I. CALL TO ORDER

II. CALL OF THE ROLL OF MEMBERS

III. OPENING PRAYER

IV. PLEDGE OF ALLEGIANCE

V. ANNOUNCEMENT OF OPEN MEETING RECORDINGS

Any person may make a video or audio recording of an open session of a meeting, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recording shall notify the Chair forthwith. All documents and exhibits used or referenced at the meeting must be submitted in duplicate to the City Clerk, as they become part of the Meeting Minutes.

VI. READING OF MINUTES OF PRIOR MEETING(S)

Reading and Approval of the Minutes of the Regular Meeting of April 1, 2019.

VII. EXECUTIVE SESSION

VIII. PUBLIC HEARINGS

IX. COMMUNICATIONS FROM THE MAYOR

ORDERS

10076 – An Order Appropriating $223,429.00 from Free Cash to Stabilization (Finance Committee).

10077 – An Order Appropriating $14,895.00 from Free Cash to OPEB Liability Trust Fund (Finance Committee).

10078 – An Order Appropriating $73,876.00 from Free Cash to School E-Rate Expenses Account (Finance Committee).

10079 – An Order Appropriating $75,000.00 from Free Cash to Landfill Closure Budget (Finance Committee).

10080 – An Order Appropriating $115,000.00 from Free Cash to New School Land Acquisition (Finance Committee).

ORDINANCE

10081 – An Ordinance to Amend the Code of the City of Gardner, Chapter 390 Thereof, Entitled “Fees,” to Change the Sealer of Weights and Measures Fee Schedule (Finance Committee).
X. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

10082 – A Measure Authorizing Contracts Not-to-exceed Five (5) Years for Airport Consulting and Engineering Services, Generator Maintenance, Office and Janitorial Supplies, and Parking Ticket Processing (Finance Committee).

10083 – An Order of Taking for a Parcel of Land on Pearl Street for a New Elementary School (Finance Committee).

10084 – A Measure Authorizing Payment of $336.00 for Prior Year Employee Compensation (Finance Committee).

10085 – A Notice from the Gardner Contributory Retirement Board Relative to a Cost-of-Living Adjustment for Retirees and Beneficiaries for FY2020 (Finance Committee).

10086 – An Application by ecoATM, LLC for a License to Deal in Second Hand Articles at 677 Timpany Boulevard (Public Safety Committee).

10087 – An Application by GameStop, Inc. for a License to Deal in Second Hand Articles at 376 Timpany Boulevard (Public Safety Committee).

10088 – An Application by Tanguay Jewelers for a License to Deal in Second Hand Articles at 19 Connors Street (Public Safety Committee).

10089 – An Application by Gardner Coins & Cards, Inc. for a License to Deal in Second Hand Articles at 13 Pleasant Street (Public Safety Committee).

10090 – A Communication from the Planning Board Relative to An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled “Zoning,” to Change Section 675-1070, Marijuana Establishments (Public Welfare Committee) (Public Hearing Required).

XI. REPORTS OF STANDING COMMITTEES

PUBLIC SAFETY COMMITTEE

10069 – An Application by Osagi Enterprise, LLC, for a License to Buy and Sell Second Hand Motor Vehicles, Class 2, on Toby Street (In City Council and Referred to Public Safety Committee, 3/4/2019).

10070 – An Application by Osagi Enterprise, LLC, for a License to Deal in Motor Vehicle Junk, Class 3, on Toby Street (In City Council and Referred to Public Safety Committee, 3/4/2019; Hearing held 3/18/2019).

XII. UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION

XIII. NEW BUSINESS

XIV. CLOSING PRAYER

XV. ADJOURNMENT

Items listed on the Council Calendar are those reasonably anticipated by the Council President to be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.
Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, April 1, 2019.

CALL TO ORDER
Council President Scott Joseph Graves called the meeting to order at 7:30 o’clock p.m.

CALL OF THE ROLL
City Clerk Alan Agnelli called the Roll of Members. Ten (10) Councillors were present including President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh. Councillor Ronald Cormier was absent.

OPENING PRAYER
President Graves led the Council in reciting the Opening Prayer.

PLEDGE OF ALLEGIANCE
President Graves led the Council in reciting the “Pledge of Allegiance”.

OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT
President Graves announced to the assembly that the Open Meeting Recording and Public Records Announcement is posted at the entrance to the Chamber, and that any person planning to record the meeting by any means should identify themselves.

READING & ACCEPTANCE OF MINUTES
On a motion by Councillor James Walsh and seconded by Councillor Elizabeth Kazinskas, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to waive reading and to accept the Minutes of the Regular Meeting of March 18, 2019, as printed.

PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

#10074
Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Finance Committee recently met with the Jennifer Dymek, the City’s Purchasing Director, who advised that Mr. Budwick obtained the bid specifications and submitted a proposal, although he is a member of the Golf Commission and currently operates another food establishment in Gardner and possesses a liquor license. He said that the Mayor inquired with
the State Ethics Commission and the City’s Law Department and was advised that Mr. Budwick could operate the facility if the City Council granted an exemption under G.L. c. 268A, § 20(d), since his position as a member of the Golf Commission is designated as a “Special Municipal Employee.” He added that the Mayor and the Golf Commission Chairman approved of the arrangement and suggested that, at worst, the Golf Course Restaurant would not be open for the season and, at best, its opening would be delayed if another Invitation for Bid would have to be issued.

Councillor Walsh then moved to Approve an Exemption pursuant to G.L. c. 268A, § 20(d) in the Matter of a Financial Interest of Golf Commissioner Michael Budwick for a Contract to Lease and Operate the Restaurant at the Gardner Municipal Golf Course.

Councillor Nathan Boudreau seconded the motion.

On the motion, Councillor Edward Gravel noted that the Golf Course restaurant is important to golfers.

Councillor Nathan Boudreau commented that Mr. Budwick and his family operate a long-time business and that it was great that he submitted a bid at the 11th hour.

On a motion by Councillor James Walsh and seconded by Councillor Boudreau, on recommendation of the Finance Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and James Walsh; one (1) excused, Councillor Kazinskas[1], to adopt the following Measure:

APPROVAL OF EXEMPTION BY THE CITY COUNCIL
DISCLOSURE BY MICHAEL BUDWICK, SPECIAL MUNICIPAL EMPLOYEE,
OF FINANCIAL INTEREST IN A MUNICIPAL CONTRACT
AS REQUIRED BY G.L. c. 268A, § 20(d)

VOTED: To approve an Exemption pursuant to G.L. c. 268A, § 20(d) in the Matter of a Financial Interest of Golf Commissioner Michael Budwick for a Contract to Lease and Operate the Restaurant at the Gardner Municipal Golf Course.

Presented to Mayor for Approval – April 2, 2019
Approved – April 2, 2019
MARK P. HAWKE, Mayor

[1] Councillor Kazinskas recused herself from discussing or voting on the Measure due to a personal conflict. The Council did not object to her recusal.
REPORTS OF STANDING COMMITTEES
PUBLIC SAFETY COMMITTEE

#10069
Councillor James Johnson, Chairman of the Public Safety Committee, informed the Council that the Committee will conduct a site visit to the property on Thursday, April 4 at 5:00 p.m. There being no objections, the Public Safety Committee was granted more time to study and report on Application by Osagi Enterprise, LLC, for a License to Buy and Sell Second Hand Motor Vehicles, Class 2, on Toby Street.

#10070
Councillor James Johnson, Chairman of the Public Safety Committee, informed the Council that the Committee will conduct a site visit to the property on Thursday, April 4 at 5:00 p.m. There being no objections, the Public Safety Committee was granted more time to study and report on Application by Osagi Enterprise, LLC, for a License to Deal in Motor Vehicle Junk, Class 3, on Toby Street.

UNFINISHED BUSINESS

#10053
Councillor James Walsh moved to pass the following Ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 312 THEREOF, ENTITLED “ANIMALS,” BY DELETING AND REPEALING § 312-2F.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 312 THEREOF, ENTITLED “ANIMALS,” TO CHANGE A PROVISION RELATING TO RESPONSIBILITIES OF OWNERS OR KEEPERS.

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

Section 1. Subsection F of Section 312-2 of Chapter 312, Animals, of the Code of the City of Gardner, is hereby amended to read, as follows:

F. No animals shall be allowed in any City cemetery or playground, except in designated areas of Pulaski Park.

Section 2. Effective date.
This ordinance shall become effective on passage and publication as required by law.

Councillor Craig Cormier seconded the motion.
On the motion, Councillor Nathan Boudreau said that he would vote to pass the Ordinance, but questioned the reason that the Council is restricting animals when the City has a “pooper scooper” law which is enforced by Animal Control Officers.

On the motion, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to pass the following Ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 312 THEREOF, ENTITLED “ANIMALS,” BY DELETING AND REPEALING § 312-2F.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 312 THEREOF, ENTITLED “ANIMALS,” TO CHANGE A PROVISION RELATING TO RESPONSIBILITIES OF OWNERS OR KEEPERS.

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

Section 1. Subsection F of Section 312-2 of Chapter 312, Animals, of the Code of the City of Gardner, is hereby amended to read, as follows:

F. No animals shall be allowed in any City cemetery or playground, except in designated areas of Pulaski Park.

Section 2. Effective date.
This ordinance shall become effective on passage and publication as required by law.

In City Council – February 4, 2019
Ordered Printed – March 18, 2019
First Printing – March 22, 2019
Ordinance Passed – April 1, 2019
The foregoing was laid before the Mayor on the 2nd day of April, 2019 and after ten days it had the “force of the law” as prescribed under Section 30 of the Charter of the City of Gardner, as it was not returned with objections within that time.
FINAL PRINTING – April 16, 2019

EXECUTIVE SESSION MINUTES REVIEW

President Graves informed the Council that the packet contains a series of Minutes of Executive Sessions that have not been released. He said that the Finance Committee also reviewed Minutes of the various Executive Sessions.

Councillor James Walsh, a member of the Finance Committee, reported that Councillors have had an opportunity to review the Minutes to be considered for release and that the Committee recommended release in the interest of transparency.
On a motion by Councillor James Walsh and seconded by Councillor Edward Gravel, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to Release the Minutes of the following Executive Sessions:

<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>SUMMARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>14 February 1977</td>
<td>Potential Litigation (James Stellato, 43 Summit Avenue, Zoning)</td>
</tr>
<tr>
<td>11 April 1977</td>
<td>Union Grievance (Patrolman Richard LaBonte)</td>
</tr>
<tr>
<td>1 June 1987</td>
<td>Litigation (Marie Suchocki, Former Building Department Clerk)</td>
</tr>
<tr>
<td>5 July 1988</td>
<td>Litigation (CS Appeal, Police Director Richard Gemborys)</td>
</tr>
<tr>
<td>6 September 1988</td>
<td>Public Safety Deployment (Special Police Officers/Regional Drug Task Force)</td>
</tr>
<tr>
<td>20 November 1989</td>
<td>Public Safety Deployment (Special Police Officers/Regional Drug Task Force)</td>
</tr>
<tr>
<td>18 December 1989</td>
<td>Public Safety Deployment (Special Police Officers/Regional Drug Task Force)</td>
</tr>
<tr>
<td>5 March 1990</td>
<td>Litigation (Police positions); Labor Contracts</td>
</tr>
<tr>
<td>5 November 1990</td>
<td>Public Safety Deployment (Special Police Officers/Regional Drug Task Force)</td>
</tr>
<tr>
<td>17 December 1990</td>
<td>Real Estate Acquisition (Golf Course, 80 acre parcel off Green and Eaton Streets)</td>
</tr>
<tr>
<td>22 January 1991</td>
<td>Real Estate Acquisition (Golf Course, 80 acre parcel off Green and Eaton Streets)</td>
</tr>
<tr>
<td>20 June 1991</td>
<td>Litigation (CS Appeal, Police Director Richard Gemborys)</td>
</tr>
<tr>
<td>12 August 1991</td>
<td>Litigation (CS Appeal, Police Director Richard Gemborys)</td>
</tr>
<tr>
<td>16 September 1991</td>
<td>Litigation (CS Appeal, Police Director Richard Gemborys)</td>
</tr>
<tr>
<td>3 February 1992</td>
<td>Pending Litigation (40 active cases)</td>
</tr>
<tr>
<td>17 March 2008</td>
<td>Pending Litigation (School Energy Contracts)</td>
</tr>
<tr>
<td>5 May 2008</td>
<td>Pending Litigation (School Energy Contracts)</td>
</tr>
<tr>
<td>19 April 2011</td>
<td>Potential Litigation (Lisciotti Development, 354 Main Street retaining wall)</td>
</tr>
<tr>
<td>1 August 2011</td>
<td>Real Estate Disposal (W. Lynde Street North and South Parking lots)</td>
</tr>
<tr>
<td>6 February 2012</td>
<td>Real Estate Disposal (W. Lynde Street North and South Parking lots)</td>
</tr>
<tr>
<td>15 October 2012</td>
<td>Real Estate Disposal (W. Lynde Street North Parking lot and Rolla Parcel/Rear Main St)</td>
</tr>
<tr>
<td>3 September 2013</td>
<td>Pending Litigation (94 Pleasant Street; 34-36 Graham Street Tax Titles)</td>
</tr>
<tr>
<td>20 January 2015</td>
<td>Pending Litigation (Multiple Insurance (MIIA) cases)</td>
</tr>
<tr>
<td>6 July 2015</td>
<td>Real Estate Acquisition (Former Cinema, 32 Parker Street; Maki Block, 57-67 Parker St)</td>
</tr>
</tbody>
</table>

### NEW BUSINESS

On a motion by Councillor Christine Johnson and seconded by Councillor Edward Gravel, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to consider New Business.

#### #10075 (New Business)

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the issue is not new, since the Council addressed the same situation last year. He said that the Mayor, “in persuasive form and in the Committee’s opinion,” outlined the reasons to disapprove the budget, adding that it burdens the City’s budgetary process and for the fact that there are significant excess funds available to Monty Tech (E&D, Stabilization).
Councillor Walsh then moved to Disapprove the Montachusett Regional Vocational School District Fiscal Year 2020 Operating and Maintenance Budget, as adopted by the Montachusett Regional Vocational District School Committee on March 6, 2019, as allowed by Section 5(C) of the District Agreement.

Councillor Christine Johnson seconded the motion.

On the motion, Councillor Christine Johnson informed the Council that the Public Welfare Committee recently met with representatives of Monty Tech and discussed the proposed FY2020 Budget. The Committee discussed the District’s Excess and Deficiency (E&D) Account and, when asked the reason for the sizable E&D balance, representatives reportedly responded that it is due to conservative budgeting. Councillor Johnson said that she does not believe that it is due to conservative budgeting and noted that the District has committed $40,000 annually to a Stabilization Account. She added that the FY2020 budget increase is 3.62% higher than the current year and that that the City Council “is trying to hold their feet to the fire” and that “we are trying to fund our own schools.”

Councillor Gravel remarked that Monty Tech has a good trades programs, since not every kid goes to college. He added that it is difficult for Monty Tech to increase its budget when the City cannot increase its own School budget.

Councillor James Boone stated that as a member of the Monty Tech School Committee, he has attempted to get his fellow members to adjust the budget, as well as its admission policies, in order to allow students that need a trade to be able to get into the school. According to Monty Tech officials, only 3 in 10 students graduating enter a trade field. He said that Monty Tech is doing great, but that it will not change it practices until it is forced to change, which may only change if the City Council takes a stand. Continuing, he said that he is not opposed to the District maintaining a Stabilization fund or E&D, as they may have emergencies during the year, but that he supports the Mayor’s efforts to get them to reduce their budget.

Councillor Nathan Boudreau said that vocational education is the best thing going, but save for a rainy day when you can. “There is no reason to be squirrelling away a boatload of cash,” he added.

Councillor Elizabeth Kazinskas stated that at the recent Public Welfare Committee meeting, Monty Tech officials noted that the District would have to go to all 18 communities in the District in order to obtain additional funds. “That is what Gardner Public Schools have to do if they need more money,” she added. Continuing, she said that is unfortunately what the Schools need to do, noting that Gardner almost laid off 17 teachers in the current school year due to the budget, and that now is not the financial climate to set aside excess funds.
Councillor Christine Johnson reported that Monty Tech’s budget is based on the Governor’s Chapter 70 Budget recommendations and that in the current Fiscal year, Monty Tech should have returned $10,000 to $15,000 to the City of Gardner, but the District kept the money.

Councillor Gravel encouraged the State legislature to pass Education reform and Councillor Boudreau encouraged Chapter 70 Aid reform.

On the motion, on call of the roll, it was voted ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Measure:

A MEASURE DISAPPROVING THE
MONTACHUSETT REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT
FISCAL YEAR 2020 OPERATING AND MAINTENANCE BUDGET

VOTED: That the City Council of the City of Gardner disapproves the Montachusett Regional Vocational School District Fiscal Year 2020 Operating and Maintenance Budget, as adopted by the Montachusett Regional Vocational District School Committee on March 6, 2019, as allowed by Section 5(C) of the District Agreement.

Presented to Mayor for Approval – April 2, 2019
Approved – April 2, 2019
MARK P. HAWKE, Mayor

ANNOUNCEMENTS and COMMENTARY

Trash Tag Challenge
Councillor Nathan Boudreau informed the Council that there is a new thing called the “Trash Tag Challenge.” He said to take a picture of an area of trash, then clean it, and then take a picture of the clean area.

Waste Disposal
Councillor Christine Johnson informed the Council that people have voiced displeasure when their trash Toters are not emptied because it is overstuffed. She said that she spoke with the Health Department and was informed that there is a significant number of people that overfill their trash Toters and that if a Toter lid does not lie flat, then it will not be emptied. She added that it is costing more to dispose of trash, so the City may have to increase the trash fees unless Toters are not overstuffed.
West Gardner Square/Main Street Traffic
Councillor Christine Johnson informed the Council that the intersection at West Gardner Square is very unsafe and she plans to refer the matter to the Traffic Commission for study.

Councillor Edward Gravel added that motorists need to slow down and pay attention to their driving, adding that people have been hit by cars near the Paramount Café and Priscilla Candy Shop on Main Street.

Gardner Police Department Autism Awareness
Councillor Edward Gravel reported that the Gardner Police Department is participating in National Autism Awareness Month, putting special decals on their cruisers and wearing special patches on their uniforms.

Earth Day
Councillor Edward Gravel announced upcoming Earth Day.

Boston Marathon
Councillor James Walsh informed the Council that Gardner High’s Head Field Hockey Coach will be running in the Boston Marathon. He wished her well.

CLOSING PRAYER
President Graves led the Council in the Closing Prayer.

ADJOURNMENT
On a motion by Councillor Craig Cormier and seconded by Councillor Nathan Boudreau, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adjourn at 8:04 p.m.

Accepted by the City Council:
To: City Council

Re: Money Orders for consideration on April 10, 2019

Listed below are balances in various ledger accounts that pertain to Money Order transfers for your consideration.

These balances are as of April 05, 2019:

<table>
<thead>
<tr>
<th>Money Order</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>10000-35400</td>
<td>$1,462,830.00</td>
</tr>
<tr>
<td>37305-58651</td>
<td>$1,367,830.00</td>
</tr>
<tr>
<td>64009-49704</td>
<td>$1,292,830.00</td>
</tr>
<tr>
<td>13660-56800-37000</td>
<td>$1,218,854.00</td>
</tr>
<tr>
<td>70100-32865</td>
<td>$1,204,058.00</td>
</tr>
<tr>
<td>70100-32944</td>
<td>$980,629.00</td>
</tr>
</tbody>
</table>

The Snow & Ice account currently has available ($334,299.44)

14421 62210

Sincerely

John Richard
City Auditor

copies: Mayor
City Clerk
<table>
<thead>
<tr>
<th>Free Cash</th>
<th>Cost</th>
<th>Pending</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stabilization 15% of total</td>
<td>$223,428.00</td>
<td>$223,428.00</td>
<td>Per policy</td>
</tr>
<tr>
<td>OPEB Funding 1% of total</td>
<td>$14,895.00</td>
<td>$14,895.00</td>
<td>Per policy</td>
</tr>
<tr>
<td>E-Rate Reimb Schools</td>
<td>$73,876.00</td>
<td>$73,876.00</td>
<td></td>
</tr>
<tr>
<td>Landfill Closure Account</td>
<td>$75,000.00</td>
<td>$75,000.00</td>
<td></td>
</tr>
<tr>
<td>New School land</td>
<td>$115,000.00</td>
<td>$115,000.00</td>
<td></td>
</tr>
<tr>
<td>Snow &amp; Ice Reserve</td>
<td>$350,000.00</td>
<td>$</td>
<td>Per policy</td>
</tr>
<tr>
<td>Road Resurfacing 10% of total</td>
<td>$148,952.00</td>
<td>$</td>
<td>Per policy</td>
</tr>
<tr>
<td>Overlay Deficiency</td>
<td>$60,000.00</td>
<td>$</td>
<td>Per policy</td>
</tr>
<tr>
<td>Fire Dept New Vehicle Grant match</td>
<td>$110,000.00</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Fire Dept Salaries/OT</td>
<td>$80,000.00</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Ambulance Salaries</td>
<td>$15,000.00</td>
<td>$</td>
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</tr>
<tr>
<td>Ambulance Professional Services</td>
<td>$50,000.00</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Watkins Field</td>
<td>$170,000.00</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Sidewalk Tractor DPW</td>
<td>$170,000.00</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Street Sweeper</td>
<td>$235,000.00</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Playground</td>
<td>$50,000.00</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Wrights Reservoir match</td>
<td>$40,000.00</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Targeted Stabilization Fund (Demolition)</td>
<td>$30,000.00</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$2,011,151.00</td>
<td>$502,199.00</td>
<td></td>
</tr>
<tr>
<td>Total Free Cash</td>
<td>$1,489,526.00</td>
<td>$1,489,526.00</td>
<td></td>
</tr>
<tr>
<td>Remaining Free Cash</td>
<td>$(521,625.00)</td>
<td>$987,327.00</td>
<td></td>
</tr>
</tbody>
</table>

$1,486,151.00  $ 3,375.00
AN ORDER APPROPRIATING FROM FREE CASH TO STABILIZATION.

ORDERED:

That there be and is hereby appropriated the sum of Two Hundred Twenty-Three Thousand Four Hundred Twenty Nine Dollars and No Cents ($223,429.00) from Free Cash to Stabilization.
April 2, 2019

Attorney Scott J. Graves, President
And City Councilors
95 Pleasant Street
Gardner, MA 01440

RE: Free Cash to Stabilization

Dear President Graves and Councilors,

As you are aware, the City’s Free Cash was certified at $1,489,526. Healthy Free Cash certifications are appropriate in the range of 3-5 percent of annual revenue. Using round numbers, the City has annual revenue of approximately $60,000,000. Therefore, Free Cash should range from $1,800,000 - $3,000,000. This year’s Free Cash is approximately 2.5% of our annual revenue.

The City’s Stabilization Fund should maintain a balance of 5-7 percent of annual revenue, as was cited in the Department of Revenue’s 2008 Financial Management Review of the City. Therefore, the City’s Stabilization Fund should hold $3,000,000 - $4,200,000. Currently, the Stabilization Fund stands at $2,044,868. We have aggressively built up our Stabilization Fund over the past twelve (12) years from a 2007 level of $269,362. We did this by initially adopting an informal policy of transferring 20% of certified Free Cash to stabilization. We reduced that percentage five (5) years ago and three (3) years ago we dropped it again to 5%. Given the fact that we utilized just over $600,000 last fiscal year to stabilize the school budget, we must now look to replenish this vital account.

This year I am seeking 15% or $223,428, be appropriated to our Stabilization Fund. This would raise the Stabilization Fund to $2,268,296 or approximately 3.8% of annual revenue.

We have been cited repeatedly by the bond rating agencies for our strong financial performance and efforts to increase our reserves. I am comfortable with a 15% appropriation at this time as we are continuing to make positive efforts to improve our financial standing.

Respectfully,

Mark Hawke
Mayor, City of Gardner
AN ORDER APPROPRIATING FROM FREE CASH TO THE OTHER POST-EMPLOYMENT BENEFITS LIABILITY TRUST FUND.

ORDERED:

That there be and is hereby appropriated the sum of Fourteen Thousand Eight Hundred Ninety Six Dollars and No Cents ($14,896.00) from Free Cash to the Other Post-Employment Benefits Liability Trust Fund.
City of Gardner, Executive Department

Mark Hawke, Mayor

April 2, 2019

Attorney Scott J. Graves, President
And City Councilors
95 Pleasant Street
Gardner, MA 01440

RE: Free Cash to OPEB Trust Fund

Dear President Graves and Councilors,

In accordance with our policy, I seek to transfer $14,895 from Free Cash to OPEB Liability Trust Fund. By way of a brief refresher I offer the following points:

- OPEB stands for Other Post-Employment Benefits and consists almost entirely of retiree’s health insurance obligations.

- Our OPEB liability, in accordance with the Government Accounting Standards Board (GASB) 45, is now carried on our financial statements.

- The City’s OPEB liability is roughly $92,000,000.

- The City Council unanimously adopted MGL Ch. 32B, section 20 on December 19, 2016.

- Also on December 19, 2016, the City Council voted unanimously to transfer an amount equal to 1% of certified Free Cash, or $24,365 into the OPEB Liability Trust Fund.

- The only negative factor cited on our last bond rating of February 26, 2014 was in regard to our benefits liabilities.

By having a policy and funding plan in place to address our OPEB liability, we positively affect our bond rating, and we will also be reducing our financial obligations for future generations.

Respectfully,

Mark Hawke
Mayor, City of Gardner

City Hall, 95 Pleasant Street, Room 125, Gardner, Massachusetts 01440
Telephone: (978) 630-1490 • Facsimile (978) 630-3778 • Email: mayor@gardner-ma.gov
AN ORDER APPROPRIATING FROM FREE CASH TO THE SCHOOL
E-RATE EXPENSES ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Seventy Three Thousand Eight Hundred Seventy-Six Dollars and No Cents ($73,876.00) from Free Cash to the School E-Rate Expenses Account.
City of Gardner, Executive Department

Mark Hawke, Mayor

April 2, 2019

Attorney Scott J. Graves, President
And City Councilors
95 Pleasant Street
Gardner, MA 01440

RE: Free Cash to School E-Rate Expenses

Dear President Graves and Councilors,

E-rate is a federal reimbursement program for connectivity in our schools. Funding is derived from the FCC Fee or Federal Universal Service Fee that you find on your phone bill. The program funds things like Wide Area Networks, Internet, fiber, network switches, caching, wiring, wireless LAN controllers, switches, routers and wireless access points. Funding from this program is based on percentage of students eligible for the Free/Reduced School Lunch program and urban/rural status.

The amount of $73,876 was realized from this program by the school department. These funds fell to Free Cash, but are needed to pay current year bills.

To rectify this going forward, we have created an E-rate revenue account with a correlating increase in school funding in the FY 2020 Budget. This will allow us to account for the revenue and utilize the funds received to pay current year (FY20) bills.

Respectfully,

[Signature]

Mark Hawke
Mayor, City of Gardner
September 18, 2018

Mr. Mark Hawke, Mayor
Gardner City Hall
95 Pleasant Street
Gardner, MA 01440

Dear Mayor Hawke,

The E-rate program reimburses school districts for certain expenses related to telecommunication in the schools. The reimbursement is deposited in the City's free cash account. Certain expenses are paid from the School Department's budget lines and must be supported by the reimbursements.

Please have this year's reimbursement of $73,876.06 recorded as the FY19 budget for account 13960 - 56800 - 37000, E-Rate Expenses.

The City Auditor is waiting for your sign – off to make the adjustment.

Thank you for your support.

Sincerely,

April Yu

Cc:  Mark Pellegrino, Superintendent
     Bob O'Keefe, Director of Technology
AN ORDER APPROPRIATING FROM FREE CASH TO LANDFILL CLOSURE BUDGET.

ORDERED:

That there be and is hereby appropriated the sum of Seventy-five Thousand Dollars and No Cents ($75,000.00) from Free Cash to Landfill Closure Budget.
City of Gardner, Executive Department

Mark Hawke, Mayor

April 2, 2019

Attorney Scott J. Graves, President
And City Councilors
95 Pleasant Street
Gardner, MA 01440

RE: Free Cash to Landfill Closure

Dear President Graves and Councilors,

The City is obligated to maintain and monitor the former West Street Landfill for a period thirty (30) years from the date of closure. The West Street Landfill closed in 2005.

The fund that was previously set up to maintain and monitor the former landfill will be all but exhausted by the end of this fiscal year. In order to maintain and monitor the landfill going forward, I am requesting the transfer of $75,000 from Free Cash to the Landfill Closure Fund.

I anticipate this will be an annual request to replenish the account. We anticipate the cost to maintain and monitor the former landfill will be approximately $50,000 a year. By adding $75,000 each year for the next thirteen (13) years, we anticipate we will be able to re-establish a small cushion for the fund. I’ve included a sample spreadsheet to show the anticipated appropriations and expenses.

Respectfully,

Mark Hawke
Mayor, City of Gardner
<table>
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*2 1/2% annual increase
AN ORDER APPROPRIATING FROM FREE CASH TO NEW SCHOOL LAND ACQUISITION.

ORDERED:

That there be and is hereby appropriated the sum of One Hundred Fifteen Thousand Dollars and No Cents ($115,000.00) from Free Cash to New School Land Acquisition.
City of Gardner, Executive Department

Mark Hawke, Mayor

April 2, 2019

Attorney Scott J. Graves, President
And City Councilors
95 Pleasant Street
Gardner, MA 01440

RE: Free Cash to New School Land Acquisition

Dear President Graves and Councilors,

We have successfully negotiated a Purchase & Sales agreement for the School Building Committee’s, and Gardner School Committee’s, parcel of choice for Gardner’s new elementary school. The attached documents will show a purchase price of $115,000 for the property owned by Karen & Alice Kymalainen on Pearl Street, Assessors Map ID W27/11/3.

The assessed value of the property is $80,000 (Assessors sheet attached). The appraised value of the property is $115,000 (Appraisal summary page attached). Test borings were performed on the site and have come back satisfactorily. A Phase I 21 E environmental assessment has been performed on the site and “The site does not possess any attributes defined as environmental concerns.” (The Phase I Environmental Site Assessment report, sans exhibits, is attached). The taking documents as prepared by the City Solicitor are also attached.

I am seeking an appropriation of $115,000 from Free Cash to cover the cost of acquisition of the Kymalainen property on Pearl Street.

Respectfully,

Mark Hawke
Mayor, City of Gardner
### Construction Detail

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**Mixed Use**

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### Cost/Market Valuation

- **RCN**: 0
- **Year Built**: 0
- **Effective Year Built**: 0
- **Depreciation Code**: 0
- **Remodel Rating**: 0
- **Year Remodeled**: 0
- **Depreciation %**: 0
- **Functional Obsol**: 0
- **Economic Obsol**: 0
- **Trend Factor**: 1
- **Condition**: 0
- **Condition %**: 0
- **Percent Good**: 0
- **RCNLQ**: 0
- **Dep % Ovr**: 0
- **Dep Ovr Comment**: 0
- **Misc Imp Ovr**: 0
- **Misc Imp Ovr Comment**: 0
- **Cost to Cure Ovr**: 0
- **Cost to Cure Ovr Comment**: 0

### Outbuilding & Yard Items

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<th>Unit Price</th>
<th>Yr Bld</th>
<th>Cond. Cd</th>
<th>% Gd</th>
<th>Grade</th>
<th>Grade Adj</th>
<th>Appr. Value</th>
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### Building Sub-Area Summary Section

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<th>Floor Area</th>
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</tbody>
</table>
Mark P. Hawke  
Mayor, City of Gardner  
Gardner City Hall  
95 Pleasant Street  
Gardner, MA 01440

Re: 17.34+/- Acres, Gardner, MA

Dear Mayor Hawke:

In accordance with your request for an estimate of the market value of the real estate consisting of 17.34+/- acres of land located at Pearl Street, Gardner, Massachusetts, owned by Kymalainen Realty Trust, we have examined the property and submit herewith our appraisal.

The following is our appraisal report which describes our method of approach and sets forth a description of the property, together with an analysis of data and the reasoning underlying the conclusions derived in our investigation. The term self-contained report is no longer in effect as of the 2014-2015 Edition of the Uniform Standards of Professional Appraisal Practice. The level of detail contained within this report is consistent with the type of report formerly labeled as self-contained. We hereby certify that we have no present or future contemplated interest herein, and that our employment in making this appraisal is in no way contingent on the amount of our valuation.

This appraisal report has been prepared for the exclusive benefit of the client and intended user, the City of Gardner. It conforms to State "EOA Specifications for Analytical Narrative Appraisal Reports" and the Uniform Standards of Professional Appraisal Practice 2018-2019 edition. It may not be used or relied upon by any other party. Any party who uses or relies upon any information in this report, without the preparer's written consent, does so at his own risk.

After applying the methods and techniques recommended by the Appraisal Institute and after analyzing the data presented herein, it is our opinion that the market value of the subject property herein described as of January 23, 2019, is:

17.34+/- ACRES:  
ONE HUNDRED FIFTEEN THOUSAND DOLLARS - $115,000

This opinion is subject to the assumptions, contingencies and limitations as set forth in the following report.

Very truly yours,

FOSTER APPRAISAL & CONSULTING CO., INC.

Kenneth J. Croft III, Esq.  
MA Certified General Appraiser #3579
PHASE I ENVIRONMENTAL SITE ASSESSMENT

Pearl Street
Gardner, Massachusetts 01440

Prepared for:

Jones Whitsett Architects
308 Main Street, 3rd floor
Greenfield, MA 01301

Prepared by:

Sovereign Consulting Inc.
4 Open Square WAY, Suite 307
Holyoke, Massachusetts 01040

March 26, 2019

Project Number: MW138.001
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FIGURES

Figure 1  Site Location Map
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ATTACHMENTS

Attachment A  Résumes
Attachment B  ASTM E1527-13 Phase I AAI Environmental Questionnaire
Attachment C  Aerial Photographs & Topographic Maps
Attachment D  Sanborn Maps
Attachment E  Site Photographs
Attachment F  EDR Environmental Database Report
1.0 INTRODUCTION

1.1 Scope of Work

Sovereign Consulting Inc. (Sovereign) is pleased to present the findings of a Phase I Environmental Site Assessment (Phase I ESA) in conformance with ASTM E1527-13, completed for the property identified by the City of Gardner, Massachusetts assessor’s office as parcel; W27-11-3 in Gardner, Massachusetts herein defined as the Site.

The Scope of Work (SOW) for this ESA meets or exceeds the American Society of Testing and Materials (ASTM) E1527-13 Standard Practices for Environmental Site Assessments: Phase I Environmental Site Assessment Process and in accordance with the proposal executed between Jones Whitsett Architects and Sovereign on March 5, 2019. ASTM E1527-13 was officially recognized by the United States Environmental Protection Agency (USEPA) on December 30, 2013, as acceptable for Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) liability protection under the All Appropriate Inquiry (AAI) rule (40 Code of Federal Regulations [CFR] Part 312).

This Phase I ESA was completed in conformance with the ASTM E1527-13 in order to identify any recognized environmental conditions (RECs), controlled RECs (CRECs), historical RECs (HRECs), or Business Environmental Risks (BERs) at the Site. These terms are defined by ASTM E1527-13 as follows:

- **REC**: The presence or likely presence of any hazardous substance or petroleum products in, on, or at a property: (1) due to release to the environment, (2) under conditions indicative of a release to the environment, or (3) under conditions that pose a material threat of a future release to the environment.
- **CREC**: A REC resulting from the past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls.
- **HREC**: A past release of any hazardous substance or petroleum product that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls.
- **BER**: A risk which can have a material environmental or environmentally-driven impact on the business associated with the current or planned use of a parcel of commercial real estate, not necessarily limited to those environmental issues required to be investigated by ASTM E1527-13.
RECs are not intended to include *de minimis* conditions that generally do not present a threat to human health or the environment and that generally would not be subject of an enforcement action if brought to the attention of the appropriate governmental agencies.

The scope of services for the project included the following:

- Search and review of reasonably available federal, state, and local government agency environmental records and databases;
- Preparation of Public Right-to-Know (RTW) request correspondence for local, county, and state government agencies;
- A review of available information regarding the physical setting of the Site, including the current USGS 7.5 minute topographic map; soil survey, and published geology and groundwater information;
- Review of available historic aerial photographs;
- Review of tax and property records, building permits, as-built drawings and other pertinent and readily available local records;
- Review of historic and current topographic maps;
- Review of historic Sanborn® Fire Insurance Maps (if available);
- Review of historic city directories;
- Performance of a Site inspection and local area survey;
- Interview(s) with individuals with knowledge of the Site history and operations;
- Identification of any data gaps as required by ASTM E1527-13; and
- Preparation of a Phase I ESA Report.

The ESA activities described herein were conducted in accordance with generally accepted standards, practices and procedures (expressed or implied) in effect at the time of the project, relative to the Innocent Landowner Defense (as defined under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 42 USC Section 9601, et. seq.). Several individuals were contacted for information about the subject site and surrounding area. Relevant information was also obtained from published sources (Referenced in Section 6.0). Sovereign understands that Jones Whitsett has relied upon Sovereign to properly complete this assessment. The project was completed by qualified Environmental Professionals, and their resumes are included as Attachment A. Any representation or information derived from persons or entities hired or employed by Sovereign to assist in this ESA are specifically made by Sovereign, and Jones Whitsett shall be entitled to rely thereon as though such representations and information were actually made by Sovereign.

This Phase I ESA was performed in accordance with the procedures included in ASTM standard E-1527-13: *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*. This Phase I ESA was completed as part of an investigation of future school locations and use of the subject site for the Gardner School System.
1.2 Site Description

A Site Location Map is presented as Figure 1. A Site Plan for this assessment illustrating pertinent site features including the site boundary and historical site features, if any, is presented as Figure 2. A MassDEP Phase 1 Site Assessment Map is included as Figure 3 illustrating surrounding land use, floodplains, protected open space, and drinking water source areas.

1.3 Significant Assumptions

Information obtained regarding the site was made available from reasonably attainable sources including local officials at various municipal offices and state departments, through interviews, records maintained, and a person or persons knowledgeable about the site operations and activities, and are therefore assumed to be reliable and accurate. Technical information was obtained from maps and other published documents.

1.4 User Reliance

This Phase I ESA has been prepared for the use of Jones Whitsett Architects. With the exception of release to any third party by Sovereign or the Client, reliance on this report is for informational purposes only. Sovereign makes no warranties to person(s) or entity(ies) other than the Client and other listed above to rely on the information provided in this report. Any person(s) or entity(ies) wishing to use this information shall do so with the written permission of Sovereign and the contract for which it is intended. Prior approval from Sovereign is required for disclosure of information obtained in this report.

Continued viability of this report is subject to ASTM E 1527-13 Sections 4.6 and 4.8. If the Phase I ESA will be used by a different user (third party) than the user for whom the Phase I ESA was originally prepared, the third party must also satisfy the user’s responsibilities in Section 6 of ASTM E 1527-13.

1.5 Additional Inquiries

Mark P. Hawke, Mayor of the City of Gardner, completed the User Questionnaire to obtain information regarding:

1. Whether a search has been made for environmental liens or any activity use limitations against the site and/or whether the User is aware of any such documents recorded.

2. Whether any specialized knowledge or any relevant experience qualifies the User to identify conditions indicating releases or potential releases at the site and/or adjoining properties.
3. Whether the purchase price reflects the fair market value of the property, and if not, whether it is based on known or potential contamination at the site.

4. Whether commonly or reasonably ascertainable information about the site has been taken into consideration.

5. Whether any obvious signs or evidence of contamination has been encountered while collecting information about the site for the purposes of the Phase I ESA.

ASTM E-1527-13 specifies these additional inquiries as the User’s responsibilities. Sovereign relies on the accuracy and completeness of the property owner’s decision to provide the above information as set forth in the questionnaire. Accordingly, Mr. Hawke, completed an environmental questionnaire with information to the best of his knowledge.

1. Environmental Cleanup Liens. Are you aware of any environmental cleanup liens against the property that are filed or recorded under federal, tribal, state, or local law?

Response: No.

2. Activity and Land Use Limitations. Are you aware of any activity and use limitations, such as engineering controls, land use restrictions, or institutional controls that are in place at the property and/or have been filed or recorded as applicable to the property as a result of environmental contamination, investigation, cleanup or related matters?

Response: No.

3. Specialized Knowledge or Experience. As the User of this ESA, do you have any specialized knowledge or experience related to the property or nearby properties? For example, are you involved in the same line of business as the current or former occupants of the property or an adjoining property, such that you would have specialized knowledge about chemicals and processes used by this type of business?

Response: No.

4. Relationship of Purchase Price to Fair Market Value of Property. Does the purchase price being paid for this property reasonably reflect the fair market value of the property? If you conclude that there is a difference, do you have any reason to believe that the reduced purchase price may be related to contamination known or believed to be present at the property?

Response: No.

5. Commonly Known or Reasonable Ascertainable Information. Are you aware of commonly known or reasonably ascertainable information about the property that would help the Environmental Professional to identify conditions indicative of releases or threatened releases of hazardous substances or petroleum products? For example:

Do you know the past uses of the property?

Do you know of chemicals, hazardous substances or petroleum products that are present or once were present at the property?

Response: No.

Do you know of spills or other releases of chemicals, hazardous substances or petroleum products that have taken place at the property?

Response: No.

Do you know of any environmental cleanups that have taken place at the property?

Response: No.

6. The Degree of Obviousness of Contamination. E1527-13 and the federal AAI rule (4 CFR 312.31 require that the Phase I ESA consider the degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation. Based on your knowledge and experience related to the property, are there any obvious indicators that point to the presence or likely presence of contamination at the property?

Response: No.

7. Availability of Previous Environmental Reports. Are you aware of previous environmental site assessment reports, other environmental reports, documents, correspondence, etc. concerning the property and its environmental condition?

Response: No, However, the consultant has been made aware of a report from the state identifying a Controlled Recognized Environmental Concern on an abutting property.

A copy of the questionnaire is included in Attachment B.

1.6 Data Gaps

Sovereign made responsible attempts to obtain User provided information and review all reasonably ascertainable resources to determine historical uses of the site and surrounding properties to identify the possibility of RECs in connection with the site. Although data failure may be encountered, specific objectives are complete with the above research. As defined by ASTM, data failure or data gaps occur when historical research is reasonably asccertained and reviewed, but the intended objectives have not been met.

Sovereign has also completed an evaluation of the significance of these limitations and missing information with respect to our findings, and where appropriate, significant data gaps are
identified and discussed in the body of the report. However, it should be noted that an evaluation of significant data gaps is based on the information available at the time of report submission, and an evaluation of information once a report has been submitted could result in an alteration of our conclusions, recommendations and/or opinions. Sovereign did not identify any data gaps during preparation of this Phase I Report.

2.0 HISTORICAL SITE USE INFORMATION

Sovereign reviewed the following historical sources for indications of RECs in association with or pertaining to the site. A summary of the historical review is included at the end of this section.

2.1 Site Ownership

Records from the City of Gardner Tax Assessor's Office were reviewed for current and previous property ownership history extending back at least 38 years for the subject sites.

Available information obtained from the Gardner Assessor's Office documents the Kymalainen Realty Trust currently owning the parcel W27-11-3 defined as the site, with the most recent sale date listed as January 31, 1995. The site was sold for $100.00 dollar to the Kymalainen Realty Trust from Thomas J Kymalainen.

2.2 Aerial Photographs

Aerial photographs for the Site were provided by an Environmental Database Report (EDR) (Attachment C) with assistance of Historicaerials.com to fill data gaps. Years covered by historicaerials.com consist of; 1938, 1963, 1968, 1971, 1995, 1997, 2001, 2003, 2005, 2008, 2009, 2010, 2012, and 2014. EDR coverage includes years; 1938, 1952, 1963, 1967, 1975, 1980, 1985, 1992, 1995, 2008, 2012, and 2016. Observations of the subject site and surrounding property provide indication of prior land use. Surrounding development is documented with Ridgewood Ln being developed in the early 1970’s West of Stump Pond. This occurred shortly after the development of residential properties due east of the site along Pearl St. In 1938 there is a small network of dirt roads adjacent to the site location on the east site of Stump pond indicating human activity. Aerial imagery from 1985 indicates construction or alteration activities resulting in drainage of Stump and Dunn Pond. Associated imagery from the same year indicates forest management practices resulting in a reduced density of canopy cover when compared to imagery from previous years. Evidence of forest management is also apparent between 2016 and 2012. From 1967 to 1975 the existing Gardner High School was constructed to the north west of the site location. Following the construction of the current Gardner Middle School, this is the last and most recent construction associated with site locations documented between 1995, and 1997.
2.3 Local Street Directories

City directories were requested through EDR for this study. As this property has never been developed no directories are available.

2.4 Sanborn Fire Insurance Maps

During the late 19th Century, companies such as the Sanborn Company began preparing maps of central business districts for use by fire insurance companies. These maps were updated and expanded geographically periodically through the 20th Century. Fire insurance maps often indicate construction materials, specific property use, and the location of other features such as gasoline storage tanks. Based upon inquiries with EDR, the Subject site is unmapped, and undeveloped property. Therefore no Sanborn maps were available. Documentation to show that no Sanborn Maps were available are included in Attachment D.

2.5 Title Search

A title search was not included in Sovereign’s scope of services for this site.

2.6 Environmental Liens

Environmental lien records recorded against the site were not provided by the Client. During the User Questionnaire, Mark P. Hawke Mayor of Gardner indicated no known knowledge of environmental liens for the site. A title search review of these records was not included as part of the scope of services.

3.0 EXISTING SITE CONDITIONS

3.1 Site Observations

Sovereign completed a visual reconnaissance and collected the below information while walking through the sites. Photo documentation of the sites at the time of the visual reconnaissance is provided in Attachment E.

### General Site Information

<table>
<thead>
<tr>
<th>Site Reconnaisance</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sovereign Field Personnel</strong></td>
<td>Max Newton</td>
</tr>
<tr>
<td><strong>Reconnaissance Date</strong></td>
<td>March 18, 2019</td>
</tr>
<tr>
<td><strong>Site Contact/Title</strong></td>
<td>Mayor Mark P. Hawke through Kristian Whitsett</td>
</tr>
</tbody>
</table>
3.2 Site Observations

The Site identified by the City of Gardner Parcel W27-11-3 shares a split zone (south to north) of General Residential (G3) to Rural Residential (R2) owned by Kymalainen Realty Trust. This parcel abuts other single family Residential (R1) zoned parcel owned along Pearl St to the east and west. Stump Pond to the west is the representation of the water table in which the direction of surficial/groundwater locally flows. There is a stream crossing the site from the east to west passing under the current access road. The parcel has evidence of historic forest management practices in which selective hardwood timber was harvested. Evidence of these practices are visible through aerial photographs, as well as site reconnaissance with observations of stump sprouting on previously harvested timber. The observed growth indicates that forest management practices, and or human activity has been present up to 10 years prior to reconnaissance. The site is mainly deciduous vegetation with scattered conifers native to a typical New England forest. Briars, and scrub brush have filled in areas where large hardwoods once stood and indicate the presence of shallow glacial till. Glacial erratics litter the landscape, with an abundance of boulders. The site is free of refuse and other miscellaneous trash likely to be found road side, and on abandoned right
of ways. The adjacent parcel that abuts the site to the west associated with Stump Pond has evidence of dumping with the presence of stove pipe, cooking wear, mattress springs, and what looks like other metal pail like objects, however based on visual and historical review it does not represent an REC.

3.2.1 Electrical Transformers/PCBs

Pole mounted transformers exist under the management of National Grid on Pearl St. There is no evidence of transformer vaults, or similar types of infrastructure on vacant land according to site reconnaissance.

3.2.2 Underground Chemical or Waste Storage, Drainage or Collection Systems

There is a culvert underneath the existing access road that allows natural drainage of ground/surface water from the eastern edge of the site, west to Stump Pond.

3.3 Interviews Conducted During Visual Reconnaissance

Department of Conservation and Recreation employee at Dunn Park was questioned about the historic impact of water quality of Stump, and Dunn pond in regards to the draining of both water bodies in 1985 for remedial activities. In the 40 years that this employee has been at the DCR he has no recollection of these events.

4.0 NATURAL SETTING

4.1 Physical Site Setting Summary

<table>
<thead>
<tr>
<th>PHYSICAL SITE SETTING INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Site Elevation AMSL (Above Mean Sea Level)</strong></td>
</tr>
<tr>
<td><strong>Topography</strong> (Refer to Figure 4 TP, Gardner, 2012, 7.5-minute quadrangle).</td>
</tr>
<tr>
<td><strong>Topographic Gradient</strong></td>
</tr>
<tr>
<td><strong>Closest Surface Water</strong></td>
</tr>
<tr>
<td><strong>Soil Characteristics</strong></td>
</tr>
<tr>
<td><strong>Soil Type (Associations)</strong></td>
</tr>
</tbody>
</table>
# PHYSICAL SITE SETTING INFORMATION

<table>
<thead>
<tr>
<th>Description</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Becket-Skerry Soil Profile:</strong></td>
<td>Extremely stony, loamy lodgment till composed of granite, geniss, and schist over sandy lodgment till.</td>
</tr>
<tr>
<td><strong>Pillsbury-Peacham Soil Profile:</strong></td>
<td>Friable coarse loamy eolian deposits over dense coarse loamy lodgment till with highly decomposed herbaceous organic material over dense coarse loamy lodgment till.</td>
</tr>
<tr>
<td><strong>Turnbridge-Lyman Soil Profile:</strong></td>
<td>Extremely stony, loamy supraglacial till derived from granite, gneiss, and micaceous schist/phyllite. Containing loamy supraglacial melt out till of same derivation.</td>
</tr>
<tr>
<td><strong>Buckport and Wonsqueak mucks Soil Profile:</strong></td>
<td>Herbaceous organic material and/or woody organic material. With herbaceous organics over loamy till.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Geological Information</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Surficial Geology</strong></td>
<td>Thin till, coarse deposits, bedrock outcrops (shallow bedrock).</td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>West to east nonsorted, not stratified matrix of sand, silt, minor clay that contains pebbles, cobbles, and large clastic boulders, large surface boulders (dropstones) are common. Local till is predominantly consistent of upper till from the last glaciation. Transitioning eastward are coarse deposits including gravel of ≥ 50 percent gravel-sized clasts. Correlative with USDA soil descriptions cobbles and boulders are predominate; minor quantities of sand present with gravel matrix. Bedding is distorted, and poorly sorted due to ice melt post deposition. Minor aspects of fine sand, silt, and clay layers are present. Northeast most extent contains less than 5' to 10' of surficial materials in which shallow bedrock exists.</td>
</tr>
<tr>
<td><strong>Bedrock Geology</strong></td>
<td>Paxton Formation (Silurian)</td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>Undifferentiated 440 m.y biotite granofels, calc-silicate granofels, and sulfidic schist.</td>
</tr>
<tr>
<td><strong>Estimated Depth to First Occurrence of Groundwater</strong></td>
<td>Estimated at depths of 4 to 7 feet below ground surface. Information obtained online through review of MassDEP's Searchable Site Database for nearby properties.</td>
</tr>
</tbody>
</table>
4.2 Federal and State Protected Species

Based on the MassDEP Phase 1 Site Assessment Map (figure 3) wetlands exist north of the site abutting the abandoned right of way. As well as to the east on adjacent parcel W32-21-1, and west on parcel W27-11-2. Vernal pool habitat exists ~1,500’ north the site from Pearl St.

5.0 REGULATORY REVIEW

As part of this assessment, Sovereign retained EDR to provide regulatory database information. The purpose of the records review was to identify RECs in connection with the site. Evaluating identified regulatory facilities for potential vapor intrusion conditions was outside the scope of this assessment. Information in this section is subject to the accuracy of the data provided by the information services company and the date at which the information is updated, and the scope herein did not include confirmation of facilities listed as "unmappable" by regulatory databases. In some of the following subsections, the words up-gradient, cross-gradient and down-gradient refer to the topographic gradient in relation to the site.

5.1 Federal and State/Tribal Databases

Listed below are the facility listings identified on federal and state/tribal databases within the ASTM-required search distances from the approximate site boundaries.

<table>
<thead>
<tr>
<th>Database</th>
<th>Description</th>
<th>Radius (miles)</th>
<th>Listings</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPL</td>
<td>The NPL is the EPA’s database of uncontrolled or abandoned hazardous waste facilities that have been listed for priority remedial actions under the Superfund Program.</td>
<td>1.0</td>
<td>0</td>
</tr>
<tr>
<td>NPL (Delisted)</td>
<td>The NPL (Delisted) refers to facilities that have been removed from the NPL.</td>
<td>1.0</td>
<td>0</td>
</tr>
<tr>
<td>CERCLIS</td>
<td>The CERCLIS database is a compilation of facilities which the EPA has investigated or is currently investigating for a release or threatened release of hazardous substances pursuant to the CERCLA of 1980.</td>
<td>0.5</td>
<td>0</td>
</tr>
<tr>
<td>CERCLIS/NFRAP</td>
<td>CERCLIS/NFRAP refers to facilities that have been removed and archived from EPA’s inventory of CERCLA sites.</td>
<td>0.5</td>
<td>0</td>
</tr>
<tr>
<td>Database</td>
<td>Description</td>
<td>Radius (miles)</td>
<td>Listings</td>
</tr>
<tr>
<td>------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------</td>
<td>----------</td>
</tr>
<tr>
<td>RCRA CORRACTS/</td>
<td>The EFA maintains a database of RCRA facilities associated with treatment, storage, and disposal (TSD) of hazardous waste that are undergoing &quot;corrective action.&quot; A &quot;corrective action&quot; order is issued when there has been a release of hazardous waste or constituents into the environment from a RCRA facility.</td>
<td>1.0</td>
<td>0</td>
</tr>
<tr>
<td>TSD</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RCRA Non-CORRACTS/</td>
<td>The RCRA Non-CORRACTS/TSD Database is a compilation by the EFA of facilities which report storage, transportation, treatment, or disposal of hazardous waste. Unlike the RCRA CORRACTS/TSD database, the RCRA Non-CORRACTS/TSD database does not include RCRA facilities where corrective action is required.</td>
<td>0.5</td>
<td>0</td>
</tr>
<tr>
<td>TSD</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RCRA Generators</td>
<td>The RCRA Generators database, maintained by the EPA, lists facilities that generate hazardous waste as part of their normal business practices. Generators are listed as either large (LQG), small (SQG), or conditionally exempt (CESQG). LQG produce at least 1000 kg/month of non-acutely hazardous waste or 1 kg/month of acutely hazardous waste. SQG produce 100-1000 kg/month of non-acutely hazardous waste. CESQG are those that generate less than 100 kg/month of non-acutely hazardous waste.</td>
<td>0.25</td>
<td>0</td>
</tr>
<tr>
<td>Institutional and Engineering</td>
<td>A listing of sites with institutional and/or engineering controls in place. IC include administrative measures, such as groundwater use restrictions, construction restrictions, property use restrictions, and post remediation care requirements intended to prevent exposure to contaminants remaining on site. Deed restrictions are generally required as part of the institutional controls. EC include various forms of caps, building foundations, liners, and treatment methods to create pathway elimination for regulated substances to enter environmental media or effect human health.</td>
<td>.5</td>
<td>0</td>
</tr>
<tr>
<td>Controls</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ERNS</td>
<td>The Emergency Response Notification System (ERNS) is a listing compiled by the EPA on reported releases of petroleum and hazardous substances to the air, soil and/or water.</td>
<td>Site</td>
<td>0</td>
</tr>
</tbody>
</table>

State

<table>
<thead>
<tr>
<th>Database</th>
<th>Description</th>
<th>Radius (miles)</th>
<th>Listings</th>
</tr>
</thead>
<tbody>
<tr>
<td>SHWS</td>
<td>The Massachusetts Department Environment Protection (MassDEP) maintains a database of state equivalent CERCLIS facilities in the State of Massachusetts.</td>
<td>1.0</td>
<td>6</td>
</tr>
<tr>
<td>SWF/LF</td>
<td>State and/or Tribal database of solid waste facilities located within Massachusetts. The database information may include the facility name, class, operation type, area, estimated operational life, and owner.</td>
<td>0.5</td>
<td>0</td>
</tr>
<tr>
<td>LWF/LF (Cont.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Database</td>
<td>Description</td>
<td>Radius (miles)</td>
<td>Listings</td>
</tr>
<tr>
<td>----------</td>
<td>-------------</td>
<td>----------------</td>
<td>----------</td>
</tr>
<tr>
<td>LAST/LUST</td>
<td>State and/or Tribal database of leaking aboveground/underground storage tanks in the State of Massachusetts.</td>
<td>0.5</td>
<td>2</td>
</tr>
<tr>
<td>UST</td>
<td>State and/or Tribal database of registered storage tanks in the State of Massachusetts which may include the owner and location of the tanks.</td>
<td>Site and adjoining properties</td>
<td>0</td>
</tr>
</tbody>
</table>

In addition to the above ASTM-required listings, Sovereign reviewed other federal, state, local and proprietary databases provided by the database firm.

**Gardner Middle School – 297 Pearl Street**

The property located at 297 Pearl Street is located 1/3 of a mile up gradient from the target site. As identified in the EDR report on the HW Gen, UST, RCRA-SQG, LUST, asbestos, and Spills databases.

- **RTN 2-12924**: A 4,200-gallon #2 fuel oil release occurred on September 2, 1999. The release occurred when a scheduled delivery to the target 20,000-gallon UST was instead delivered to a 150-gallon fuel oil storage tank on a generator. As a result, 4,200 gallons of #2 fuel oil overflowed a spring-loaded release valve onto the floor of the boiler room, subsequently entering the floor drains which lead to a sewage pumping chamber. Once the fluid level was high enough in the chamber the oil was pumped into the city’s sewer system in which it flowed 2.36 miles across town to the waste water treatment plant located off of Gardner Rd, in Templeton MA. The impact area is down-gradient from the point of release, with the only remedial action on site consisting of cleaning the sewage pumping chamber, and floor drain.

The point of release effects only the Gardner Middle school parcel and portions of the sewer system which extends north to Mathew Street. Based on a Class A-1 RAO submitted by Corporate Environmental Advisors, Inc. and dated December 28, 1999, the spill has been remediated to background conditions and would be considered an HREC.

**Gardner High School – 200 Pearl Street**

- **RTN 2-0017544**: During excavation, and replacement of a 20,000-gallon UST on May 20, 2009 contaminated soil containing #2 heating oil on the east side of the excavation site was detected by a hand held photoionization detector (PID) at concentrations greater than 100 parts per million per volume (PPM). Subsequent response actions consisted of the removal of 300 cubic yards of soil (436.89 tons), and dewatering the surrounding area. The
dewatering process took place from May 22, 2009 to June 3, 2009 collecting 408,500-gallons of contaminated groundwater from the excavation.

Although this property is located up gradient of the Site location the previous release has been appropriately remediated with associated RTN closure as documented in the Class A-2 RAO submitted by Alares, LLC on June 4, 2010, and would not be expected to impact the subject site, but would be considered a HREC.

Based upon ASTM protocols, several additional properties of concern were identified within the search radius of the site; however, based on either their proximity, relationship to the site with respect to inferred groundwater flow direction and/or current regulatory status, conditions at these off-site properties are not expected to impact soil and/or groundwater at the site. A list of the additional reviewed databases is included in the regulatory database report included in Attachment F.

None of the identified properties in the EDR would constitute a REC.

5.2 Municipal Regulatory Review

A review of the local municipal files maintained by the City of Gardner concerning the site was conducted by a Sovereign representative. Department employees were interviewed in regards to environmental conditions such as complaints, violations, USTs, hazardous materials incidents, and permits. A list of the departments visited is outlined below.

- Assessors
- City Clerk
- Building Department
- Fire Department
- School Department
- Planning and Economic Development

The Gardner Fire Department had no records of tanks or hazardous materials storage at the site.

5.3 Previous Environmental Assessments

The Department of Environmental Protection report titled "The restoration of Dunn Pond" was reviewed during the performance of this investigation. The report and information concerning its existence were provided by Mayor Hawke with the City of Gardner. An electronic link to the document is located here:
Based on Sovereign's review of the document and the work associated with the restoration of Dunn's Pond, there was no evidence to suggest the presence or likely presence of any hazardous substance or petroleum products in, on, or at a property as part of the restoration project. Rather, the restoration was related to storm water and surface water quality around the pond but did not identify the presence of hazardous waste or petroleum contamination.

6.0 NEIGHBORING PROPERTIES

Neighboring property uses were reviewed during the site reconnaissance on March 18, 2019. In addition, a review of current and historical state and local records was conducted relative to uses and activities on neighboring properties. Visual observations of adjoining properties (from site boundaries) are summarized below.

<table>
<thead>
<tr>
<th>Direction / Adjoining Properties</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Site Location (WZ7-11-3)</strong></td>
</tr>
<tr>
<td><strong>North:</strong> Dense deciduous hard wood vegetation, wetlands (flood plain), National Grid Right of Way.</td>
</tr>
<tr>
<td><strong>South:</strong> Dunn pond, and state park.</td>
</tr>
<tr>
<td><strong>East:</strong> Residential/wooded, single family residence.</td>
</tr>
<tr>
<td><strong>West:</strong> Stump pond, former remediation site, with minimal miscellaneous metal debris present.</td>
</tr>
</tbody>
</table>

Based upon ASTM protocols, parcel to the West WZ7-11-2 (Stump Pond) was identified as a CREC based on historical records of dumping; however, based on proximity, relationship to the site with respect to inferred groundwater flow direction and/or current regulatory status, conditions at these off-site properties are not expected to impact soil and/or groundwater at the site. A list of the additional reviewed databases is included in the regulatory database report included in Attachment F.

7.0 ADDITIONAL SERVICES

Per the agreed scope of services specified in the proposal, additional services (e.g., asbestos sampling, lead-based paint sampling, wetlands evaluation, lead in drinking water testing, radon testing, etc.) were not conducted.

8.0 PHASE I FINDINGS

Based on Sovereign's Phase I assessment, findings for on-site issues are outlined as follows:
8.1 General Summary

- Based on our review of the available historical information, the site encompass City of Gardner Assessor’s parcel W27-11-3 consisting of 17.34 acres owned by Kymalainen Realty Trust acquired January 31, 1995 from Thomas J Kymalainen for the price of $100.00.
- The site does not possess any attributes defined as environmental concerns.

8.2 On-site Findings/Opinion

- Through site reconnaissance with the aid of historic aerial photographs the site has been vacant since 1938, but potentially longer. There is a reduction in canopy cover and evidence of forest management practices between 2012 and 2016. The site lacks evidence of human activity, being free of trash or other disposal waste. However there is an access road that crosses the stream in the southern section of the site, and eventually meets the National Grid Right of Way easement.

Sovereign has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM-E-1527-13 in Gardner, Massachusetts. It is the opinion of Sovereign that this assessment has revealed no evidence of RECs or CRECs on the site.

8.3 Off-site Findings/Opinion

- None of the off-site properties identified in the EDR would be considered an REC with respect to the subject site. However historical use of parcel W27-11-2 accompanying Stump Pond indicates the historical presence of a dump on the eastern edge. However in the Department of Environmental Protection document titled “The Restoration of Dunn Pond” states that analysis indicates no hazardous materials present. Therefore with the removal of solid waste and remediation of both Stump Pond and Dunn Pond this would be considered a CREC.

9.0 LIMITATIONS

1. CERCLA liability criteria for the innocent landowner, bona fide prospective purchaser, or contiguous landowner defense requires that an all appropriate inquiry, or due diligence is performed on the property to be acquired. Application of scientific principles and professional judgment expressed herein are based on the existing data and facts currently available, within the scope of work and any data gaps related to the acquisition of information obtained. No warranties are made as to the applicability of a particular purpose or qualification of the Client for the CERCLA liability defense.
2. This assessment was based on the visual inspection of readily accessible areas of the subject property, interviews with available personnel familiar with site processes and activities and public information obtained from local, state and federal regulatory agencies. Where visual observations are included in this report, they represent conditions at the time of reconnaissance and may not be indicative of past or future conditions. This report should not be considered a legal interpretation of existing environmental regulations.

3. The purpose of this report was to review the history and present physical characteristics of the property with regard to items of environmental concern. No attempt was made to determine the compliance of present or former owner or occupants of the property with Federal, State or local environmental or land use laws and regulations except as noted in this Report.

4. Unless otherwise noted herein, this assessment did not include a definitive evaluation of the presence of asbestos or other insulating materials, lead based paint, or PCBs within any structures on the property, and did not include testing for herbicides or pesticides in soil or groundwater. The property assessment also did not address infectious materials in any form. A comprehensive asbestos, PCB and lead assessment is being conducted by others concurrently.

5. Presence or absence of underground storage tanks, waste disposal procedures, or storage facilities are based on information obtained from Sovereign’s property inspection, review of public records, private records (as provided by the Client), and interviews with knowledgeable sources. Sovereign Consulting Inc. does not guarantee the completeness or accuracy of such information.

6. This Phase I ESA Report has been prepared for the exclusive use of Jones Whitsett Architechs. The work has been undertaken and performed in accordance with generally accepted engineering practices. No other warranty, expressed or implied, is made. It is our understanding and intention that the contents of this report be used to assess the potential environmental concerns associated with the properties and structures on the Peck School property in Gardner, Massachusetts.
10.0 STATEMENT OF QUALIFICATIONS

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in 312.10 of 42 CFR 213.

Neil Schofield, LSP

- I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the site. I have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312. The professional qualifications for Mr. Neil Schofield is included in Attachment A.
AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 390 THEREOF, ENTITLED “FEES,” TO CHANGE THE SEALER OF WEIGHTS AND MEASURES FEE SCHEDULE.

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

Section 1. Section 390-9 of Chapter 390, Fees, of the Code of the City of Gardner, is hereby amended to change the fee schedule to read, as follows:

A. Scales.
   
<table>
<thead>
<tr>
<th>Pounds</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 10,000</td>
<td>$200</td>
</tr>
<tr>
<td>5,000 to 10,000</td>
<td>$100</td>
</tr>
<tr>
<td>1,000 to 5,000</td>
<td>$100</td>
</tr>
<tr>
<td>100 to 1,000</td>
<td>$75</td>
</tr>
<tr>
<td>10 to 100</td>
<td>$30</td>
</tr>
<tr>
<td>10 or less</td>
<td>$30</td>
</tr>
</tbody>
</table>

B. Weights.
   
   (1) Avoirdupois: $15
   (2) Metric: $15
   (3) Apothecary: $15
   (4) Troy: $15

C. Capacity.
   
   (1) Vehicle tanks: $60
   (2) Any at 100 gallons or less: $30

D. Liquid measuring meters.
   
   (1) Oil and grease: $20
   (2) Gasoline: $30
   (3) Vehicle tank pump: $60
   (4) Vehicle tank gravity: ----
   (5) Bulk storage: $75

E.
   
   (1) Taxi meter: $30
   (2) Fabric meter: $30
   (3) Yard stick: $30
   (4) Adjustments: $15
   (5) Retest: $20
   (6) Scanner test:
       (a) Under five: $100
       (b) Under 10: $375
       (c) Over 10: $375

F. Reverse Vending $30

Section 2. Effective date.

This ordinance shall become effective on passage and publication as required by law.
April 2, 2019

Attorney Scott J. Graves, President  
And City Councilors  
95 Pleasant Street  
Gardner, MA 01440

RF: City Code Amendment 390-9

Dear President Graves and Councilors,

The Sealer of Weights and Measures brought to my attention that our fee structure was lower than almost every area community. He performed an analysis and has recommended that we change our Fee Schedule to align it with current rates from area communities.

Respectfully,

Mark Hawke  
Mayor, City of Gardner
<table>
<thead>
<tr>
<th>Sec. 390-9 Fee Schedule</th>
<th>Current - 2008</th>
<th>Proposed - 2019</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scales</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Over 10,000 lbs.</td>
<td>$100.00</td>
<td>$200.00</td>
<td>$100.00</td>
</tr>
<tr>
<td>5,000 to 10,000 lbs.</td>
<td>$50.00</td>
<td>$100.00</td>
<td>$50.00</td>
</tr>
<tr>
<td>1,000 to 5,000 lbs.</td>
<td>$40.00</td>
<td>$100.00</td>
<td>$60.00</td>
</tr>
<tr>
<td>100 to 1,000 lbs.</td>
<td>$30.00</td>
<td>$75.00</td>
<td>$45.00</td>
</tr>
<tr>
<td>10 to 100 lbs.</td>
<td>$15.00</td>
<td>$30.00</td>
<td>$15.00</td>
</tr>
<tr>
<td>10 or less lbs.</td>
<td>$15.00</td>
<td>$30.00</td>
<td>$15.00</td>
</tr>
<tr>
<td>Weights</td>
<td></td>
<td></td>
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<tr>
<td>Avoirdupois</td>
<td>$15.00</td>
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<td>Metric</td>
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<td>Apothecary</td>
<td>$15.00</td>
<td>$15.00</td>
<td>$0.00</td>
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<td>Troy</td>
<td>$15.00</td>
<td>$15.00</td>
<td>$0.00</td>
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<tr>
<td>Capacity</td>
<td></td>
<td></td>
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<tr>
<td>Vehicle tanks</td>
<td>$50.00</td>
<td>$60.00</td>
<td>$10.00</td>
</tr>
<tr>
<td>Any at 100 gals. Or less</td>
<td>$25.00</td>
<td>$30.00</td>
<td>$5.00</td>
</tr>
<tr>
<td>Liquid Measuring Meters</td>
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<tr>
<td>Oil and grease</td>
<td>$15.00</td>
<td>$20.00</td>
<td>$5.00</td>
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<tr>
<td>Gasoline</td>
<td>$15.00</td>
<td>$30.00</td>
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<td>Vehicle tank pump</td>
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<td>$20.00</td>
</tr>
<tr>
<td>Vehicle tank gravity</td>
<td>$50.00</td>
<td>---</td>
<td></td>
</tr>
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<td>Bulk storage</td>
<td>$75.00</td>
<td>$75.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Checker prover</td>
<td>$100.00</td>
<td>---</td>
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</tr>
<tr>
<td>Taxi meter</td>
<td>$20.00</td>
<td>$30.00</td>
<td>$10.00</td>
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<td>Fabric meter</td>
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<td>$30.00</td>
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<td>Yard stick</td>
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<td>$30.00</td>
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<td>$20.00</td>
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<td>Scanner test</td>
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<td>Under five</td>
<td>$100.00</td>
<td>$100.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Under ten</td>
<td>$175.00</td>
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<td>$200.00</td>
</tr>
<tr>
<td>Over ten</td>
<td>$275.00</td>
<td>$375.00</td>
<td>$100.00</td>
</tr>
<tr>
<td>Reverse Vending</td>
<td>$30.00</td>
<td>$30.00</td>
<td>$0.00</td>
</tr>
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</table>
AUTHORIZING CONTRACTS NOT-TO-EXCEED FIVE (5) YEARS
FOR
AIRPORT CONSULTING AND ENGINEERING SERVICES
GENERATOR MAINTENANCE
OFFICE AND JANITORIAL SUPPLIES
PARKING TICKET PROCESSING

VOTE: To authorize the City to enter into contracts not to exceed five (5) years for Airport Consulting and Engineering Services, Generator Maintenance, Office and Janitorial Supplies, and Parking Ticket Processing, pursuant to the provisions of Massachusetts General Law, Chapter 30B, section 12 and under the terms outlined in the Purchasing Agent’s April 3, 2019 Memorandum.
TO: Gardner City Council  
     Mayor Mark Hawke  

FROM: Jennifer Dymek, Purchasing Agent/CPO  

DATE: April 3, 2019  

SUBJECT: Request for 5-year contracts  

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

I respectfully request permission from the Gardner City Council to seek up to a five year contract (including renewals) for the below listed projects. The projects listed below are in the fifth year of their existing contracts. These contracts will be placed out to bid and will continue only if the contracted vendor is in good standing.

- Parking Ticket Processing  
- Office and Janitorial Supplies  
- Airport Consulting and Engineering Services  
- Generator Maintenance

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

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

Worcester, ss.

CITY OF GARDNER, MASSACHUSETTS

ORDER OF TAKING

WHEREAS, the City of Gardner, a municipality organized and incorporated under the laws of Massachusetts, with a usual place of business located at 95 Pleasant Street, Gardner, MA is authorized to take land by eminent domain for any municipal purpose pursuant to Section 36, of the City of Gardner Charter as amended to November 8, 1989 and M.G.L. c. 79, as amended and Chapter 121B; and

WHEREAS, the City of Gardner, has realized a need for the construction of a new elementary school and that construction of said elementary school (the “Project”) on land located in the proximity of its middle and high school; and

WHEREAS, the City of Gardner has voted and appropriated monies to be used to acquire property to construct a new elementary school; and

WHEREAS, the Mayor Mark P. Hawke has approved the construction of a new elementary school and the acquisition of land for said construction and recommended to the City Council an order of taking; and

WHEREAS sufficient funds have been appropriated to compensate the property owners for the property rights taken hereby

NOW THEREFORE, BE IT ORDERED THAT:

Acting pursuant to the powers set forth in M.G.L. c. 79, as amended, and Chapter 121B, as amended, and of any and every power and authority available to the City of Gardner, granted or implied, the City of Gardner hereby takes for itself in fee simple by eminent domain, for the purposes associated with the Project, the property known as land on Pearl Street in Gardner, MA, consisting for 17.34 acres, more or less, as more fully described in a deed recorded at Worcester South Registry of Deeds, Book 16852, Page 237, which is attached hereto as Exhibit A.

The taking is made in fee simple, and, except as provided herein, is made together with any and all easements and rights appurtenant to the property, including trees, buildings and other structures standing upon or affixed thereto, air rights, subsurface rights and including the interests of the supposed owners, if any, in all private ways and public streets, highways or in the land lying in the bed of any street or highway, public or private within or adjacent to the Property.
The City Council of said City of Gardner, does hereby decree that public necessity and convenience require the City to obtain by eminent domain for the purposes of constructing a new elementary school on the above described parcel.

The City Council hereby awards damages sustained by persons in their property by reasons of this taking as follows:

<table>
<thead>
<tr>
<th>OWNER</th>
<th>PROPERTY ADDRESS</th>
<th>AWARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kymalainen Realty Trust</td>
<td>Off Pearl Street</td>
<td>$115,000.00</td>
</tr>
<tr>
<td>Alice M. Kymalainen</td>
<td>Gardner, Worcester County, MA</td>
<td></td>
</tr>
</tbody>
</table>

The City Council does direct and authorize the Mayor to do all things and to execute all documents necessary for the prompt payment of the amount of damages awarded in the Order of Taking so that the same shall be payable within sixty (60) days after the rights to damages become vested in the persons entitled to damages. The Mayor is further requested to direct the City Solicitor for and on behalf of the City Council to give notice of this taking and pertinent information to every person entitled thereto in accordance with the provisions of General Laws Chapter 79, Sections 7B, 7C, 7F, 77G, 8A, and 8B.

In City Council

April ____, 2019

ORDERED AND ADOPTED BY A YEA AND NAY VOTE OF _______ YEAS and _______ NAYS.

Alan L. Agnelli, City Clerk
City of Gardner
SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into by and between The City of Gardner, a municipal corporation with a principal business address located at 95 Pleasant Street, Gardner, MA 01440. ("Gardner" or the "City") and Alice M. Kymalainen, sole Trustee of the Kymalainen Realty Trust ("Trustee" or the "Trust"), dated March 23, 1993, u/d/t recorded at the Worcester South Registry of Deeds, Book 16440, Page 329, of 29 Union Square, Gardner, MA 01440 (see also resignation of Trustee, Book 57016, Page 179) (collectively referred to herein as the "Parties").

RECITALS

WHEREAS, on January 27, 1995, the Trust purchased land on Pearl Street in Gardner, MA, by virtue of a Deed recorded at Worcester South Registry of Deeds, Book 16852, Page 237 (the "Premises");

WHEREAS, the Parties desire to avoid the expense and delay of an eminent domain taking and the cost and delay of litigation which might result from such eminent domain taking, and to that end have negotiated a resolution to avoid such litigation.

NOW THEREFORE, in full and final settlement for good and valuable consideration, the Parties agree as follows:

1. **Payment:** The Parties agree and acknowledge that the amount of damages set forth in the Order of Taking, in the amount of One Hundred Fifteen Thousand and 00/100 Dollars ($115,000.00) shall be considered one and the same as any Settlement Payment referred to within the present Settlement Agreement. The Parties acknowledge that such Settlement Payment set forth herein includes closing costs for which Trustee is responsible and being reimbursed by Gardner.

2. **Mutual Releases:**

   2.1. The Trust hereby releases and discharges Gardner from any and all claims, causes of action, suits, promises, and demands, known or unknown, arising before the date that it executes this Agreement and waives all rights and claims, known or unknown, that it may have or claim to have against Gardner arising before the date of this Agreement related to Trust's ownership and Gardner's subsequent acquisition of the Premises. The Trustee specifically waive any notice and/or orders of taking, or other requirements of state or federal law related to the taking of real property by eminent domain as such relate to the Premises including any claims pursuant to M.G.L. c. 79A. The release of claims set forth in this paragraph does not apply to any claim for breach of this Agreement.

   2.2. Gardner hereby releases and discharges from any and all claims it may have against the Trust related to the Premises arising after the date of this Agreement. Gardner specifically releases any claims which may arise in the future
related to the physical condition of the Premises and/or the title to the Premises. The release of claims set forth in this paragraph does not apply to any claim for breach of this Agreement.

3. **Miscellaneous:**

3.1. This Agreement shall be governed and construed in accordance with the laws of the Commonwealth of Massachusetts.

3.2. Neither the waiver by any party of a breach of, or a default under, any provision of this Agreement, nor the failure of any party, on one or more occasions, to enforce any provision of the Agreement or to exercise any right or privilege hereunder, shall thereafter be construed as a waiver of any subsequent breach or default of a similar nature, or as a waiver of any provision, right, or privilege hereunder.

3.3. If any provision or clause of this Agreement shall be or become invalid or unenforceable under applicable law, such provision or clause shall be deemed ineffective, as though not herein contained, and the remainder of this Agreement shall remain operative and in full force and effect.

3.4. This Agreement constitutes the entire agreement between Gardner and the Co-Trustees, merges herein all prior discussions and negotiations between them, and supersedes all other agreements or understandings, oral or written, between them.

3.5. This Agreement may be amended, modified, or supplemented only by a written document executed by all parties affected thereby.

3.6. The Parties acknowledge that they have not relied upon any statements or representations made by the other party; that they have carefully read the foregoing Agreement and know the contents hereof; and that they have executed this Agreement as their own free act.

3.7. This Agreement is subject to the vote and acceptance of the City of Gardner City Council, and all requirements of M.G.L. c. 30B and c. 79A and any other applicable statute, regulation or local ordinance.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK.
SIGNATURES APPEAR ON THE FOLLOWING PAGE.
IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on this _ day of __________________, 2019.

By:

THE CITY OF GARDNER                      KYMALAINEN REALTY TRUST

Mark Hawke, Mayor                          Alice M. Kymalainen, Trustee
AUTHORIZING PAYMENT OF PRIOR YEAR'S COMPENSATION TO EMPLOYEE

VOTED: To authorize the City to pay compensation to an out of town officer for a detail performed in 2016 for an 8 hour shift at $42.00 per hour for a total of $336.00 from the Police Detail Account.
Mr. Mayor:

Recently we were contacted by an out of town officer who worked a detail back in 2016 but was never compensated. He worked before he received or completed his paperwork and then never completed all of it — so he was never entered into the payroll and the detail voucher was never processed with payroll. He has now completed all of his paperwork and we need to pay him for this detail. Below is John’s calculation of pay based on the hours he worked and the detail rate at the time ($42.00). John has informed me that we need to obtain an appropriation for this payment and therefore have to go to the City Council. This email is my formal request that you put up this appropriation.

8hr *$42 = $336.00

Thank you.

Debra C. Pond
Director of Human Resources
City of Gardner
95 Pleasant Street, Rm. 14
Gardner, MA 01440
dpond@gardner-ma.gov
Tel: (978) 630-4001
Cell: (978) 870-8483
Fax: (978) 630-4025
March 27, 2019

City of Gardner
City Council
City Hall
Gardner, MA 01440

RE: FY’20 COLA GRANTED

Dear Councilors:

At the Gardner Retirement Board meeting held on March 26, 2019, the Board voted to grant a Cost of Living Adjustment for FY 2020. The Board elected a 3% increase in accordance with M.G.L. Chapter 32, Section 103(i).

Effective July 1, 2019, each retiree and beneficiary receiving an allowance effective June 30, 2018, will receive a 3% cost of living increase on the first $13,000.00 of their annual retirement allowance.

If you have any questions, please contact me.

Very truly yours,

[Signature]

Denise M. Merriam
Board Chairperson

cc: Mayor Hawke
    S. Mullins, Director GHA
CITY OF GARDNER
 MASSACHUSETTS 01440
95 PLEASANT STREET - ROOM 121
TELEPHONE (978) 630-4058
FACSIMILE (978) 630-2599

APPLICATION FOR LICENSE TO COLLECT OR DEAL IN SECOND HAND ARTICLES

☐ New  ☑ Renewal  ☐ Change of Location

APPLICANT INFORMATION

Applicant / Licensee Name: ecoATM, LLC
Applicant / Licensee Address: mailing: 10121 Barnes Canyon Rd., San Diego, CA 92121
Applicant / Licensee phone number(s): 858.786.7244
Applicant / Licensee E-mail: hunter.bjorkman@ecotm.com
Social Security number:  OR Business FID number

ESTABLISHMENT INFORMATION

Establishment Name: ecoATM, LLC
Establishment address (Current): 677 Timpany Blvd., Gardner, MA 01440
Establishment address (New, if applicable): n/a
Establishment Phone: 858.786.7244
On-Site manager / contact person: Hunter Bjorkman

For which type of license(s) are you applying?  Junk Dealer

Check all that apply to this Application:

☐ SECONDHAND COLLECTOR has the same meaning as the term "junk collector" in MGL c.140, § 56.
☒ SECONDHAND DEALER has the same meaning as the term "junk dealer" and "keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles" in MGL c. 140, § 54.

What types of articles will be purchased, stored, and/or sold? self-automated purchasing kiosk
for phones, mp3 players, and tablets. No sales made, strictly purchasing at business location.

Where at the licensed address will the articles be stored, displayed, etc? Items are stored inside machine, not visible to public.

Massachusetts Sales & Use Tax Registration number: n/a
(Attach a copy of your Massachusetts Sales & Use Tax Registration Certificate)
THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. I FURTHER CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

I HAVE RECEIVED AND READ THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 140, §§54-56, §§202-205 AND CHAPTER 450 OF THE CODE OF THE CITY OF GARDNER GOVERNING JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES:

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

[Signature]

DATE SIGNED 2/20/19

INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT

NOTICE: THE FILING OF THIS APPLICATION CONFLICTS NO RIGHTS ON THE PART OF THE APPLICANT TO UNDERTAKE ANY ACTIVITIES UNTIL THE LICENSE HAS BEEN GRANTED. THE ISSUANCE OF A LICENSE UNDER THIS SECTION OR SECTIONS IS SUBJECT TO THE APPLICANT'S COMPLIANCE WITH ALL OTHER APPLICABLE FEDERAL, STATE OR LOCAL STATUTES, ORDINANCES, BYLAWS, RULES OR REGULATIONS. THE LICENSING AUTHORITY RESERVES THE RIGHT TO REQUEST ANY ADDITIONAL INFORMATION IT REASONABLY DEEMS APPROPRIATE FOR THE PURPOSE OF DETERMINING THE TERMS AND CONDITIONS OF THE LICENSE AND ITS DECISION TO ISSUE A LICENSE. THE PROVISIONS OF G.L. c.152 MAY REQUIRE THE FILING OF A WORKERS' COMPENSATION INSURANCE AFFIDAVIT WITH THIS APPLICATION. FAILURE TO FILE THE AFFIDAVIT, ALONG WITH ANY OTHER REQUIRED INFORMATION AND/OR DOCUMENTATION, SHALL BE SUFFICIENT CAUSE FOR THE DENIAL OF THE LICENSE APPLICATION.

LICENSE APPLICATION PROCESSING FEE MUST BE SUBMITTED WITH THIS FORM. MAKE CHECK PAYABLE TO CITY OF GARDNER. MAIL COMPLETED APPLICATION FORMS AND THE WORKERS' COMPENSATION AFFIDAVIT AND CHECK TO: CITY CLERK, 95 PLEASANT STREET, ROOM 121, GARDNER, MA 01440-2690.

JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES LICENSES EXPIRE ON APRIL 30TH ANNUALLY.

[Stamp] 2019 FEB 21 AM 11:37

RECEIVED
APPLICATION FOR LICENSE TO COLLECT OR DEAL IN SECOND HAND ARTICLES

☐ New ☑ Renewal ☐ Change of Location

APPLICANT INFORMATION

Applicant / Licensee Name: GameStop, Inc.
Applicant / Licensee Address: 625 Westport Plwy, Grapevine, TX 76051
Applicant / Licensee phone number(s): 817-424-2000
Applicant / Licensee E-mail: licensingandsales-tax@gamestop.com
Social Security number: OR Business FID number:

ESTABLISHMENT INFORMATION

Establishment Name: GameStop # 3725
Establishment address (Current): 376 Timany Blvd. Gardner, MA 01440
Establishment address (New, if applicable): 
Establishment Phone: 978-630-0282
On-Site manager / contact person: Erin HaKaLa
For which type of license(s) are you applying? 
Check all that apply to this Application:

☐ SECONDHAND COLLECTOR has the same meaning as the term "junk collector" in MGL c.140, § 56.

☐ SECONDHAND DEALER has the same meaning as the term "junk dealer" and "keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles" in MGL c. 140, § 54.

What types of articles will be purchased, stored, and/or sold? New and used video games, consoles, electronics & accessories

Where at the licensed address will the articles be stored, displayed, etc?

Massachusetts Sales & Use Tax Registration number:
(Attach a copy of your Massachusetts Sales & Use Tax Registration number.)
THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. I FURTHER CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

I HAVE RECEIVED AND READ THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 140, §§54-56, §§202-205 AND CHAPTER 450 OF THE CODE OF THE CITY OF GARDNER GOVERNING JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES:

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT

DATE SIGNED 3/11/16

NOTICE: THE FILING OF THIS APPLICATION CONFRONS NO RIGHTS ON THE PART OF THE APPLICANT TO UNDERTAKE ANY ACTIVITIES UNTIL THE LICENSE HAS BEEN GRANTED. THE ISSUANCE OF A LICENSE UNDER THIS SECTION OR SECTIONS IS SUBJECT TO THE APPLICANT'S COMPLIANCE WITH ALL OTHER APPLICABLE FEDERAL, STATE OR LOCAL STATUTES, ORDINANCES, BYLAWS, RULES OR REGULATIONS. THE LICENSING AUTHORITY RESERVES THE RIGHT TO REQUEST ANY ADDITIONAL INFORMATION IT REASONABLY DEEMS APPROPRIATE FOR THE PURPOSE OF DETERMINING THE TERMS AND CONDITIONS OF THE LICENSE AND ITS DECISION TO ISSUE A LICENSE. THE PROVISIONS OF G.L. c.152 MAY REQUIRE THE FILING OF A WORKERS' COMPENSATION INSURANCE AFFIDAVIT WITH THIS APPLICATION. FAILURE TO FILE THE AFFIDAVIT, ALONG WITH ANY OTHER REQUIRED INFORMATION AND/OR DOCUMENTATION, SHALL BE SUFFICIENT CAUSE FOR THE DENIAL OF THE LICENSE APPLICATION.

LICENSE APPLICATION PROCESSING FEE MUST BE SUBMITTED WITH THIS FORM. MAKE CHECK PAYABLE TO CITY OF GARDNER. MAIL COMPLETED APPLICATION FORMS AND THE WORKERS' COMPENSATION AFFIDAVIT AND CHECK TO: CITY CLERK, 95 PLEASANT STREET, ROOM 121, GARDNER, MA 01440-2690.

JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES LICENSES EXPIRE ON APRIL 30TH ANNUALLY.
APPLICATION FOR LICENSE TO COLLECT OR DEAL IN SECOND HAND ARTICLES

☐ New  ☑ Renewal  ☐ Change of Location

APPLICANT INFORMATION

Applicant / Licensee Name: Tangray Jewelers  Brian
Applicant / Licensee Address: 19 Connors Gardner MA
Applicant / Licensee phone number(s): 978-432-1262
Applicant / Licensee E-mail: Brian@TangrayJewelers.com
Social Security number: OR Business FID num:

ESTABLISHMENT INFORMATION

Establishment Name: Tangray Jewelers
Establishment address (Current): 19 Connors St Gardner
Establishment address (New, if applicable):
Establishment Phone: Same
On-Site manager / contact person:
For which type of license(s) are you applying?

Check all that apply to this Application:
☐ SECONDHAND COLLECTOR has the same meaning as the term "junk collector" in MGL c. 140, § 56.
☒ SECONDHAND DEALER has the same meaning as the term "junk dealer" and "keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles" in MGL c. 140, § 54.

What types of articles will be purchased, stored, and/or sold? Gold

Where at the licensed address will the articles be stored, displayed, etc?

19 Connors St

Massachusetts Sales & Use Tax Registration number
(Attach a copy of your Massachusetts Sales & Use Tax Registration number)
THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. I FURTHER CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

I HAVE RECEIVED AND READ THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 140, §§54-56, §§202-205 AND CHAPTER 450 OF THE CODE OF THE CITY OF GARDNER GOVERNING JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES:

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

DATE SIGNED 3-28-19

INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT

NOTICE: THE FILING OF THIS APPLICATION CONFER NO RIGHTS ON THE PART OF THE APPLICANT TO UNDERTAKE ANY ACTIVITIES UNTIL THE LICENSE HAS BEEN GRANTED. THE ISSUANCE OF A LICENSE UNDER THIS SECTION OR SECTIONS IS SUBJECT TO THE APPLICANT’S COMPLIANCE WITH ALL OTHER APPLICABLE FEDERAL, STATE OR LOCAL STATUTES, ORDINANCES, BYLAWS, RULES OR REGULATIONS. THE LICENSING AUTHORITY RESERVES THE RIGHT TO REQUEST ANY ADDITIONAL INFORMATION IT REASONABLY DEEMS APPROPRIATE FOR THE PURPOSE OF DETERMINING THE TERMS AND CONDITIONS OF THE LICENSE AND ITS DECISION TO ISSUE A LICENSE. THE PROVISIONS OF G.L. C.152 MAY REQUIRE THE FILING OF A WORKERS’ COMPENSATION INSURANCE AFFIDAVIT WITH THIS APPLICATION. FAILURE TO FILE THE AFFIDAVIT, ALONG WITH ANY OTHER REQUIRED INFORMATION AND/OR DOCUMENTATION, SHALL BE SUFFICIENT CAUSE FOR THE DENIAL OF THE LICENSE APPLICATION.

LICENSE APPLICATION PROCESSING FEE MUST BE SUBMITTED WITH THIS FORM. MAKE CHECK PAYABLE TO CITY OF GARDNER. MAIL COMPLETED APPLICATION FORMS AND THE WORKERS’ COMPENSATION AFFIDAVIT AND CHECK TO: CITY CLERK, 95 PLEASANT STREET, ROOM 121, GARDNER, MA 01440-2690.

JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES LICENSES EXPIRE ON APRIL 30TH ANNUALLY.
APPLICATION FOR LICENSE TO COLLECT OR DEAL IN SECOND HAND ARTICLES

☐ New  ☑ Renewal  ☐ Change of Location

APPLICANT INFORMATION

Applicant / Licensee Name: Joseph Valardi
Applicant / Licensee Address: 36 Donovan Rd, North Brookfield, MA
Applicant / Licensee phone number(s): 978-632-7123
Applicant / Licensee E-mail:
Social Security number: OR Business FID number:

ESTABLISHMENT INFORMATION

Establishment Name: Gardner Coins & Cards Inc
Establishment address (Current): 13 Pleasant St.
Establishment address (New, if applicable):
Establishment Phone: 978-632-6479
On-Site manager / contact person: Joseph Valardi
For which type of license(s) are you applying? 2nd Hand Dealer

Check all that apply to this Application:

SECONDHAND COLLECTOR has the same meaning as the term "junk collector" in MGL c.140, § 58.
SECONDHAND DEALER has the same meaning as the term "junk dealer" and "keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles" in MGL c. 140, § 54.

What types of articles will be purchased, stored, and/or sold? Antiques, Sports Memorabilia, and Precious Metals

Where at the licensed address will the articles be stored, displayed, etc? Items displayed throughout location

Massachusetts Sales & Use Tax Registration number: ___

(Attach a copy of your Massachusetts Sales & Use Tax license if applicable)
THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. I FURTHER CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

I HAVE RECEIVED AND READ THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 140, §§54-56, §§202-205 AND CHAPTER 450 OF THE CODE OF THE CITY OF GARDNER GOVERNING JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES:

Signed under the pains and penalties of perjury.

________________________
DATE SIGNED 4/4/19

INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT

NOTICE: THE FILING OF THIS APPLICATION CONFRS NO RIGHTS ON THE PART OF THE APPLICANT TO UNDERTAKE ANY ACTIVITIES UNTIL THE LICENSE HAS BEEN GRANTED. THE ISSUANCE OF A LICENSE UNDER THIS SECTION OR SECTIONS IS SUBJECT TO THE APPLICANT'S COMPLIANCE WITH ALL OTHER APPLICABLE FEDERAL, STATE OR LOCAL STATUTES, ORDINANCES, BYLAWS, RULES OR REGULATIONS. THE LICENSING AUTHORITY RESERVES THE RIGHT TO REQUEST ANY ADDITIONAL INFORMATION IT REASONABLY DEEMS APPROPRIATE FOR THE PURPOSE OF DETERMINING THE TERMS AND CONDITIONS OF THE LICENSE AND ITS DECISION TO ISSUE A LICENSE. THE PROVISIONS OF G.L. C.152 MAY REQUIRE THE FILING OF A WORKERS' COMPENSATION INSURANCE AFFIDAVIT WITH THIS APPLICATION. FAILURE TO FILE THE AFFIDAVIT, ALONG WITH ANY OTHER REQUIRED INFORMATION AND/OR DOCUMENTATION, SHALL BE SUFFICIENT CAUSE FOR THE DENIAL OF THE LICENSE APPLICATION.

LICENSE APPLICATION PROCESSING FEE MUST BE SUBMITTED WITH THIS FORM. MAKE CHECK PAYABLE TO CITY OF GARDNER. MAIL COMPLETED APPLICATION FORMS AND THE WORKERS' COMPENSATION AFFIDAVIT AND CHECK TO: CITY CLERK, 95 PLEASANT STREET, ROOM 121, GARDNER, MA 01440-2690.

JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES LICENSES EXPIRE ON APRIL 30TH ANNUALLY.

________________________
CITY CLERK, GARDNER, MA
CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING

April 10, 2019

President Scott J. Graves, Esq.
C/o Alan Agnelli, City Clerk
City Hall
Gardner, MA 01440

Re: Proposed Amendment to Section 675-1070 Marijuana Establishments, C (3) (a); and C (9) (c) of the City of Gardner ZONING CODE

Dear President Graves:

At its meeting on April 9, 2019, The Planning Board voted unanimously (4-0) to recommend that the City Council consider amending the Zoning Code as follows:

Section 675-1070 Marijuana Establishments, C (3) (a). Delete in its entirety. The clause is too restrictive and does not allow for reasonable site selection process for this type of use given the overabundance of nonconforming residential structures within the City.

Section 675-1070 Marijuana Establishments, C (9) (c). Delete “shall not exceed the number of registered medical marijuana treatment centers in Gardner engaged in the same type of activity and.” In its current state the clause is ambiguous. The proposed amendment clarifies the clause while maintaining consistency with state regulations by not preventing the conversion of a qualified medical marijuana treatment center to a marijuana establishment. The final clause should read as follows:

The number of Marijuana Establishments shall not prevent the conversion of a medical marijuana treatment center licensed or registered no later than July 1, 2017 to a marijuana establishment engaged in the same type of activity.

The Planning Board determined that the proposed amendment is beneficial to the present and future inhabitants of the City of Gardner, and is in accordance with the provisions of Massachusetts General Laws Chapter 40A.

The Planning Board looks forward to joining the City Council at a public hearing scheduled at your earliest convenience. Please contact Trevor Beauregard if you have any questions or need additional information.

Sincerely,

Allen Gross, Chairman

City Hall Annex, 115 Pleasant Street, Room 201, Gardner, Massachusetts 01440
Telephone: (978) 630-4011  Facsimile: (978) 632-1905  CDBG (978) 632-3800
ORDINANCE

§ 675-1070 Marijuana Establishments.
A. Purpose

(1) To provide for the placement of marijuana establishment in appropriate places and under conditions in accordance with the provisions of Massachusetts General Law Chapter 94G.

(2) To minimize the adverse impacts of marijuana establishments on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other sensitive land uses potentially incompatible with said establishments.

(3) To regulate the siting, design, placement, security, safety, monitoring, modification, and discontinuance of marijuana establishments.

B. Applicability

(1) No marijuana establishment shall be established except in compliance with the provisions of § 675-410 (Schedule of Use Regulations) and this § 675-1070 (Marijuana Establishments).

(2) Nothing in this section shall be construed to supersede federal and state laws governing the sale and distribution of Class 1 Controlled Substances.

(3) If any provision of this section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this section are severable.

C. General requirements and conditions for all marijuana establishments.

(1) All marijuana establishments shall be contained within a building or structure.

(2) The hours of operation of marijuana establishments shall be set by the special permit granting authority.

(3) No marijuana establishment property line shall be located within 500 linear feet of a lot line where the following districts, activity, or uses occur:

(a) A nonconforming residential dwelling that has not been abandoned or unoccupied for a period of two years;

(b) Any church, public or private school or child-care facility; or place where minors frequent (e.g., a library, ball field, park, sports or family recreation facility, religious facility or the like);

(c) Any other marijuana establishment;

(d) Any drug or alcohol rehabilitation facility; or

(e) Any correctional facility, half-way house or similar facility.

(5) No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a marijuana establishment.
ORDINANCE

(6) No marijuana establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.

(7) Marijuana establishments shall provide the Gardner Police and Fire Departments, Building Commissioner, Board of Health, and the special permit granting authority with the names, phone numbers and e-mail addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment.

(8) The City shall have access at any time to inspect the premises of the marijuana establishment to ensure compliance with local and state regulations, excluding client health information protected under the Health Insurance Portability and Accountability Act of 1996.

(9) Pursuant to Massachusetts General Laws Chapter 94G, Section 3(a) (2)(i)-(iii) the maximum number of Licensed Marijuana Establishments in the City shall be consistent with the following provisions:

   a) Shall not prohibit one or more types of Marijuana Establishment;  
   b) The number of marijuana retail establishments, shall not exceed 20% of liquor licenses issued for retail sale of alcohol not consumed on the premises in the City of Gardner. Said number to be rounded up to the next whole number;  
   c) The number of Marijuana Establishments shall not exceed the number of registered medical marijuana treatment centers in Gardner engaged in the same type of activity and shall not prevent the conversion of a medical marijuana treatment center licensed or registered no later than July 1, 2017 to a marijuana establishment engaged in the same type of activity.

D. Special permit requirements.

Special Permit Requirements

(1) No special permit for any marijuana establishment shall be issued without site plan approval first having been obtained from the Planning Board, § 675-1020, Site plan review, of this chapter. In addition to the standards set forth within, the site plan must meet all dimensional, parking, landscaping, and signage requirements within this chapter.

(2) A marijuana establishment shall only be allowed by special permit from the Gardner Planning Board in accordance with MGL c. 40A, § 9, subject to the following statements, regulations, requirements, conditions and limitations.

(3) A special permit for a marijuana establishment shall be limited to one or more of the following uses that shall be specified by the special permit granting authority:

   a) Marijuana cultivator;  
   b) Marijuana product manufacturer;  
   c) Marijuana retailer;  
   d) Marijuana testing facility.

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(e) Marijuana transportation or distribution facility; and

(f) Any other type of licensed marijuana-related business

(4) In addition to the application requirements set forth above, a special permit application for a marijuana establishment shall include the following:

(a) The name and address of each owner of the establishment;

(b) Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts Cannabis Control Commission and any of its other agencies for the establishment;

(c) Evidence of the applicant's right to use the site of the establishment for the establishment, such as a purchase and sale agreement, deed, owner's authorization, or lease;

(d) Proposed security measures for the marijuana establishment, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft. A letter from the City of Gardner Police Chief, or designee, acknowledging review and approval of the marijuana establishment security plan is required. To the extent allowed by law, all such documents shall be confidential.

(5) Mandatory findings. The special permit granting authority shall not issue a special permit for a marijuana establishment unless it finds that:

(a) The establishment is designed to minimize any adverse impacts on abutters and other parties in interest, as defined in MGL c. 40A, § 11.

(b) The establishment demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state laws and regulations; and

(c) The applicant has satisfied all the conditions and requirements set forth herein.

(6) A special permit granted under this section shall have a term limited to the duration of the applicant's ownership or leasehold of the premises as a marijuana establishment. A special permit may be transferred only with the approval of the special permit granting authority in the form of an amendment to the special permit with all information required in this § 675-1070.

E. Abandonment or discontinuance of use.

(1) A special permit shall lapse if not exercised within one year of issuance.

(2) A marijuana establishment shall be required to remove all personal property including but not limited to all material, plants, equipment, accessories, paraphernalia, and any other property no later than the earliest of: a) prior to surrendering its state issued licenses or permits; or b) within six months of ceasing operations.