project at 297 Catherine Street.*

Councillor Elizabeth Kazinskas expressed that the item involves a \$7 million order and stated that she had several questions and concerns. Councillor Kazinskas suggested that additional time may be needed to review the matter more thoroughly. She emphasized the importance of ensuring that the City does not jeopardize eligibility for potential Massachusetts School Building Authority (MSBA) reimbursement and asked whether there was a deadline by which the Council must act. No definitive deadline was identified, though it was suggested that applications may be due in December.



REGULAR MEETING OF OCTOBER 6, 2025

Councillor Kazinskas stated that she was glad the matter was presented to the full Council and reiterated that, given the significant financial impact, further discussion would be appropriate before moving forward, particularly in the absence of a firm deadline. She would like to amend the motion and request more time.

There were no objections, more time was granted.

#11703

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Judy Mack, it was voted to send to first printing, *An Ordinance to Amend Attachment E of Chapter 8 of the Code of the City of Gardner, thereof entitled "Non-Union Compensation Schedule," to add a position of Assistant Youth Center Director.*

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 8, THEREOF ENTITLED PERSONNEL, TO AMEND THE ATTACHEMENT E, THEREOF ENTITLED "NON-UNION COMPENSATION SCHEDULE" TO ADD THE POSITION OF "ASSISTANT YOUTH CENTER DIRECTOR"

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

SECTION 1: That the following be added from Attachment E of Chapter 8 of the Code of the City of Gardner, thereof entitled "Non-Union Compensation Schedule"

B. Non-Union Direct and Supervisory Staff Positions

Position	Hourly
Assistant Youth Center Director	\$20.00

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

SECTION 3: This ordinance amendment shall sunset on July 1, 2026 to allow for a pilot period of the position.

11 yeas, motion passes.

REGULAR MEETING OF OCTOBER 6, 2025

#11711

Councillor Brad Heglin provided an update on the Waterford Community Center. He stated that recent efforts have focused on improving communication, increasing public awareness, and gathering feedback particularly regarding the relocation of the Senior Center to the Community Center.

Councillor Heglin reported that he, the Mayor, and the Council President held a well-attended information session at the Senior Center, where they presented details about the planned move, shared the vision for the new space, addressed safety considerations, and answered questions from residents. Valuable feedback and suggestions were received from seniors, which will be considered as the project progresses.

Councillor Heglin also reported that he met with CAC Director Julie Meehan, the Mayor, and the Building Commissioner to discuss the next phase of the CAC build-out.

Additionally, Councillor Heglin met with Historical Commission member Alan Agnelli to discuss plans for archival space. Mr. Agnelli expressed interest in additional classrooms to support proper separation of storage, viewing, and display areas, as well as the need for professional consultation regarding archival storage, climate control, and display requirements.

Councillor Heglin further shared that Growing Places Director remains very satisfied with the current space and has expressed interest in expanding into the former teachers' lounge to consolidate staff currently working from multiple locations. He noted that a lease amendment may be brought before the Council for consideration.

Lastly, Councillor Heglin reported meeting with the City's new Building Commissioner, Melissa McDonald, to bring her up to speed on the project. He stated that she has reviewed plans and reports and is eager to tour the site.

On a motion made by Councillor Brad Heglin and seconded by Councillor Craig Cormier, it was voted to place on file, *Council Liaison – October Waterford Community Center Update*.

11 yeas, motion passes.

REPORTS OF STANDING COMMITTEE
APPOINTMENTS COMMITTEE

REGULAR MEETING OF OCTOBER 6, 2025

#11705

On a motion made by Councillor Dana Heath and seconded by Councillor Brad Heglin, it was voted to place on file, *A Measure Confirming the Fire Chief Appointment of Timothy Frank, to the position of Firefighter of the Gardner Fire Department, permanent.*

11 yeas, motion passes.

#11706

On a motion made by Councillor Dana Heath and seconded by Councillor Brad Heglin, it was voted to place on file, *A Measure Confirming the Fire Chief Appointment of Brighton Cormier, to the position of Firefighter of the Gardner Fire Department, permanent.*

11 yeas, motion passes.

#11707

On a motion made by Councillor Dana Heath and seconded by Councillor Brad Heglin, it was voted to place on file, *A Measure Confirming the Fire Chief Appointment of Alissa Innamorati, to the position of Firefighter of the Gardner Fire Department, permanent.*

11 yeas, motion passes.

#11708

On a motion made by Councillor Dana Heath and seconded by Councillor Brad Heglin, it was voted to place on file, *A Measure Confirming the Fire Chief Appointment of Bret Niford, to the position of Firefighter of the Gardner Fire Department, permanent.*

11 yeas, motion passes.

#11629

On a motion made by Councillor Dana Heath and seconded by Councillor Brad Heglin, it was voted to confirm, *A Measure Confirming the Mayor's Appointment of Andre Guertin, to the position of Airport Commission Member, for a term expiring 8/21/2028.*

11 yeas, motion passes.

REGULAR MEETING OF OCTOBER 6, 2025

#11630

On a motion made by Councillor Dana Heath and seconded by Councillor Brad Heglin, it was voted to confirm, *A Measure Confirming the Mayor's Appointment of David Urquhart, to the position of Airport Commission Member, for a term expiring 8/21/2028.*

11 yeas, motion passes.

#11631

On a motion made by Councillor Dana Heath and seconded by Councillor Brad Heglin, it was voted to confirm, *A Measure Confirming the Mayor's Appointment of James Woods, to the position of Airport Commission Member, for a term expiring 8/21/2028.*

11 yeas, motion passes.

#11632

On a motion made by Councillor Dana Heath and seconded by Councillor Brad Heglin, it was voted to confirm, *A Measure Confirming the Mayor's Appointment of Alan Cosentino, to the position of Airport Commission Member, for a term expiring 8/21/2028.*

11 yeas, motion passes.

#11633

On a motion made by Councillor Dana Heath and seconded by Councillor Brad Heglin, it was voted to confirm, *A Measure Confirming the Mayor's Appointment of John Awdycki, to the position of Cemetery Commission Member, for a term expiring 8/21/2028.*

11 yeas, motion passes.

#11634

On a motion made by Councillor Dana Heath and seconded by Councillor Brad Heglin, it was voted to confirm, *A Measure Confirming the Mayor's Appointment of John Awdycki, to the position of Municipal Grounds Commission Member, for a term expiring 8/21/2028.*

11 yeas, motion passes.

REGULAR MEETING OF OCTOBER 6, 2025

#11635

On a motion made by Councillor Dana Heath and seconded by Councillor Brad Heglin, it was voted to confirm, *A Measure Confirming the Mayor's Appointment of Denise Merriam, to the position of Cemetery Commission Member, for a term expiring 8/21/2028.*

11 yeas, motion passes.

#11636

On a motion made by Councillor Dana Heath and seconded by Councillor Brad Heglin, it was voted to confirm, *A Measure Confirming the Mayor's Appointment of Denise Merriam, to the position of Municipal Grounds Commission Member, for a term expiring 8/21/2028.*

11 yeas, motion passes.

#11637

On a motion made by Councillor Dana Heath and seconded by Councillor Brad Heglin, it was voted to confirm, *A Measure Confirming the Mayor's Appointment of Chuck LaHaye to the position of Cemetery Commission Member, for a term expiring 8/21/2028.*

11 yeas, motion passes.

#11638

On a motion made by Councillor Dana Heath and seconded by Councillor Brad Heglin, it was voted to confirm, *A Measure Confirming the Mayor's Appointment of Chuck LaHaye, to the position of Historical Commission Member, for a term expiring 8/21/2028.*

11 yeas, motion passes.

#11639

On a motion made by Councillor Dana Heath and seconded by Councillor Brad Heglin, it was voted to confirm, *A Measure Confirming the Mayor's Appointment of Jeffrey Gallant, to the position of Golf Commission Member, for a term expiring 8/21/2028.*

11 yeas, motion passes.

REPORTS OF STANDING COMMITTEES
ECONOMIC AND COMMUNITY DEVELOPMENT

REGULAR MEETING OF OCTOBER 6, 2025

#11709

Councillor Elizabeth Kazinskas informed the Council that the Committee met on Friday with Director Stevens, who provided the following updates:

Rear Main Street Project

Progress was delayed due to an approximately two-month wait for National Grid approval related to underground wire relocation and conduit placement. The contractor, Fuss & O'Neill, is actively pushing for approvals to prevent further. The water line has been installed to the sidewalk, and change orders were approved to winterize the splash pad feature.

Master Plan

A public open house is planned for late October or early November at Perry Auditorium to gather feedback on the inventory and assessment reports prepared by the Master Plan Steering Committee. Several sections have already undergone internal review, including input from city officials and community leaders. A prior open house was held earlier in the year, and additional opportunities for public input remain available through the City's website.

Hazard Mitigation Plan

The risk assessment chapters were reviewed, and comments were submitted to the planning consultant, Weston & Sampson.

Property Sales – Garbose and 205–213 Main Street

The sales of both properties are progressing. Development must comply with current City codes and address prior public safety concerns. Because both properties are located within urban renewal zones, approval from the state Executive Office of Housing and Livable Communities is required. Due to ongoing legal and City approvals, discussions remain in executive session.

Greenwood Pool

The road was closed on October 1 for utility disconnections. Asbestos abatement has been completed. The City is awaiting review by MassDEP regarding waste oil disposal before above-ground demolition can begin. Demolition is expected to start in mid-October, dependent on MassDEP's timeline.

Complete Streets Grant Program

The City was awarded \$100,000 for FY2025. Approximately \$11,000 remains from prior

REGULAR MEETING OF OCTOBER 6, 2025

awards, which is insufficient for major projects. Re-estimations will be conducted for current projects, and the City plans to pursue a stronger grant application for FY2026.

Maki Park

Maki Park remains on the Committee's calendar until project completion. A recent change order was approved to ensure accessibility. The project remains on schedule, with construction expected to be minor and completion targeted for mid-November.

Follow-Up to Committee Questions (September 19 Meeting)

At the Committee's request, two questions were submitted to the Mayor:

1. Reallocation of Downtown Phase 3 Funds

The Mayor explained that in mid-August, Director Stevens, Auditor John Richard, and the Mayor met to address funding for the remaining Maki Park work. Due to prolonged delays related to utility pole work on Park Street, updated cost estimates were obtained. Busy Bee Nursery estimated remaining Maki Park work at approximately \$58,000, while E.H. Perkins estimated approximately \$15,000 to complete Downtown Phase 3. With these updated figures and consideration of the December 2025 ARPA spending deadline, the Auditor approved reclassification of excess Downtown Phase 3 ARPA funds to complete Maki Park.

2. Departmental Updates

Quarterly year-to-date updates from Community Development, Auditing, Purchasing, and Engineering were provided and included in the October 3 Committee packet. Monthly meetings between the Mayor and Director Stevens informed ongoing updates, and a running project document was included. Engineering reported minimal involvement at the current project stage.

On a motion made by Councillor Elizabeth Kazinskas and seconded by Councillor Craig Cormier, it was voted to place on file, *September Economic and Community Development Update*.

11 yeas, motion passes.

ADJOURNMENT

On a motion by Councillor Paul Tassone and seconded by Councillor David Thibaul-Muñoz, it was voted, to adjourn at 8:30 p.m.

Accepted by the City Council:

**REGULAR MEETING OF OCTOBER 20, 2025**

Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, October 20, 2025.

CALL TO ORDER

President Geoge Tyros called the meeting to order at 7:30 o'clock p.m.

CALL OF THE ROLL

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

OPENING PRAYER**PLEDGE OF ALLEGIANCE**

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

OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT

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

READING & ACCEPTANCE OF MINUTES

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

**REGULAR MEETING OF OCTOBER 20, 2025**

reading and accept the minutes of June 6, 2025, Joint Public Hearing with Planning Board and June 16, 2025 Regular Meeting.

PUBLIC HEARINGS**#11713**

President George Tyros opened the Public Hearing on the FY2026 Tax Classification.

Mayor Nicholson spoke in favor of the measure and presented a presentation, attached.

The President thrice called for persons wishing to testify in opposition. There being none, President Tyros closed the hearing.

COMMUNICATIONS FROM THE MAYOR**#11713**

Councillor Elizabeth Kazinkas thanked the Mayor, the Assessor's Office, and the Auditor for their work in expediting the process. She noted that their efforts allow City Hall staff to gather and compile tax bill information efficiently and deliver it to residents as early and directly as possible.

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Judy Mack, it was voted to adopt the measure.

DETERMINATION OF A RESIDENTIAL FACTOR OF ONE FOR REAL ESTATE TAXATION FOR THE FISCAL YEAR 2026 BEGINNING JULY 1, 2025 AND ENDING JUNE 30, 2026.

VOTED: That the residential factor for real estate taxation be set at one (1) for the Fiscal year beginning on July 1, 2025 and ending on June 30, 2026.

11 yeas, motion passes.

REGULAR MEETING OF OCTOBER 20, 2025

REPORTS OF STANDING COMMITTEE
SAFETY COMMITTEE

#11715

Councillor Craig Cormier informed the Council that the Public Safety Committee met on Friday with the heads of the Health, Building, Fire, and Police Departments to receive departmental updates.

The Health Department reported several staffing changes, including the resignation of Public Health Director Blondeau effective at the end of the week, the resignation of the Transfer Station Supervisor effective October 15, and the hiring of a new full-time administrative assistant. A part-time administrative coordinator position remains vacant, and Assistant Director DePrima will serve as Acting Director. Staffing shortages are impacting inspection capacity. Two landfill projects currently lack allocated funding: replacement of leach pumps, for which only one bid was received at approximately twice the anticipated cost, and repairs to erosion of the landfill cap.

The Building Department reported that Commissioner McDonald has completed her first 30 days in the role. Her new assistant inspector is performing well, though a second full-time position remains vacant, resulting in approximately a three-week permit review lead time and a two- to three-day inspection wait.

The Police Department reported multiple current vacancies and three upcoming retirements between December and March, contributing to continued overtime use. Interviews have been completed, and conditional offers are pending for three applicants. The department received a \$20,000 grant to convert the domestic violence advocate position to full-time and a \$30,000 Municipal Road Safety Grant for additional traffic safety signage. The body-worn camera program is expected to be operational by January 1. Renovations to the Emergency Operations Center are nearing completion, with minor ADA-related delays. Dispatch staffing is stable with reduced overtime, and Animal Control is fully staffed with a well-maintained shelter facility.

The Fire Department reported full staffing following the graduation and assignment of three new recruit firefighters. One firefighter remains on modified duty due to injury. Overtime costs have stabilized after being elevated earlier in the year. The department is awaiting federal approval to proceed with a \$363,941.96 grant for new radios, replacing equipment more than 15 years old, with anticipated delivery once approval is finalized. Council has also approved funding to purchase a used ambulance from Westminster to serve as a backup, pending delivery of Westminster's new unit. Exterior work on the Fire Headquarters roof

REGULAR MEETING OF OCTOBER 20, 2025

replacement project is complete, with interior repairs underway to address prior leaks and reduce heating costs before winter.

On a motion made by Councillor Craig Cormier, seconded by Councillor Aleksander Dernalowicz, it was voted to place on file, *October Public Safety Committee Update*.

11 yeas, motion passes.

REPORTS OF STANDING COMMITTEE
FINANCE COMMITTEE

#11700

Councillor Elizabeth Kazinskas stated that she had asked several questions on the item at the previous meeting and commended the Finance Committee for its work and for bringing the matter forward to the full Council. She noted that the item is large and complex. She reported that she submitted her questions to the Mayor, who forwarded them to Director Hawke and the School Department, and that responses were provided and included in the meeting packet along with additional information she found helpful. She further stated that responses to her questions and the additional information were received only a few days prior.

On a motion made by Councillor Elizabeth Kazinskas and seconded by Councillor Brad Heglin, it was voted to request more time and remain on the City Council Calendar, *A Measure authorizing the City to borrow \$6,911,028.00 for the Gardner Middle School Massachusetts School Building Authority Accelerated Repair Roof Replacement Project at 297 Catherine Street*.

11 yeas, motion granted for more time.

#11703

On a motion made by Councillor Judy Mack and seconded by Councillor Aleksander Dernalowicz, it was voted to send to approve and send to final printing, *An Ordinance to Amend Attachment E of Chapter 8 of the Code of the City of Gardner, thereof entitled "Non-Union Compensation Schedule," to add a position of Assistant Youth Center Director*.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 8, THEREOF ENTITLED PERSONNEL, TO AMEND THE ATTACHEMENT E, THEREOF ENTITLED "NON-UNION COMPENSATION SCHEDULE" TO ADD THE POSITION OF "ASSISTANT YOUTH CENTER DIRECTOR"



REGULAR MEETING OF OCTOBER 20, 2025

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

SECTION 1: That the following be added from Attachment E of Chapter 8 of the Code of the City of Gardner, thereof entitled “Non-Union Compensation Schedule”

B. Non-Union Direct and Supervisory Staff Positions

Position	Hourly
Assistant Youth Center Director	\$20.00

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

SECTION 3: This ordinance amendment shall sunset on July 1, 2026 to allow for a pilot period of the position.

11 yeas, motion passes.

#11701

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Brad Heglin, it was voted to place on file, *A Communication from the Mayor regarding the Certification of the FY2026 LA-4.*

11 yeas, motion passes.

#11702

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Brad Heglin, it was voted to place on file, *A Communication from the Mayor regarding the Certification of the FY2026 LA-13.*

11 yeas, motion passes.

#11712

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Brad Heglin, it was voted to adopt the order.

CITY OF GARDNER, MASSACHUSETTS CITY ELECTION ORDER NOVEMBER 4, 2025

ORDER: That meetings of the citizens of this City qualified to vote for City officers shall be held on **TUESDAY**, the **FOURTH DAY** of **NOVEMBER 2025** from 7:00 o'clock in the



REGULAR MEETING OF OCTOBER 20, 2025

morning until 8:00 o'clock in the evening for the purpose of casting their votes for the election of One Mayor for Two years; Six Councillors at Large for Two years; One Councillor in Ward One, One Councillor in Ward Two, One Councillor in Ward Three, One Councillor in Ward Four and One Councillor in Ward Five for Two Years; and Three School Committee Members at Large for Four Years, all terms beginning the first Monday in January 2026, as follows:

To vote for a person, fill in the oval at the right of the name.

CANDIDATE FOR MAYOR FOR TWO YEARS

VOTE FOR ONE

Kimberly Ann Blake, 25 Baker Street

Michael Joseph Nicholson, 131 Crestwood Drive

CANDIDATES FOR COUNCILLOR AT LARGE FOR TWO YEARS

VOTE FOR NOT MORE THAN SIX

Calvin D. Brooks, 147 Elm Street Elizabeth J. Kazinskas, 63 Brook Lane

Jeffrey Michael Palmieri, 69 Greenwood Street Judy A. Mack, 28 Chapel Street

George Costas Tyros, 235 Saunders Street Craig R. Cormier, 39 Coleman Steet

Brad E. Heglin, 164 Sherman Street

CANDIDATE FOR WARD ONE COUNCILLOR

VOTE FOR ONE

David R. Thibault-Munoz, 212 Bickford Hill Road

CANDIDATE FOR WARD TWO COUNCILLOR

VOTE FOR ONE

Dana M. Heath, 167 Acadia Road

CANDIDATE FOR WARD THREE COUNCILLOR

VOTE FOR ONE

Paul Gerard Tassone, 52 Church Street

CANDIDATE FOR WARD FOUR COUNCILLOR

VOTE FOR ONE

Karen G. Hardern, 229 Sherman Street, Unit 2

CANDIDATE FOR WARD FIVE COUNCILLOR

VOTE FOR ONE

REGULAR MEETING OF OCTOBER 20, 2025

Aleksander Henry Dernalowicz, 91 W Broadway

CANDIDATES FOR SCHOOL COMMITTEE MEMBER AT LARGE FOR FOUR YEARS

VOTE FOR NOT MORE THAN THREE

Jennifer Zlotnik Pelavin, 19 Jackson Park

Anne Frances Hurst, 24 Hillside Place

Paul Joseph Cormier Sr., 33 Opal Lane

It is further ordered that the following polling places are designated by this Council:

WARD 1, PRECINCT A – Elk’s Home, 31 Park Street

WARD 1, PRECINCT B – Elk’s Home, 31 Park Street

WARD 2, PRECINCT A – Levi Heywood Memorial Library, 55 West Lynde Street

WARD 2, PRECINCT B – Levi Heywood Memorial Library, 55 West Lynde Street

WARD 3, PRECINCT A – City Hall, Perry Auditorium, 95 Pleasant Street

WARD 3, PRECINCT B – City Hall, Perry Auditorium, 95 Pleasant Street

WARD 4, PRECINCT A – Gardner Police Headquarters, 200 Main Street

WARD 4, PRECINCT B – Gardner Police Headquarters, 200 Main Street

WARD 5, PRECINCT A – Polish American Club, 171 Kendall Pond Rd W

WARD 5, PRECINCT B – Polish American Club, 171 Kendall Pond Rd W

REPORTS OF STANDING COMMITTEE

APPOINTMENTS COMMITTEE

#11653

On a motion made by Councillor Elizabeth Kazinskas and seconded by Councillor Dana Heath, it was voted to confirm, *A Measure Confirming the Mayor's Appointment of Jonathan Zlotnik, to the position of Redevelopment Authority Member, for a term expiring August 21, 2030.*

10 yeas, 1 abstention, Councillor Paul Tassone, motion passes.

#11657

On a motion made by Councillor Elizabeth Kazinskas and seconded by Councillor Dana Heath, it was voted to confirm, *A Measure Confirming the Mayor's Appointment of Jonathan Zlotnik, to the position of Industrial Development Finance Authority Member, for a term expiring August 22, 2030.*

REGULAR MEETING OF OCTOBER 20, 2025

10 yeas, 1 abstention, Councillor Paul Tassone, motion passes.

#11652

On a motion made by Councillor Elizabeth Kazinskas and seconded by Councillor Dana Heath, it was voted to confirm, *A Measure Confirming the Mayor's Appointment of Judy Mack, to the position of Redevelopment Authority Member, for a term expiring August 21, 2030.*

9 yeas, 1 abstention, Councillor Paul Tassone, 1 recuse, Councillor Judy Mack, motion passes.

#11656

On a motion made by Councillor Elizabeth Kazinskas and seconded by Councillor Dana Heath, it was voted to confirm, *A Measure Confirming the Mayor's Appointment of Judy Mack, to the position of Industrial Development Finance Authority Member, for a term expiring August 22, 2030.*

9 yeas, 1 abstention, Councillor Paul Tassone, 1 recuse, Councillor Judy Mack, motion passes.

#11643

On a motion made by Councillor Brad Heglin and seconded by Councillor Elizabeth Kazinskas, it was voted to confirm, *A Measure Confirming the Mayor's Appointment of Joshua Cormier, to the position of Director of Purchasing/Civil Enforcement, for a term expiring August 21, 2028.*

11 yeas, motion passes.

#11648

On a motion made by Councillor Brad Heglin and seconded by Councillor Dana Heath, it was voted to confirm, *A Measure Confirming the Mayor's Appointment of Philip Baczewski, to the position of Youth Commission Member, for a term expiring August 21, 2028.*

11 yeas, motion passes.

#11649

On a motion made by Councillor Dana Heath and seconded by Councillor Brad Heglin, it was voted to confirm, *A Measure Confirming the Mayor's Appointment of Frances Lemieux, to the position of Cultural Council Member, for a term expiring August 21, 2028.*

REGULAR MEETING OF OCTOBER 20, 2025

11 yeas, motion passes.

#11650

On a motion made by Councillor Dana Heath and seconded by Councillor Brad Heglin, it was voted to confirm, *A Measure Confirming the Mayor's Appointment of Kathleen Deal, to the position of Cultural Council Member, for a term expiring August 21, 2028.*

11 yeas, motion passes.

#11668

On a motion made by Councillor Dana Heath and seconded by Councillor Elizabeth Kazinskas, it was voted to confirm, *A Measure Confirming the Mayor's Appointment of Stephen Cormier, to the position of Housing Authority Member, for a term expiring August 22, 2028.*

11 yeas, motion passes.

#11664

On a motion made by Councillor Dana Heath and seconded by Councillor Paul Tassone, it was voted to confirm, *A Measure Confirming the Mayor's Appointment of Scott Huntoon, to the position of Historical Commission Member, for a term expiring August 22, 2028.*

11 yeas, motion passes.

#11663

On a motion made by Councillor Dana Heath and seconded by Councillor Brad Heglin, it was voted to confirm, *A Measure Confirming the Mayor's Appointment of Chris Pera, to the position of Historical Commission Member, for a term expiring August 22, 2028.*

11 yeas, motion passes.

#11698

On a motion made by Councillor Brad Heglin and seconded by Councillor Aleksander Dernalowicz, it was voted to place on file, *Correspondence from the Mayor regarding a Letter from the Appointments Committee Regarding the use of the title "Department of Inspectional Services".*

11 yeas, motion passes.



REGULAR MEETING OF OCTOBER 20, 2025

ADJOURNMENT

On a motion by Councillor Paul Tassone and seconded by Councillor Dana Heath, it was voted, to adjourn at 8:22 p.m.

Accepted by the City Council:

DRAFT



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

October 2, 2025

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

RE: A Measure to Adopt a Factor for Real Estate and Personal Property Taxation for Fiscal Year 2026

Dear Mr. President and Councilors,

Dear Madam President and Councilors,

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

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

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

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

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner

**DETERMINATION OF A RESIDENTIAL FACTOR OF ONE FOR REAL ESTATE TAXATION FOR
THE FISCAL YEAR 2026 BEGINNING JULY 1, 2025 AND ENDING JUNE 30, 2026.**

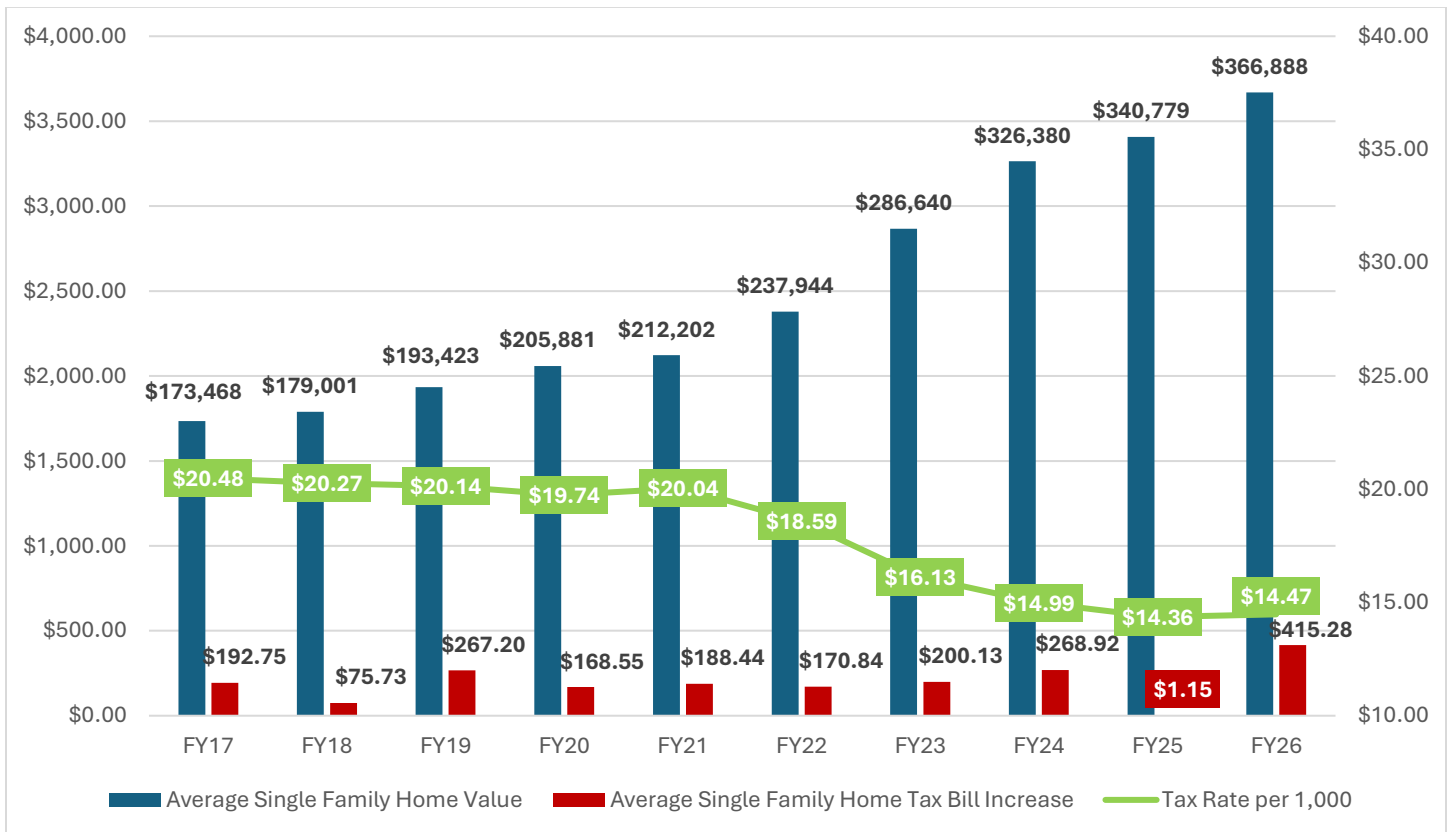
VOTED: That the residential factor for real estate taxation be set at one (1) for the
Fiscal year beginning on July 1, 2025 and ending on June 30, 2026.

AVERAGE SINGLE FAMILY TAX BILL

11713

Fiscal Year	Single Family Assessed Value	Single Family Parcels	Single Family Average Value	Average Single Family Tax Bill Increase	Residential Tax Rate	Average Single Family Tax Bill
2013	670,651,600	3909	171,566		17.46	\$2,995.54
2014	633,628,900	3913	161,929	\$60.06	18.87	\$3,055.60
2015	627,774,800	3945	159,132	\$123.85	19.98	\$3,179.45
2016	650,308,100	3962	164,136	\$180.42	20.47	\$3,359.87
2017	689,881,300	3977	173,468	\$192.75	20.48	\$3,552.62
2018	713,318,700	3985	179,001	\$75.73	20.27	\$3,628.35
2019	773,887,200	4001	193,423	\$267.20	20.14	\$3,895.55
2020	824,554,400	4005	205,881	\$168.55	19.74	\$4,064.10
2021	853,053,400	4020	212,202	\$188.44	20.04	\$4,252.53
2022	959,390,400	4032	237,944	\$170.84	18.59	\$4,423.38
2023	1,156,307,700	4034	286,640	\$200.13	16.13	\$4,623.51
2024	1,315,963,900	4032	326,380	\$268.92	14.99	\$4,892.44
2025	1,374,021,800	4032	340,779	\$1.15	14.36	\$4,893.59
2026	1,481,493,700	4038	366,888	\$415.28	14.47	\$5,308.87

FY26 Estimated Tax Rate

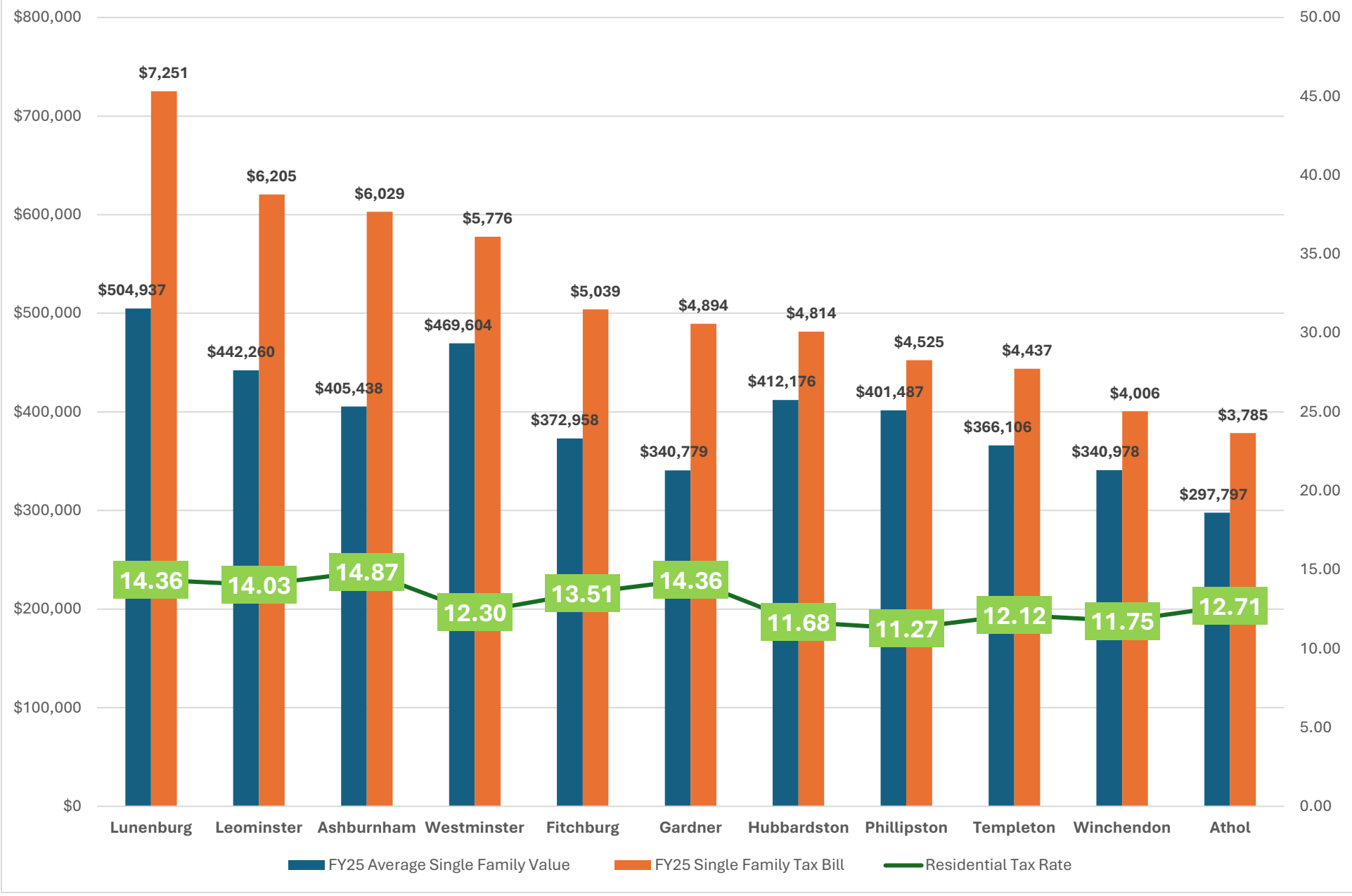


FY25 Average Single Family Home Values – Northern Worcester County

Municipality	Single Family Value	Tax Rate	Single Family Tax Bill	Rank
Lunenburg	\$504,937	14.36	7,251	136
Leominster	\$442,260	14.03	6,205	189
Ashburnham	\$405,438	14.87	6,029	201
Westminster	\$469,604	12.30	5,776	219
Fitchburg	\$372,958	13.51	5,039	266
Gardner	\$340,779	14.36	4,894	275
Hubbardston	\$412,176	11.68	4,814	284
Phillipston	\$401,487	11.27	4,525	304
Templeton	\$366,106	12.12	4,437	310
Winchendon	\$340,978	11.75	4,006	328
Athol	\$297,797	12.71	3,785	332

351 Municipalities in Massachusetts

FY25 Average Single Family Value



TOP 10 TAX PAYERS
(including Utility Companies)

#	Owner Name	Total Value	Type	Estimated Taxes
1	MASS ELECTRIC	26,672,219	UTILITY	\$385,947
2	UNCAS LLC	22,882,100	CONDOS	\$331,104
3	UNITIL	21,716,547	UTILITY	\$314,238
4	CEDAR TIMPANY LLC	13,834,200	RETAIL/COMMERCIAL	\$200,181
5	BINNALL HOUSE RHF PARTNERS	12,825,300	APARTMENTS	\$185,582
6	NE WOODEN WARE/GTU LLC/URQUHART FAMILY LLC	12,665,300	COMMERCIAL	\$183,267
7	OLDE ENGLISH VILLAGE PRESERVATION LP	12,261,300	APARTMENTS	\$177,421
8	MOUNTAIN CLIMBER LLC	11,175,200	APARTMENTS	\$161,705
9	WAKEFIELD PLACE ASSOC LTD PTNR	10,723,800	APARTMENTS	\$155,173
10	NEW ENGLAND POWER	10,407,498	UTILITY	\$150,596
11	EXCHANGERIGHT NET-LEASED PORTFOLIO 54 DST	9,623,300	RETAIL/COMMERCIAL	\$139,249
12	MASS AVE RENTALS LLC	8,939,500	APARTMENTS	\$129,355
13	GARDEN GATE LJS LLC	8,664,900	APARTMENTS	\$125,381

**FY26 Estimated Tax
Rate - \$14.47**

Gardner Historic Assessments & Percentages of Value

FY	TOTAL	Residential	Commercial	Industrial	Personal Prop	Res % of Total	CIP % of Total	Tax Rate
2013	1,181,385,479	969,707,075	111,731,325	61,621,600	38,325,479	82.08	17.92	17.46
2014	1,136,149,615	920,245,074	110,967,326	62,394,500	42,542,715	81.00	19.00	18.87
2015	1,131,686,711	896,784,169	111,029,231	62,898,800	60,974,511	79.24	20.76	19.98
2016	1,139,021,076	904,538,011	116,765,889	58,565,500	59,151,676	79.41	20.59	20.47
2017	1,197,247,612	949,314,346	120,068,054	60,033,000	67,832,212	79.29	20.71	20.48
2018	1,245,880,527	984,275,930	126,760,670	63,989,080	70,854,847	79.00	21.00	20.27
2019	1,337,397,809	1,069,105,409	124,307,491	63,340,650	80,644,259	79.94	20.06	20.14
2020	1,412,573,860	1,137,043,228	126,423,872	66,730,100	82,376,660	80.49	19.51	19.74
2021	1,456,237,096	1,175,288,183	130,856,217	63,236,000	86,856,696	80.71	19.29	20.04
2022	1,616,370,964	1,318,229,099	130,973,801	63,946,660	103,221,404	81.55	18.45	18.59
2023	1,954,354,540	1,621,892,966	150,541,334	75,159,200	106,761,040	82.99	17.01	16.13
2024	2,185,643,180	1,835,104,190	162,233,510	77,599,680	110,705,800	83.96	16.04	14.99
2025	2,361,467,020	1,979,379,280	183,937,920	88,992,140	109,157,680	83.82	16.18	14.36
2026	2,547,997,590	2,162,039,059	185,137,941	89,280,940	111,539,650	84.85	15.15	14.47

FY26 Estimated Tax Rate - \$14.47

FY2026

CIP SHIFT RATIO	RESIDENTIAL FACTOR	RES%	CIP%	RES TAX* RATE	CIP TAX RATE	
0.5	1.09	92.4300%	7.57%	15.76	7.24	100%
0.75	1.04	88.6400%	11.36%	15.12	10.85	100%
1	1.00	84.8525%	15.1475%	14.47	14.47	100%
1.25	0.95	81.0700%	18.9300%	13.83	18.09	100%
1.5	0.90	77.2800%	22.7200%	13.18	21.71	100%

FY25 Tax Rate is estimated

CLASS (A)	TOTAL VALUE (B)	% Share (C)	
Residential	2,162,039,059	84.8525%	
Commercial	185,137,941	7.2660%	
Industrial	89,280,940	3.5040%	CIP % 15.1475%
Personal Property	111,539,650	4.3775%	
	2,547,997,590	100.0000%	

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

$$150\% * 15.1475\% (D3) = 22.72125\% (\text{Max \% Share})$$

Minimum Share of Levy for Class One:

$$100\% - 22.72125\% (\text{Max \% Share}) = 77.27875\% (\text{Min \% Share})$$

Minimum Residential Factor (MRF):

$$77.27875\% (\text{Min \% Share}) / 84.8525\% (C3) = 91.0742\% (\text{MRF})$$

MINIMUM RES FACTOR LA7: **91.0742%**

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

***** NOTICE OF FY2026 TAX CLASSIFICATION HEARING*****

Pursuant to Chapter 40, Section 56 M.G.L. the Gardner City Council will hold a public hearing on Monday, October 20, at 7:30pm in the Council Chamber, Room 219, at City Hall, 95 Pleasant Street, Gardner, MA.

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

The public is welcome to attend.

Posted to City website on 10/14/2025



City of Gardner - Executive Department
Mayor Michael J. Nicholson

December 11, 2025

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

RECEIVED
2025 JAN -6 P 2:54
CITY OF GARDNER, MA

RE: A Communication from the Mayor Regarding the Appointment of Rachel J. Roberts as Executive Secretary for a term expiring January 1, 2027

Dear Mr. President and Councilors,

I am writing to hereby notify you that as has been done in the past, I have appointed Mrs. Rachel J. Roberts to the position of Executive Secretary in the Mayors Office. This appointment is an annual appointment that is made by the Mayor on the first of January every year.

Mrs. Roberts has done a great job in the officer during her eleven (11) years of service with the City, and I am happy to put forward her re-appointment.

Respectfully,

Michael J. Nicholson
Mayor, City of Gardner

Effective January 1, 2026

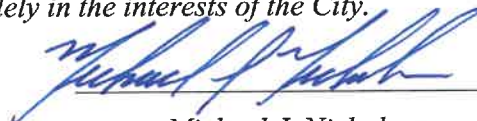
Commonwealth of Massachusetts

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 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, 2027

Worcester, ss., Jan. 5, 2026 _____

Then personally appeared the above named **Rachel J. Roberts**, and made oath that she would faithfully and impartially perform the duties of the office of **Executive Secretary** according to law and the best of her abilities.

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

December 11, 2025

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

RECEIVED
 2025 JAN -6 P 2:54
 CITY CLERK'S OFFICE
 GARDNER, MA

RE: A Communication from the Mayor Regarding the Appointment of Vincent P. Pusateri II, Esq. as City Solicitor for a term expiring January 5, 2029

Dear Mr. President and Councilors,

I am writing to hereby notify you that pursuant to Section 6 of the Charter of the City of Gardner, I have appointed Attorney Vincent P. Pusateri II to serve as City Solicitor.

I have been very pleased with Attorney Pusateri's work for the City having previously served as Assistant City Solicitor and most recently his first appointment as City Solicitor, and I truly believe this appointment to be in the best interest of the City.

Please note that as a result of the recent amendments to the Administrative Legislation section of the City Code, the appointment of a City Solicitor was changed from a one (1) year appointment to a three (3) year appointment. Prior to this amendment, Section A(1) of the section governing the Law Department (now Chapter 6, formerly Chapter 140) stated "There shall be established in the City of Gardner a Law Department to be administered by the City Solicitor, who shall be appointed annually by the Mayor, with the assistance of an Assistant City Solicitor, if one has been appointed." The portion of this previous sentence that is emphasized in italics and underlined was deleted in the Administrative Legislation Ordinance Amendment.

As such, provisions of Section 2 of Chapter 3 of the Code of the City of Gardner now apply which state:

Section 3-2 Appointments: 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 years, unless otherwise stated.

As such, the position of City Solicitor is now a full three (3) year appointment.

Respectfully,

Michael J. Nicholson
 Mayor, City of Gardner

Effective January 5, 2026

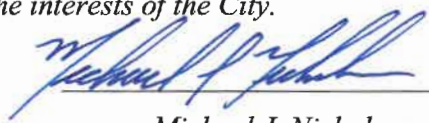
Commonwealth of Massachusetts

Worcester County

City of Gardner

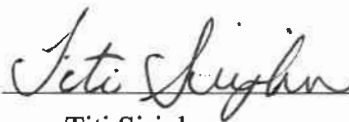
CERTIFICATE OF APPOINTMENT

I appoint Vincent P. Pusateri, II, Esquire to the position of City Solicitor, 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.



Mayor
Michael J. Nicholson

Confirmed by City Council CONFIRMATION NOT REQUIRED



City Clerk
Titi Siriphan

Expires: January 5, 2029


Worcester, ss., Jan. 12, 2026

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

Before me,


City Clerk

Chapter 303 Acts of 1975
and
Chapter 409 Acts of 1983

Received 

nationalgrid

RECEIVED
2025 DEC 23 A 11:34
CITY CLERK'S OFFICE
GARDNER, MA

November 17, 2025

City of Gardner

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole location(s)

If you have any questions regarding this permit please contact:

Please notify National Grid's Vincent LoGuidice of the hearing date / time at 978-255-5558 or Vincent.LoGuidice@NationalGrid.com.

If this petition meets with your approval, please return an executed copy to each of the above named Companies.

National Grid Contact: Vincent LoGuidice; 1101 Turnpike Street; North Andover, MA 01845

Very truly yours,

Zylmar Garcia
Name: Distribution Design Supervisor
Supervisor, Distribution Design

Enclosures



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

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

PROJECT REVIEW MEMORANDUM

To: George Tyros, City Council President
Cc: Dane Arnold, DPW Director
Titi Siriphan, City Clerk
From: Robert Oliva – City Engineer *REO*
Date: January 13, 2026
Project: National Grid City Council Petition – High Street
City Council Item #11754

National Grid has submitted a pole petition for removing two existing poles and replacing them with new poles in slightly different locations on High Street. This is required due to the construction of a new home on the corner of High and Newton Street. I have inspected the proposed locations, reviewed the petition application, and my only comment that is an existing street light on pole P30 will need to be relocated to the new P30.

Questions contact – Evan Loosigian 774-823-5889

RECEIVED

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

NOV 23 A 11:34

North Andover, Massachusetts

CITY CLERK'S OFFICE
GARDNER, MA

To the City Council
Of Gardner, Massachusetts

Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

High St - National Grid to Relocate 2 JO Poles on High St beginning at a point approximately 10' feet south of the centerline of the intersection of High St and Newton St and continuing approximately 120' feet in an east direction. Relocating P30 and P31 on High St to alleviate clearance issues to new construction being built on Newton St.

Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – High St – Gardner – Massachusetts.

No.# 31139440 November 17, 2025

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

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a
NATIONAL GRID *Eylmar Garcia*

BY _____
Engineering Department

VERIZON NEW ENGLAND, INC.

BY _____
Manager / Right of Way

RECEIVED

2025 DEC 23 A 11: 34

CITY CLERK'S OFFICE
GARDNER, MA

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the City Council - Gardner, Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that Massachusetts Electric Company d/b/a National Grid and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 17th day of November, 2025.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked - High St - Gardner - Massachusetts

November 17, 2025. Filed with this order. WR # 31139440.

There may be attached to said poles by Massachusetts Electric Company d/b/a National Grid and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

High St - National Grid to Relocate 2 JO Poles on High St beginning at a point approximately 10' feet south of the centerline of the intersection of High St and Newton St and continuing approximately 120' feet in an east direction. Relocating P30 and P31 on High St to alleviate clearance issues to new construction being built on Newton St.

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

I hereby certify that the foregoing order was adopted at a meeting of the
of the City/Town of _____, Massachusetts held on the _____ day of _____ 20 .

Massachusetts

City/Town Clerk.
20 .

Received and entered in the records of location orders of the City/Town of

Book Page

Attest:
City/Town Clerk

I hereby certify that on _____ 20____, at _____ o'clock, M
at _____ a public hearing was held on the petition of
Massachusetts Electric Company d/b/a National Grid and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and
that we mailed at least seven days before said hearing a written notice of the time and place of said
hearing to each of the owners of real estate (as determined by the last preceding assessment for
taxation) along the ways or parts of ways upon which the Company is permitted to erect
poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....
.....
.....
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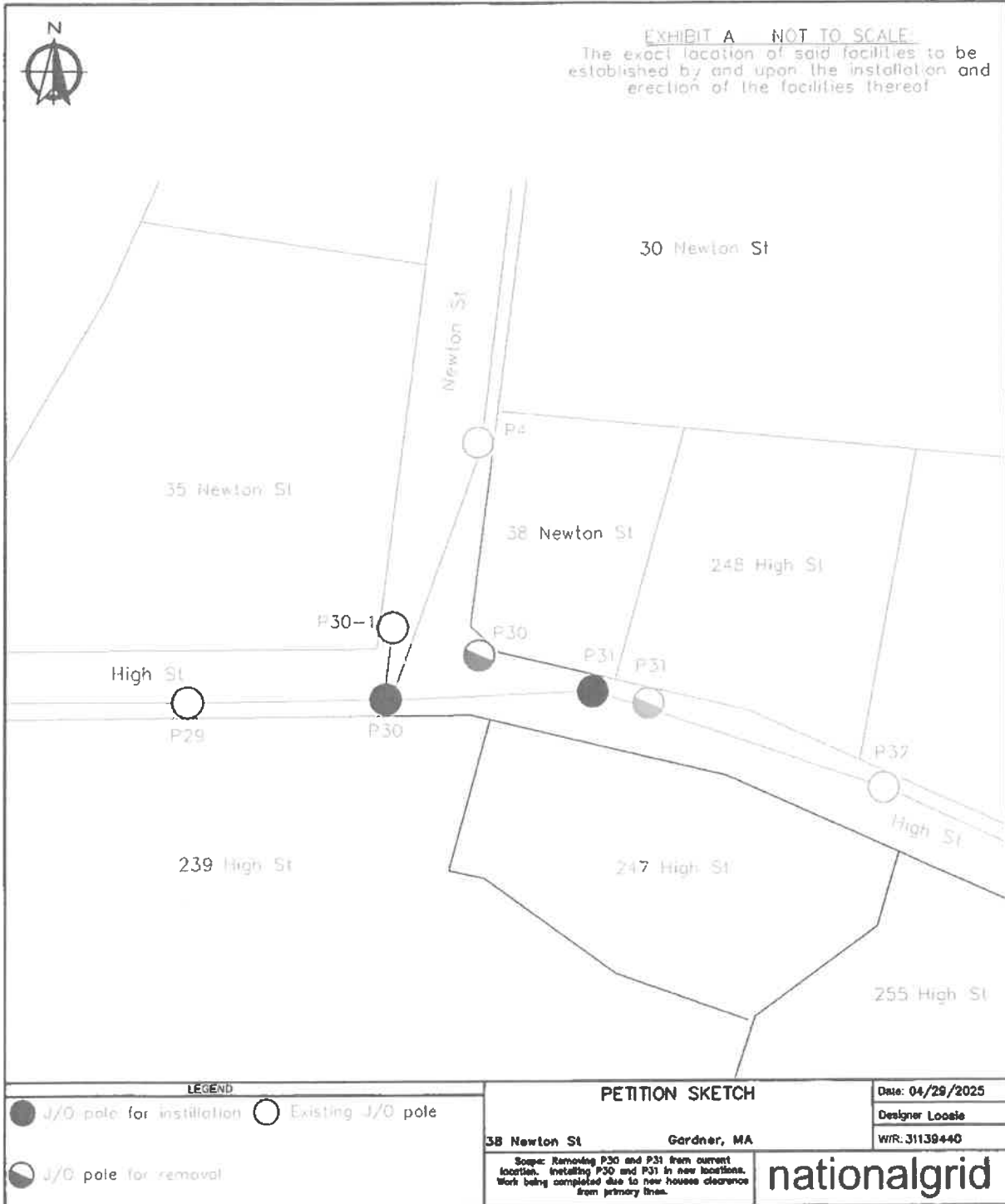
Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of
hearing with notice adopted by the _____ of the City of _____
Massachusetts, on the _____ day of _____ 20____, and recorded with the
records of location orders of the said City, Book _____, Page _____. This certified copy
is made under the provisions of Chapter 166 of General Laws and any additions thereto or
amendments thereof.

Attest:
City/Town Clerk

DO NOT USE THIS SPACE FOR ANYTHING





City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

August 25, 2025

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

RE: A Measure Declaring the Land located at 13-17 West Lynde Street, as Defined in the Attached Approval Not Required (ANR) Plan, as Surplus for the Purpose of Disposition

Dear Mr. President and Councilors,

As development efforts in the Downtown area continue, the Administration is looking for authorization to sell the land located at 13-17 West Lynde Street, commonly referred to as the West Lynde Street Parking Lot.

With the construction of the Rear Main Street Parking lot in progress, and the ways in which this lot has certain restrictions on it due to past decisions of the Planning Board, the Administration believes that it is in the City's best interest to place the lot for sale for private commercial use. This would leave all requirements to repair the parking lot and bring it back up to standard, as well as any future maintenance and plowing to be the cost of the private purchaser in the end.

To reiterate, the General Laws of the Commonwealth require any sale of land to be through an open public process conducted as a Request for Proposals (RFP) in the same manner as has been done in the past. As such, anyone who is interested is able to submit a proposal in response to the solicitation, and all proposals will be reviewed by an independent panel of 3 to 5 individuals who will make their final recommendation to my office as to who they believe should receive the award.

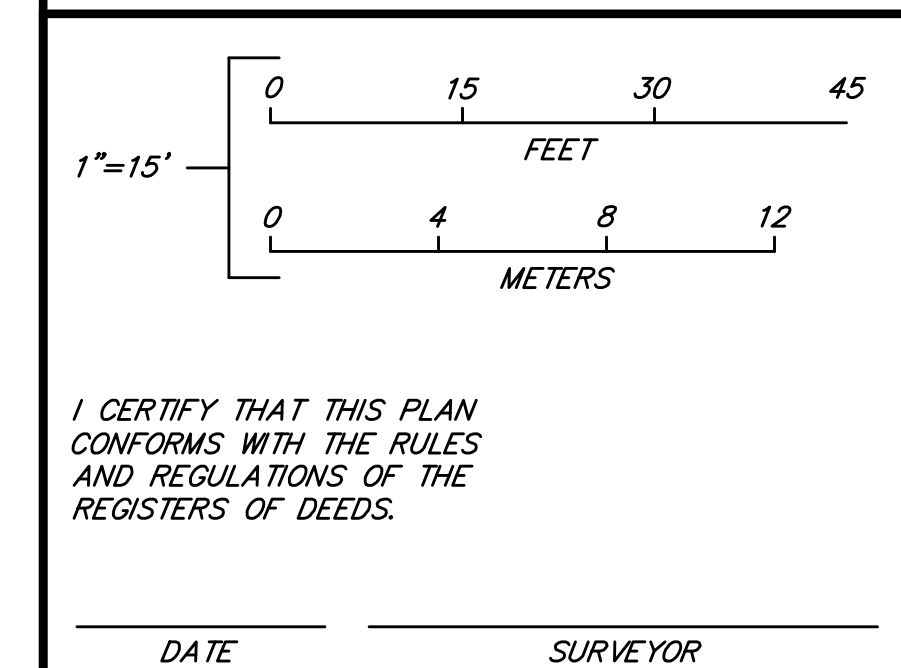
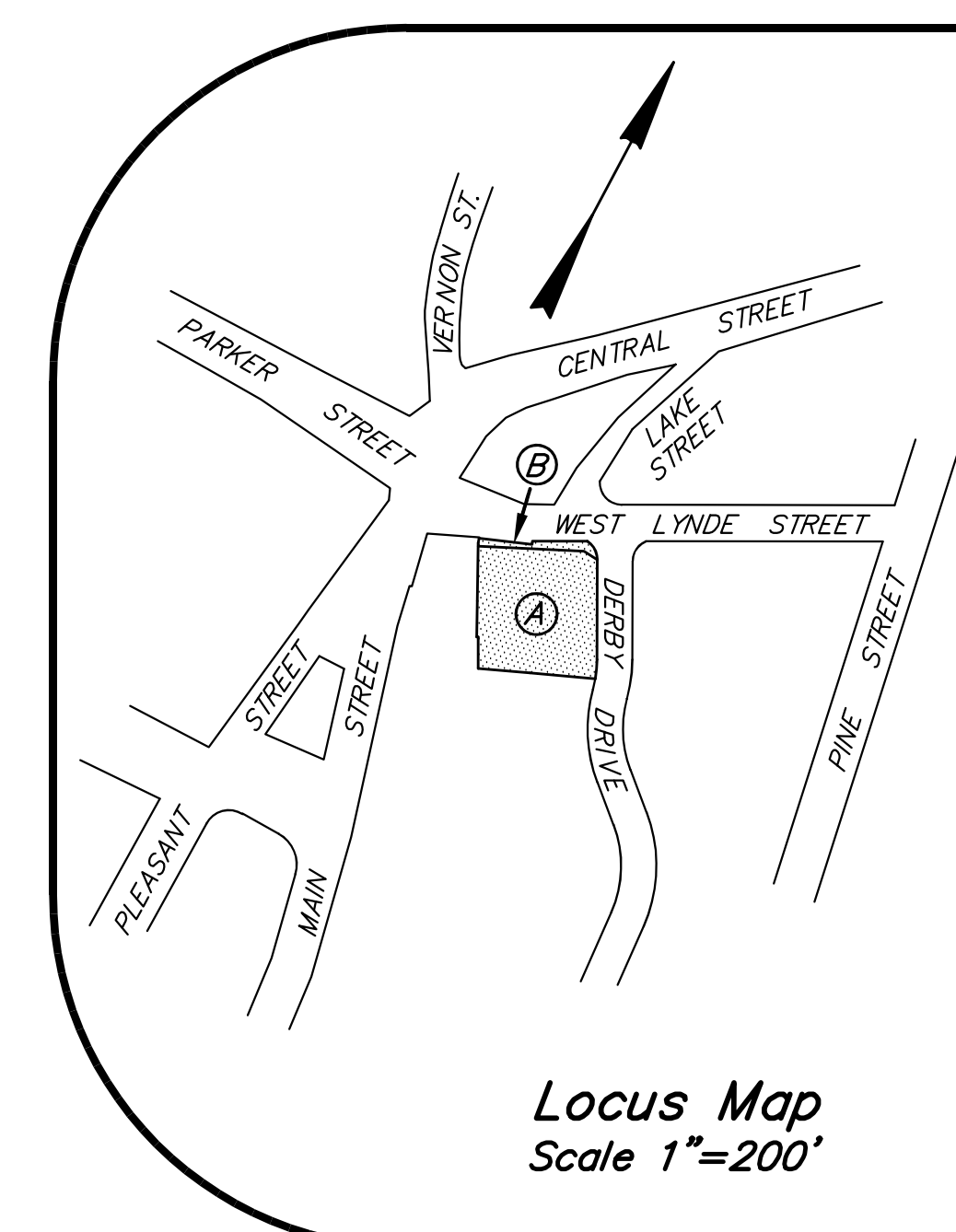
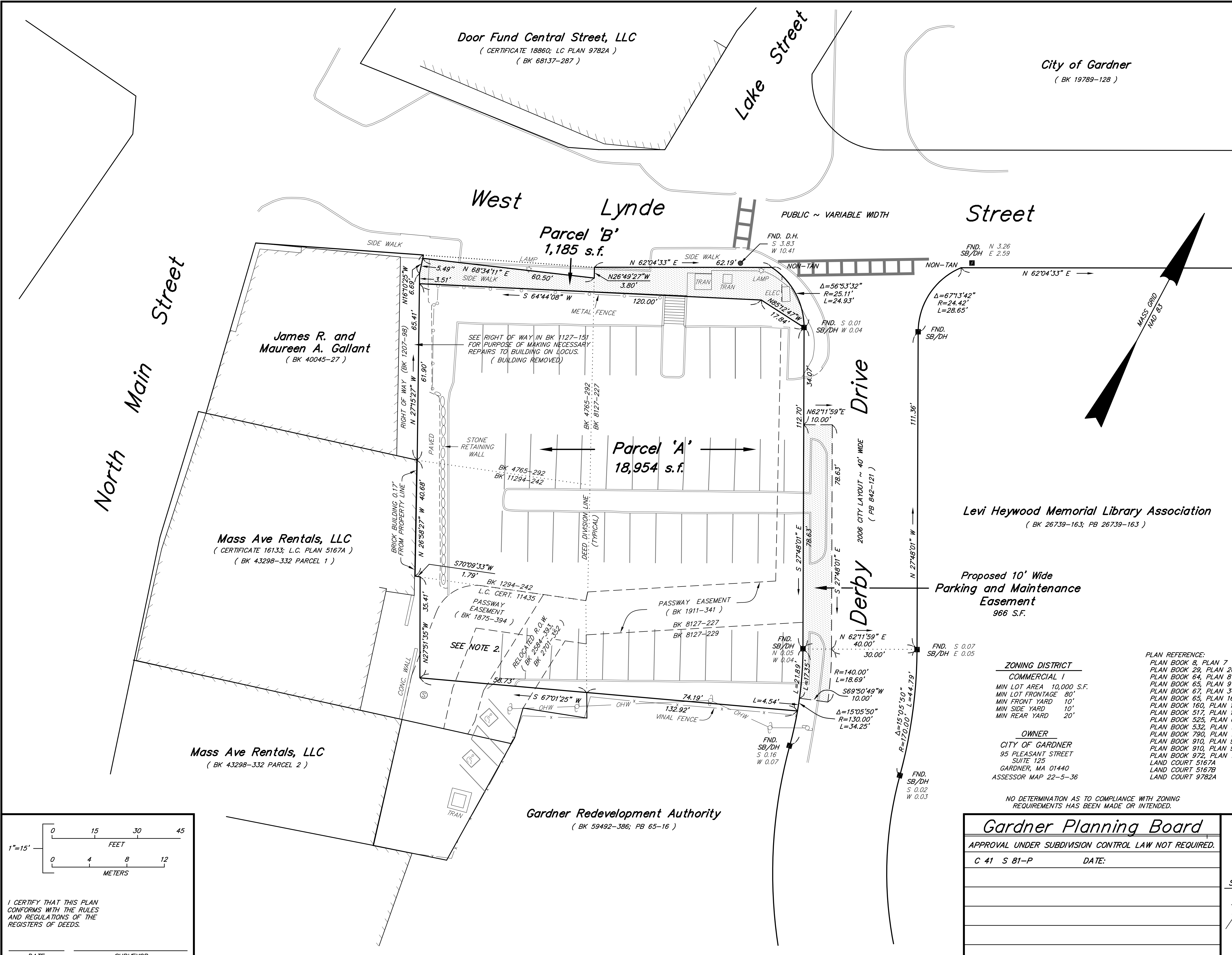
Respectfully submitted,

Michael J. Nicholson
Mayor, City of Gardner

**DECLARING SURPLUS FOR PURPOSE OF DISPOSAL OF
LAND AND BUILDINGS AT 13-17 WEST LYNDE STREET**

VOTED: To declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at 13-17 West Lynde Street, further identified on the City of Gardner Assessor's Map as M22/5/36/, to establish as a minimum amount of \$1,000.00 to be paid for any conveyance of said property, and to authorize the Mayor to convey said land, or part thereof, for such amount or a larger amount, and upon such other terms as the mayor shall consider proper in accordance with this Vote.

FOR REGISTRY USE ONLY



Levi Heywood Memorial Library Association
(BK 26739-163; PB 26739-163)

Proposed 10' Wide Parking and Maintenance Easement
966 S.F.

ZONING DISTRICT
COMMERCIAL I
MIN LOT AREA 10,000 S.F.
MIN LOT FRONTAGE 80'
MIN FRONT YARD 10'
MIN SIDE YARD 10'
MIN REAR YARD 20'

OWNER
CITY OF GARDNER
95 PLEASANT STREET
SUITE 125
GARDNER, MA 01440
ASSESSOR MAP 22-5-36

NO DETERMINATION AS TO COMPLIANCE WITH ZONING REQUIREMENTS HAS BEEN MADE OR INTENDED.

PLAN REFERENCE:
PLAN BOOK 8, PLAN 7
PLAN BOOK 29, PLAN 20
PLAN BOOK 64, PLAN 8
PLAN BOOK 65, PLAN 9
PLAN BOOK 67, PLAN 34
PLAN BOOK 65, PLAN 16
PLAN BOOK 160, PLAN 1
PLAN BOOK 517, PLAN 119
PLAN BOOK 525, PLAN 61
PLAN BOOK 532, PLAN 1
PLAN BOOK 790, PLAN 19
PLAN BOOK 910, PLAN 90
PLAN BOOK 910, PLAN 91
PLAN BOOK 972, PLAN 125
LAND COURT 5167A
LAND COURT 5167B
LAND COURT 9782A

NOTES:
1. PARCEL 'A' AND PARCEL 'B' ARE A DIVISION OF PROPERTY DESCRIBED IN THE FOLLOWING DEEDS TO THE CITY OF GARDNER:
A. BOOK 5230, PG. 144 (SEE BK 4514-258)
B. BOOK 11294, PG. 242
TRANSFER CERTIFICATE OF TITLE 11435.
C. BOOK 8127, PG. 227
D. BOOK 8127, PG. 229
2. A PORTION OF LOCUS PROPERTY DESCRIBED IN BOOK 11294, PG. 242 (2) IS REGISTERED LAND DESCRIBED IN CERTIFICATE NO. 16883 AND SHOWN ON LAND COURT PLAN 5167B. SAID PARCEL IS SUBJECT TO A RIGHT OF WAY DESCRIBED IN BOOK 1875, PG. 94 AND BOOK 1830, PG. 482. SEE AGREEMENT TO RELOCATE THIS RIGHT OF WAY IN BOOK 2584, PG. 393 AND CONSENT AND RELEASE DOCUMENT IN BK 2701, PG. 352.

Gardner Planning Board
APPROVAL UNDER SUBDIVISION CONTROL LAW NOT REQUIRED.
C 41 S 81-P DATE: _____

PLAN OF LAND IN
Gardner, Mass.
PREPARED FOR
City of Gardner
SCALE: 1" = 15' JUNE, 2025
Tauper Land Survey, Inc.
PROFESSIONAL LAND SURVEYORS
710 MAIN STREET, OXFORD, MA 01537
(TEL. 508-987-2266, FAX 508-987-2267)
JOB NO. 24-136 SHEET 1 OF 1 PLAN NO. 24-136A

Door Fund Central Street, LLC
(CERTIFICATE 18860; LC PLAN 9782A)
(BK 68137-287)

City of Gardner
(BK 19789-128)

James R. and Maureen A. Gallant
(BK 40045-27)

Mass Ave Rentals, LLC
(CERTIFICATE 16133; L.C. PLAN 5167A)
(BK 43298-332 PARCEL 1)

Mass Ave Rentals, LLC
(BK 43298-332 PARCEL 2)

Gardner Redevelopment Authority
(BK 59492-386; PB 65-16)

Parcel 'B'
1,185 s.f.

Parcel 'A'
18,954 s.f.



2009 00121199

Bk: 44958 Pg: 141
Page: 1 of 3 10/14/2009 09:14 AM

RECEIVED
2009 JUN - 1 P 2: 53
CITY CLERKS OFFICE
GARDNER, MA

**COMMONWEALTH OF MASSACHUSETTS
CITY OF GARDNER
NOTICE OF SPECIAL PERMIT
Modification of Special Permit**

NOTICE IS HEREBY GIVEN THAT A SPECIAL PERMIT HAS BEEN GIVEN TO:

NAME: Massachusetts Avenue Rentals LLC
ADDRESS: 69 Massachusetts Avenue
Lunenburg, MA 01462

BY THE BOARD OF APPEALS OF THE CITY OF GARDNER AFFECTING THE RIGHTS OF THE OWNER WITH RESPECT TO THE USE OF THE PREMISED LOCATED ON:

14 - 34 Main Street

IN THE CITY OF GARDNER, THE RECORD TITLE STANDING IN THE NAME OF:

Massachusetts Avenue Rentals LLC

BY DEED DULY RECORDED IN THE WORCESTER DISTRICT REGISTRY OF DEEDS IN:

BOOK 43298 PAGE 332

ON APPLICATION DATED April 28, 2009
FOR A Modification of stipulations of SPECIAL PERMIT to:

Construct a Laundromat and self-storage open to the public in the basement, and the addition of (1) apartment at 14 - 34 Main Street, Gardner, MA. Denied by the Building Commissioner because it does not comply with the Special Permit granted January 21, 2003 in Commercial I Area of the Gardner Zoning Ordinance.

The Gardner Zoning Board of Appeals at its May 19, 2009 meeting voted unanimously to grant, with conditions, a modification of the Special Permit, originally granted December 17, 2002, to construct a Laundromat, open to the public, and self storage in the basement, and the addition of (1) apartment at 14-34 Main Street, Gardner, MA.

The Applicant represented to the Board that this Special Permit modification request is to allow changes to the approved plan after the Special Permit was granted in 2003, specifically to construct an apartment that was originally retail space and to clarify the construction of a Laundromat and storage facility that was shown on the original plans but not presented for consideration by the Board. The Applicant purchased the property in September 2008. The request for Modification is for three specific requests:

-The self-storage area is intended for the exclusive use of the tenants in the building. The units will be individually enclosed with the area serviced by sprinklers like the remainder of the building.

Handwritten initials/signature

-The proposed Laundry will be open to both the tenants of the building and general public. The location and number of machines proposed is the same as was part of the original plan in 2003. The laundry hours of operation are 7 AM to 10 PM, seven days a week. The room is to be video monitored and recorded. Monitoring will occur off site. The room would contain auto locking door locks that would lock automatically approximately 30 minutes after closing. Patrons would park in the lot at the rear of the building and would access through the ground level entrance. No dedicated parking spaces will be allotted to the use. Any signage advertising the facility would comply with the Zoning Ordinance.

-The third request is for a modification to allow an additional residential apartment. This apartment is referred to as Unit 2F and is an apartment behind retail space with frontage on Main Street. This apartment was added to the plan in February 2004 by the previous developer.

The Applicant adequately addressed the nine conditions outlined in Section 1182 of the Gardner Zoning Ordinance and are summarized below:

The proposal is suitably located in the commercial neighborhood and is compatible with other permitted uses in the same district. The self-storage facility is for the use of the tenants in the building and is an amenity for the renters. The Laundry is for both tenants and the general public. Buildings of mixed retail/commercial and residential use surround the area. This amenity will benefit the neighborhood. The proposed apartment is consistent with other uses in the building, being a mixture of retail/commercial and residential use.

There is convenient and safe vehicular and pedestrian movement in the area for the proposed use. The establishment is located on Main Street and abuts the Lynde Street Parking Lot. The building occupants are proposed to utilize the city-owned parking lot to supplement other spaces on the property. On street parking also exists on Main Street for the commercial establishments proposed with frontage on Main Street. There also exist marked crosswalks and established sidewalks in proximity to the building. The Board is concerned with the public safety issues related to the rear entrance and addresses this concern in the conditions of this modification.

There are adequate parking and loading areas in the downtown areas to accommodate the proposed use. As stated above, there exists both on street parking and municipal parking lots in close proximity to the building. Additionally, off loading can take place at the rear of the premises. The City is cognizant of the potential of parking challenges in this area and is attempting to address this issue as part of the Rear Main Street Master Plan.

The establishment is connected to city public water and sewer and provides for removal of trash. The Applicant proposes no outside renovations therefore no storm drainage alterations are proposed. Existing roof drains are connected to storm drains at the rear of the property.

The proposal should not create a nuisance due to air, water, noise, odor, or other features. A nuisance will exist while construction is ongoing but should be limited and temporary. The building units are also individually insulated to assist in the dampening of noise transmission between units. The residential units are air-conditioned and have high efficiency windows limiting impacts from outside noises to the occupants.

There is no inconvenience or hazard to abutters, vehicles or pedestrians related to the proposed activity. The issue of lighting in the rear entrance way is addressed as a condition. Additionally, the Board had a concern of the general safety of the building as the Applicant proposed that the back doors would be open to residents and non-residents alike. This concern is also addressed in the conditions of this modification. The hours of the Laundry would be as stated above with no different hours for residents.

The proposal is in harmony with this Ordinance.

The proposal will not have a detrimental impact on city services, tax base, or employment opportunities.

This proposal should be considered consistent with the City's Community Development Plan or Master Plan.

This Modification to the Special Permit is granted with the following conditions:

1. Self-Storage to be for the sole use of tenants of the Building.
2. Adequate lighting, as determined and approved by the Building Commissioner, to be installed and maintained at the rear entrance to the building.
3. Auto locking doors on Laundry to prevent access to the room when closed.
4. Auto locking doors at all egress doors to prohibit non-resident access to the building for the protection and privacy of the residents during, at a minimum, the hours when the Laundry is closed to the general public.
5. All conditions of the Special Permit dated January 21, 2003 remain in effect.

A COPY OF THIS SPECIAL PERMIT HAS THIS DAY BEEN FILED WITH THE PLANNING BOARD AND THE CITY CLERK, CITY OF GARDNER:

CERTIFIED THIS 1st DAY OF June, 2009

Raymond F. LaFond (d)
Raymond F. LaFond, Chairman

Randall Heglin (d)
Randall Heglin, Clerk

Michael Gerry (d)
Michael Gerry, Third Member

I, Kathleen M. Lesneski, City Clerk, City of Gardner, hereby certify the attached decision by the Zoning Board of Appeals was filed with my office on June 1, 2009 and that twenty days have elapsed since the filing of said decision wity my office and that no appeal concerning said decision has been filed or that any appeal that has been filed has been dismissed or denied.

June 24, 2009
Dated

Kathleen M. Lesneski
Kathleen M. Lesneski, City Clerk

ATTEST: WORC. Anthony J. Vigliotti, Register

COMMONWEALTH OF MASSACHUSETTS
CITY OF GARDNER
ZONING BOARD OF APPEALS
DECISION

RECEIVED
DEC 31 12 20 PM '02
CITY CLERK'S OFFICE
GARDNER, MASS.

NAME: BBC EQUITIES, INC.
ADDRESS: 14 MAIN ST., GARDNER, MA

DECISION OF THE BOARD OF APPEALS REGARDING THE USE OF THE PREMISES LOCATED ON:

14-34 MAIN STREET

IN THE CITY OF GARDNER, THE PREMISES BEING MORE PARTICULARLY DESCRIBED IN A DEED DULY RECORDED IN WORCESTER DISTRICT REGISTRY OF DEEDS:

BOOK 23503 PAGE 300

ON APPLICATION DATED AUGUST 6, 2002 FOR A SPECIAL PERMIT TO:

Install approximately 25 apartments in building located at 14 to 34 Main St., Gardner, MA. (Denied a building permit by the Building Commissioner because it does not conform with Section III-A, Residential Uses #6, in Commercial I Area, of the Gardner Zoning Ordinance.)

The Gardner Zoning Board of Appeals voted unanimously, with stipulations, on December 17, 2002 to grant the applicant a Special Permit to install no more than 27 apartments in a building located at 14-34 Main St., Gardner, MA.

The applicant sufficiently addressed the twelve requirements of Section VI-H, 2.E, Special Permit provisions as required in the zoning ordinance. They are briefly recapped below.


1. The proposed dwelling on the lot will not change and is presently suitably located in the neighborhood.
2. The use is compatible with existing uses, residential housing and commercial space.
3. The construction of the 27 apartments and commercial space will not constitute any undue nuisance to the environment. The two dumpsters located on site are in satisfactory locations. Use is residential in nature.
4. Pedestrian flow will not be disrupted. Under Section V-F,2,1A, Parking Standards in a Commercial I Zone, no additional parking is required. The applicant worked with the city to allow 110 spaces of municipal overnight, off street parking to be available behind 14-34 Main Street for all residents and abutters. Anyone using the overnight municipal lot directly behind must vacate the lot by 7:00 a.m. when snow plowing is required. Parking is on a first come bases.
5. Adequate facilities already exist for a regular apartment building that complies with all building ordinances. The facilities include an elevator, signage, pedestrian flow, and parking. Full city services are in use.
6. The proposal will not be detrimental or offensive to the site. The applicant will be making improvements to the exterior of the building. Use of the site will not change, remaining residential and commercial/retail.
7. Any signage will comply with city ordinances.
8. Vehicular movement is already present in the existing municipal lots. Two additional handicap-parking spaces will be located next to the applicant's building. There is established pedestrian movement in and out of the building to the sidewalk on Main Street and to the parking area to the rear of the applicant's building.
9. Adequate space exists for the loading and unloading of the two dumpsters. There will be no loading or off-loading of goods for business purposes. The dwellings are residential in nature.
10. The dwellings have city water and sewage services. The two dumpsters will be used for waste disposal. Surface water will drain to the rear of the property and the roof drains will flow into catch basins at the rear of the applicant's building.
11. The building on the lot will not change so flood hazards will not be created.
12. There is compliance to the City's Master Plan as it exists.

The following stipulations apply to this Special Permit:

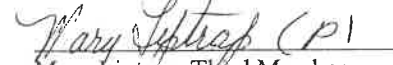
1. The Applicant or his designee will police the property on a regular basis to remove any debris, trash, etc. that may accumulate or be left by individuals.
2. During any construction, interior or exterior, the Applicant will make certain the right of way, parking areas, walkways, doorways, etc. Are not blocked or impeded by workmen, their vehicles or construction equipment. All construction debris will be cleaned up daily and disposed of in proper receptacles daily.
3. Additional lighting will be added to the rear of the building to enhance and illuminate the rear entrance, for the safety of the occupants and their guests.

ANY PERSON AGGRIEVED BY A DECISION OF THE BOARD OF APPEALS OR ANY SPECIAL PERMIT/VARIANCE GRANTING AUTHORITY, WHETHER OR NOT PREVIOUSLY A PARTY TO THE PROCEEDING, OR ANY MUNICIPAL OFFICER OR BOARD MAY APPEAL EITHER TO THE SUPERIOR COURT, DISTRICT COURT, OR LAND COURT DEPARTMENT OF THE TRIAL COURT FOR THE COUNTY IN WHICH THE LAND CONCERNED IS SITUATED BY BRINGING AN ACTION WITHIN TWENTY (20) DAYS AFTER THE DECISION HAS BEEN FILED IN THE OFFICE OF THE CITY OR TOWN CLERK. (M.G.L. SECTION 17, CHAPTER 40A)

A COPY OF THIS DECISION HAS THIS DAY BEEN FILED WITH THE PLANNING BOARD AND THE CITY CLERK, CITY OF GARDNER: CERTIFIED THIS 31st DAY OF DECEMBER 2002.


Raymond LaFond, Chairman


David Antaya, Clerk


Mary Liptrap, Third Member

I, Kathleen M. Lesneski, City Clerk, City of Gardner, hereby certify that twenty days have elapsed since the filing with my office of the attached decision by the Board of Appeals and that no appeal concerning said decision has been filed or that any appeal that has been filed has been dismissed or denied.

Dated _____ Kathleen M. Lesneski, City Clerk

CITY OF GARDNER LAW DEPARTMENT

Vincent Pusateri II
City Solicitor

Christopher Batinsey
Assistant City
Solicitor



128 Prichard Street
Fitchburg, MA 01420

Telephone (978) 342-6081
Fax (978) 343-0600

Writer's Email:
Vpusateri@pusaterilaw.com

November 21, 2025

Mayor Michael Nicholson
Gardner City Hall
95 Pleasant Street
Gardner, MA 01442

Re: Legal Opinion Regarding Effect of Special Permit on Disposition of Property at 13–17 West Lynde Street

Dear Mayor Nicholson

I have been asked to provide a legal opinion in connection with a special permit issued in connection with the premises located at 14–34 Main Street, Gardner, received by the City Clerk's office on or about December 31, 2002. A copy is attached. I have been asked if the special permit would prohibit the property located at 13–17 West Lynde Street, as defined in the attached Approval Not Required (ANR) Plan, from being declared surplus and disposed of pursuant to City Council Item No. 11685. The ANR plan is attached. After reviewing the special permit and related documents, I conclude that the special permit does not prohibit the City from declaring the subject property surplus or disposing of it.

The special permit was granted by the Zoning Board of Appeals when the then-owner of 14–34 Main Street sought approval to install no more than twenty-seven apartments in the building. During the hearing, a finding of fact noted that the applicant worked with the City to allow one hundred ten (110) spaces of municipal overnight off-street parking behind 14–34 Main Street for residents and abutters. The arrangement required vehicles to vacate the lot by 7:00 a.m. for snow removal and operated on a first-come, first-served basis. This arrangement was

achieved by through a license agreement (temporary and revokable permission) rather than a lease.

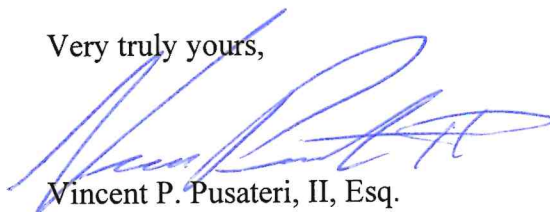
Under Massachusetts law, a license does not convey a property interest and is revocable at will by the landowner. See *Baseball Pub Co. v. Bruton*, 302 Mass. 54, 55 (1938); *Kaplan v. Boudreaux*, 410 Mass. 435, 442 (1991). A hallmark of a license is its revocability, which provides flexibility for the City's economic development efforts and avoids the complications and potential regulatory takings associated with terminating a leasehold interest. See *Kaplan*, 410 Mass. at 442. Recent procurement issues have limited their effectiveness today.

The special permit contains conditions typical of such approvals, but none require the City or applicant to maintain the parking arrangement or restrict its ability to dispose of the property. Because the arrangement was a license, the prior owner and successors never acquired a legal right to use the parking lot beyond the City's discretion. If the parking lot was no longer available to the owner of 14-34 Main Street, the use of the property would be classified as a pre-existing nonconforming use under current parking standards. This status allows continued use but would require a new special permit for any expansion or alteration. If the use ceases for more than two years, nonconforming status could be lost. See G.L. c. 40A, § 6. Gardner Zoning Ordinance 675-420 D. In other words, 14-34 Main Street could continue to operate as a multifamily housing complex and would only need further permission for the city if it wanted to expand or alter the use of the property or the property ceased being used for two years.¹

To protect municipal interests, the City may establish a rule of award in its procurement process to ensure the use of the property. For example, proposals that maintain municipal parking or provide residential parking could be deemed most advantageous.

In conclusion, the special permit does not legally prevent the City from declaring the property surplus or disposing of it. The City retains full authority to proceed, subject to compliance with applicable procurement and zoning requirements.

Very truly yours,



Vincent P. Pusateri, II, Esq.

VPP/kdb

¹ There is case law that suggests the city could seek to modify the special permit. Special permits can be modified under certain circumstances, but such modifications cannot change the original result without proper notice and hearing. See *Huntington v. Zoning Board of Hadley*, 12 Mass. Apt. Ct. 710, (1981 and APJ Real Estate GBR LLC v. Planning Board of Edgartown, 81 Mass. Apt. Ct. 1134 (unpublished disposition 1012).



COMMONWEALTH OF MASSACHUSETTS
CITY OF GARDNER
NOTICE OF SPECIAL PERMIT

RECEIVED

DEC 31 12 20 PM '02

NOTICE IS HEREBY GIVEN THAT A SPECIAL PERMIT HAS BEEN GIVEN TO:

NAME: BBC EQUITIES, INC.
ADDRESS: 14 MAIN ST., GARDNER, MA

CITY CLERK'S OFFICE
GARDNER, MASS.

BY THE BOARD OF APPEALS OF THE CITY OF GARDNER AFFECTING THE RIGHTS OF THE OWNER, WITH RESPECT TO THE USE OF THE PREMISES LOCATED ON:

14-34 MAIN STREET

IN THE CITY OF GARDNER, THE RECORD TITLE STANDING IN THE NAME OF:

BBC EQUITIES, INC.

BY DEED DULY RECORDED IN THE WORCESTER DISTRICT REGISTRY OF DEEDS IN:

BOOK 23502 PAGE 300

The Gardner Zoning Board of Appeals voted unanimously, with stipulations, on December 17, 2002 to grant the applicant a Special Permit to install no more than 27 apartments in a building located at 14-34 Main St., Gardner, MA.

The applicant sufficiently addressed the twelve requirements of Section VI-II, 2.E, Special Permit provisions as required in the zoning ordinance. They are briefly recapped below.

1. The proposed dwelling on the lot will not change and is presently suitably located in the neighborhood.
2. The use is compatible with existing uses, residential housing and commercial space.
3. The construction of the 27 apartments and commercial space will not constitute any undue nuisance to the environment. The two dumpsters located on site are in satisfactory locations. Use is residential in nature.
4. Pedestrian flow will not be disrupted. Under Section V-F, 2, 1A, Parking Standards in a Commercial I Zone, no additional parking is required. The applicant worked with the city to allow 110 spaces of municipal overnight, off street parking to be available behind 14-34 Main Street for all residents and abutters. Anyone using the overnight municipal lot directly behind must vacate the lot by 7:00 a.m. when snow plowing is required. Parking is on a first come bases.
5. Adequate facilities already exist for a regular apartment building that complies with all building ordinances. The facilities include an elevator, signage, pedestrian flow, and parking. Full city services are in use.
6. The proposal will not be detrimental or offensive to the site. The applicant will be making improvements to the exterior of the building. Use of the site will not change, remaining residential and commercial/retail.
7. Any signage will comply with city ordinances.
8. Vehicular movement is already present in the existing municipal lots. Two additional handicap-parking spaces will be located next to the applicant's building. There is established pedestrian movement in and out of the building to the sidewalk on Main Street and to the parking area to the rear of the applicant's building.
9. Adequate space exists for the loading and unloading of the two dumpsters. There will be no loading or off-loading of goods for business purposes. The dwellings are residential in nature.
10. The dwellings have city water and sewage services. The two dumpsters will be used for waste disposal. Surface water will drain to the rear of the property and the roof drains will flow into catch basins at the rear of the applicant's building.
11. The building on the lot will not change so flood hazards will not be created.
12. There is compliance to the City's Master Plan as it exists.

following stipulations apply to this Special Permit:

1. The Applicant or his designee will police the property on a regular basis to remove any debris, trash, etc. that may accumulate or be left by individuals.
2. During any construction, interior or exterior, the Applicant will make certain the right of way, parking areas, walkways, doorways, etc. Are not blocked or impeded by workmen, their vehicles or construction equipment. All construction debris will be cleaned up daily and disposed of in proper receptacles daily.
3. Additional lighting will be added to the rear of the building to enhance and illuminate the rear entrance, for the safety of the occupants and their guests.

A COPY OF THIS SPECIAL PERMIT HAS THIS DAY BEEN FILED WITH THE PLANNING BOARD AND THE CITY CLERK, CITY OF GARDNER:

CERTIFIED THIS 31st DAY OF DECEMBER, 2002.


 Raymond LaFond, Chairman

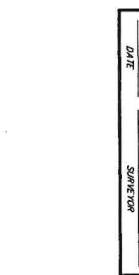
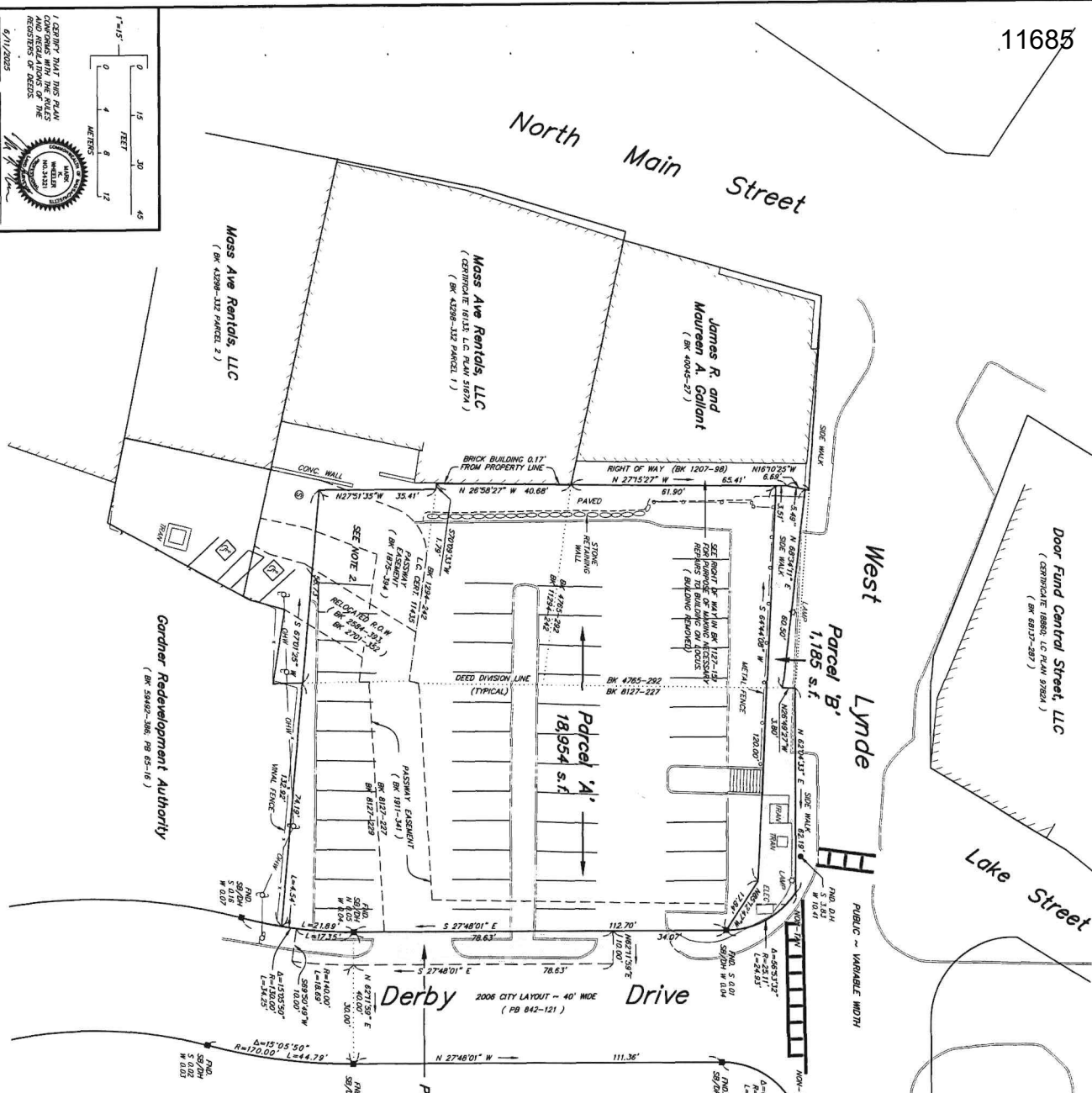

 David Antaya, Clerk


 Mary Liptrap, Third Member

I, Kathleen M. Lesneski, City Clerk, City of Gardner, hereby certify that twenty days have elapsed since the filing with my office of the attached decision by the Board of Appeals and that no appeal concerning said decision has been filed or that any appeal that has been filed has been dismissed or denied.

JAN 21 2003
Dated


 Kathleen M. Lesneski
 City Clerk



Door Fund Central Street LLC
(CERTIFICATE 18806, L.C. PLAN 97824)
(BK 8917-287)

Lake Street

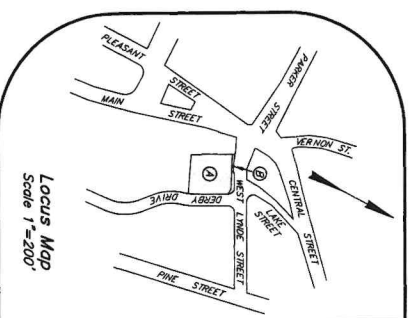
City of Gardner
(BK 19288-128)

Levi Heywood Memorial Library Association
(BK 28729-163, PB 28729-163)

Proposed 10' Wide
Parking and Maintenance
Easement
985 S.F.

ZONING DISTRICT
COMMERCIAL 1
MIN. LOT AREA, 10,000 S.F.
MIN. LOT FRONTAGE, 60'
MIN. SIDE YARD, 10'
MIN. REAR YARD, 20'
OWNER
CITY OF GARDNER
93 PLEASANT STREET
GARDNER, MA 01446
ASSESSOR MAP 22-5-38

NO RETRIBUTION AS TO COMPLIANCE WITH ZONING REGULATIONS HAS BEEN MADE OR WITHHELD



WINDSOR DISTRICT REGISTER
OF DEEDS-WINDSOR, MA
PLAN BOOK 985 PLAN 1185
Received 11/15/25
Sheet 1 of 1
Attest: *[Signature]*
FOR REVISION USE ONLY

Gardner Planning Board
APPROVAL UNDER SUBDIVISION CONTROL LAW NOT REQUIRED.
C-41, S-B1-P
DATE: 6/10/25
[Signature]
GARDNER CITY ENGINEER

OWNER: City of Gardner
PREPARED FOR
Gardner, Mass.
Tauper Land Survey, Inc.
PROFESSIONAL LAND SURVEYORS
710 MAIN STREET, DORCH, MA 01917
(TEL. 508-987-2266, FAX 508-987-2267)
JUNE 2025

JOB NO. 24-138 SHEET 1 OF 1 PLAN NO. 24-138A



Gardner City Council
George Tyros
Councillor At-Large
Council President

To: Clerk Siriphan

From: George Tyros, Council President

Cc: Aleksander H. Dernalowicz, Esq.

Date: January 12, 2026

Subject: Proposed Rules for the 56th Legislative Session of the Gardner City Council

Dear Madam Clerk,

Please find attached proposed rules for the 56th Legislative Session of the Gardner City Council for consideration by the Finance Committee.

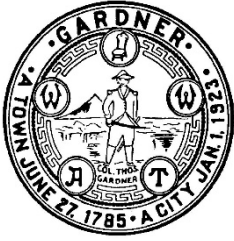
Best Regards,

George Tyros
Council President

**CITY OF GARDNER
MASSACHUSETTS**



**RULES FOR THE 56TH LEGISLATIVE SESSION
OF THE GARDNER CITY COUNCIL**



CITY OF GARDNER, MASSACHUSETTS RULES OF THE CITY COUNCIL

Rule 1

The City Council shall hold regular meetings on the first and third Mondays of January, February, March, April, May, June, September, October, November and December and 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 and place. All regular meetings shall be called at 7:30 o'clock p.m. in the Council Chamber in the City Hall. An annual calendar of regular meetings shall be compiled, published, and distributed to Council members at the first regular meeting of the year. Special meetings of the City Council may be called by the President and shall be called at any time upon the written request therefore being made to the City Clerk by at least two members of the City Council.

Rule 2

The President shall take the chair at the hour of the regular meeting of the Council or at the hour to which the Council has adjourned, whether in special or regular meeting, and call the members to order on the appearance of a quorum. They shall cause the minutes of the preceding meeting to be read, at which time errors or omissions, if any, shall be corrected. They shall preserve order and decorum and shall decide questions of order, subject to an appeal to the Council. They may call any member to the chair for a period of time not exceeding beyond an adjournment; and when out of the chair the President may participate in any debate; but shall not resume the chair while the same question is pending. They shall appoint all standing committees of the Council. In their absence a President Pro Tempore shall be chosen by roll call vote.

Rule 3

The President may, at their discretion, appoint a Councillor to act as a Council liaison on a particular matter. The particular matter and the Councillor so appointed shall be communicated in writing to the Mayor and the Council at the time of appointment.

Rule 4

All principal or main motions shall be reduced to writing if the Chair or any member requires it. When made and seconded, it shall be stated by the President, or, being written shall be read by the President or Clerk and may be withdrawn before decision or amendment or any disposition thereof has been made, or vote thereon.

Rule 5

To obtain the floor, a member shall address themselves to the Chair, upon recognition by the Chair; they shall not speak more than twice on any one question without permission of the Council, nor more than five minutes at any time.

Rule 6

On all questions and motions, the President shall take a vote of the Council by voice vote of the yeas and nays, except those questions and motions so required by rule, ordinance, or law to require a roll call vote, or those that require more than a simple majority, or when so requested by any Councillor that a roll call vote be taken.

Rule 7

No ordinance shall be passed finally on the date on which it is introduced, except in case of special emergencies involving the health or safety of the people or their property.

No ordinance shall be regarded as an emergency measure unless the emergency is defined and declared in a preamble thereto separately voted on and receiving affirmative vote of two-thirds of the members of the Council.

No ordinance making a grant, renewal or extension whatever its kind or nature of any franchise or special privilege shall be passed as an emergency nature, except as provided in Sections 70 and 71 of Chapter 164 of the General Laws and in Chapter 166 thereof, no such grant, renewal or extension shall be made otherwise than by ordinance.

Every proposed ordinance, except emergency measures as hereinbefore defined, shall at least ten days before its passage, be published in full in at least one newspaper of the city, and in any additional manner that may be provided by ordinance.

After final passage, it shall in the same manner as before, again be published once, as amended and completed, except in the case of an emergency ordinance which may be passed as hereinabove provided and which shall take effect on its passage, and shall so be published at the earliest practicable moment.

No appointment shall be acted on by the Council until at least ten days after it shall have been filed with the City Clerk, whose duty it will be forthwith to notify the members of the Council of the filing of said appointment. After an ordinance shall have been passed, a written or printed copy shall be prepared by or under the direction of the clerk, and, after having been compared by the Clerk with the original, the same shall be signed by the Mayor, or in the absence of the Mayor, by the President of the Council, and shall be thereupon preserved by the Clerk in a book provided for the purpose.

Rule 8

Amendments may be offered to all questions and motions before the Council and shall be in order until the vote to which the amendment is offered is called. A Councillor offering an amendment is exempt from Rule 5 floor access limitations and permission requirements. A Councillor in receipt of a newly

offered amendment may request a 10 minute recess at any time prior to the vote being called on the question or motion to which the amendment is offered, and the President shall call the requested recess prior to the vote being called.

Rule 9

A motion to reconsider a motion shall only be in order at the same meeting, or at the next regular meeting, when a motion for reconsideration is decided, the decision shall not be reconsidered. No motion to reconsider shall be entertained unless made by a member voting on the prevailing side. For purposes of the application of Robert's Rules of Order, a session is defined as the two-year term in which the members of the Council were elected.

Rule 10

All papers addressed to the Council shall be presented by the President or by a member in their place and they shall lie on the table to be taken up in the order in which they are presented unless the Council otherwise directs. All by-laws passed by the City Council shall be termed "Ordinances" and the enacting style shall be: "Be it Ordained by the City Council of the City of Gardner."

Rule 11

The Clerk shall attend and keep the records of all meetings of the Council, shall have the care and custody of all records, of all documents, maps, plans and papers respecting the care and custody of which no other provision is made. They shall prepare for the Council a copy of the Orders of the Day, to which shall be added a list of matters laid on the table or postponed to a day certain, provided, however, that any matter may be admitted by a two-thirds vote of the Council.

Rule 12

Each Standing Committee of the City Council shall maintain records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions in a manner as determined by the Standing Committee. Said records shall be delivered to the City Clerk who shall maintain them as the Keeper of the Records.

Rule 13

The following Standing Committees shall be appointed by the President and the President shall be an ex-officio member without voting rights:

1. The Committee on Public Service, composed of three members, the first named member thereof to be Chair; this Committee shall have oversight of legislative matters associated with the following: Cemetery Commission, Conservation Commission, Engineering & Survey, Flood Plain, Municipal Grounds Commission, and the Public Works Department
2. The Committee on Public Safety, composed of three members, the first named member thereof to be Chair; this Committee shall have oversight of legislative matters associated with the following: Animal Control, Flammable Storage Licenses, Automobile Dealers Class I, II and III, Fruit/Vegetable Peddlers, Board of Health, License Commission, Bowling Alley/Billiard Table Licenses, Office of Emergency Management, Building and Inspectional Services, Police

Department, Constables, Sealer of Weights & Measures, Dealers in Second Hand Articles, Traffic Commission, Fire Department, and Transportation

3. The Committee on Public Welfare, composed of three members, the first named member thereof to be Chair; this Committee shall have oversight of legislative matters associated with the following: Airport Commission, Library Trustees, Cable TV Commission, Montachusett Regional Vocational Technical School, Council on Aging, Public School Department, Disability Commission, Recreation, Golf Course Commission, Severy School Trustees, Greenwood Memorial Pool Trustees, Veterans Agent, Historical Commission, Youth Commission, and the Housing Authority.
4. The Committee on Finance, composed of three members, the first named member thereof to be Chair; this Committee shall have oversight of legislative matters associated with the following: Board of Assessors, Human Resources, Budget, Information Technology, City Auditor, Law Department, City Clerk, Purchasing, City Collector/Treasurer, Redevelopment Authority, City Hall, Registrar of Voters, Civil Code Enforcement, Rules, Claims, Salary, Vacancies, and the Contributory Retirement Board.
5. The Committee on Appointments, composed of three members, the first named member thereof to be Chair; this Committee shall have oversight of legislative matters associated with the following: Appointments and Vacancies.
6. The Committee on Economic and Community Development, composed of three members, the first named member thereof to be Chair; this Committee shall have oversight of legislative matters associated with the following: Community Development and Planning, Planning Board, Cultural Council, Zoning, Industrial Development, and the Zoning Board of Appeals.

Every Council member must be appointed to a committee, unless they make a request, in writing, to the President that they not be appointed to any committee.

Rule 14

All items, complaints, applications, or referrals shall be made in writing to the Clerk. The Clerk in consultation with the President shall assign the matter to the proper Committee for study, report, and other action as determined by the Committee. No matter referred to a Committee may be taken up by the Council during a regular meeting absent a report of the Committee to which the item has been referred. An item may not appear on the Council Calendar without first being referred to a Committee unless such request is made in writing to the Clerk, and the Clerk attains the assent of the Council President and the Chair of the Committee to which the matter would have otherwise been referred.

Reports of Standing Committees must be submitted to the Clerk by noon on the Wednesday preceding the regular meeting to which meeting's agenda the item is to be added.

Rule 15

The following order of business shall be adopted for Council meetings:

1. Call to Order
2. Roll Call

3. Opening Prayer
4. Pledge of Allegiance
5. Announcement of Open Meeting Recordings
6. Reading of Minutes of Prior Meetings
7. Public Hearings
8. Communications from the Mayor
9. Petitions, Applications, Communications, Etc.
10. Report of Standing Committees in the following order:
 - a. Appointments
 - b. Public Service
 - c. Public Safety
 - d. Public Welfare
 - e. Finance
 - f. Economic and Community Development
11. Unfinished Business and Matters for Reconsideration
12. New Business
13. Council Comments and Remarks
14. Closing Prayer
15. Adjournment

Rule 16

Whenever an ordinance, resolution or vote is required by law to be presented to the Mayor, the City Clerk shall present the same without delay and shall enter upon the records of the City Council the date upon which it is presented and approved.

Rule 17

All officers not appointed shall be elected by a voice vote, each member who is present answering to their name when it is called by the Clerk or other proper officer, and stating the name of the person for whom they voted, or declining to vote, as the case may be; and the Clerk or other proper officer shall record every such vote.

Rule 18

In case of a vacancy which occurs for the position of City Clerk, City Treasurer, City Auditor and Collector of Taxes, which appointments are made by the City Council as provided by Section 9 of the City Charter; therefore, any qualified person who files an application for any one of the above mentioned positions shall be accorded the privilege of not having their application disclosed until the day of appointment.

Rule 19

These rules shall be the rules for all standing and special committees of the Council unless otherwise determined by the standing or special committee.

Rule 20

A rule may be suspended for a defined portion or entirety of a single meeting by majority vote of the Council on the motion of a Councillor. Motions to suspend a rule shall be prevailing, do not need a second, shall go into effect be there no objection, and in the event of an objection shall immediately be subject to a vote without discussion.

These rules shall be in force for the duration of the session unless suspended. A rule may be amended by a two-thirds vote of the Council after the proposed amendment has appeared on the Council agenda for two consecutive regular meetings. Any accepted amendment shall go into force at the next regular meeting following an affirmative vote unless otherwise determined by unanimous vote of the Council.

Rule 21

Robert's Rules of Order shall be the authority governing the conduct of business at all Council meetings, except as otherwise indicated in these rules.



City of Gardner - Executive Department
Mayor Michael J. Nicholson

January 13, 2026

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

RE: A Resolution To File And Accept Grants With And From The Commonwealth Of Massachusetts, Executive Office Of Energy And Environmental Affairs For The Parkland Acquisition And Renovations For Communities (PARC) Program For Development Of Ovila Case Playground.

Dear Mr. President and Councilors,

As you are likely aware, the City of Gardner was awarded \$252,972.00 from the Massachusetts Executive Office of Energy and Environmental Affairs Parkland Acquisitions and Renovations for Communities (PARC) grant.

As part of the process of accepting this grant is the adoption of a resolution via City Council vote to accept this funding for the project to move forward.

This funding is being used to purchase playground equipment for Ovila Case Playground to replace the former wooden structure that was removed two years ago due to structural concerns.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner

A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM THE
COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND
ENVIRONMENTAL AFFAIRS FOR THE PARKLAND ACQUISITIONS AND
RENOVATIONS FOR COMMUNITIES (PARC) PROGRAM FOR DEVELOPMENT OF
OVILA CASE PLAYGROUND

- WHEREAS:* The land is dedicated to park and recreation purposes under M.G.L. Chapter 45, Section 3; and
- WHEREAS:* The City of Gardner is committed to improving the quality of life and recreational opportunities for all residents, and recognizes the importance of safe, accessible, and inclusive park facilities; and
- WHEREAS:* The Executive Office of Energy and Environmental Affairs (EOEEA) of the Commonwealth of Massachusetts offers reimbursable grants to municipalities through the Parkland Acquisitions and Renovations for Communities (PARC) Grant Program (301 CMR 5.00) to support the acquisition and development of parkland; and
- WHEREAS:* The City of Gardner seeks to file an application for grant funding under said PARC Program for the development and renovation of Ovila Case Playground, located on City-owned land, to replace outdated play structures and install new accessible and educational equipment designed for children ages 2 to 12, consistent with the City's goals for equitable access and ADA compliance; and
- WHEREAS:* The equipment, removal of existing loam, installation of a 3-inch deep sub-base stone, 6 inches of rubber mulch, and installation will cost a total of three hundred and sixty thousand and 00/100 dollars (\$360,000) of which two hundred fifty two thousand nine hundred seventy two and 00/100 (\$252,972) has been requested and, if awarded, will be reimbursable through the PARC Grant Program, an additional one hundred eight thousand and 00/100 dollars (\$108,000) has been appropriated through Gardner's City Council to serve as the grant's required match for this request; and
- WHEREAS:* The Mayor of the City of Gardner will accept grant funds under the PARC Grant Program (301 CMR 5.00) and the City of Gardner will borrow, appropriate, and expend up to three hundred and sixty thousand and 00/100 dollars (\$360,000) for the development of Ovila Case Playground to be managed by the City Public Works Department, as open space parkland under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, under their duty and responsibility to the care and custody of City parks and playgrounds.

NOW, THEREFORE, BE IT

1. That the Mayor, as the Chief Executive Officer of the City, be and is hereby authorized to file, on behalf of the City of Gardner, any and all applications deemed necessary for participation in the PARC Grant Program for the development of Ovila Case Playground; and
2. That the Mayor, as the Chief Executive Officer of the City, be and is hereby authorized to expend said funds, and to execute any and all contracts, agreements, and documents deemed necessary to carry out the purposes of this grant; and
3. That the City will comply with all applicable laws, regulations, and grant requirements associated with the Parkland Acquisitions and Renovations for Communities (PARC) Program; and
4. That this resolution shall take effect upon passage.

**COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
DIVISION OF CONSERVATION SERVICES**

**PARKLAND ACQUISITIONS AND RENOVATIONS FOR COMMUNITIES
PROGRAM
PROJECT AGREEMENT**

Made this 29 day of December, 2025 between the City of Gardner, with an address of 95 Pleasant Street, hereinafter referred to as the **PARTICIPANT**, and the Commonwealth of Massachusetts acting by and through the Secretary of the Executive Office of Energy and Environmental Affairs, hereinafter referred to as the **COMMONWEALTH**, with an address of 100 Cambridge Street, 10th Floor, Boston, MA 02114.

Premises: Approximately 16.0 acres of land including any buildings thereon located at Norman Street in the City of Gardner, Massachusetts. For Participant's Title, see Books 50001, 2631, 2979, Pages 28, 394, 16, respectively in the Worcester District Registry of Deeds, at 90 Front St c201, Worcester, MA 01608.

WHEREAS, the **PARTICIPANT** has established a Park, Recreation, or Conservation Commission under Massachusetts General Laws Chapter 45, § 2 or Massachusetts General Laws Chapter 40, § 8C, hereinafter referred to as the **COMMISSION**, and has made application to the **COMMONWEALTH** for assistance under the Massachusetts Parkland Acquisitions and Renovations for Communities (PARC) Program, pursuant to St. 1977, Chapter 933, as amended, for a project briefly described as follows:

Ovila Case Park Improvement Project, PARC #13: The project will upgrade a three-decade-old play structure with new, expanded options designed for children ages 2 to 5 and 5 to 12,

hereinafter referred to as the **PROJECT**.

WHEREAS, the **COMMONWEALTH** has received said application and found the application to be in conformance with the Statewide Comprehensive Outdoor Recreation Plan, St. 1977, Chapter 933, as amended, and the PARC Program policies and regulation, 301 CMR 5.00.

WHEREAS, the **COMMONWEALTH** has approved said application and has obligated certain funds in the amount of \$252,972 (Two hundred fifty two thousand nine hundred seventy two dollars).

WITNESSETH:

1. The **COMMONWEALTH** and the **PARTICIPANT** mutually agree to perform the terms and conditions of this Agreement in accordance with the Massachusetts PARC Program, its policies and regulation 301 CMR 5.00, Massachusetts General Laws Chapter 45, § 2, Massachusetts General Laws Chapter 40, § 8C, and St. 1996, Chapter 15.
2. The **PARTICIPANT** agrees to perform the **PROJECT** described above by authorizing its **COMMISSION** to develop, manage, maintain, and operate the **PROJECT** in accordance with the terms, conditions and obligations contained in the **PARTICIPANT'S** application(s), as approved, including any promises, conditions, plans, specification estimates, procedures, project proposals, maps, and assurances made a part thereof, and furthermore, in accordance with any special terms

and conditions attached to and incorporated in this Agreement. No significant deviations from the **PROJECT** shall be undertaken without advance approval by the **COMMONWEALTH**.

3. The **PARTICIPANT** agrees that the facilities of the **PROJECT** shall be open to the general public and shall not be limited to residents of the **PARTICIPANT**. The **PARTICIPANT** shall prominently display on the **PROJECT** a sign designated by the **COMMONWEALTH**, which sets forth public access and an indication that the **PROJECT** received PARC grant funds.
4. The **PARTICIPANT** acknowledges Article 97 of the Massachusetts Constitution which states, in part, that: "Lands or easements taken or acquired for such park, recreation or conservation purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two-thirds vote, taken by yeas and nays, of each branch of the General Court." The **PARTICIPANT** hereby agrees that any property or facilities comprising the **PROJECT** will not be used for purposes other than those stipulated herein or otherwise disposed of unless the **PARTICIPANT** receives the appropriate authorization from the General Court, the approval of the Secretary of Energy and Environmental Affairs, and any authorizations required by the provisions of Massachusetts General Laws Chapter 40, § 15A or St. 1996, Chapter 15.
5. The **PARTICIPANT** hereby covenants and agrees that the **PROJECT**, including the property and any and all associated facilities and improvements, shall be devoted to park, recreation and/or conservation purposes in perpetuity, within the meaning of Article 97 of the Commonwealth's Declaration of Rights, and shall not be used for other purposes or otherwise disposed of except in accordance with the provisions of said Article 97. In the event that the property or facilities cease to be used for such purposes, all interest in the property or facilities shall revert to the Commonwealth pursuant to St. 1996, Chapter 15. The **PARTICIPANT** shall notify the Secretary in writing of any change in use or potential change in use of the property or facilities that is inconsistent with said park or outdoor recreation purposes. The **PARTICIPANT** shall have 90 days from the date written notice was received by the Secretary to present satisfactory evidence that the basis for reversion has been cured, in which case the property or facilities shall not revert. Upon receipt of written notice, the Secretary may review the circumstances of the property or facilities and determine that reversion of the property or facilities is not appropriate or essential to the protection of public open space in which case the provisions of paragraph 6 shall apply.
6. The **PARTICIPANT** further agrees that despite any such authorization and approval, in the event the property or facilities comprising the **PROJECT** are used for purposes other than those described herein, the **PARTICIPANT** shall provide other property and facilities of equal value and utility and the proposed use of said other property and facilities is specifically agreed to by the Secretary of Energy and Environmental Affairs.
7. Failure by the **PARTICIPANT** to comply with the terms and conditions of this Agreement or the policies or regulation of the PARC Program may, at the sole option of the **COMMONWEALTH**, suspend or terminate all obligations of the **COMMONWEALTH** hereunder.
8. **PARTICIPANT** and **COMMONWEALTH** acknowledge that the benefit desired by the **COMMONWEALTH** from the full compliance by the **PARTICIPANT** is the existence, protection, and the net increase of park and recreation facilities, and that such benefit exceeds to an immeasurable and unascertainable extent the dollar value of the funding provided by this Agreement. Consequently, the **PARTICIPANT** and the **COMMONWEALTH** agree that payment of money damages by the **PARTICIPANT** to the **COMMONWEALTH** would be an inadequate remedy for a breach of this Agreement by the **PARTICIPANT**, and, therefore, that the terms and conditions of this Agreement shall be enforceable by specific performance.

9. The **PARTICIPANT** agrees to record a copy of this Agreement at the Registry of Deeds and to provide proof of such recording to the **COMMONWEALTH**. In the case of a development project, this Agreement shall be recorded with and a marginal notation entered on the deed to the property to be improved by **PROJECT**. This project agreement shall also be recorded and marginally noted on any prior deed, restriction, conveyance, or other instrument affecting the **PROJECT** area. Failure to do so shall not impair the validity or enforcement of the agreement. The **PARTICIPANT** agrees to reference this project agreement in any deed, restriction, or conveyance or other instrument affecting the **PROJECT** area.

COMMONWEALTH OF MASSACHUSETTS

BY _____
**Secretary, Executive Office of
 Energy and Environmental Affairs**

DATE: _____

PARTICIPANT

BY 

Chief Executive Officer

**PARK, RECREATION, OR
 CONSERVATION COMMISSION**

BY Brian Holt Brian Holt
Nicholas Summerhayes
C. H. Smith Corinne H. Smith
Dawn H. Brown
Craig P. Brown

DATE: 12/29/2005

Attached hereto evidence of authority to execute this agreement on behalf of the **PARTICIPANT**. In the case of a municipality, a certified copy of the vote or votes of the governing body authorizing the **PROJECT**, appropriating municipal funds therefore, and authorizing execution of this Agreement by the Officer, Board, or Commission whose signature(s) appears above. In addition, a park boundary map is attached that accurately reflects the property that is protected through the receipt of the PARC grant award.



MASSWILDLIFE

11765

DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581

p: (508) 389-6300 | f: (508) 389-7890

[MASS.GOV/MASSWILDLIFE](https://www.mass.gov/masswildlife)

October 15, 2025

Jason Stevens
City of Gardner
95 Pleasant St.
Gardner, Massachusetts 01440

RE: Comments for Grant Proposal
Site Name: PARC grant - Case Playground, Gardner
Town: Gardner
Heritage Hub Form ID: IR-96284

Dear Applicant,

Thank you for contacting the Natural Heritage and Endangered Species Program (NHESP) of the MA Division of Fisheries & Wildlife (the "Division") for the presence / absence of state-listed species protected under the Massachusetts Endangered Species Act (MESA) (M.G.L. c. 131A) at your grant application site.

Currently, the NHESP has no documented habitat of state-listed species in the vicinity of the subject property.

This evaluation is based on the most recent information available in the NHESP database, which is constantly being expanded and updated through ongoing research and inventory.

For any additional questions regarding this letter, please contact natural.heritage@mass.gov.

MASSWILDLIFE

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A
MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD
BOSTON, MASS. 02125
617-727-8470, FAX: 617-727-5128

RECEIVED
JUL 14 2023
MASS. HIST. COMM
RC 73524

PROJECT NOTIFICATION FORM

Project Name: Ovila Case Playground

Location / Address: 35 Stuart Street

City / Town: Gardner

Project Proponent

Name: Lyndsy Butler

Address: 115 Pleasant Street

City/Town/Zip/Telephone: Gardner MA 01910

After review of MHC files and the materials you submitted, it has been determined that this project is unlikely to affect significant historic or archaeological resources.

14 August 2023
MHC # RC 73524

Edward L. Bell 978 991 5844 Date
Deputy State Historic Preservation Officer
Massachusetts Historical Commission

Agency license or funding for the project (list all licenses, permits, approvals, grants or other entitlements being sought from state and federal agencies).

xc: Melissa Ryan, FEA-DCS

Agency Name

Type of License or funding (specify)

DER DCS

PARC grant

Project Description (narrative):

Project is for the construction of an ADA compliant playground

Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition.

NO

Does the project include rehabilitation of any existing buildings? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation.

NO

Does the project include new construction? If so, describe (attach plans and elevations if necessary).

Installation of a playground

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A (continued)

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify.

What is the total acreage of the project area?

Woodland _____	acres	Productive Resources:	
Wetland _____	acres	Agriculture _____	acres
Floodplain _____	acres	Forestry _____	acres
Open space <u>11.2</u>	acres	Mining/Extraction _____	acres
Developed _____	acres	Total Project Acreage _____	acres

What is the acreage of the proposed new construction? 1 acres

What is the present land use of the project area?

Park with softball field and walking trail, basketball court

Please attach a copy of the section of the USGS quadrangle map which clearly marks the project location.

This Project Notification Form has been submitted to the MHC in compliance with 950 CMR 71.00.

Signature of Person submitting this form: [Signature] Date: 7/12/23

Name: Lyndsy Butler

Address: Pleasant Street

City/Town/Zip: Gardner MA 01440

Telephone: 978-991-5841

REGULATORY AUTHORITY

950 CMR 71.00: M.G.L. c. 9, §§ 26-27C as amended by St. 1988, c. 254.