

**REGULAR MEETING OF JANUARY 5, 2026**

Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, January 5, 2026

CALL TO ORDER

City Clerk Titi Siriphan called the meeting to order at 7:30 o'clock p.m.

CALL OF THE ROLL

City Clerk Titi Siriphan called the Roll of Members. Nine (9) Councillors were present including Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, (Councillor Elect) Brad Heglin, Elizabeth Kazinskas, Paul Tassone, and George Tyros. Councillor Elect Judy Mack and Councillor David Thibault-Muñoz were absent.

ADMINISTRATIVE OF OATH OF OFFICE TO THOSE NOT PRESENT ON JANUARY 5, 2026, AT 10:00 AM

Clerk Siriphan administered the oath of office to Councillor-elect Brad Heglin.

ELECTION OF THE COUNCIL PRESIDENT

The City Clerk announced that nominations were in order for election of Council President for the year 2026, in accordance with Section 5 of the Charter of the City of Gardner.

Councillor Brad Heglin nominated Councillor George Tyros and seconded by Councillor Paul Tassone.

Councillor George Tyros announced that he would recuse himself on advice from the State Ethics Commission "as candidates [for Council President] are not allowed to vote for themselves." He removed himself from the meeting participation.

There being no further nominations, the City Clerk entertained a motion to close nominations.

On a motion by Councillor Brad Heglin and seconded by Councillor Paul Tassone, it was voted, eight (8) yeas, Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad Heglin, Elizabeth Kazinskas, Paul Tassone, and to close nominations.

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On call of the roll:

Councillor Calvin D. Brooks voting for GEORGE C. TYROS
Councillor Craig R. Cormier voting for GEORGE C. TYROS
Councillor Aleksander H. Dernalowicz voting for GEORGE C. TYROS
Councillor Karen G. Hardern voting for GEORGE C. TYROS
Councillor Dana M. Heath GEORGE C. TYROS
Councillor Brad E. Heglin voting for GEORGE C. TYROS
Councillor Elizabeth J. Kazinskas GEORGE C. TYROS
Councillor Paul G. Tassone voting for GEORGE C. TYROS
Councillor George C. Tyros RECUSED

Having received eight (8) votes, Councillor George C. Tyros was declared elected Council President. Councillors applauded and extended personal congratulations. President Tyros assumed the Chair.

OPENING PRAYER

PLEDGE OF ALLEGIANCE

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

OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT

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

READING & ACCEPTANCE OF MINUTES

There were no meeting minutes present.

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REPORTS OF STANDING COMMITTEE
ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE**#11454**

Economic and Community Development Director Jason Stevens provided an updated presentation to the Council. Presentation attached.

Councillor Elizabeth Kazinskas had a question for Mayor Nicholson. She asked if Maki Park is ADA compliant.

Mayor Nicholson responded that, in short, the project is ADA compliant. He explained that compliance is verified through review by the Building Commissioner to ensure the project meets the requirements of the Massachusetts CMRs that implement the Americans with Disabilities Act. In addition, the City's engineering contractors conduct further verification. Through these reviews, the project has been confirmed to be compliant with ADA requirements.

Councillor Kazinskas asked a follow-up question regarding whether Maki Park is now complete, noting that some welding work still needs to be done and asking if the project will be complete for the next season once that work is finished.

Mayor Nicholson responded that once the welding is completed, the project will be fully complete at that time.

Councillor Kazinskas then asked whether the Mayor anticipates requesting any additional monetary appropriations from the Council for Maki Park.

Mayor Nicholson responded that he does not anticipate seeking any further appropriations.

President Tyros delivered remarks regarding the Maki Park project. He stated that his investigation into the project in the fall of 2024, along with its recommendations, revealed clear room for improvement. He affirmed that he stands by his vote on the original \$180,000 appropriation and believes the original intent of the project was sound. He noted that the demolition of the Maki Block left an orphaned lot in the heart of the city, one that likely would not have served another commercial or municipal purpose for decades and that transforming it into a downtown asset for \$180,000 initially appeared to be a good investment.

President Tyros emphasized that \$180,000 was the only appropriation the Council was asked to approve. However, he stated that the final cost was close to three times that amount and that the project was years behind schedule for what should have been a relatively simple undertaking.

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He outlined two key lessons for the Council moving forward. First, he stressed the need for more robust oversight whenever public funds are approved. He stated that the park as constructed is fundamentally different from the design presented to the Council for initial approval. He further noted that additional funds were expended due to delays and cost increases prior to his investigation, without disclosure of design changes, cost increases, or requests for Council approval of additional expenditures. He stated that such a process lacks transparency and is not an appropriate way to conduct city business.

Second, he emphasized that the financial shortcomings are as important to address as the regulatory and ADA compliance issues that initially brought attention to the project. He reiterated that additional funds were allocated to the project, including for accessibility improvements, without Council approval or notification. He characterized this as a failure of transparency rather than a mere paperwork error. He stated that had the project originally been presented as a half-million-dollar undertaking, he would have voted against it.

President Tyros concluded by stating that the Council must continue to insist on greater oversight, ask thorough and sometimes difficult questions, and require supporting documentation as part of its responsibility to taxpayers.

On a motion made by Councillor Ellizabeth Kazinskas and seconded by Councillor Craig Cormier, it was voted to place the update on file, *Report on the Investigation of the Maki Park Project*.

9 yeas, motion passes.

NEW BUSINESS

#11753

Councillor Brad Heglin spoke regarding the adoption of the Council Rules. He stated that, pursuant to Rule 20, the Council's rules are typically enforced for the duration of the session unless otherwise suspended. As such, the rules would normally continue in effect, and the Council is adopting them as is. He further explained that, given that the Council is reestablishing itself, he framed his motion as a temporary adoption. This approach allows members additional time to review the rules and provides the opportunity for a more formal discussion and debate should any changes be anticipated.

On a motion made by Councillor Brad Heglin and seconded by Councillor Aleksander Dernalowicz, it was voted on call of the roll, nine (9) yeas, President Tyros and Councillors Calvin Brooks, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Brad



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Heglin, Elizabeth Kazinskas, Paul Tassone, to temporarily adopt the rules until new rules are established.

COUNCIL COMMENTS AND REMARKS

Councillor Paul Tassone would like to recognize Cam Gamache who scored 1,000 for the boys' basketball team. Unfortunately, they lost the game, but it was a phenomenal game to be at.

President Tyros offered closing remarks, thanking Councillor Heglin for his kind words during the nomination process and expressing appreciation to his fellow Councillors for their vote of support. He stated that he looks forward to serving in the coming year as Council President and to the work ahead.

ADJOURNMENT

On a motion by Councillor Paul Tassone and seconded by Councillor Elizabeth Kazinskas, it was voted to adjourn at 8:00 p.m.

Accepted by the City Council: March 16, 2026

Maki Park

Project Update + Financial Info

As of 1/5/2025

Project Update

- The site preparations for the concrete for the ramp began on Wednesday, November 5, and had continued through Thursday, November 13.
- On Monday, December 8, the contractor, Busy Bee, notified the engineering team at Tighe & Bond that the accessible table should be brought in that week and that the railings were sent out to be powder coated.
- There have been delays due to the weather, but the installation of the railings had been completed the week of December 15.
- The only remaining work is the installation/welding of the accessible tables on first tier of the park.

Comments on Park's ADA Compliance

Following concerns over the ADA compliance on Maki Park the following comments should be made:

- On October 16, 2024, a letter responding to Commissioner Zuppa's comments from Tighe & Bond was sent with their recommendation of the accessibility option. This option is the accessibility ramp that has now been constructed between the 1st and 2nd terrace.
- The project has included ADA compliant access to the 3rd terrace from the West Street parking area. The existing grades at location of the installed ramp within the bounds of the park meet grading requirements for proper accessibility.
- The building permit B-25-889 was issued prior to construction beginning and covered all relevant work for the park, necessary supporting documentation such as the site plans, response letters, and licenses from contractors were gathered and reviewed by the Building Department prior to issuing the permit.

Comments on Park's ADA Compliance (cont.)

- The inclusion of crushed stone dust was at the recommendation of Tighe & Bond, who responded in their October 16, 2024 letter saying
“When properly installed, it is our opinion that stone dust is a stable, firm, and slip resistant material and it is widely used in outdoor applications where universal access is required.”
- After reviewing the Bid Set Site Plans and Site Specifications, the Building Commissioner confirmed that the crushed stone dust when installed and maintained properly is compliant with 521 CMR.
“As described and proposed, the stone dust surface may meet the minimum requirements of 521 CMR, subject to proper installation and inspection.”
- On December 15, 2025, the Building Commissioner asked the engineering team to confirm that this additional work would correct the compliance issues, which Matt Wzorek confirmed on December 16 that in Tighe & Bond's opinion the additional work corrects the 521 CMR concerns raised at the park. No further relevant correspondence was given from the Building Commissioner.

Financials

Of the total funds for this project, the breakdown is as follows:

- \$6,840.70 – Maki Park Exp Acct (Remaining funds)
- \$18,253.44 – Park Street Park Project Exp (Remaining ARPA funds)
- \$34,772.53 – Downtown Ph III Project Exp (Remaining ARPA funds)

Total Encumbered: \$59,866.67

Total Contract Amount: \$58,863.00

GBN 2026-01-487

GBN 2026-01-505

Design Envelope ID: 734B5098-8838-48C7-64F9-3E389FA3E250

**Change Order
No. 5**

Project: Maki Park Improvements Project
 Owner: City of Gardner
 Engineer: Tighe & Bond
 Contractor: Peston Lawn Maintenance DBA Busy Bee Nursery
 Contractor's Address: 57 Broad Street, PO Box 109 Jefferson Mo 61522
 The Contract Documents are modified as follows upon execution of this Change Order:

Change in Contract Price:

Item No.	PCO No.	Item (See Attached Summary Description of Change)	Value
5-1	N/A	Accessible Ramp	\$38,863.00
5-2	N/A	Time Extension	\$0.00
Total Value of this Change Order			\$38,863.00
Original Contract Price			\$376,625.00
Value of Previously Approved Change Orders			\$26,414.53
Contract Price Prior to this Change Order			\$403,039.53
Total Value of this Change Order			\$38,863.00
Contract Price Incorporating this Change Order			\$441,902.53

Change in Contract Times:

Description	Substantial Completion	Ready for Final Payment
Original Contract Times:	10/13/2023	11/18/2023
Total of Previous Contract Time Changes, add:	388 days	393 days
Change in Contract Time from this Change Order, add:	382 days	368 days
Contract Times with all Approved Change Orders: (date)	11/21/2025	12/12/2025

RECOMMENDED: By: Matthew P. Wazrak
 APPROVED: By: Michael J. Nicholson
 ACCEPTED: By: Rick Lovely

Matthew Wazrak, PE
Project Manager
Tighe & Bond, Inc.
Date: 8/11/2025

Michael J. Nicholson
Mayor
City of Gardner
Date: 8/18/2025

Rick Lovely
President/Project Manager
Busy Bee Nursery
Date: 8/11/2025

Tighe & Bond

REQUEST FOR TRANSFER BETWEEN SUB-ACCOUNTS

The Community Development and Planning Department requests that \$ 59866.67 be transferred between the following accounts:

	ACCOUNT NAME	ACCOUNT NUMBER
Transfer From:	Maki Park Exp - City Portion	38182-58103
Transfer To:	Maki Park Exp - ARPA Funds	27010-58103-29205

The reason for this transfer request is: Return needed funds for Downtown Ph III project.

Department Head Signature: [Signature] Date: 8/10/2025
 Transfer Recorded: City Auditor: John Richard Date: 09/10/2025

Please submit request in Duplicate. One to be returned to you after recorded.

NOTE: Transfers between Salary & Wages and Operating Expenditures or between Departments requires a Council Order.

Transfer of Appropriation
 Re-class of Expenditure

REQUEST FOR TRANSFER BETWEEN SUB-ACCOUNTS

The Community Development and Planning Department requests that \$ 20000.00 be transferred between the following accounts:

	ACCOUNT NAME	ACCOUNT NUMBER
Transfer From:	Maki Park Expenses	27010-58103-29205
Transfer To:	DOWNTOWN PH III PROJECT EXP	27010-58110 - 270205

The reason for this transfer request is: Transfer to send the remaining ARPA funds to Maki Park project.

Department Head Signature: [Signature] Date: 8/10/2025
 Transfer Recorded: City Auditor: John Richard Date: 09/10/2025

Please submit request in Duplicate. One to be returned to you after recorded.

NOTE: Transfers between Salary & Wages and Operating Expenditures or between Departments requires a Council Order.

Transfer of Appropriation
 Re-class of Expenditure

REQUEST FOR TRANSFER BETWEEN SUB-ACCOUNTS

The Community Development and Planning Department requests that \$ 18,253.44 be transferred between the following accounts:

	ACCOUNT NAME	ACCOUNT NUMBER
Transfer From:	F/B Parker Street Park Proj	38182-58110
Transfer To:	Maki Park Expenses	27010-58103-29205

The reason for this transfer request is: Transfer to cover additional work for Maki Park

Department Head Signature: [Signature] Date: 8/22/2025
 Transfer Recorded: City Auditor: John Richard Date: 09/22/2025

Please submit request in Duplicate. One to be returned to you after recorded.

NOTE: Transfers between Salary & Wages and Operating Expenditures or between Departments requires a Council Order.

Transfer of Appropriation

GBN 2026-01-488

REQUEST FOR TRANSFER BETWEEN SUB-ACCOUNTS

The Community Development and Planning Department requests that \$ 14772.53 be transferred between the following accounts:

	ACCOUNT NAME	ACCOUNT NUMBER
Transfer From:	DOWNTOWN PH III PROJECT EXP	27010-58110 - 29205
Transfer To:	Maki Park Expenses	27010-58103-29205

The reason for this transfer request is: Transfer to cover additional work for Maki Park

Department Head Signature: [Signature] Date: 8/22/2025
 Transfer Recorded: City Auditor: John Richard Date: 09/22/2025

Please submit request in Duplicate. One to be returned to you after recorded.

NOTE: Transfers between Salary & Wages and Operating Expenditures or between Departments requires a Council Order.

Transfer of Appropriation
 Re-class of Expenditure

Account Inquiry [GARDNER, MA] > Account Detail > Journal Additional Comments

Line 1
 Org 27010 FEDERAL GRANT REVENUE
 Object 58110 PARK STREET PARK PROJECT EXP
 Project 29205 ARPA/CLFRF GRANT
 Account 270-000-010-58110-29205
 Acct desc DOWNTOWN PH III PROJECT EXP
 Line desc TRANSFER APPROP TO SUB ACCTS
 Eff date 07/01/2025 Trans type 5 Budget year 2026
 Ref1 TRANSF
 Ref2/3/4 TRANSFER
 Amount -14,772.53 Over budget N

Account Inquiry [GARDNER, MA] > Account Detail > Journal Additional Comments

Line 2
 Org 27010 FEDERAL GRANT REVENUE
 Object 58110 PARK STREET PARK PROJECT EXP
 Project 29205 ARPA/CLFRF GRANT
 Account 270-000-010-58110-29205
 Acct desc DOWNTOWN PH III PROJECT EXP
 Line desc TRANSFER APPROP TO SUB ACCT
 Eff date 07/01/2025 Trans type 5 Budget year 2026
 Ref1 TRANSF
 Ref2/3/4 TRANSFER
 Amount -20,000.00 Over budget N

Account Inquiry [GARDNER, MA] > Account Detail > Journal Additional Comments

Line 2
 Org 27010 FEDERAL GRANT REVENUE
 Object 58103 MAKI PARK EXPENSES
 Project 29205 ARPA/CLFRF GRANT
 Account 270-000-010-58103-29205
 Acct desc MAKI PARK EXPENSES
 Line desc BEG BAL BUDGET
 Eff date 07/01/2025 Trans type 5 Budget year 2026
 Ref1 BB BUD
 Ref2/3/4 BEGBAL BUD
 Amount 6,840.70 Over budget N

Account Inquiry [GARDNER, MA] > Account Detail > Journal Additional Comments

Line 28
 Org 38182 COMMUNITY DEVELOPMNT CAPITL EXP
 Object 58110 PARK STREET PARK PROJECT EXP
 Project
 Account 380-100-182-58110-
 Acct desc PARK STREET PARK PROJECT EXP
 Line desc FY26 BEG BUD BAL CARRY FORW
 Eff date 07/01/2025 Trans type 5 Budget year 2026
 Ref1 BB BUD
 Ref2/3/4 BEGBAL BUD
 Amount 18,253.44 Over budget N