

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**

CITY COUNCIL



FINANCE COMMITTEE MEETING NOTICE

***AMENDED**

Date: Wednesday, January 28, 2026
Time: 4:00 P.M.
Location: Gardner Police Headquarters, 200 Main Street

AGENDA

CALL TO ORDER

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.

I. Review and Approval of Meeting Minute(s)

- January 14, 2026

II. First Time on the Agenda

11766 - A Measure Authorizing a Contract of Up to Five (5) Years for Curbside Waste and Recycling Collection.

11767 - A Measure Authorizing a Contract of Up to Five (5) Years for Website Hosting.

11768 - An Order Appropriating \$35,200.00 from Free Cash to Fire Department New Equipment Account.

11769 - An Order Appropriating \$201,000.00 from Free Cash to Police Department New Vehicle Account.

III. In Subcommittee

11728 - A Discussion on the Current State of Facilities Management for all Municipal Buildings.

11744 - A Measure Confirming the Gift of \$10,643.67 from the Department of Public Works to the Gardner Community Action Committee.

11752 - Study and Report on the Salt Shed Repayment Issue.

11763 - Discussion of the Recurring Internet Outages at City Hall and other City Departments.

ADJOURNMENT

NOTICE: The listing of Agenda items are those reasonably anticipated by the Chairman which may 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.

CITY COUNCIL OF GARDNER

Aleksander H. Dernalowicz

Aleksander H. Dernalowicz

Chair, Finance Committee

***Amended** – Location of meeting moved from Council Chamber to Gardner Police Headquarters

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF JANUARY 14, 2026

The Finance Committee meeting was called to order by Councillor Aleksander Dernalowicz at 4:00 PM in the City Council Chamber, Room 219, City Hall.

Finance Committee Member, Councillor Brad Heglin was present, Committee Member, Councillor Judy Mack, was absent.

Also participating, City Council President George Tyros, acting as Ex-Officio, Mayor Michael Nicholson, and Assistant City Clerk Jayen Kumar.

Review and Approval of Meeting Minute(s)

On a motion made by Councillor Brad Heglin and seconded by Councillor Aleksander Dernalowicz, it was voted to waive the reading and accept the Finance Committee Meeting Minutes of August 27, October 1, November 25, and December 10, 2025, as presented.

2 yeas, motion passes.

#11752 - Study and Report on the Salt Shed Repayment Issue

Mayor Nicholson provided updated documentation showing revised calculations related to the repayment of funds withdrawn from the Stabilization Account for the salt shed project. Using historical interest rates, he outlined the estimated interest lost and explained that the City remains approximately \$155,000 short of full reimbursement when accounting for principal and interest, noting that this figure will fluctuate as interest continues to accrue monthly. He also explained that final close-out figures are still pending and that free cash transfers shown for FY2024, FY2025, and FY2026 to date are consistent with the City's fiscal policies. Mayor Nicholson emphasized that additional interest potential may continue to affect the final figure until full reimbursement is completed.

Councillor Dernalowicz requests more time and that this item remains on the Finance Committee agenda until additional information has been received,

There were no objections, more time was granted.

Fiscal	2024	2025	2026 (YTD)
Principal	\$ 2,972,902.89	\$ 3,405,984.49	\$ 3,446,990.43
Transfers	\$ 128,978.00	\$ 261,809.00	\$ 100,975.00
Interest	\$ 92,392.00	\$ 171,272.00	\$ 55,929.83
% of Interest	2.98%	4.67%	1.62%
Interest without Salt Shed*	\$ 111,008.12	\$ 172,141.30	\$ 58,489.83
Difference Salt Shed v without	\$ 18,616.12	\$ 869.30	\$ 2,560.00
		Total Lost Interest	\$ 22,045.42

Total Deposit Appropriations	\$ 491,762.00
Salt Shed Appropriation	\$ (625,000.00)
Total Interest without SS	\$ (22,045.42)
Left to bring back whole	\$ (155,283.42)

* Interest without Salt Shed Formula:

2024 (Principal + Transfers + 625,000)*%of Interest Line

2025 (Principal+2024 Difference Salt Shed v Without + Transfers)* % of Interest

2026 (Principal+2025 Difference Salt Shed v Without + Transfers)* % of Interest

Note: December 2025 Interest \$2,187.99

STABILIZATION TRUST ACCOUNT HISTORY AS OF 10/31/25

Description	2026 Actual	2025 Actual	2024 Actual	2023 Actual	2022 Actual	2021 Actual	2020 Actual	2019 Actual
F/B STABILIZATION TRUST BALANCE	\$ 3,446,990.43	\$ 3,405,984.49	\$ 2,972,902.89	\$ 3,376,531.97	\$ 3,188,962.31	\$ 2,938,257.22	\$ 2,651,095.74	\$ 2,284,737.78
FC TRANSFERS	\$ -	\$ 261,809.00	\$ 128,978.00	\$ 130,819.00	\$ 180,582.00	\$ 220,913.06	\$ 309,484.00	\$ 223,429.00
INTEREST	\$ 41,005.94	\$ 171,272.60	\$ 92,392.92	\$ 56,750.66	\$ 70,123.09	\$ 66,248.42	\$ 56,509.96	\$ 41,425.35
OTHER TRANSFERS	\$ -	\$ -	\$ (625,000.00)					\$ (601,947.00)

Appropriations Since Salt Shed	
FY2024	\$ 128,978.00
FY2025	\$ 261,809.00
FY2026	\$ 100,975.00
Total	\$ 491,762.00
Difference from Salt Shed Appropriation	\$ 133,238.00
Interest Since Salt Shed	
FY2024	\$ 92,392.92
FY2025	\$ 171,272.60
FY2026 (YTD)	\$ 41,005.94
Total	\$ 304,671.46

#11763 - Discussion of the Recurring Internet Outages at City Hall and other City Departments

Mayor Nicholson addressed recurring internet outages, explaining the billing processes, staffing changes within the Human Resources Department, and how billing responsibilities have shifted among departments. He detailed recent Comcast billing issues, including a payment made to the incorrect service that resulted in a temporary outage, as well as a prior outage caused by a regional Comcast service failure.

He noted that corrective measures are being implemented, including clearer billing distinctions, improved tracking through MUNIS, and exploration of another service as a backup to mitigate future outages.

The Committee expressed concern regarding outages caused by non-payment and emphasized the importance of transparency when departmental responsibilities are reassigned. Mayor Nicholson acknowledged these concerns and stated that the administration is reviewing internal processes to prevent future issues.

Councillor Heglin noted that Councillor Judy Mack, who is absent, had requested this item, and it may be good to have her present to speak if necessary.

Councillor Dernalowicz requests more time and that this item remains on the Finance Committee agenda.

There were no objections, more time was granted.

#11764 - Discussion on City Council Rules

City Council President George Tyros presented proposed updates to the City Council Rules, including adjustments to committee jurisdiction, specifically expanding the scope of the Economic and Community Development Committee, and amendments to Rule 14, establishing an earlier deadline for standing committee submissions prior to Council meetings.

President Tyros explained that the intent of the changes is to promote better planning, reduce last-minute agenda additions, and provide adequate review time for Councilors and staff. The Committee expressed support for the administrative changes and the proposed deadline adjustment.

On a motion made by Councillor Heglin and seconded by Councillor Dernalowicz, it was voted to recommend to the full Council that the proposed rules revisions be adopted.

2 yeas, motion passes.

#11482 - Discussions regarding the City's Health Insurance Payments and Trust Fund

Mayor Nicholson reported that, working with the Assistant Auditor and the temporary auditor, the Health Insurance Trust Fund balance as of the end of December was \$1,472,268.89, compared to \$1,392,261.71 reported at the end of November.

Councillor Dernalowicz noted that updates are typically provided at the end of each month.

Councillor Dernalowicz requests more time and that this item remains on the Finance Committee agenda.

There were no objections, more time was granted.

#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

Mayor Nicholson stated that the administration remains in favor of declaring the property surplus and proceeding with an RFP process, noting that the legal opinion from the Law Department had been provided at the previous meeting.

Councillor Heglin discussed concerns regarding the permanent loss of municipal parking spaces and long-term control of downtown property.

Councillor Dernalowicz agreed, and expressed hesitation about an complete sale and interest in exploring alternative options.

On a motion made by Councillor Heglin and seconded by Councillor Dernalowicz, it was voted to report to the full Council that no action be taken,

2 yeas, motion passes.

#11728 - A Discussion on the Current State of Facilities Management for all Municipal Buildings

Councillor Dernalowicz reintroduced the item, noting the complexity of current facilities management across multiple departments, unions, and funding structures, and the anticipated addition of the Waterford Community Center. He stated that discussions are underway, including a scheduled meeting with the Mayor, Council President, and Human Resources to begin evaluating potential reorganization.

Council President Tyros emphasized that proactive planning could help avoid higher long-term costs associated with deferred maintenance and emergency repairs.

The Committee agreed to continue monitoring the issue and receive updates as discussions progress.

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF JANUARY 14, 2026

Councillor Dernalowicz requests more time and that this item remains on the Finance Committee agenda.

There were no objections, more time was granted.

#11744 - A Measure Confirming the Gift of \$10,643.67 from the Department of Public Works to the Gardner Community Action Committee

Councillor Dernalowicz noted that the Committee had asked for more time to review the information with this item.

Councillor Heglin asked Mayor Nicholson when and how he became aware of the amount of this donation, as it was historically high.

Mayor Nicholson responded noting that he was not aware of the amount until it was ready to be given. He added that, "they do a few hundred bucks here and there." He was not expecting it to be this much, but is glad it helped out the CAC as much as it did.

Councillor Dernalowicz added that it was Councillor Mack who had this put on the agenda, and as she is not present, he would like to keep it on the agenda.

Councillor Dernalowicz requests more time and that this item remains on the Finance Committee agenda.

There were no objections, more time was granted.

ADJOURNMENT

On a motion by Councillor Heglin and seconded by Councillor Mack, it was voted to adjourn at 4:38 p.m.



City of Gardner - Executive Department
Mayor Michael J. Nicholson

January 22, 2026

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

RE: A Measure Authorizing a Contract of Up to Five (5) Years for Curbside Waste and Recycling Collection

Dear Mr. President and Councilors,

The General Laws of the Commonwealth require legislative approval for the City to enter into a contract for a period above three (3) years. This includes any extension options that allow for the contract period to be extended past three (3) years.

The City is looking to enter into a contract for up to five (5) years for curbside waste and recycling collection, as the current contract is up for renewal.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner

AUTHORIZING A FIVE-YEAR CONTRACT PERIOD
FOR CURBSIDE COLLECTION AND RECYCLABLES

VOTED: To authorize the City to enter into a contract not to exceed five (5) years to provide for curbside collection and recyclables, pursuant to the provisions of Massachusetts General Law, Chapter 30B, section 12 and under the terms outlined in the Purchasing Agent's January 14, 2025, Memorandum.

CITY OF GARDNER
PURCHASING DEPARTMENT

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



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

TO: Gardner City Council
Mayor Michael J. Nicholson

FROM: Joshua Cormier, Purchasing Agent

DATE: January 14, 2025

SUBJECT: Request for 5-year contracts

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

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

- Website Maintenance & Hosting
- Curbside Collection & Recyclables

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

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



City of Gardner - Executive Department
Mayor Michael J. Nicholson

January 22, 2026

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

RE: A Measure Authorizing a Contract of Up to Five (5) Years for Website Hosting

Dear Mr. President and Councilors,

The General Laws of the Commonwealth require legislative approval for the City to enter into a contract for a period above three (3) years. This includes any extension options that allow for the contract period to be extended past three (3) years.

The City is looking to enter into a contract for up to five (5) years for hosting the City's website, as that contract is up for renewal.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner

AUTHORIZING A FIVE-YEAR CONTRACT PERIOD
FOR WEBSITE MAINTENANCE AND HOSTING SERVICES

VOTED: To authorize the City to enter into a contract not to exceed five (5) years to provide for website maintenance and hosting services, pursuant to the provisions of Massachusetts General Law, Chapter 30B, section 12 and under the terms outlined in the Purchasing Agent's January 14, 2025, Memorandum.

CITY OF GARDNER
PURCHASING DEPARTMENT

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



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

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



City of Gardner - Executive Department

Mayor Michael J. Nicholson

January 23, 2026

George C. Tyros
President
Gardner City Council
95 Pleasant Street
Gardner, MA 01440

RE: Free Cash Appropriation Request – Fire Department Grant Match

Dear Mr. President and Councilors,

Attached, please find an appropriation request in the amount of \$35,200 to cover the grant match for the replacement of our portable radios for our Fire Department. The FEMA Assistance to Firefighters Grant (AFG) provided \$330,856.32 for the replacement of the radios with the total cost being \$365,975. These radios are over 15 years old and in need of replacement to ensure our public safety personnel can keep themselves and the public as safe as possible.

I want to thank all those involved in securing this grant, which allows the City to make much needed equipment upgrades at minimal cost to the Gardner taxpayer.

An order for the transfer has been included with this letter.

Please do not hesitate to reach out with any questions.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner

AN ORDER APPROPRIATING FROM FREE CASH TO THE FIRE DEPARTMENT –NEW EQUIPMENT ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Thirty-Five Thousand Two Hundred Dollars and No Cents (\$35,200.00) from Free Cash to the Fire Department – New Equipment Account.



CITY OF GARDNER

FIRE DEPARTMENT
70 CITY HALL AVENUE
GARDNER, MA 01440-2671

OFFICE OF FIRE CHIEF
GREGORY F. LAGOY

(978) 632-1616 Ext. 5
FAX (978) 630-4028

January 20, 2026

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

Dear Mayor Nicholson,

As you are aware, the Fire Department was recently awarded a FEMA Assistance to Firefighters Grant (AFG) for the much-needed replacement of our current 15+ year old portable radios. Due to manufacturer price increases since the grant application was prepared in late 2024 and the addition of several operationally-required options, an amendment to the grant award was necessary and the total number of radios to be purchased was reduced from 42 to 38. The total purchase price for these new portable radios is \$365,975.00, with the federally-funded portion being \$330,856.32. This grant requires a match from the City in the amount of \$35,118.68.

The Fire Department will not be able to fund this through the regular operating budget, therefore I respectfully request a Free Cash appropriation to cover this expense.

Please contact me with any questions.

Respectfully,

Gregory F. Lagoy
Fire Chief



City of Gardner - Executive Department

Mayor Michael J. Nicholson

January 23, 2026

George C. Tyros
President
Gardner City Council
95 Pleasant Street
Gardner, MA 01440

RE: Free Cash Appropriation Request – Police Vehicles

Dear Mr. President and Councilors,

Attached, please find an appropriation request in the amount of \$201,000 for the purchase of three new police vehicles for the Gardner Police Department.

This is being done in accordance with our existing vehicle rotation program that our department has been following in recent years to ensure that our fleet remains in up to date, safe conditions. In this request is the purchase for one patrol pick-up truck in order to respond to the department's needs surrounding street shutdowns and transportation of supplies. This is a purchase that responds to a specific need and does not change the department's traditional purchase of interceptor cruisers.

Due to market constraints with these vehicles, I anticipate these vehicles will not be available to be in service for a few months' time. Purchasing them now keeps us on track with our vehicle rotation schedule.

Our rotation schedule suggests that the City purchases three (3) police cruisers a year to keep the fleet up to the best level possible.

Please do not hesitate to reach out with any questions.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner

AN ORDER APPROPRIATING FROM FREE CASH TO POLICE DEPARTMENT – NEW VEHICLE.

ORDERED:

That there be and is hereby appropriated the sum of Two Hundred One Thousand and No Cents (\$201,000.00) from Free Cash to Police Department – New Vehicle.



CITY OF GARDNER POLICE DEPARTMENT

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



Eric P. McAvene
Chief of Police

Nicholas P. Maroni
Deputy Chief of Police

September 25, 2025

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

Re: Request for Patrol Pickup Truck

Dear Mayor,

We are requesting free cash funds to purchase a patrol-rated pickup truck. The pickup truck will be assigned to the shift supervisor for their patrol/supervisory duties. This will be the first of requests for three replacement cruisers.

During our research for new patrol vehicles, we looked at the needs and requirements for each shift. We found that the pickup trucks offered much more storage space for various equipment that may be needed day to day. The shift supervisor will carry everything they currently carry in a cruiser, but will also carry signs, cones and barricades to shut down roads and other areas as needed. This will give us the ability to safely and immediately shut down areas with limited staffing. The truck will also be used to move around our radar trailer and other equipment trailers we currently have.

We are not shifting away from traditional patrol vehicles (Ford Interceptor). The purchase of this vehicle is to address specific areas of need within the Gardner Police Department.

Very truly yours,

Eric P. McAvene
Chief of Police

Facilities Manager Discussion

A proposal by President Tyros that the City Council discuss the current state of facilities management for all municipal buildings to evaluate the proper management, cost-effectiveness, current practices, and to explore potential improvements, ensuring responsible stewardship of city assets.

RECEIVED

2025 APR - 3 P 3: 59

CITY CLERK'S OFFICE
GARROVER, MA



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

April 28, 2025

Hon. Aleksander H. Dernalowicz, Chair
And Finance Committee Members
Gardner City Hall, Rm 121
95 Pleasant Street
Gardner, MA 01440

RE: Additional Information Requested for Item #11518: A Proposal by President Tyros that the City Council discuss the current state of facilities management for all municipal buildings

Dear Mr. Chairman and Councilors,

At the previous Finance Committee meetings, it was requested that the Administration provide a break down of the City's facilities management breakdown.

All School Department buildings are maintained by the School Department's custodial contractor- Mora's Cleaning. Their grounds and larger facilities projects are overseen by the School Departments' facilities manager, Wayne Anderson, who has three staff members under him.

The City's Water and Wastewater treatment plants are maintained by the City's contractor overseeing those plants- Veolia.

The DPW buildings are maintained by the staff at the DPW.

The Gardner Senior Center and Greenwood Memorial Pool are maintained by a shared maintenance staff member who assists with the pool in the summer months. This staff member reports jointly to Director Ellis and Director Morse and is a member of the AFSCME Union.

The Gardner Police Department has their own facilities maintenance manager. When this person is out, the City Hall maintenance staff covers the rounds at the police station. This staff member reports to Chief McAvene and is a member of the AFSCME Union.

City Hall has a Maintenance Manager who oversees one additional staff member. The manager works from 7am to 3:30pm, and the night shift maintenance manager works from 1pm to 9:30pm. Aside from being the back up staff for the Police Station, they also oversee any additional facilities that the City has- Waterford Community Center, School Street School, Helen Mae Sauter, Etc. These staff members report to Commissioner Zuppa and are members of the AFSCME Union.

The Levi Heywood Memorial Library has three non-union maintenance positions who oversee all of the work there and report to Director Klements.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

December 5, 2025

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

RE: A Measure Confirming the Gift of \$10,643.67 from the Department of Public Works to the Gardner Community Action Committee

Dear Mr. President and Councilors,

Over the course of the last three (3) years, the employees of the Department of Public Works have been saving scrap metal that could then be collected, exchanged, and the funds given to the Gardner Community Action Committee to support their food pantry during the holiday season. This was last done by the Department in 2022. In more recent years, the Department had held various other “fill a front-end loader” style food drive events, as the metal collections continued.

As a result of the amount of metal that had been collected over this extended period of time, the exchange funds received from the metal came to \$10,643.67.

With the substantial increase in demand that the Gardner Community Action Committee food pantry, this will be a large help- including being able to allow for increased protein options at the food pantry until the end of the year as a result of this.

I hereby request that the City Council confirm the gift, similar to how legislative acceptance is given when donations are made to the City.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner

A MEASURE CONFIRMING THE GIFT OF \$10,643.67 FROM THE DEPARTMENT OF
PUBLIC WORKS TO THE GARDNER COMMUNITY ACTION COMMITTEE

Whereas, the employees of the City of Gardner Department of Public Works has traditionally worked annually to assist the food pantry services offered by the Gardner Community Action Committee, and

Whereas, the Gardner Community Action Committee has experienced a significant increase in demand for their food pantry operations as well as the other services they offer to the residents of the City, and

Whereas, the Department of Public Works has collected scrap metal over a period of several years to be able to be exchanged for a donation for the Gardner Community Action Committee's Food Pantry,

Now Therefore, the City Council of the City of Gardner hereby confirms the issuance of the gift of \$10,643.67 from the Department of Public Works to the Gardner Community Action Committee as a result of the collection of the aforementioned scrap metal for assisting in the operations and expenses related to their food pantry.

Jayen Kumar

From: Mayor
Sent: Tuesday, December 9, 2025 9:54 AM
To: Alek Dernalowicz
Cc: Titi Siriphan; Jayen Kumar
Subject: Scrap Metal

RECEIVED

2025 DEC -9 P 2:05

CITY CLERK'S OFFICE
GARDNER, MA

Good Morning Mr. Chairman,

Attached is the listing of surplus metals related to Item 11744

Item	Approximate Value
#1 Copper Wire/Tubing	\$200
#2 Copper Wire	\$60
Composition Metals	\$750
360/Rod Brass Solids Brass	\$125
Yellow Brass	\$60
Brass	\$9,500

Best,

Mike Nicholson

DISPOSING OF SURPLUS PROPERTY

The Purchasing Office is responsible for the disposition of surplus items (office equipment, furniture, vehicles, etc.). General office supplies shall not be subject to these rules (pens, pencils, paper, etc.). For items with a value of \$10,000.00 or more, the City is required per MGL to offer the supply through competitive sealed bids or public auction.

For items with an estimated value of less than \$10,000.00, the supply is disposed of using these written procedures:

- The head of the department, board or commission in possession of the surplus supplies shall certify, in writing, the estimated value determined through a commercially reasonable process. The estimate shall be contained in the Disposition of Surplus Form*, via hard copy or this [direct link](#), approved by the Council Committee and/or Mayor, if applicable, and provided to the Purchasing Department.
- The head of the department, board or commission in possession of the surplus supplies, will provide descriptions of the surplus items to the CPO. Items on the list will be available at no cost to other departments on a first-come, first-served basis for 14 days. After 14 days, the items will be moved to the disposal list.
- The CPO shall decide upon the most appropriate method of disposal, including direct sales, quotes, or donations. This decision shall be based on the best interest of the City of Gardner, taking into consideration the best practices for generating income for the City for said supplies.

*For items that are broken, worthless, and have no value, the department, board or commission in possession of those items will be responsible for destruction and/or disposal of the item. The items must still be documented, and Purchasing must be given the list along with the method of disposal. This must be done using the Disposition of Surplus Form or an equivalent that includes the information and signature of approver on the document. Such items will not be stored and should be promptly removed from the office or premises.

PLEASE, remember, all surplus items being disposed must be documented and communicated to the Purchasing Department prior to disposal.

CITY OF GARDNER
Department of Public Works



Highway
Water
Sewer
Forestry
Parks/Playgrounds
Cemeteries

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

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

December 10, 2025

Dear Mayor and Council members:

I am writing to certify that I am in possession of surplus supplies consisting of **360/Rod Brass Solids brass**, which have been accumulated over the course of several years and set aside for disposal at a later date when departmental resources permit.

The estimated value of these surplus materials is **approximately \$125**, based on a commercially reasonable assessment of scrap metal prices in late October.

In accordance with the City Code, I respectfully submit this certification for your review and request the approval of the appropriate City Council Committee and the Mayor for the disposition of these surplus materials to the Gardner CAC.

Thank you for your consideration.

Sincerely,

Dane E. Arnold, Director
Department of Public Works

CITY OF GARDNER
Department of Public Works



Highway
Water
Sewer
Forestry
Parks/Playgrounds
Cemeteries

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

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

December 10, 2025

Dear Mayor and Council members:

I am writing to certify that I am in possession of surplus supplies consisting of **brass**, which have been accumulated over the course of several years and set aside for disposal at a later date when departmental resources permit.

The estimated value of these surplus materials is **approximately \$9,500**, based on a commercially reasonable assessment of scrap metal prices in late October.

In accordance with the City Code, I respectfully submit this certification for your review and request the approval of the appropriate City Council Committee and the Mayor for the disposition of these surplus materials to the Gardner CAC.

Thank you for your consideration.

Sincerely,

Dane E. Arnold, Director
Department of Public Works

CITY OF GARDNER
Department of Public Works

Highway
Water
Sewer
Forestry
Parks/Playgrounds
Cemeteries



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

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

December 10, 2025

Dear Mayor and Council members:

I am writing to certify that I am in possession of surplus supplies consisting of **yellow brass**, which have been accumulated over the course of several years and set aside for disposal at a later date when departmental resources permit.

The estimated value of these surplus materials is **approximately \$60**, based on a commercially reasonable assessment of scrap metal prices in late October.

In accordance with the City Code, I respectfully submit this certification for your review and request the approval of the appropriate City Council Committee and the Mayor for the disposition of these surplus materials to the Gardner CAC.

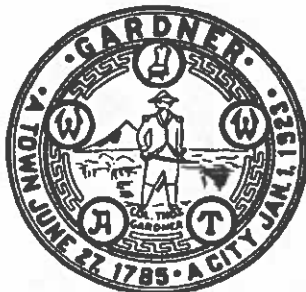
Thank you for your consideration.

Sincerely,

Dane E. Arnold, Director
Department of Public Works

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darnold@gardner-ma.gov

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

December 10, 2025

Dear Mayor and Council members:

I am writing to certify that I am in possession of surplus supplies consisting of **composition metals**, which have been accumulated over the course of several years and set aside for disposal at a later date when departmental resources permit.

The estimated value of these surplus materials is **approximately \$750**, based on a commercially reasonable assessment of scrap metal prices in late October.

In accordance with the City Code, I respectfully submit this certification for your review and request the approval of the appropriate City Council Committee and the Mayor for the disposition of these surplus materials to the Gardner CAC.

Thank you for your consideration.

Sincerely,

Dane E. Arnold, Director
Department of Public Works

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darnold@gardner-ma.gov

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

December 10, 2025

Dear Mayor and Council members:

I am writing to certify that I am in possession of surplus supplies consisting of **#2 copper wire**, which have been accumulated over the course of several years and set aside for disposal at a later date when departmental resources permit.

The estimated value of these surplus materials is **approximately \$60**, based on a commercially reasonable assessment of scrap metal prices in late October.

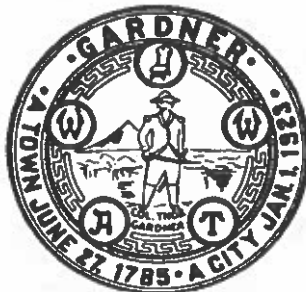
In accordance with the City Code, I respectfully submit this certification for your review and request the approval of the appropriate City Council Committee and the Mayor for the disposition of these surplus materials to the Gardner CAC.

Thank you for your consideration.

Sincerely,

Dane E. Arnold, Director
Department of Public Works

CITY OF GARDNER
Department of Public Works



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

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

December 10, 2025

Dear Mayor and Council members:

I am writing to certify that I am in possession of surplus supplies consisting of **#1 copper wire/tubing**, which have been accumulated over the course of several years and set aside for disposal at a later date when departmental resources permit.

The estimated value of these surplus materials is **approximately \$200**, based on a commercially reasonable assessment of scrap metal prices in late October.

In accordance with the City Code, I respectfully submit this certification for your review and request the approval of the appropriate City Council Committee and the Mayor for the disposition of these surplus materials to the Gardner CAC.

Thank you for your consideration.

Sincerely,

Dane E. Arnold, Director
Department of Public Works

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

December 10, 2025

Mayor Michael Nicholson
City of Gardner, Massachusetts

Re: Disposition of Scrap Metals Legal Framework, Valuation, and Compliance

Dear Mayor Nicholson,

I have been asked to advise as to the resolution of municipal finance and procurement issues. This letter is intended to explain the process I would recommend to cure any defect in the process.

The Department of Public Works (DPW) Director sold certain metals and directed that the payment be delivered to a nonprofit organization serving an important public purpose. While the intent was commendable, this transaction was not consistent with Massachusetts municipal finance and procurement laws. The disposition of the various metals could have followed the Disposition of Surplus Property Policy and Procedure issued by our Chief Procurement Officer, Josh Cormier. Under applicable statutes, proceeds from the sale of municipal property must be deposited into the

City's general fund before any appropriation for a specific purpose can occur. That appropriation would be initiated by the Mayor and approved by the City Council.

The items sold and approximate values are as follows;

- #1 Copper Wire and Tubing: \$200
- #2 Copper Wire: \$60
- Composition Metals: \$750
- 360/Rod Brass Solids (Solid Brass): \$125
- Yellow Brass: \$60
- Brass: \$9,500

The materials in question consisted of mixed metals collected from various city projects. The aggregate value of the items all of the metals appears to exceed the \$10,000 threshold. However, scrap metal is not a monolith of metals. The materials disposed of are distinct and separate (e.g., copper, brass, composition metals), each priced differently based on grade/purity and market demand. Pricing is normally weight-based, per pound, and fluctuates daily. Accordingly, valuations should be conducted separately for each category of metal as of the date of the transaction and consequently, each metal constitutes a separate transaction. I understand reasonable minds could differ. However, there is no precedent that I have found that requires to treat different types of scrap metal as one item. The fact that each metal is priced differently in the marketplace supports disposing of them separately.

Disposition of surplus supplies is governed by M.G.L. c. 30B, § 15. For tangible supplies that are no longer useful but have resale or salvage value, the statute requires disposal through competitive sealed bids, public auction, or established markets. For supplies with an estimated net value of less than \$10,000, the procurement officer must use approved written procedures.

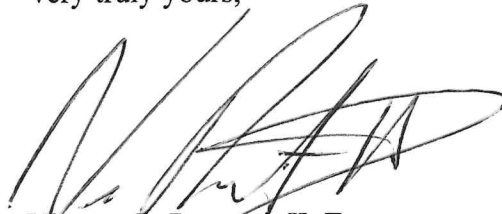
Bid-splitting is prohibited by M.G.L. c. 30B. It prohibits the splitting or division of any procurement ... for the purpose of evading a requirement of this chapter." In this case the division of the metals is done by the marketplace and even if done by the city it was not for the purpose of evading public procurement laws. While this applies to purchasing, its principles of fairness and transparency inform ethical handling of public assets. The rationale that supports M.G.L. c. 30 B is to facilitate fair competition, transparency, and value for taxpayer money. None of these concerns are implicated here. In addition, M.G.L. c. 30B, require ensuring favorable. There is no evidence that a market price was not obtained nor is there any evidence that anyone objected seeking to pay more for the metals.

Under M.G.L. c. 44, § 53, all receipts from the sale of municipal property must be deposited into the general fund unless otherwise authorized by statute. Directing proceeds to nonprofit, even for a public purpose¹, is not consistent with this requirement. After depositing the proceeds into the general fund, the Mayor would ordinarily submit an appropriation order to the City Council for approval.

For the reasons above, I conclude that scrap metals should be disposed of under the City's surplus procedures and that financial handling should be brought into compliance with M.G.L. c. 44. First, the City could have the D.P.W. Director issue letters which include a valuation of the distinct, weight-based market pricing of each metal type as of the disposition date. This would start the disposition process consistently with the Disposition of Surplus Property Policy and Procedure issued by our Chief Procurement Officer. Next, the City Council can vote to approve the Mayor's proposed confirmation Order or Vote. Both steps should remedy any procedural defect.

¹ Although it does alleviate any concern for a violation of the anti-aid amendment.

Very truly yours,

A handwritten signature in black ink, appearing to read 'V. Pusateri, II', written in a cursive style.

Vincent P. Pusateri, II, Esq.
City Solicitor

VPP/kdb

Fiscal	2024	2025	2026 (YTD)
Principal	\$ 2,972,902.89	\$ 3,405,984.49	\$ 3,446,990.43
Transfers	\$ 128,978.00	\$ 261,809.00	\$ 100,975.00
Interest	\$ 92,392.00	\$ 171,272.00	\$ 55,929.83
% of Interest	2.98%	4.67%	1.62%
Interest without Salt Shed*	\$ 111,008.12	\$ 172,141.30	\$ 58,489.83
Difference Salt Shed v without	\$ 18,616.12	\$ 869.30	\$ 2,560.00
		Total Lost Interest	\$ 22,045.42

Total Deposit Appropriations	\$ 491,762.00
Salt Shed Appropriation	\$ (625,000.00)
Total Interest without SS	\$ (22,045.42)
Left to bring back whole	\$ (155,283.42)

* Interest without Salt Shed Formula:

2024 (Principal + Transfers + 625,000)*%of Interest Line

2025 (Principal+2024 Difference Salt Shed v Without + Transfers)* % of Interest

2026 (Principal+2025 Difference Salt Shed v Without + Transfers)* % of Interest

Note: December 2025 Interest \$2,187.99

STABILIZATION TRUST ACCOUNT HISTORY AS OF 10/31/25

Description	2026 Actual	2025 Actual	2024 Actual	2023 Actual	2022 Actual	2021 Actual	2020 Actual	2019 Actual
F/B STABILIZATION TRUST BALANCE	\$ 3,446,990.43	\$ 3,405,984.49	\$ 2,972,902.89	\$ 3,376,531.97	\$ 3,188,962.31	\$ 2,938,257.22	\$ 2,651,095.74	\$ 2,284,737.78
FC TRANSFERS	\$ -	\$ 261,809.00	\$ 128,978.00	\$ 130,819.00	\$ 180,582.00	\$ 220,913.06	\$ 309,484.00	\$ 223,429.00
INTEREST	\$ 41,005.94	\$ 171,272.60	\$ 92,392.92	\$ 56,750.66	\$ 70,123.09	\$ 66,248.42	\$ 56,509.96	\$ 41,425.35
OTHER TRANSFERS	\$ -	\$ -	\$ (625,000.00)					\$ (601,947.00)

Appropriations Since Salt Shed	
FY2024	\$ 128,978.00
FY2025	\$ 261,809.00
FY2026	\$ 100,975.00
Total	\$ 491,762.00
Difference from Salt Shed Appropriation	\$ 133,238.00
Interest Since Salt Shed	
FY2024	\$ 92,392.92
FY2025	\$ 171,272.60
FY2026 (YTD)	\$ 41,005.94
Total	\$ 304,671.46

11752
11723



Salt Shed Item - Finance Committee

From Brad E. Heglin <bheglin@gardner-ma.gov>

Date Mon 12/8/2025 7:14 PM

To Jayen Kumar <jkumar@gardner-ma.gov>

Cc Titi Siriphan <tsiriphan@gardner-ma.gov>

Greetings and salutations,

I wanted to flag, in case it was missed, that at the last full council meeting on an item pertaining to free cash/stabilization I made the following motion that was approved:

We accept the order appropriating \$100,975.00 from Free Cash to the City Stabilization Account

AND

We direct the Finance Committee to study and report on the salt shed repayment issue.

The bottom part, boldened and underlined, means a new item needs to be created for the next (not this upcoming 12/10 meeting but the subsequent one) finance committee agenda.

Thank you for your attention to this matter.

Sincerely,
Brad



Re: Finance Committee item

From George Tyros <gtyros@gardner-ma.gov>

Date Fri 1/9/2026 11:22 AM

To Judy Mack <jmack@gardner-ma.gov>; Titi Siriphan <tsiriphan@gardner-ma.gov>

Cc Jayen Kumar <jkumar@gardner-ma.gov>; Alek Dernalowicz <adernalowicz@gardner-ma.gov>

Assignment to Finance approved.

From: Judy Mack <jmack@gardner-ma.gov>

Sent: Friday, January 9, 2026 11:10 AM

To: Titi Siriphan <tsiriphan@gardner-ma.gov>

Cc: Jayen Kumar <jkumar@gardner-ma.gov>; Alek Dernalowicz <adernalowicz@gardner-ma.gov>; George Tyros <gtyros@gardner-ma.gov>

Subject: Finance Committee item

Good morning,

For the next Finance Committee meeting, please add to the agenda:

Discussion of the recurring Internet outages at City Hall and other city departments.

Thank you,
Judy

Judy A. Mack
Councilor-at-Large
Public Service Committee, Chair
Finance Committee, Member

(978)340-1838
jmack@gardner-ma.gov

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