

**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**

**Date:** Wednesday, January 14, 2026  
**Time:** 4:00 P.M.  
**Location:** City Council Chamber, City Hall

**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)**

- August 27, 2025
- October 1, 2025
- November 25, 2025
- December 10, 2025

**II. First Time on the Agenda**

**11752** - Study and Report on the Salt Shed Repayment Issue. *Page 36*

**11763** - Discussion of the Recurring Internet Outages at City Hall and other City Departments. *Page 37*

**11764** - Discussion on City Council Rules.

**III. In Subcommittee**

**11482** - Discussions regarding the City's Health Insurance Payments and Trust Fund.  
*Page 38*

**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 40*

**11728** - A Discussion on the Current State of Facilities Management for all Municipal Buildings. *Page 53*

**11744** - A Measure Confirming the Gift of \$10,643.67 from the Department of Public Works to the Gardner Community Action Committee. *Page 55*

**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

CITY OF GARDNER, MASSACHUSETTS  
CITY COUNCIL FINANCE COMMITTEE  
MINUTES OF MEETING OF AUGUST 27, 2025

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The Finance Committee meeting was called to order by Councillor Aleksander Dernalowicz at 3:30 PM in the City Council Chamber, Room 219, City Hall.

Finance Committee Members Brad Heglin and Judy Mack were also present.

Also participating, Mayor Michael Nicholson; City Clerk Titi Siriphan; Purchasing Director Josh Cormier; Human Resources Director Amanda Morse; City Assessor Chris Kumar; Councillor At-Large Calvin Brooks; and Assistant City Clerk Jayen Kumar.

**Review and Approval of Meeting Minute(s)**

Councillor Dernalowicz informed the Committee that there were no prior meeting minutes.

**Department Updates**

**City Clerk, Human Resources, Assessor, and Purchasing's updates:**

DRAFT

## City Clerk Department Update 8/27/2025

### ELECTION

- September 16, 2025 Preliminary Election – Mayoral race. General election on November 4<sup>th</sup>.
- Poll pads
  - Successfully I had poll pad training. After 3 years of having them sit in the vault, I was finally able to get these out and utilize them.
  - Poll pads are tablets that will load the voter list electronically for ballot check in.
  - Ability to look up voters through a search.
  - If a voter does not belong in that ward or precinct, it will show up on the tablet and can print the address of the location of where the voter is to vote. This will reduce the amount of phone call with the question “where do I go vote”.
  - A feature where you can scan their ID. Massachusetts is a non ID requirement for voting. We aren’t allowed to ask for ID, but if it is offered, we need to ask their permission to scan their ID for a quicker look up.
  - Out of the 95 letters mailed out, 75 attended. It was a mandatory class. Great positive feedback and the workers are looking forward to using them for the September 16<sup>th</sup> preliminary election.
  - This will eliminate the check out table. Will not need to hire as many poll workers. Reduce paper. One paper copy still needs to be available per state law.
  - If anyone is interested in poll pads, feel free to stop by the office.
  - Acknowledgement of poll workers.
- **Early voting.** There is no in person early voting, but vote by mail is available. Anyone can apply online, in person, or request an application and we can mail to you.
  - Last day to apply for an application is September 9<sup>th</sup>.
- **Election Training** – September 10<sup>th</sup>. This time going to go into more detail and work with the clerk’s and wardens a little closer and have hands-on training. The exercise will help them with reconciling.
- **Ballot testing** – conducted between today and tomorrow.

### CLERK’S OFFICE

- Staff has been training on agendas. Posting, attending meetings, minutes, and finalizing items after council votes.
  - Jay and I cover Finance & City Council

- Jenny covers Appointments and Eco Dev
  - Suzi covers Safety and Welfare
  - At some point when everyone is comfortable, they will rotate to be fair. Some meetings run in the morning, some later in the day and pass work hours.
- Dog licenses are at the final stage. There is a \$10 late fee that went into effect April 1<sup>st</sup>. After the late fee, they receive a \$50 citation for failure to license, and if they don't pay that fee, next step is a court hearing where they could possibly pay more fees. With using the new dog license application online with OpenGov, there has been a good transition, more people are registering their dogs online. There are fewer citations this year than in past years.
  - 2<sup>nd</sup> mailing census are out. This year was a little delayed due to the spending freeze. They had ready to go out, but postage has gone up and I had to pay additional postage before the mailings go out.
  - Clerk's office received new copy machine today.
  - Business certificates on hold. Awaiting the new building commissioner to approve.
  - Vitals – On a new state system for death certificates. There are some challenges and questions we have regarding the new platform. I am hoping to attend a conference with the staff in September to get some training and help.
    - Marriage certificates – busy time. Couples are looking to get married around this time
    - Births – always busy. Real ID

#### CITY COUNCIL

- New flow chart and process
  - Items get submitted to subcommittees first then referred to city council for vote.
  - Newly submitted items are placed on the city council one drive for the council to view everyone's folder.
  - It gives the opportunity for Councillors to view what's on file before the subcommittee schedule their meetings. Give them a little more time to review the items.

**Human Resources**

Human Resources Director Amanda Morse reported that the office remains busy with day-to-day operations, including FMLA leave administration, injured-on-duty cases, and workers' compensation matters.

She highlighted the recent implementation of an electronic onboarding system for new hires, outlining the process from department notification through completion of required documentation, policy acknowledgements, and benefits enrollment. She reported positive feedback from employees who have used the system and noted plans to expand its use for annual acknowledgements, training, and policy updates.

Staffing updates were provided, including the start of a new Building Commissioner, a new Inspector transitioning to full-time, and a new Veterans' Services Director. The Director reported that since the beginning of the year, 79 hires have been processed, excluding volunteers, and including seasonal staff.

Discussion was held regarding ethics training compliance for employees and board and commission members, with acknowledgment that improved tracking systems are needed. Updates were also provided on the development of employee performance review processes.

## Finance Committee Meeting – Assessor’s Department Update August 27, 2025

(Overview of FY25 and start of FY26)

- The DIF Committee (Downtown District Improvement Financing) met in August 2024, and my contribution has been to provide current values for the properties in the 2 defined areas (Mill St and Downtown)—**FY23 vs FY24** and **FY24 vs FY25** have been provided and **FY25 vs FY26** will be distributed in January 2026 after values have been certified
- In October 2024, quotes were requested and obtained from the vendors that we deal with annually—Vision, RRC and Patrick Haring—in preparation for the FY26 budget season
- In December 2024, the FY25 property cards were converted to PDF’s and uploaded to the City website, and the Assessor page was updated with the new tax rate and other pertinent information for abatements
- In January 2025, the FY25 Vision database was converted to “static”, archived, and we began adding information into the new FY26 database
- Due to a MUNIS issue with FY25 personal property tax billing process, (164) accounts with assets under the \$5k exempt value received a tax bill in error. **All (164) bills were manually abated, totaling \$5,505.18**
- (565) Forms of List were mailed to our personal property accounts on 1/3/25—**(246) were received back, or about 43.54%** *(printed, put in envelopes & mailed)*
- (555) Income & Expense forms were mailed to our Commercial, Industrial, Apartments and Mixed-Use properties on 1/3/25—**(212) were received back (including those received from a 2<sup>nd</sup> mailing), or about 38.20%**
- (36) 3ABC applications (return of property held for charitable purposes) were mailed on 1/3/25—**100% have been returned**
- (17) Chapter Land applications were mailed on 1/3/25—**(5) have been returned**, but the due date is not until 12/1/25
- The State’s Gateway portal Directory was updated with the new appointment expiration date for the Assessor, then signed by the Assessor and Clerk and submitted
- (9) FY25 PP Omitted/Revised bills (including solar w/PILOT agreements) were created and mailed with a bill date of 3/24/25—**totaling \$26,526.55**
- (9) FY25 RE Supplemental bills were created and mailed with a bill date of 4/27/25—**totaling \$34,365.41**
- All map changes and lot splits created by new plans recorded at the Registry of Deeds in calendar year 2024 and new construction completed prior to January 1, 2025, were updated in Vision by me and on our maps by the GIS Coordinator, Maggie
- BOA received a total of (11) abatement applications (deadline to file was February 1<sup>st</sup>)—(8) RE and (3) PP
- By 3/25/25 the Board acted on all (11) abatements (deadline to act was April 1<sup>st</sup>)—**(3) RE were approved, (5) were denied, and (3) PP were approved**
- The Veteran Exemptions form was completed through the State’s Gateway portal, submitted, and approved on 3/18/25

- The MDM-1 reimbursement form was completed and submitted through the State’s Gateway portal on 4/7/25 and approved on 4/14/25 (**\$137,262.05 was awarded by the City, and the State’s reimbursement will be \$105,515.18 or \$31,746.87 less**)
- MVE reimbursement form was completed and submitted through the State’s Gateway portal on 4/7/25 and approved on 4/25/25 (**Disabled Veterans exempt excise tax State reimbursement will be \$7,727.11**)
- LA-3 (Qualified Sales Analysis) and the LA-15 (Interim Year Adjustment) forms were uploaded and submitted through the State’s Gateway portal on 5/27/25 and approved on 5/30/25
- LA-13A (Amended Tax Base Levy Growth—based on our Omitted/Revised bills) was submitted through the State’s Gateway portal on 5/30/25 and approved on the same day—**resulting in a \$2,754 increase in New Growth**
- (193) FY26 exemption applications (elderly, surviving spouse, blind, veteran, etc.) were mailed on 7/3/25—**127 have been returned, or about 66%** (a 2<sup>nd</sup> notice will be mailed in October)
- Since January 1, 2025, there have been **(518) excise tax abatements processed for a total of \$63,622.86**
- New owner information is updated in Vision on a weekly basis—**since 1/1/25 there have been approximately 309 new deeds and transfers of ownership**
- Building permit information is added to corresponding property cards in Vision on a weekly basis—**since 1/1/25 there was information updated from approximately 622 building permits**
- There have been cyclical inspections conducted on **(59) commercial/industrial and (321) residential properties since 1/1/25**
- (1) FY25 ATB case was filed, and the **hearing is scheduled to take place on 9/23/25**
- I attended a 7-hr USPAP (Ethics) course on 8/20/25 in Southbridge, and will submit that certificate with my 28 hours of continuing education to recertify my MAA designation (Massachusetts Accredited Assessor)—which is due by 12/27/25

I am currently waiting to receive the value adjustments of our personal property accounts from RRC. Once we have that information, I can submit the LA-4 (Values) and the LA-13 (New Growth). Last year I submitted those forms on 9/18/25, and they were certified by the State on 9/19/24.

I am hopeful to receive this information in the same timeframe.

**GOALS**—which are the same from year to year:

- Adhere to M.G.L. Chapter 59 (Assessment of Local Taxes)
- Certification of assessed values in a timely manner
- Meet or exceed the estimate set for new growth
- Submit annual Tax Rate Recap to the State, obtain approval with time to have the Classification Hearing and for the processing of “actual” RE and PP tax bills (which are based on the new values and new tax rate)
- Obtain the required CE credits to maintain and recertify MAA designation every 2 years
- Be available for taxpayers’ questions and concerns
- Keep records as up to date as possible (deeds, building permits, etc.)
- Treat everyone (co-workers, taxpayers, realtors, lawyers, vendors, etc.) fairly and with respect

## Purchasing Department Update

- **Summary of Purchase Orders, Contracts, and Bids:**
- FY25
  - 2,380 Purchase Orders in FY25
    - \$38,992,412.35
    - At minimum, 2,537 sheets of paper saved
  - Purchase Orders follow a specific workflow
    - Department initiated: could be admin or DH submitting; DH approves; Aimee reviews and approves; I convert
    - Aimee can now convert PO's if I am not in and it is immediately needed
  - 85 Contracts in FY25/\$12,595,929.86
    - These go through DocuSign for the most part
    - Larger documents (i.e. Pool Demo, Rear Main Street, etc.) still require a wet signature on a contract booklet. Most are hundreds of pages
    - Contract amendments go through DocuSign/Number not included
  - Renewed more than 50 contracts in FY25/through DocuSign
  - Completed 21 public procurement processes during FY25
    - Public procurement processes include a process that is, at minimum, two weeks of public posting
    - To initiate the process, I need to:
      - Determine the proper procurement related MGL
      - Determine the advertisement requirements and post minimums
      - Typically, create the bid documents (unless provided by an engineering firm), create the website's posting of the bid with the document, create the same on the State's COMMBUYS
      - Additionally, a week before the bid is available, I need to post on the State's Central Register and create an advertisement within *The Gardner News*
      - The process minimum is governed by MGL
        - 30B Uniform Procurement Act: Supplies & Services
        - 149: Vertical construction and anything related to municipal buildings
        - 30, 39M: Horizontal construction/public works projects
      - I also need to review the City Charter as the Charter can be more restrictive than MGL.
        - For example, MGL requires contracts when the amount exceeds \$10K
        - When we updated our Charter, rather than move all services to that same compliance, I initiated a more restrictive mandate



- Sub-Bids are due on 9/5 at 12 PM
  - General Bids will be due on 9/15 at 1 PM
  - Site Walk was 8/26
  - FY26 Snow Removal & Ice Control is due on 9/15 at 12 PM
  - Disposition of 53 School Street is due on 9/24/25
    - Site walk is scheduled for 9/8 at 10 AM
    - Once opened, as an RFP, it will be reviewed by committee appointed by Mayor and then independently recommended before a decision is made
  - Disposition of 130 Elm Street is due on 10/1 at 12 PM
    - Site walk is scheduled for 10/15 at 12 PM
    - Same process as School Street
  - Working on the Landfill Leachate Pump Replacement Project
    - Scheduled to be available on 9/3 & due on 9/25
    - Site walk tentatively scheduled for 9/15 at 9 AM
  - As a point of clarification, the bulk of the public procurement process is done by me. Aimee's duties have increased with her promotion, but we have limited those to the purchase order process which has a more immediate need than the bids and solicitation process. The goal is to ease her into the process when our PO process, as well as the Civil Enforcement process (more to come), lessens with the calendar.
- FY25 Accomplishments/Projects
  - Aimee's Promotion
    - As most of you know, I have been requesting the Department's Financial Admin's position be replaced with an Assistant Director
    - The goal was to encourage a more efficient and effective Purchasing Department
    - Each year, I requested it, but the request was denied.
    - In the most recent calendar year, it was suggested that I request the position be removed from the Union as a first step in a future process. That was done in January of 2025. As a part of that process, it became apparent that the process needed to be shifted.
    - We sought approval to have Aimee promoted to an Executive Coordinator which would allow additional duties to be included that could assist with the procurement functions if the Director was out of the office and something needed to be done.
    - In May, that promotion was approved allowing me to begin training Aimee on some of the tasks that she is qualified to complete. Most notably, she can approve and convert purchase orders when I am out of the office. I was able to take a family vacation a couple of weeks ago while POs were converted as

needed. Made it more relaxing for me and the departments did not have to wait.

- Given the months that it took for this change to happen coupled with it being approved during the months of our Fiscal Year flip, I have been limited in my ability to train her on too many items. The PO process as well as the procurement card process have been the two things I have been able to instruct her on, but we try to do a bit more when time allows.
- In the end, I must state that this is a fix, but it should still be a goal of the City to make this a true Assistant Director position. As it stands now, the situation is much better but there is an abundance of work required of this department and the proper setup is to have an Assistant Director.

- Film

- After ten years of working with film scouts, collecting images of interesting locations, and hosting multiple projects including two very large tv shows (Castle Rock and Dexter: New Blood), we finally completed a project to publish our own Film Gardner page. It is located within the Purchasing Department at this time and is available to representatives from any project that would like to use the community. There are images of our locations, permit applications, and a list of Things To Do while in the City.
- The latter, the list includes places to shop, eat, and play. The hope is that our economy sees a static boost while they are here and a dynamic one upon them leaving.
- The site was officially promoted at the start of FY25
- BOLIO: Spirit of The Mustang
  - As most are aware, we hosted a comedic movie in July.
  - The project was the result of about 14 months of working off-and-on with the producers, scouts, and directors.
  - They ultimately chose Gardner for 12 out of the 17 days of filming. Locations used were a house on Bickford Hill, the American Legion, Blue Moon Diner, Elm Street School, West Street Parking Lot, the building at the corner of Connors and Parker Street, Connors Street, West Lynde Street, and the street that connects GES to GMS/GHS among other exteriors.
  - Hundreds of local adults and school-aged kids were used as extras as well.
  - I am still awaiting an economic impact report showing where they shopped and rough numbers about what was spent here but we will never be able to fully quantify the impact it had on the community because we don't know how many people showed up from out of town

and bought gas or ate on their way out. Or how many came to sightsee when the exterior shots were happening.

- The expectation is for a 2026 release.
- I also was re-designated as a Massachusetts Certified Public Purchasing Official a few months ago. My current designation expires in December, but I did this ahead of time. The designation expires on December 24, 2028.
  - I am up for reappointment this year, so it was important to have it done before you needed to review me.
- One point for the future, I am working with the State's Supplier Diversity Office to offer a "Partners In Progress" event that will include a couple dozen vendors and over a hundred participants. The goal is to connect SDO vendors and stakeholders throughout the Commonwealth. As of now, we are looking at October 1<sup>st</sup> at the PACC.
- MUNIS PO Change Order Process: We are currently reviewing the process to ensure transparency and efficiency. At this time, a person can submit a request via email, and it may not follow the same approval process as the original requisition. The goal is to have it follow the same or a similar workflow as to what is completed by MUNIS currently.

So, in conclusion, and to summarize a bit, the Purchasing Department must be involved with any purchase made in the city that exceeds \$1,000. Furthermore, we review and approve all purchases from the School Department, according to its policies, at any amount. Additionally, as the Director, I am involved with nearly every service acquisition and am required by MGL to conduct a public procurement process for anything that exceeds \$10K. Oftentimes, I can reduce the time and bid requirements through State Contracts but there are still times when a full bid process is required. From bid to contract it typically takes about six weeks of continuous communication with stakeholders.

I communicate policies and procedural updates to all department heads on a quarterly basis to ensure compliance with procurement-related MGL. The goal of the department is to protect the municipal funds and to ensure the funds are spent properly. We have set standards, expectations, and policies that I am confident do just that and successful audits have confirmed that.

With that noted, I can answer any questions that you may have about the Purchasing Department's focus on procurement and related activities.

As you know, the Purchasing Department is also the Civil Enforcement Department. Admittedly, there is a small stipend paid through MGL Ch. 148 for me to also serve

as the Municipal Hearings Officer but the bulk of our work is within the Purchasing & Civil Enforcement Department so I would like to offer a “briefer” update on that focus of this department.

### **Purchasing (Civil Enforcement) Department Update**

- **Parking Meters/Parking App**
- Parking Meters
  - As a reminder, in 2020, when the world shutdown our meters were not used due to the lack of business activity. In late 2020 and into 2021, as the world started to become active again, there was less enforcement being done due to less vehicles parking and to spark more activity. Then, in 2022 and 2023, our meters started to fail.
  - To the failure point, the meters had a very expensive battery and a solar panel that attempted to charge them. Whether due to location or meter lifespan, that charge started to fail and the batteries did as well.
  - Furthermore, the City was paying a monthly fee to offer credit card transaction availability due to connection needs. That fee was not being met by income most months. We cancelled the contract in 2023 to save money.
  - In 2024, a committee tasked me with seeking quotes on new meters that would accept coins only. The idea was to look at an app that could process the transactions that desired a credit card.
  - After review, we determined that POM Incorporated offered the best option for our meters. We purchased 85 full meters, 65 additional “guts”, and “50” domes.
    - The plan was to replace the insides of all meters as well as the dome. Both were set for the credit card slot and didn’t work anymore.
    - To save money, we used the existing bases in as many places as possible.
  - The meters were delivered in October 2024. Due to staffing changes, it took until the spring of 2025 to change the meters. At that time, the DPW did an incredibly efficient and effective job at replacing the physical meters.
  - In April, we re-introduced the parking meters in the metered areas.
    - We have had to update their programming. I completed 80% of the reprogramming and then, when Tommy Roberts was hired, he completed the remaining meters.
    - Some parts have been purchased as well. These were basically keys and locks but there is some need to have an inventory of the more crucial items. We have that now.
- Parking App
  - Again, I was directed to find an app that could be used to accept credit card purchases without having the cost of offering the option and the equipment required to do so.
  - After reviewing several apps, we determined that ParkMobile offered the best option for the City as well as the person parking

- The app is used in a multitude of communities, and many people already use it. Furthermore, the app integrated with our local violation processing firm (Kelley & Ryan) making it a seamless transition.
- ParkMobile also provided us with all the marketing material required to initiate the program.
- In January, we implemented this process in areas where the meters were already changed or did not need to be changed. The DPW hung the signs while me and the Mayor's former Executive Aide, Katie Jablonski, stickered all the meters with marketing material showing the Parking Zone needed when using the app.
- Since January
  - 4,541 transactions via the app
  - \$5,568.64 received in income
  - Average: 17 transactions/day
- **Parking Violations**
  - FY25
    - 810 Violations/\$15,800
    - 495 Meter Violations
    - 199 Parking Ban/Snow Removal
  - FY26
    - 27 Violations/\$440
    - 24 Meter Violations
  - Appeals
    - As the Parking Clerk, I am tasked with decisioning submitted appeals
    - In the calendar year of 2025, we have had 28 official appeal applications
    - There were also several abatements to violations made during the initial phases of the meter rollout. Those were due to timing as well as errors made that we are now learning from.
  - New habits
    - I also wanted to mention that the numbers may look a little skewed given the high numbers of FY25; especially those 495 meter violations.
    - Again, for almost five years parkers did not need to use our meters. The new process is needed to form new habits for our residents and return visitors.
- **Civil Violations**
  - The Purchasing & Civil Enforcement Department also manages the City's Civil Enforcement Violations process at the back end.
  - When a civil violation is issued by the Building, Health, Fire, Police, or Animal Control Departments, this Department will process the fees on behalf of the issuing department.
  - Additionally, as the Municipal Hearings Officer (per MGL Ch. 148A), I would be charged with hearing appeals and making official decisions based on those appeals.

- The Department maintains a spreadsheet of violations and uses it when reviewing permit applications in the OpenGov System
- Overall, there was \$21,254.79 collected by this department on behalf of the departments previously listed.
- **Animal Control Violations**
  - The bulk of these violations are related to Failure to License but there are others such as Running At Large, Failure to Provide Rabies License, or Unrestrained Dogs.
  - There were 464 Animal Control Violations alone
  - During the Failure To License process, this Department collects the \$50 violation that results when a dog owner doesn't license their dog per the MGL required deadline, nor per the City's initial late fee deadline, and amounts to a few months past the original deadline.
  - There were approximately 452 dogs that were unlicensed as of the \$50 violation issuance. \$7000 in fees have been collected as a result.
  - Outside of Parking Bans, this is when the Department sees the most upset visitors.
  - A good chunk of the violations issued result in a communication of deceased dogs or owners that have moved away.
  - Currently, there are approximately 125 unlicensed dogs that have resulted in owners receiving court notices. This Department will wait until a court decision to prepare for the next steps in the process.
  - As I close out this section, I want to reiterate how important Aimee Levasseur has been to this process. She is on the frontline of many payment discussions and handles each resident with the professionalism that they deserve.

With all that noted, I believe these are the necessary updates at this time. It's a bit of what we do in the Purchasing and Civil Enforcement Department but not everything. I am honored to be its Director and to work with such a wonderful person on my team. I also feel privileged to work with nearly all the City's employees whether in City Hall or outside of it.

I'm happy to answer any questions.

**#11539 - An Ordinance to Amend the City of Gardner, Chapter 8, thereof entitled “Personnel,” to replace Attachment 1, Schedule E, thereof entitled “Non-Union Compensation Schedule”**

Councillor Dernalowicz clarified that this ordinance has been an ongoing discussion, and additional information has been provided by the Mayor and Auditor. An updated version of the ordinance, reorganized for clarity, was included in the Committee packet.

Mayor Nicholson explained that the revised ordinance mirrors the step format used in the City’s collective bargaining agreements, excluding teachers. Certain benefits, such as educational incentives and clothing allowances, were rolled into base pay for some positions, while others continue to receive those benefits as separate allowances. Educational incentive steps below a bachelor’s degree were removed for those positions requiring a minimum bachelor’s degree under City job descriptions.

Mayor Nicholson also noted:

- Previously omitted positions had been added
- The newly created Youth Center Director position was included
- A revised step structure for seasonal, temporary, and intermittent employees was proposed, including provisions benefiting returning lifeguards
- Seasonal and temporary changes would take effect January 1, while other positions would be effective retroactive to July 1, the beginning of the fiscal year

The Committee raised concerns regarding:

- The percentage increases associated with step movement
- Equity among department heads
- Comparisons between budgeted and expended salary figures, particularly for Police and Fire command staff
- Accuracy and accessibility of posted ordinances through the City’s e-code system.

Councillor Calvin Brooks presented a proposed amendment addressing step placement for employees hired above Step One and clarifying how future step increases would be calculated. He discussed alternative language allowing credit for prior experience and ensuring consistency in step progression.

Councillor Heglin then introduced his own amendment, outlining an alternative proposal. He explained that this amendment:

- Reduced initial fiscal impact compared to the Mayor’s proposal
- Grouped positions by role and confirmation requirements
- Adjusted step timing to enhance Council oversight
- Addressed omitted positions and departments with separate governance structures
- Provided credit for prior service to improve retention and recruitment
- Included safeguards, retroactivity provisions, and a commitment to periodic Council review

CITY OF GARDNER, MASSACHUSETTS  
CITY COUNCIL FINANCE COMMITTEE  
MINUTES OF MEETING OF AUGUST 27, 2025

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The Committee called for a five minute recess to review the amendment.

The meeting reconvened following the recess. The Committee expressed general support for Councillor Heglin's amendment, referencing its flexibility, retention incentives, and clearer structure. Minor technical and drafting issues were discussed, including effective dates, position titles, and clarification of included and excluded positions.

Mayor Nicholson noted that some titles reflected outdated ordinance language and that certain positions may still require review. It was agreed that additional refinements could be addressed through further amendments at the Council level.

On a motion made by Councillor Mack and seconded by Councillor Heglin, it was voted to recommend Councillor Heglin's amendment to Ordinance item #11539 to the full City Council for approval,

3 yeas, motion passes.

**#11625 - A Measure Relative to the September 16, 2025, City Preliminary Election**

Mayor Nicholson informed the committee that this is required by the general laws, approval of this allows Constables to post the Election at various locations around the city so that it can officially be deemed Election Day.

On a motion made by Councillor Mack and seconded by Councillor Heglin, it was voted to recommend to the full Council for approval:

CITY OF GARDNER, MASSACHUSETTS CITY PRELIMINARY ELECTION ORDER  
SEPTEMBER 16, 2025

*ORDERED: That meetings of the citizens of this City qualified to vote for City officers shall be held on **TUESDAY**, the **SIXTEENTH** of **SEPTEMBER 2025** from 7:00 o'clock in the morning until 8:00 o'clock in the evening for the purpose of casting their votes for the nomination of Mayor for Two years.*

3 yeas, motion passes.

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

Mayor Nicholson informed the Committee that Auditor John Richard was unable to attend the meeting, however, he had informed the Mayor that the Trust Fund Balance is currently \$2,140,921.52.

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

CITY OF GARDNER, MASSACHUSETTS  
CITY COUNCIL FINANCE COMMITTEE  
MINUTES OF MEETING OF AUGUST 27, 2025

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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 4:59 PM.

DRAFT

CITY OF GARDNER, MASSACHUSETTS  
CITY COUNCIL FINANCE COMMITTEE  
MINUTES OF MEETING OF OCTOBER 1, 2025

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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 Members Brad Heglin and Judy Mack were also present.

Also participating, Mayor Michael Nicholson; Auditor John Richard; Director of Finance and Operations, Marke Hawke; Fire Chief Gregory Lagoy; Police Chief Eric McAvene; and Assistant City Clerk Jayen Kumar.

**Review and Approval of Meeting Minute(s)**

On a motion made by Councillor Judy Mack and seconded by Councillor Brad Heglin, it was voted to waive the reading and accept the Finance Committee Meeting Minutes of June 12, and July 2, 2025.

3 yeas, motion passes.

**Department Updates**

City Auditor:

DRAFT

## Auditor FY26 Department Update

- Overall department updates (achievements since meeting):
  - Posted FY26 budget in MUNIS.
  - Closed out FY25 Books on 7/23/25.
  - Waiting for grant reimbursement to come. Completed filling out the Consolidated BS to submit to DOR for Free Cash Cert. Will be submitting early next week. Entered and submitted in Gateway (DOR website) Snow and Ice expense, Cash Recon Reporting and Outstanding Receivable.
- Changes within the dept as far as processes (staff changes or reassigning duties):
  - Training Assistant Auditor the task of mthly billing of the radio air licenses.
  - Assistant Auditor assisted me post all the Y.E. closing entries which were a big help. As she did in previous years.
- A Month End Financials update:
  - Working on posting all Sept Mthly J.E.
  - Reconciled cash up to Aug.
  - Reconciled Receivable up to Aug.
  - Health Trust balance \$1,822,490.96 as of 08/31/2025.
  - Health Trust balance \$1,375,214.33 as of 09/30/2025 (\$450K in claims over moth level deposit)
- Funding source issues within the city (projects/grants/salaries):
  - FSA charges need to be funded. Before these were covered by the vendor and now there is a mthly charge Between funding needed about \$10-12K.
- Ways to streamline processes so manual entries wouldn't have to be performed:
  - Nothing to report at this time.
- Any funding issues within the department:
  - Nothing to report at this time.
- Miscellaneous:
  - Outside Auditors CBIZ were in the office on July 16<sup>th</sup> to do prelim audit. They will be back in the office the week of Oct 20<sup>th</sup> thru 24<sup>th</sup>.
  - Submit data to Stone Consulting for the July 1, 2024 Valuation and FY2025 GASB 74/75 report.
  - Gathered and sent worker comp requested information to RLD Associates to perform the annual WC audit.
  - Submitted Annual PCORI/ACA fee form 720 which we must file to the IRS.
  - Submitted ESAC FY25 form on Asset Forfeiture Website and completed annual Audit & Compliance review training.
  - Signed off on 35 new hire forms...includes Golf & Pool intermediate employees in FY26

- Signed off on 35 Rate Change Forms in FY26
- Signed off on 12 Termination Leave Forms in FY26
- Processed 57 reclass of expenditure in FY26 so far. Posted 36 beginning year journal entries.

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

Auditor John Richard reiterated that claims fluctuate and that additional stop-loss reimbursements may be forthcoming. There are no other updates at this time.

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

There were no objections, more time was granted.

**#11695 – An Order Transferring \$5,795.00 from Building Department Salary and Wages Account to Operating Expense Account- Professional Services**

Mayor Nicholson explained that the transfer represents the final amount needed to cover costs associated with the former interim Building Commissioner.

On a motion made by Councillor Heglin and seconded by Councillor Mack, it was voted to recommend to the full Council 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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3 yeas, motion passes.

**#11696 - A Communication from the Mayor Regarding the Request for Proposal (RFP) Review Committee for 130 Elm Street- Helen Mae Sauter School**

Mayor Nicholson identified the proposed RFP review committee members, those being Councillor At-Large, Brad Heglin, Dr. Stephanie Marchetti, Executive Director of the Montachusett Veterans Outreach Center, and Mr. George Ouelett. He added that no proposals had been received for the Helen Mae Sauter School. He stated that staff would work with the Purchasing Department to determine the next steps.

On a motion made by Councillor Mack and seconded by Councillor Heglin, it was voted to recommend to the full Council to place on file.

3 yeas, motion passes.

**#11697 - A Communication from the Mayor Regarding the Request for Proposal (RFP) Review Committee for 53 School Street- School Street School**

Mayor Nicholson identified the proposed RFP review committee members, those being, Councillor At-Large, Elizabeth Kazinskas, Dr. Stephanie Marchetti, Executive Director of the Montachusett Veterans Outreach Center, and Mr. George Ouelett. He added that this is similar to the previous item.

On a motion made by Councillor Heglin and seconded by Councillor Mack, it was voted to recommend to the full Council to place on file.

3 yeas, motion passes.

**#11699 - An Order to Raise and Appropriate an Additional Sum of \$183,171.62 for Various Operational Expenditure Budget for the Fiscal Year Beginning July 1, 2025 and ending June 30, 2026 - General Fund Supplemental Budget**

Mayor Nicholson reviewed the City's certified new growth amount and explained the components of the proposed supplemental budget, including school technology funding and various departmental operational needs.

Discussion was held on specific line items, including funding for police body cameras and the purchase of an ambulance. The Police Chief and Fire Chief addressed the Council regarding their respective requests, outlining operational needs, cost considerations, and long-term planning benefits

**Grant Writing Services**

Mayor Nicholson explained that the City has entered into a five-year contract for grant writing services, which had previously been funded through free cash. He stated that this appropriation would establish a permanent line item in the budget moving forward. The requested amount of \$54,000 would fund services through the remainder of the fiscal year.

**Tree Removal Services**

DPW Director Dane Arnold addressed the Council regarding funding for tree removal. He explained that approximately 30–35% of the existing tree removal list remains outstanding and that several large trees cannot be safely removed using in-house equipment. The requested funding would allow the City to utilize an outside contractor for hazardous and oversized trees, while DPW staff would continue handling smaller removals internally.

**School Technology Funding**

Discussion was held regarding the portion of the appropriation related to school technology funding. It was clarified that the funds are restricted for school use only and related to technology expenses. Mayor Nicholson and staff explained that future funding would be handled through billing offsets rather than delayed reimbursements.

CITY OF GARDNER, MASSACHUSETTS  
CITY COUNCIL FINANCE COMMITTEE  
MINUTES OF MEETING OF OCTOBER 1, 2025

---

On a motion made by Councillor Heglin and seconded by Councillor Mack, it was voted to recommend to the full Council 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

3 yeas, motion passes.

**#11700 - 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**

Mayor Nicholson explained that the measure authorizes borrowing up to the full estimated project cost as required by the Massachusetts School Building Authority (MSBA), but does not itself initiate borrowing. He stated that the authorization is necessary to remain eligible for MSBA reimbursement and that final borrowing amounts would be determined after bids are received.

Director Hawk further explained MSBA requirements, reimbursement processes, and existing appropriations. He noted that the authorization language must mirror MSBA-provided language and that reimbursement eligibility could be jeopardized if altered.

On a motion made by Councillor Mack and seconded by Councillor Dernalowicz, it was voted to recommend to the full Council to adopt the order:

*VOTED: That the City of Gardner (City) appropriate the amount of Six million, nine hundred and eleven thousand, twenty-eight (\$6,911,028) Dollars for the purpose of paying costs of the Gardner Middle School MSBA Accelerated Repair Roof Replacement Project at 297 Catherine St., Gardner, MA, including the payment of all costs incidental or related*

*thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the Gardner School Committee. To meet this appropriation, the City Council, with the approval of the Mayor is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a nonentitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the City to collaborate with the MSBA on this proposed repair project, any project costs the City incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA; and that this vote be adopted as read.*

3 yeas, motion passes.

**#11683 - A Measure Authorizing the Mayor to Enter into an Intermunicipal Agreement for Veterans Services with the Town of Hubbardston from the period beginning on January 1, 2026 through June 30, 2028**

Mayor Nicholson reported that there were no updates since the prior discussion. He noted that the agreement would maintain service levels while keeping the City below the statutory population threshold requiring additional staffing.

Councillor Mack reported that the Welfare Committee had reviewed the item and voted to recommend adoption.

On a motion made by Councillor Heglin and seconded by Councillor Mack, it was voted to recommend to the full Council that the measure be authorized:

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

*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.*

3 yeas, motion passes.

CITY OF GARDNER, MASSACHUSETTS  
CITY COUNCIL FINANCE COMMITTEE  
MINUTES OF MEETING OF OCTOBER 1, 2025

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**#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 additional information requested by the Committee was still being gathered and would be available at the next meeting.

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 4:39 PM.

DRAFT

CITY OF GARDNER, MASSACHUSETTS  
CITY COUNCIL FINANCE COMMITTEE  
MINUTES OF MEETING OF NOVEMBER 25, 2025

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The Finance Committee meeting was called to order by Councillor Aleksander Dernalowicz at 11:00 AM in the City Council Chamber, Room 219, City Hall.

Finance Committee Members, Councillor Judy Mack and Brad Heglin were also present.

Also participating, Mayor Michael Nicholson; Assistant Board of Health Director Angela DiPrima; Auditor John Richard; Civil Enforcement and Purchasing Director Josh Cormier; City Solicitor Vincent Pusateri; and Assistant City Clerk Jayen Kumar.

**Review and Approval of Meeting Minute(s)**

On a motion made by Councillor Judy Mack and seconded by Councillor Brad Heglin, it was voted to waive the reading and accept the Finance Committee Meeting Minutes of November 12, 2025.

3 yeas, motion passes.

**#11735 – An Order Appropriating \$95,000.00 from Free Cash to the Landfill Closure Account**  
**This item was resubmitted by the Mayor.**

Mayor Nicholson explained that the increase from the previously discussed \$75,000.00 to \$95,000.00 reflected higher-than-anticipated costs associated with landfill monitoring and maintenance. Original projections assumed annual increases of approximately 2.5%; however, recent expenditure trends exceeded that estimate. Included in the Committee packet were the original appropriation schedule, the adopted landfill budget order, and a detailed breakdown showing current and projected trends.

On a motion made by Councillor Dernalowicz and seconded by Councillor Mack, it was voted to recommend to the full City Council adoption of the order:

AN ORDER APPROPRIATING FROM FREE CASH TO LANDFILL CLOSURE EXPENDITURES.

*ORDERED: That there be and is hereby appropriated the sum of Ninety Five Thousand Dollars and No Cents (\$95,000.00) from Free Cash to Landfill Closure Expenditures.*

3 yeas, motion passes.

**#11736 – An Order Appropriating \$15,000.00 from Law Department Salary and Wages Account to Law Department Expense Account (Outside Counsel)**

Mayor Nicholson explained that the Law Department's outside counsel expense line item had been fully expended due to ongoing personnel matters. Because the Assistant City Solicitor position had been vacant for a portion of the fiscal year, unused salary funds were available to be transferred to support outside counsel services.

CITY OF GARDNER, MASSACHUSETTS  
CITY COUNCIL FINANCE COMMITTEE  
MINUTES OF MEETING OF NOVEMBER 25, 2025

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The City Solicitor added that while the Assistant City Solicitor position has since been filled to maintain workflow, certain matters require specialized outside expertise.

On a motion made by Councillor Dernalowicz and seconded by Councillor Mack, it was voted to recommend to the full City Council adoption of the order:

AN ORDER TRANSFERRING APPROPRIATIONS FROM LAW DEPT SAL & WAGES TO LAW DEPT OPERATING EXPENDTURES.

*ORDERED: That there be and is hereby transferred the appropriations sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) from Law Dept Salaries & Wages to Law Dept Operating Expenditures as follows:*

Outside Counsel Expense	\$15,000.00
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3 yeas, motion passes.

**#11721 – An Order Transferring \$1,000.00 from Health Department Salary and Wages to Health Department Operating Expenditure Account**

The Mayor stated that, per the Committee's prior request, additional documentation had been provided in the packet, including quotes for the proposed copy machine and postage machine purchases.

On a motion made by Councillor Mack and seconded by Councillor Heglin, it was voted to recommend to the full City Council adoption of the order:

AN ORDER TRANSFERRING APPROPRIATIONS FROM HEALTH DEPT SAL & WAGES TO HEALTH DEPT OPERATING EXPENDTURES.

*ORDERED: That there be and is hereby transferred the appropriations sum of Eleven Thousand Dollars and No Cents (\$11,000.00) from Health Dept Salaries & Wages to Health Dept Operating Expenditures as follows:*

BOH Equipment Expense	\$11,000.00
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3 yeas, motion passes.

**#11723 – An Order Appropriating \$100,975.00 from Free Cash to the City Stabilization Account**

The Mayor reviewed supplemental information included in the packet detailing deposits, withdrawals, and interest earned in the City's stabilization account dating back to 2019. He explained that the materials demonstrated reimbursement of prior appropriations, and illustrated how interest earnings contributed to restoring the account balance.

Committee members discussed concerns regarding whether the proposed appropriation was sufficient to meet long-term stabilization goals. The Mayor explained that the administration intended to proceed cautiously early in the fiscal year due to uncertainties related to winter weather and health insurance costs and anticipated revisiting additional appropriations later in the fiscal year once trends were clearer.

On a motion made by Councillor Heglin and seconded by Councillor Mack, it was voted to recommend to the full City Council adoption of the order:

AN ORDER APPROPRIATING FROM FREE CASH TO STABILIZATION TRUST.

*ORDERED: That there be and is hereby appropriated the sum of One Hundred Thousand Nine Hundred Seventy-Five Dollars and No Cents (\$100,975.00) from Free Cash to Stabilization Trust.*

3 yeas, motion passes.

**#11727 – An Order Appropriating \$100,000.00 from Free Cash to the Landfill Pump Repair Account**

The Mayor stated that the additional information requested by the Committee was included in the packet, including bid documents and correspondence detailing the scope, cost estimates, and funding sources for the landfill pump replacement. He explained that increased costs resulted from bid prices exceeding initial estimates.

Committee members confirmed that the bid price had been accepted and discussed prior knowledge that the project would require additional funding beyond what had originally been allocated.

On a motion made by Councillor Mack and seconded by Councillor Heglin, it was voted to recommend to the full City Council adoption of the order:

AN ORDER APPROPRIATING FROM FREE CASH TO LANDFILL PUMP REPAIR.

CITY OF GARDNER, MASSACHUSETTS  
CITY COUNCIL FINANCE COMMITTEE  
MINUTES OF MEETING OF NOVEMBER 25, 2025

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*ORDERED: That there be and is hereby appropriated the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00) from Free Cash to the Landfill Pump Account.*

3 years, motion passes.

**#11728 – A Discussion on the Current State of Facilities Management for All Municipal Buildings**

Councillor Dernalowicz noted that this item was an ongoing discussion. There were no new updates presented at this time.

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

There were no objections, more time was granted.

**#11482 – Discussions Regarding the City's Health Insurance Payments and Trust Fund**

Councillor Dernalowicz noted that there were no significant updates since the previous discussion, as the current month has not yet concluded.

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**

The Committee reviewed a legal opinion from the Law Department addressing questions raised at the prior meeting regarding the relationship between existing special permit language and a potential sale or disposition of the property.

City Solicitor, Vincent Pusateri, explained that the special permit did not legally prevent the City from declaring the property surplus or disposing of it. He discussed the historical use of license agreements related to parking associated with the adjacent building, clarifying that such licenses are revocable, temporary in nature, and distinct from leases or ownership interests. He further explained that the special permit would not be extinguished by a sale of the property and that any future parking accommodations could be addressed through other public parking resources in the area.

CITY OF GARDNER, MASSACHUSETTS  
CITY COUNCIL FINANCE COMMITTEE  
MINUTES OF MEETING OF NOVEMBER 25, 2025

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Committee members asked questions regarding the number of parking spaces involved, public access to the lot, and the implications for the adjacent property owner should the City proceed with disposition. Solicitor Pusateri and Mayor Nicholson provided clarification and context regarding the historical handling of the matter and the administration's intent to follow a transparent public process.

The Committee expressed the desire for additional time to review the legal opinion and consider the broader implications of disposing of downtown property.

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 made by Councillor Heglin and seconded by Councillor Mack, it was voted to adjourn the meeting at approximately 11:26 a.m.

3 yeas, motion passes.

CITY OF GARDNER, MASSACHUSETTS  
CITY COUNCIL FINANCE COMMITTEE  
MINUTES OF MEETING OF DECEMBER 10, 2025

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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 Members, Councillor Judy Mack and Brad Heglin were also present.

Also participating, Mayor Michael Nicholson and Assistant City Clerk Jayen Kumar.

**Review and Approval of Meeting Minute(s)**

On a motion made by Councillor Judy Mack and seconded by Councillor Brad Heglin, it was voted to waive the reading and accept the Finance Committee Meeting Minutes of July 31, September 10, and October 15, 2025.

3 yeas, motion passes.

**#11743 - An Order Transferring \$10,867.80 from Auditor Department Salary and Wages to Auditor Department Expenditure Account- Professional Services**

Mayor Nicholson informed the Committee that during the transition and hiring period for the City Auditor, the City will be utilizing an external contractor to assist with the operations of the City Auditor Department. This is the same process that was done during the last transition in this department. He added that Councillor Dernalowicz has been involved in the discussions with this process as well as Human Resources Director, Amanda Morse. To be safe in terms of ensuring this is a sufficient amount to cover the difference in this time, this amount reflects coverage for six weeks prior to a new auditor starting. In the event that an auditor may be hired sooner, the funds, by vote of the City Council, can be transferred back into the Salary account accordingly.

Councillor Heglin inquired about a starting date for the services.

Councillor Dernalowicz clarified that there has yet to be a finalized starting date.

On a motion made by Councillor Judy Mack and seconded by Councillor Brad Heglin, it was voted to recommend to the full Council to adopt the order:

AN ORDER TRANSFERRING APPROPRIATIONS FROM AUDITOR DEPT SAL & WAGES TO AUDITOR DEPT OPERATING EXPENDTURES.

*ORDERED: That there be and is hereby transferred the appropriations sum of Ten Thousand Eight Hundred Sixty Seven Dollars and Eighty Cents (\$10,687.80) from Auditor Dept Salaries & Wages to Auditor Dept Operating Expenditures as follows:*

Professional Services Expense	\$10,867.80
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3 yeas, motion passes.

CITY OF GARDNER, MASSACHUSETTS  
CITY COUNCIL FINANCE COMMITTEE  
MINUTES OF MEETING OF DECEMBER 10, 2025

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

Mayor Nicholson informed the committee that over the last three 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. However, after Mayor Nicholson reviewed this with the DPW Director and the City Solicitor, there were inconsistencies with the process that was followed for disposal of surplus property. He clarified that corrective training has been done, to ensure proper action is taken in the future. 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. He added that with the substantial increase in demand that the Gardner Community Action Committee food pantry, this will be a big help and allow for a greater variety of nutritional options.

Councillor Mack spoke on how additional information for the item had only been received by the Committee earlier that morning, and would like more time to review this information.

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

There were no objections, more time was granted.

**#11745 - An Order Transferring \$1,622.79 from City Council Department Salary and Wages to City Council Department Expenditure Account- Office Supplies**

Mayor Nicholson informed the Committee that at a recent meeting of the City Council, Council President Tyros informed the Council that he was looking to find ways to standardize meeting recording processes. In speaking with the Council President, it was noted that one way to do this was to purchase a dedicated OWL camera and laptop to utilize solely for recording standing committee meetings. It was added that there had been audio issues with a couple prior recorded meetings, and this could be due to the only current OWL and laptop being handled by many departments. This order would utilize funds that were appropriated for City Council salaries, particularly from Councilor Heglin as he waives his pay, and utilize those to purchase the requested equipment.

On a motion made by Councillor Judy Mack and seconded by Councillor Brad Heglin, it was voted to recommend the measure the full Council to adopt the order:

AN ORDER TRANSFERRING APPROPRIATIONS FROM CITY COUNCIL DEPT SAL & WAGES TO CITY COUNCIL DEPT EXPENDITURES

*ORDERED: That there be and is hereby transferred the appropriations sum of one thousand*

CITY OF GARDNER, MASSACHUSETTS  
CITY COUNCIL FINANCE COMMITTEE  
MINUTES OF MEETING OF DECEMBER 10, 2025

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*six hundred twenty-two dollars and seventy- nine cents (\$1,622.79) from city council dept salaries and wages to city council department expenditures as follows:*

OFFICE SUPPLIES EXPENSE: \$1,622.79

3 yeas, motion passes.

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

Councillor Dernalowicz informed the Committee that the former City Auditor was able to give a final update of where the City was. The Health Trust Balance, as of 11/30/2025, was \$1,392,261.71. Mayor Nicholson added that we are still seeing the claims come in significantly higher than the monthly deposit that is normally given, which is a similar trend throughout the state. He continued by saying that “on the budget side of things, things have largely stabilized...while the claims are coming in higher, we at least know where our rates are and can fully know where our revenue will be throughout the fiscal year, rather than hoping we'll be stable.”

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

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 4:14 p.m.



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**Salt Shed Item - Finance Committee**

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**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



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**Re: Finance Committee item**

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**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.

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**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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**Titi Siriphan**

---

**From:** George Tyros  
**Sent:** Wednesday, January 29, 2025 8:54 PM  
**To:** Alek Dernalowicz; Titi Siriphan  
**Subject:** Re: Finance Committee - January 29, 2025 Meeting Recap

Thank you Mr. Chair,

Madam Clerk,

Please add items 11479, 11480, 11481 to the next Council agenda.

Please create an item 'Discussions in regard to the City's Health Insurance Payments and Trust Fund' and assign it to the Finance Committee.

Thank you both,  
 George

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**From:** Alek Dernalowicz <adernalowicz@gardner-ma.gov>  
**Sent:** Wednesday, January 29, 2025 8:48 PM  
**To:** Titi Siriphan <tsiriphan@gardner-ma.gov>; George Tyros <gtyros@gardner-ma.gov>  
**Subject:** Finance Committee - January 29, 2025 Meeting Recap

Mr. President and Madam Clerk,

Below is a recap of the the actions taken at the January 29, 2025 Finance Committee Meeting. They are organized into sections based on the outcome at the meeting.

**Assigned/Referred Items - To Place On The Full Council Calendar:**

- 11479 – A Communication from the Mayor regarding the City's Health Insurance Payments and Trust Fund.
- 11480 – An Order Authorizing the City to Borrow \$100,000 for the Feasibility Study and Schematic Design of the Middle School Roof Replacement Project in Conjunction with the Massachusetts School Building Authority.
- 11481 –An Ordinance to Amend the Code of the City of Gardner, Chapter 171, thereof entitled Personnel, to add the position of Human Resources Manager to the Compensation Schedule.

**New Items Originating in Committee - To Place On The Full Council Calendar:**

- None

**New Items Originating in Committee - To Place On The Finance Committee Calendar:**

- Discussions in regard to the City's Health Insurance Payments and Trust Fund

- o Note: This proposal was made via motion during discussion and related to *11479 – A 11482 Communication from the Mayor regarding the City's Health Insurance Payments and Trust Fund*. This will require a new item number .

**In Subcommittee - To Remain With The Finance Committee:**

- 11457 – An Ordinance to Amend the Code of the City of Gardner to have the Community Development Block Grant Steering Committee Meet Monthly.
- 11454 – Report on the Investigation of the Maki Park Project.
- 11477 – Discussions in Regard to Internal Working Groups Review of the Salary Study.

I have retained the *"New Items Originating in Committee - To Place on the Full Calendar"* subsection to avoid confusion with *"New Items Originating in Committee - To Place on the Finance Committee Calendar"*.

Please let me know if you have any questions.

Best,

--

Aleksander H. Dernalowicz, Esq.  
Ward 5 City Councillor  
(978) 632-0243



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.

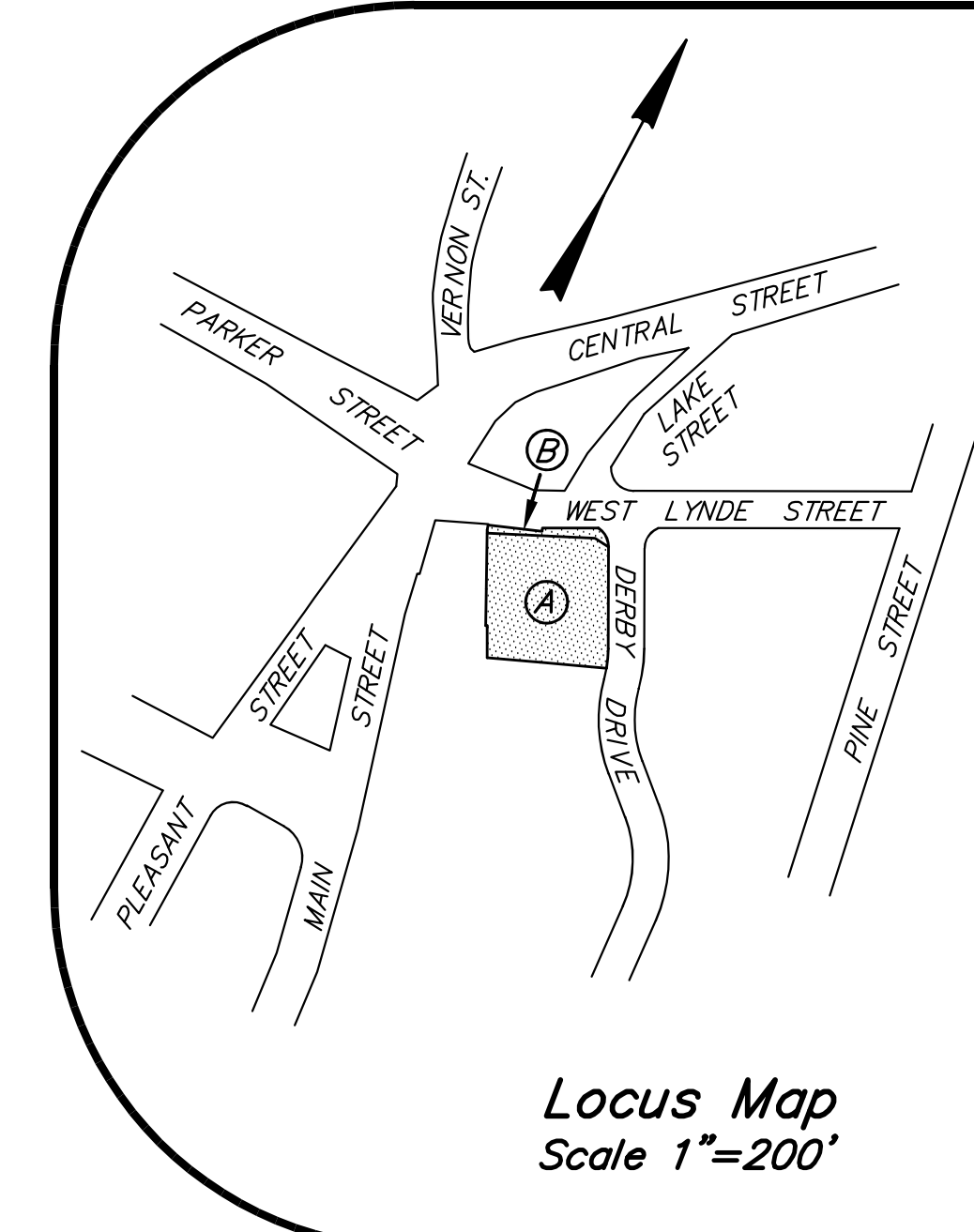
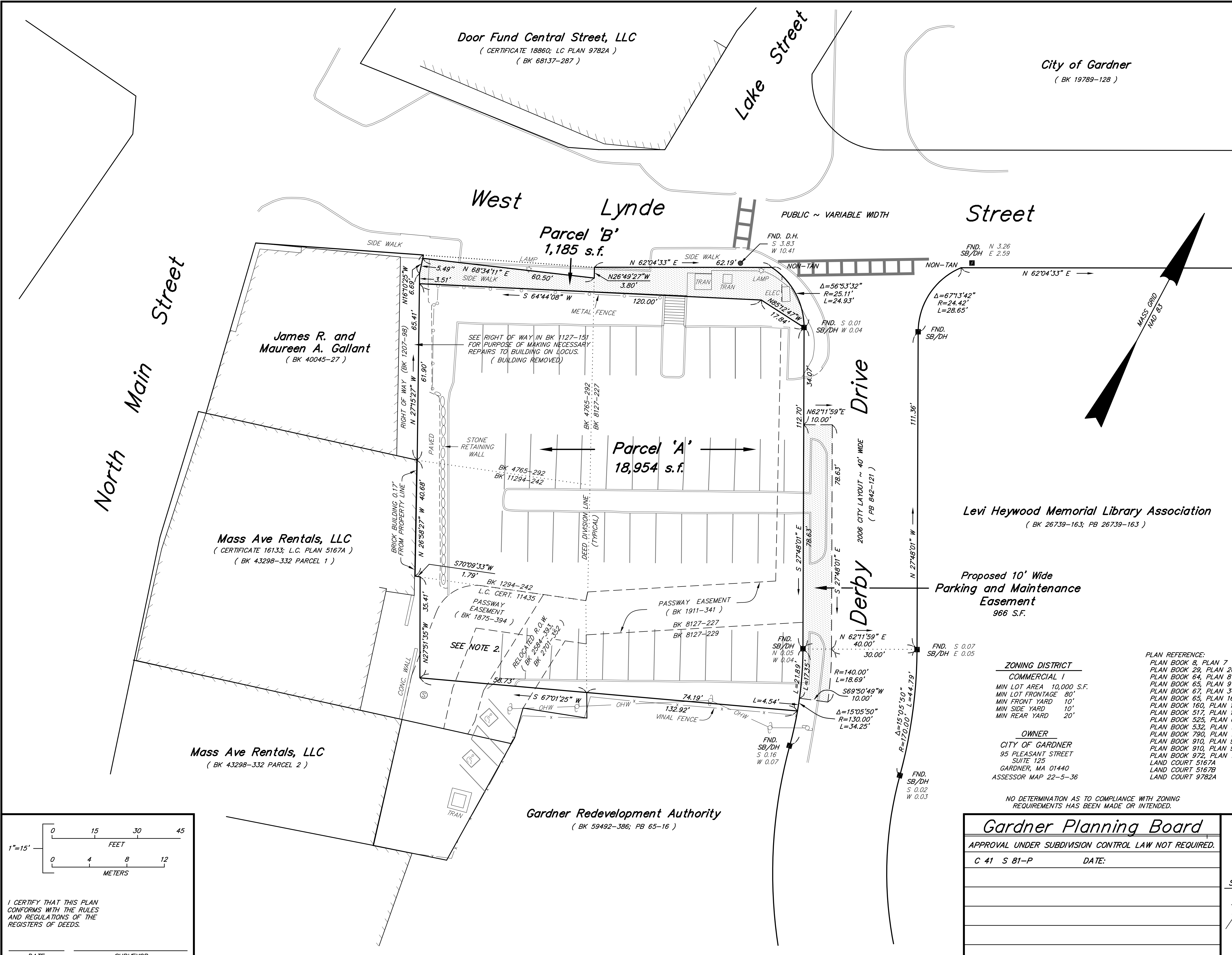
To reiterate, the General Laws of the Commonwealth require any sale of land to be through an open public process conducted as a Request for Proposals (RFP) in the same manner as has been done in the past. As such, anyone who is interested is able to submit a proposal in response to the solicitation, 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

**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 )

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

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

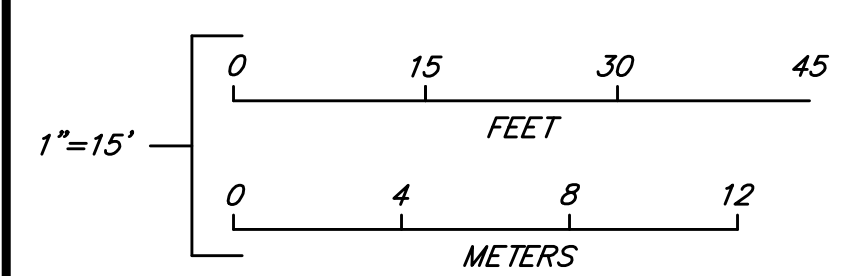
**ZONING DISTRICT**  
 COMMERCIAL I  
 MIN LOT AREA 10,000 S.F.  
 MIN LOT FRONTAGE 80'  
 MIN FRONT YARD 10'  
 MIN SIDE YARD 10'  
 MIN REAR YARD 20'

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

**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  
 C. TRANSFER CERTIFICATE OF TITLE 11435.  
 D. BOOK 8127, PG. 227  
 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.

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



I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

DATE \_\_\_\_\_ SURVEYOR \_\_\_\_\_

**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



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:

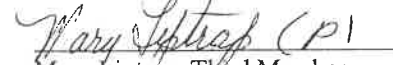
1. The Applicant or his designee will police the property on a regular basis to remove any debris, trash, etc. that may accumulate or be left by individuals.
2. During any construction, interior or exterior, the Applicant will make certain the right of way, parking areas, walkways, doorways, etc. Are 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.

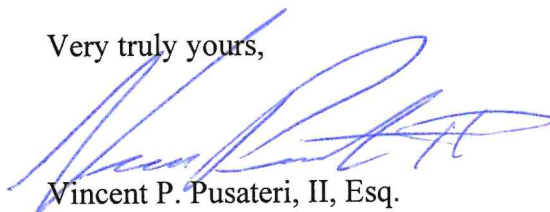
Under Massachusetts law, a license does not convey a property interest and is revocable at will by the landowner. See *Baseball Pub Co. v. Bruton*, 302 Mass. 54, 55 (1938); *Kaplan v. Boudreaux*, 410 Mass. 435, 442 (1991). A hallmark of a license is its revocability, which provides flexibility for the 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.<sup>1</sup>

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

---

<sup>1</sup> 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

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

DEC 31 12 20 PM '02

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 31<sup>st</sup> DAY OF DECEMBER, 2002.

Raymond LaFond (P)  
Raymond LaFond, Chairman

David Antaya (P)  
David Antaya, Clerk

Mary Liptrap (P)  
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  
Kathleen M. Lesneski  
City Clerk



**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

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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

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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

<b>Item</b>	<b>Approximate Value</b>
#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.

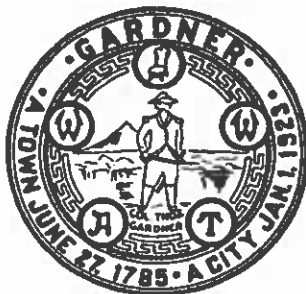
For items with an estimated value of less than \$10,000.00, the supply is disposed of using these written procedures:

- 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.

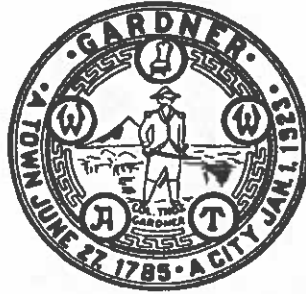
Thank you for your consideration.

Sincerely,

Dane E. Arnold, Director  
Department of Public Works

**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 **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

**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 **#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**



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 **#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.

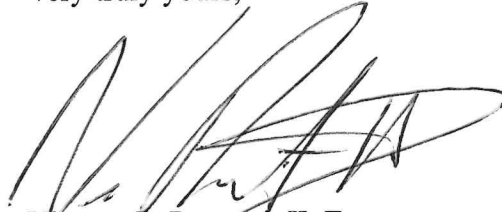
Under M.G.L. c. 44, § 53, all receipts from the sale of municipal property must be deposited into the general fund unless otherwise authorized by statute. Directing proceeds to nonprofit, even for a public purpose<sup>1</sup>, is not consistent with this requirement. After depositing the proceeds into 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.

---

<sup>1</sup> 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', with a large, stylized flourish at the end.

Vincent P. Pusateri, II, Esq.  
City Solicitor

VPP/kdb