

Exhibit 1(f)

April 23, 2024

Shawn Hayden, Acting President
GAAMHA, Inc.
208 Coleman Street
Gardner, MA 01440

Re: **Letter of Intent – 827 Green Street, Gardner, Massachusetts**

Dear Shawn:

This letter of intent (this “**Letter**”) sets forth the terms upon which Baystate Racing LLC, a Massachusetts limited liability company (“**Buyer**”), is prepared to purchase the fee simple interest in the property described on **Exhibit A** (the “**Property**”) from GAAMHA, Inc., a Massachusetts non-profit corporation (“**Seller**”).

1. **Legal Fees:** Buyer shall assist in defraying Seller’s legal fees in negotiating this potential transaction by paying Seller the non-refundable amount of \$15,000.00 upon the execution of this Letter of Intent.
2. **Purchase Price and Deposit:** The purchase price (the “**Purchase Price**”) for the Property shall be One Million Six Hundred and Seventy-Five Thousand Dollars (\$1,675,000), payable in immediately available funds as follows:
 - (a) \$81,250 shall be paid to the attorney for the Seller as escrow agent (the “**Deposit**”), upon execution of a mutually acceptable Agreement (as defined below); and
 - (b) The balance of the Purchase Price, subject to adjustment as provided in the Agreement, shall be paid to Seller at the Closing (as defined below).
3. **Assignment and Transfer of Rights:** Buyer has or will enter into a Purchase and Sale Agreement (the “**Suitable Property Agreement**”) for the purchase of property located in Gardner, Massachusetts, on to which Seller shall relocate its operations from the Property (the “**Suitable Property**”). Buyer and Seller shall agree on the identification of the Suitable Property (and the terms of the Suitable Property Agreement) within thirty (30) days of the date of the Agreement. At the closing for Buyer’s purchase of the Suitable Property (the “**Suitable Property Closing**”), Seller, or a nominee designated by Seller, shall acquire title to the Suitable Property. Buyer shall assign the Suitable Property Agreement to Seller so that Seller may benefit from any post-closing obligations benefitting Buyer under the Suitable Property Agreement. The Purchase Price paid by Buyer for the Property shall be applied to the purchase of the Suitable Property. Seller shall pay any excess.
4. **Permitting Expenses:** Buyer shall reimburse Seller for up to \$100,000 for services of

architects, engineers, lawyers, and land use professionals to obtain the permits and approvals required for Seller to use the Suitable Property for Seller's intended use. Said sum will be held in escrow by Seller's counsel and released without undue delay to Seller upon submission of professionals' receipts to Buyer and notice by Buyer to Seller's counsel that the funds may be released.

5. **Purchase and Sale Agreement:** The obligation of Buyer and Seller to proceed is subject to the full execution of a mutually acceptable Purchase and Sale Agreement (the "**Agreement**"). Buyer and Seller agree to negotiate in good faith and to execute the Agreement within twenty-one business (21) days following the execution of this Letter. Buyer shall prepare the initial draft of the Agreement. If the parties do not execute an Agreement within such time, this Letter shall terminate and be of no further force or effect, unless the parties agree to an extension in writing. Buyer may assign Buyer's rights in the Agreement without Seller's consent, so long as such assignee uses the Property in a manner not inimical to Buyer's mission, but the right of Seller to acquire the Suitable Property at the Closing shall not be affected. The Agreement and all other requisite documents will incorporate the terms and conditions of this Letter and such other terms and conditions as the parties agree.

The Agreement shall specifically emphasize the importance of the care and treatment of horses in connection with the Equine Center by Buyer.

6. **Inspection Period:**

- (a) **Election to Proceed.** Buyer shall have a period of thirty (30) days (the "**Inspection Period**") to evaluate the legal, title, financial, and physical condition of the Property. The Inspection Period shall commence upon execution of the Agreement. At any time during the Inspection Period, Buyer may, in its sole and absolute discretion, and for any or no reason, elect to proceed or to not proceed with the purchase of the Property by giving written notice to Seller. If Buyer elects not to proceed, or fails to notify Seller that Buyer elects to proceed, then the Agreement shall terminate and the entire Deposit shall be refunded to Buyer. Both parties shall then be released from all further rights, obligations, and liabilities under the Agreement other than any indemnities which expressly state that they survive the termination of the Agreement.

Seller shall have a period of thirty (30) days (the "**Seller Inspection Period**") to evaluate the legal, title, financial, and physical condition of the Suitable Property. The Seller Inspection Period shall commence upon execution of the Agreement. At any time during the Seller Inspection Period, Seller may, in its sole and absolute discretion, and for any or no reason, elect to proceed or to not proceed with the purchase of the Suitable Property by giving written notice to Buyer. If Seller elects

not to proceed, or fails to notify Buyer that Seller elects to proceed, then the Agreement shall terminate and the entire Deposit shall be refunded to Buyer. Both parties shall then be released from all further rights, obligations, and liabilities under the Agreement other than any indemnities which expressly state that they survive the termination of the Agreement.

- (b) **Investigations.** Buyer shall have the right, at Buyer's sole cost and expense, to (i) perform an environmental site assessment of the Property, which may include testing of soil and groundwater for the presence of hazardous materials, (ii) review the title to and survey of the Property, (iii) perform a property condition assessment, and (iv) perform such other due diligence activities as Buyer deems necessary or advisable.
 - (c) **Due Diligence Materials.** Seller shall deliver or cause to be delivered to Buyer within three (3) business days of the execution of the Agreement all due diligence materials requested in writing by Buyer as set forth in the Agreement.
 - (d) **Right of Entry.** During the Inspection Period, and thereafter until the Closing, Buyer and/or its representatives and agents, shall have the right, in coordination with and upon prior notice to Seller, to enter upon the Property at all times deemed reasonable by Seller to conduct surveys, appraisals, engineering tests, inspections, and for such other purposes as Buyer deems reasonably necessary to evaluate the Property.
 - (e) **Suitable Property Investigations.** To the greatest extent possible, Seller shall be afforded the same rights with respect to the Suitable Property as Buyer has with the Property in connection with items (b), (c), and (d) above.
7. **Closing:** The closing (the "**Closing**") shall occur within 30 days after the later to occur of (i) the date Buyer receives a Race Meet License from the Commonwealth of Massachusetts for the Property, and (ii) Seller receives final approval from the Gardner Planning Board for development of the Suitable Property for Seller's intended use of the Suitable Property (the "**Approvals**"). The Closing shall occur prior to, or simultaneously with, the Suitable Property Closing. Seller shall convey to Buyer at the Closing, good and marketable title to the Property subject to no monetary liens or encumbrances of any kind and subject to such non-monetary exceptions as approved in writing by Buyer during the Inspection Period. Seller shall pay (a) the cost of releasing all liens, judgments and other encumbrances that are to be released and for the recording of such releases, and (b) transfer taxes. Each party shall bear its own attorney's fees and other costs shall be apportioned among the parties in a manner customary in Worcester County.
8. **Permitting of Properties:** Buyer's obligation to close on the sale of the Property is contingent on Buyer obtaining a Race Meet License from the Commonwealth of Massachusetts. Buyer agrees to apply for a Race Meet License within sixty (60) days of execution of the Agreement. Seller's obligation to close on the purchase of the Suitable

Property is contingent on Seller final approval from the Gardner Planning Board. Seller agrees to apply for said approval within sixty (60) days of execution of the Agreement.

9. **Representations and Warranties:** The Agreement shall include commercially standard representations and warranties of Seller and Buyer.
10. **Brokerage:** Seller and Buyer represent to each other that they have not dealt with any real estate brokers in connection this transaction.
11. **No Solicitation:** Between the execution of this Letter, and the earlier of (i) the termination of this Letter, (ii) the termination of the Agreement, or (iii) the date of the Closing, Seller agrees that it shall not, nor shall it authorize or permit any of its agents, to offer or seek to offer or entertain or discuss any offer to sell the Property or deal in such regard with any party other than Buyer. In addition, neither Seller nor its representatives shall enter into any agreement or understanding, whether oral or written, that would prevent the consummation of the transaction contemplated by this Letter.
12. **Lease:** At the Closing, Seller shall lease from Buyer the structures located on the Property for the conduct of Seller's current business (the "**Lease**"). The Lease shall (i) have a term of no less than twelve (12) months from the Closing, (ii) obligate Seller to pay all operating expenses, taxes, utilities and repairs associated with said structures, (iii) provide that Buyer shall have no obligations to repair or maintain any portion of said structures, (iv) provide that Seller shall not be required to pay any rent during the term, and (v) provide that Seller shall not interfere with Buyer's use of the Property to design, permit, and construct an equestrian facility to breed, train, race, and retire thoroughbred horses so long as Buyer's use does not unreasonably interfere with Seller's rights under the Lease.
13. **Expiration of Proposal:** The proposal contained in this Letter will expire at 5:00 p.m. on April 26, 2024. Acceptance by Seller shall be evidenced by the signature of an authorized representative on this Letter and provided to Buyer before such expiration. This Letter may be signed in counterparts, all of which taken together shall constitute one document.

[SIGNATURE PAGE FOLLOWS]

Exhibit A

Approximately 115 acres of land and the improvements thereon located off of Green Street in Gardner, Massachusetts and designated as tax parcel R42-21-1. The Property is more particularly described in a Deed recorded with the Worcester District Registry of Deeds in Book 63792, Page 211.

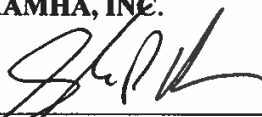
Please indicate Seller's acceptance of the terms and conditions of this Letter by signing in the space provided below.

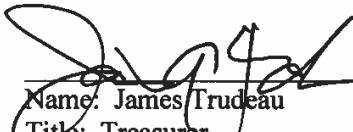
BAYSTATE RACING, LLC

BY: 
Name: Sagi A. Genger
Title: Manager

Agreed to and accepted by:

GAAMHA, INC.


Name: Shawn P. Hayden
Title: Acting CEO/President


Name: James Trudeau
Title: Treasurer

Date: April 27, 2024

Exhibit 2

208 Coleman Street
 Gardner, MA 01440
 P: 978-632-0934
 F: 978-630-3337



I/DD Services
 SUD Services
 Transit Services
www.gaamha.org

May 14, 2024

Elizabeth J. Kazinskas
 Council President
 Gardner City Council
 95 Pleasant St. Room 121
 Gardner, MA 01440

Dear Madam President,

I am writing to you today in support of the application submitted to the City Council by Bay State Racing, and to provide additional context around GAAMHA's interest in this matter.

As you are likely aware, Bay State Racing's proposal includes their intent to acquire the property owned by GAAMHA located at 827 Green St. This farm property is currently home to The Carl E. Dahl House at Evergreen Grove and R.O.O.T.S. at Evergreen Grove, both of which are programs operated by our agency. Both Dahl House and ROOTS represent incredibly unique and successful programs that are without peers in the world of substance use and mental health due to their innovative approach, and because they are both specifically designed to serve people with financial barriers to the quality of care that we offer. Since the day we opened in November of 2021, not one participant in our care has paid a single penny to take part. GAAMHA's ability to sustain this industry leading care relies heavily on fundraising through donations, grants, and a dedicated team of passionate individuals who are employed within these programs and throughout our agency. Over 50 rescued and endangered livestock animals also call our farm home, and the costs to feed and care for these amazing creatures continue to increase each year.

For the past three years I have been inspired by calls from around the country from clinical professionals looking at our work here in Gardner as a model they wish to replicate in their own regions. At this moment, providers in both Oregon and Ohio are planning to visit our farm in Gardner in 2024 to study and learn from our groundbreaking work. Evergreen Grove has been used as the site for clinical research projects for graduate students from Fitchburg State University and from the University of Pennsylvania School of Veterinary Medicine. We've even played host to Jim Wahlberg and Wahl St. Productions who have captured interviews and footage of families impacted by substance use. Later this month, a team of academic professionals from the University of Denver, University of New Hampshire, Tufts Veterinary School, Green Chimneys School in NY, and The Land at Hillside Farms in PA will be visiting the farm to study our work. In August of this year, we expect to make global news in the equine world with the birth of two Newfoundland Ponies. This critically endangered breed typically only sees an average of 10 births each year worldwide, and our farm is home to the largest herd of Newfoundland Ponies in the United States. To have two births occur on one small farm is virtually unprecedented. As proud as we are of the accolades our work gets, and the attention it brings to the Greater Gardner Community, I am equally concerned as I look to the future.

The demand for our unique approach to care is overwhelming. Wait lists to enroll in our programs continue to expand beyond our grasp, and the prospect of being able to generate enough revenue to expand our facilities and programming is daunting.

GAAMHA is a 501(c)3 Non-Profit Charitable Organization
 We are proud to be W/NPO (Woman Non-Profit Organization) certified agency.

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 Gardner, MA 01440
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I/DD Services
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This is where GAAMHA's goals of expansion and sustainability, and Bay State Racing's plan intersect. Bay State and GAAMHA have signed a Letter of Intent that would allow us to move our program just a short distance down Route 140 and build the facility of our dreams. The agreement includes not only the sale of our property to Bay State, but also a multi-million-dollar donation to our organization to facilitate the construction of a larger farm program. Our plan would be to expand the Carl E. Dahl House residential program from 16 to 24 beds and increase capacity by 50%. The new residence would also include a community meeting space where we could host training and other events to share our work with more members of the local community, and welcome visitors from all over to our great city. The ROOTS program, which currently operates out of a tiny modular trailer, would now be housed in a large and permanent facility that would create space to work with our animals in an indoor arena and remove our current barrier to serving more local youth. We currently perform all this work outside, which means for most of the year daylight and weather severely limit the hours available to host sessions with young people starving for a way to address mental health and substance use challenges in a setting that the genuinely enjoy and look forward to attending.

This letter is by no means a wholesale endorsement of horse racing, or the horse racing industry, which has had many challenges in its past. However, I can tell you that Bay State Racing has committed to adhering to the highest standards of animal ethics in their industry. Bay State has made this commitment not only verbally, but in writing as part of our agreement. GAAMHA's Board of Directors has met extensively with representatives from Bay State and insisted that this caveat be a part of our as part of our overarching agreement. To their credit, Bay State did not hesitate to make this commitment.

While Bay State's proposed operation would have obvious financial benefits to Gardner, so too would GAAMHA's expanded programming that would result. Over 50 clinical, support, and agricultural employees would come to Gardner each day to work, eat, and shop. Visitors from around Massachusetts and the entire country would get to enjoy all that Gardner has to offer when they travel to visit family in our programs or collaborate professionally with our teams.

Most importantly, this rare opportunity would increase the scope and quality of impact we have on the people we serve and help sustain our organization for decades to come. It is my sincere hope that you, and the entire City Council, will include these factors as you consider the proposal before you from Bay State Racing. Please feel free to contact me should you have any questions or would like any additional information.

Sincerely,

Shawn P. Hayden, LADC-II
 President/CEO
shayden@gaamha.org

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 We are proud to be W/NPO (Woman Non-Profit Organization) certified agency.

Exhibit 3



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

June 13, 2024

Hon. Elizabeth J. Kazinskas, Council President
 And City Councilors
 Gardner City Hall, Rm 121
 95 Pleasant Street
 Gardner, MA 01440

RE: Letter of Support and Mayoral Approval – Request by Bay State Racing to Site a Track for the Purposes of Racing at 827 Green Street

Dear Madam President and Councilors,

On April 30th, 2024, my office received notification that GAAMHA, Inc. had entered into a letter of intent with Bay State Racing, LLC to sell the land located at 827 Green Street (commonly referred to as the Carl Dahl House, Andrews Park, LeBlanc Farm, Evergreen Grove, etc.). Included in this notification was a request to site a thoroughbred horse racing track at the site.

Under the General Laws of the Commonwealth, in order for this to occur, **both** the City Council and the Mayor must agree and approve of the measure. There are very few items within the General Laws that prohibit the City Council from overriding a mayoral veto of an item (“mayoral disapproval” as listed in Section 30 of the City Charter of the City of Gardner).

In order to determine whether mayoral approval was merited on this matter, I forwarded this item to the Law Department for review, for which Attorney Vincent Pusateri, Assistant City Solicitor, took charge of.

Based on a review of the legal analysis and research performed by Attorney Pusateri (which has been included in the packet of information for the City Council) and the following reasons, I am writing to inform you that I will **not** be issuing a Mayoral Veto/Mayoral Disapproval on this measure if passed by the City Council, and will sign the measure, pursuant to Section 30 of the City Charter of the City of Gardner.

Referral to the Law Department:

Attorney Pusateri conducted an extremely thorough analysis into the matter and concluded the following:

Under the General Laws of the Commonwealth the proposed use is exempt from Zoning requirements. As such, the only oversight that the City would have before any work is done at the site is this vote by the City Council- and site plan reviews by the Conservation Commission and the Planning Board. However, the work done by the Planning Board and the Conservation Commission are not items that can “stop” or prohibit the project from happening but only layout approvals based on their respective jurisdictions.

Letter Re: Item #11317

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Since the General Laws of the Commonwealth exempt this use from Zoning – negating any requirements for special permits, zoning relief, approval hearings before the Planning Board or Zoning Board of Appeals, etc. – the only real authority that the Executive Branch agencies, departments, or commissions can do is regulate the layout of the facility, but not its existence in the City.

Continued Oversight:

While our initial oversight jurisdiction is very limited due to these statutory exemptions, there are still many ways in which this business would be regulated and public input annually obtained to ensure that the business is operating to **best industry standards** in the City.

If this vote is approved by the City Council, following mayoral signature, the application then moves to the Commonwealth’s Gaming Commission. The Gaming Commission is then statutorily required to conduct their own public hearing within the City to determine whether or not to issue final approval for the **annual** gaming license for this business.

Since this is an **annual** license, the Gaming Commission would then be required, by law, to conduct a public hearing within the City each and every year that the track would be in continued operation within the City. This gives the City and its residents a yearly opportunity to address any concerns or questions regarding the track and its operations.

Additionally, while the General Laws prohibit the City from placing any conditions on the approval to race at the site, the Gaming Commission has full authority to issue any conditions, regulations, restrictions, etc. that they chose to, based on the input and evidence received at their public hearing.

As such, it is the opinion of the Administration that this annual public hearing best protects the City moving forward and allows the City to voice any concerns directly to the regulatory agency overseeing this operation.

Furthermore, per the Host Community Agreement (HCA) that would have to be entered into between Bay State Racing and the City, the mayor would also have one (1) appointee to the business’s oversight committee. This is similar to how the Mayor currently has an appointment to members of the Boards of Directors of the Gardner Community Action Committee (CAC), Golden Agers Club, and Gardner Square Two, Inc., based on the bylaws of these various organizations. This provides additional oversight by the City throughout the year, before and after the Gaming Commission hearings take place.

Lastly, the business would also be required to annually submit reports on their operations to the City Council and the Mayor to ensure that the City is fully aware of everything going on with this location.

Protection and Proper Treatment of Horses:

Similar to the way the General Laws remove local jurisdiction from the initial approvals for this application, Federal and State Laws also remove jurisdiction of the care of the animals housed on site from the City's Animal Control Officers to a larger series of regulations to protect the animals.

In 2020, President Biden signed the Horseracing Integrity and Safety Act (HISA) into law. This federal law severely regulates the keeping of thoroughbred horses and horse racing tracks under the United States Department of Agriculture and the Federal Trade Commission (FTC).

Additionally, the General Laws of the Commonwealth give the American Society for the Prevention of Cruelty to Animals (ASPCA) the authority to inspect the facility at any moment in order to ensure the proper treatment and care of the animals is being performed on a daily basis.

Lastly, the Gaming Commission has their own set of regulations regarding the treatment and care of the horses on site, that must be proven to be met as a condition of the annual license application that must be submitted by the business, in order to continue operations as a horse track.

Due to all of these reasons, it is the opinion of the Administration that the animals kept on site would be kept to a healthy and safe standard with several layers of severe regulations to ensure that this standard is maintained.

Financial Benefit:

The City also has a large financial benefit from this operation if approved as well.

When the City Council voted to adopt the local option meals and hotels taxes in May of 2024, I stated the following:

"The FY2025 Budget proposal had \$13,088,995.23 cut from what department heads had requested due to the City's financial constraints. While there is no way these proposals would cover that difference, it does help increase the City's revenue streams in a way that does not overly burden the taxpayers in the City of Gardner. We continue to increase property taxes every fiscal year, but there is only so much that can be done with this with the financial constraints our residents are already paying and dealing with."
(City Council Informal Meeting, May 6, 2024, Items #11232 & 11233)

This is the opinion of the Administration with this item as well. If we do not continue to find ways to grow the City's revenue streams, we simply will be left behind in a place where we just cannot afford to continue to provide the services that our residents require at the quality that they deserve.

This proposal would provide approximately **\$500,000** a year to the city in new revenue. This is an amount almost equivalent to the new meals tax revenue the City is projected to receive.

To further illustrate this, the FY2025 Budget that was adopted by the City Council as their meeting of June 3, 2024, included a full two and one half percent (2.5%) increase in property taxes as allowed under the provisions of Proposition 2 ½. This increase in property taxes to fund the FY2025 budget equated to \$820,677.88.

This proposal would almost bring in new revenue in an amount **almost equal to a full year of new taxes**, thus further alleviating the property tax burden we place on our residents and businesses in the City.

In addition to this anticipated annual revenue, the Host Community Agreement would also require that the business to reimburse the City for all costs associated with Police, Fire, and Emergency Medical Services associated with the site.

Economic Benefit:

This proposal also furthers the continued business growth and investment that the City has been seeing over the course of the last four (4) years.

The applicant has informed the City that this project, if approved, would create **twenty-five (25) full-time jobs** and **over one hundred (100+) seasonal** jobs when races are held.

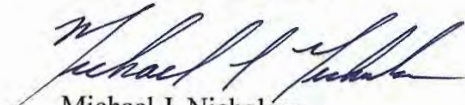
With Gardner's population growing by over ten percent (10%) in recent years, we need jobs that our residents can work and live in our community.

Notification of Approval:

As such, due to all of the above and the full legal analysis on the proposal that as done by the Law Department, it is the opinion of the Administration that this proposal is in the best interest of the City.

As such, it is my intention as Mayor to sign and approve the vote, if passed by the City Council, to allow this project to move forward.

Respectfully submitted,



Michael J. Nicholson
Mayor, City of Gardner

Exhibit 4

CITY OF GARDNER LAW DEPARTMENT

John M. Flick
City Solicitor

Vincent Pusateri II
Assistant City
Solicitor



Writer's Email:
Vpusateri@pusaterilaw.com

144 Central Street, Suite 20
Gardner, MA 01440

Telephone (978) 632-7948
Fax (978) 630-3703

June 13, 2024

VIA EMAIL: ekazinskas@gardner-ma.gov

President Elizabeth J. Kazinskas
City Council
95 Pleasant Street
Gardner, MA 01440

**RE: 827 Green Street, Gardner, MA 01440
Bay State Application for Horse Racetrack**

Dear Council President Kazinskas,

I have been requested to render an opinion as to whether the City Council has jurisdiction to vote on Baystate Racing, LLC's (hereinafter "Baystate") application to site a racetrack for pari-mutuel betting at the property located at 827 Green Street, Gardner, MA 01440. I have also been requested to provide an opinion as to whether the City Council must take a vote on the matter. Finally, I have been requested to evaluate the proposed location and identify what, if any, legal impediments make it impossible to site a racetrack at the location and discuss legal issues with this use. I have concluded that the City Council does have jurisdiction, must hear the application and there are no legal impediments that may make it impossible to site a racetrack.

FACTS AND PROCEDURAL HISTORY

On December 6, 1954, Matter #1001 appeared on the City Council Agenda. Exhibit A. Matter #1001 concerned an application made by Gardner Raceway, Inc., which sought permission to establish a “harness racing track” in accordance with the provisions of M.G.L. c. 128A. This proposed harness racing track was sought to be located at Route 140 (Green Steet) on the site of Andrews Park. At that time, City Council voted to refer this to the City Solicitor and to hold a public meeting if the City Solicitor deemed it “necessary.”

On December 20, 1954, Matter #1001 appeared before the City Council for a public hearing. Exhibit B. At that time the applicant was represented by Attorney J. Philip Howard of 60 Pleasant St. in Gardner Massachusetts. Attorney Howard expressed his understanding of the statute by indicating that the only question before the City Council was approval of the location. *Id.*

At the close of the public hearing, a motion was made to grant the application for the location on Route 140, Green Street, on the site of Andrews Park, for so-called “harness racing.” This measure passed by a rollcall vote with six yeas and five nays. *Id.*

On January 3, 1955, Matter #1001 appeared on the agenda when a correspondence from the Mayor was placed on file. The correspondence provided that the Mayor could neither “approve nor disapprove” of the relative location of the track for harness racing. Exhibit C.

On July 18, 1955, Matter #1290 appeared on the City Council agenda. This matter sought to refer to the City Solicitor an opinion after the City received a request by Gardner Raceway, Inc. Gardner Raceway, Inc. sought to place on the next regular City election ballot, approval of a location on the easterly side of Route 140 on Green Street for a pari-mutuel betting for licensed horse racing. Matter #1290 sought an opinion from the City Solicitor as to the proper procedural process of the same. Exhibit D.

On August 15, 1955, Matter #1290 was before the City Council. There was a motion to have a letter from Gardner Raceway, Inc. be read. That motion did not carry as the vote was tied, 5 to 5, and therefore defeated. After this motion was defeated, a motion was made for the City Solicitor's opinion be accepted. This motion passed 8 to 2. Exhibit E.

The City Solicitor indicated that Section 49 of the City Charter may not be used to propose this measure to the voting public, for various reasons.¹ The City Council voted to reject the opinion of the City Solicitor and then voted 8 to 2, to place the question on the ballot at the next regular City election. *Id.*

On October 3, 1955, Matter #1384 was before the City Council to place the aforementioned question on the ballot for the City election occurring on November 8, 1955. Exhibit F.

On November 8, 1955, the election occurred, and the measure did not pass. There was a total of 10,082 registered voters. 2,185 people voted in favor of the measure and 5,609 people voted against. 587 people did not vote either way. A total of 8,381 people appeared at the election to cast ballots. Exhibit G.

THE LAW

In Massachusetts, the Court has held that, with respect to racing authorized by G.L. 128A, the legislature in enacting this section intended to take away from cities and towns most of

¹ SECTION 49. The city council may of its own motion, and shall upon request of the school committee in case of a measure originating with that committee and pertaining to the affairs under its administration, submit to a vote of the registered voters of the city for adoption or rejection at a regular or special city election any proposed measure, or a proposition for the annulment, repeal or amendment of any measure, in the same manner and with the same force and effect as are hereby provided for submission on petition. ("such measure or part thereof shall forthwith become null and void unless a majority of the qualified voters voting on the same at such election shall vote in favor thereof." City Charter § 46.)

SECTION 51. The ballots used in voting upon such proposed measure shall state the nature of the measure in terms sufficient to show the substance thereof. No measure shall go into effect unless it receives the affirmative votes of at least a third of the whole number of registered voters.

authority which they formerly had possessed under G.L. c. 271, § 33², *which thereafter was applicable only so far as it provided for approval of location of track. North Shore Corp. v. Selectmen of Topsfield*, 322 Mass. 413, 77 N.E.2d 774, (1948). *Emphasis supplied*. The Court went on to hold that G.L. c. 128 A § 13A³ “must be construed to mean that when the location of a racetrack has been ‘once approved’ by the local authorities their jurisdiction is exhausted.” *Id.* at 417. Further, the Court held that “[i]t is not reasonable to suppose that the Legislature intended that, once there had been an approval by the local authorities, they were to have the power to revoke their approval and thereby deprive the commission of its jurisdiction.” *Id.* at 417-418.

Neither the 1954 nor the 1955 vote has any legal effect. The Solicitor at the time was correct that the vote of December 20, 1954 was not approved by the Mayor and therefore, the measure did not pass. This is because the statutory criteria requires both approval by the City Council and the Mayor.

The vote of November 8, 1955 has no binding effect on the current Council and Mayor either. The issue is one of jurisdiction. (Subsequent votes were invalid because “once approved”

² G.L. c. 271 § 33 provided and continues to provide, in pertinent part:

“No land within a town shall be laid out or used as a race ground or trotting park without the previous consent of and location by the mayor and city council, the town council in a town having a town council or the selectmen in any other town, who may regulate and alter the terms and conditions under which the same shall be laid out, used or continued in use and may discontinue the same when in their judgment the public good so requires; ...” G.L. c. 271, § 33. Exhibit H.

³ M.G.L. c. 128A, § 13A provided in 1954, in pertinent part that: “[N]o license shall be granted by the commission for a racing meeting unless the location of the racetrack where such meeting is to be held or conducted has been once approved by the mayor and alderman ... as provided by [G.L. c. 271 §33]. G.L. c. 128A, § 13A Acts 1935, 454, § 8. *Emphasis supplied*. See the attached collection of Acts and Resolves amending predating 1954. G.L. 128 A § 13A. Exhibit H.

G.L. c. 128A § 13A currently provides:

“The provisions of ... sections ... thirty-three...of chapter two hundred and seventy-one...shall not apply to race tracks or racing meetings laid out and conducted by licensees under this chapter or to animals eligible to race at such meetings; except that no license shall be granted by the commission for a racing meeting in any city...unless the location of the race track where such meeting is to be held or conducted has been once approved by the mayor and city council ... as provided by said section thirty-three of said chapter two hundred and seventy-one, after a public hearing, seven days’ notice of the time and place of which hearing shall have been given by posting in a conspicuous public place in such city or town and by publication in a newspaper published in such city or town, if there is any published therein...” G.L. c. 128A, § 13A.

the City would exhaust its jurisdiction. *North Shore Corp. v. Selectmen of Topsfield*, 322 Mass. 413, 416 (1948)). There is no provision that I have located that would support the proposition that once a location was rejected, a parcel could not be presented again for the consideration as to the location of a track.

CURRENT PROPOSAL

On April 30, 2024, Bay State Park submitted a request to the City Council to schedule a public hearing in accordance with M.G.L c. 128A, § 13A to consider 827 Green Street, Gardner MA as the location for a racetrack meet license. Exhibit I.⁴

During my review of this matter, I have been advised that the proposal is to open as an “Equine Center” providing for the breeding, housing, riding, showing, studying, treatment, training, retirement, and racing of horses and other equestrian and agricultural related uses such as wagering on horse races. These races will be broadcasted so that others not on the site may wager on the races occurring at the Equine Center.

The applicant plans to construct a one-mile-long grass track and grandstand in the northwest portion of the property. The proposal includes paddocks and facilities for training and riding. The existing track will not be altered, or in the alternative, will be torn up so that the area it occupies can be put to a different use. The current parking area and any new parking areas will be made of pervious material. There will be residence for a grounds keeper and an assistant grounds keeper. There are currently two barns that have 43 stalls which will be renovated. Other activities will be occurring on the site, including educational programs in partnership with Mount

⁴ PowerPoint enclosed in the letter was not included in Exhibit I as it was revised.

Wachusett Community College, farmers' markets, and fairs. All waste material will be stored in covered containers and removed via trucks from the site.

ANALYSIS

I have found no provision in the law that would directly command that an application made pursuant to M.G.L. c. 128 A § 13A, be required to be placed on the City Council Agenda. For example, § 606-2 of the City Code provides “the City Council shall consider the issuance of the license requested” when setting out the procedure to obtain a Class 3 License. City Code § 606-2. M.G.L. c 128 A § 13A does not contain such a command. However, the request submitted on April 30, 2024, was addressed to the City Council pursuant to a specific statutory grant of jurisdiction. Therefore, the April 30, 2024 letter requesting a hearing by the applicant would present a “question coming before” the Council and thereby giving each Councilor the right to vote on the same. City Charter Section 24.⁵

It is therefore my conclusion that the City Council does have the jurisdiction to hear Baystate’s application as to the location of a track for licensed horse race, and that each Councilor would have the right to vote on 1) whether or not there would be a hearing pursuant to M.G.L c. 128A §13A and if so scheduled; and 2) whether 827 Green Street is an appropriate location for horseracing pursuant to M.G.L. c. 128A.

NO KNOWN LEGAL IMPEDIMENT

I have examined the title of the property and the history of the property. Exhibit J. The property has a documented history of being used as a horse racing track. The property is not owned

⁵ SECTION 24. Except as provided in this section, the legislative powers of the city council may be exercised as provided by ordinance or rule adopted by it.

1. Except as otherwise provided in this act, every member of the council shall have the right to vote on any question coming before it. A majority of the council shall constitute a quorum, and the affirmative vote of a majority of all the members of the council shall be necessary to adopt any motion, resolution or ordinance.

by the applicant, but the applicant has submitted a letter of intent to purchase the property from the owner. There is a Letter of Intent confirming the intention of the parties to enter into a transaction wherein GAAMHA would sell to Baystate the property located at 827 Green Street. I have reviewed a letter by GAAMHA in support of this application. The applicant advises that they are in the process of negotiating a conditional Purchase and Sale Agreement. I am convinced that both parties are committed to this transaction.

The Building Commissioner, the Conservation Agent, and the Commissioner of Public Works have reviewed this proposal. There are no known impediments to the proposed use that cannot be addressed by the applicant.

The Building Commissioner and I have reviewed the agricultural use and determined that the wagging on the site would be permitted, as either an Exempt Agricultural Use, or as a use incidental to an Exempt Agricultural Use.

Title XIX of the Massachusetts General Laws, entitled “Agriculture and Conservation” is set forth in Chapters 128-132B. This is a comprehensive statutory scheme intended to promote agriculture throughout the Commonwealth. The intent of M.G.L. c. 128 is to in part, empower the Department of Agricultural Resource to “promote, develop and encourage ... the breeding of thoroughbred horses in the commonwealth by offering cash prizes ... in the following manner: ... set the percentages for bonuses to be awarded ... of the purse monies won by said thoroughbred horse.” M.G.L. c. 128 § 2(g). According to the Department’s website, the purpose of the Department is to “keep Massachusetts agriculture economically and environmentally sound.”⁶

To this end, the Commonwealth set out to prevent the mischief of cities and towns from interfering with the agricultural economy. In order to do so, the Commonwealth passed an Act

⁶ <https://www.mass.gov/orgs/massachusetts-department-of-agricultural-resources>.

entitled “Protecting Massachusetts Farming Operations” in the Acts and Resolves of 1989 Chapter 590. This amended M.G.L. c. 40 A § 3 to protect these preferred agricultural uses from local zoning control. Currently, M.G.L. c. 40 A § 3 provides:

“nor shall any ... ordinance ... prohibit, unreasonably regulate, or require a special permit for the use of land for the primary purpose of *commercial agriculture*, ... nor prohibit, unreasonably regulate or require a special permit for the use, expansion, reconstruction or construction of structures thereon for the primary purpose of *commercial agriculture*, ... For the purposes of this section, the term “agriculture” shall be as defined in section 1A of chapter 128, ...”

Id. Emphasis supplied.

Agriculture is defined in Title XIX to include “the raising of livestock including horses, the keeping of horses as a commercial enterprise.” M.G.L. c. 128, § 1A. The commercial enterprise contemplated by the definition of agriculture includes wagering on horse races as the provision of the commercial activity is specifically addressed in the next succeeding section, M.G.L. c. 128 § 2. The statute empowers the Department of Agriculture to promote, develop, and encourage Massachusetts Thoroughbred Breeding Program through the payment of purses to breeders of horses under certain terms and condition that contemplate wagering. The relevant section of the

statute is set out in the margin.⁷ These conditions include the registration of horses in the Jockey Club.⁸

⁷ [p]romote, develop and encourage through the Massachusetts Thoroughbred Breeding Program, the breeding of thoroughbred horses in the commonwealth by offering cash prizes to breeders of such horses in the following manner: the Massachusetts Thoroughbred Breeders Association, Inc. shall from time to time in consultation with the chairman of the racing commission and the program manager for the equine division in the department of agriculture set the percentages for bonuses to be awarded to the breeder of a Massachusetts bred thoroughbred horse, of the purse monies won by said thoroughbred horse in any pari-mutuel running horse race if said horse finishes first, second or third; the percentage for a cash prize to the owner of the stallion, at the time of service to the dam of such purse winner; provided, however, that (i) the stallion stood the breeding season of February through June in the commonwealth, (ii) the horse finishes first, second or third, and (iii) said stallion is registered with the department of food and agriculture; the percentage for a cash prize for the purse monies won by said thoroughbred horse in any unrestricted or restricted pari-mutuel running horse race held within or outside of the commonwealth to the owner of a Massachusetts bred horse if said horse finishes first, second, or third.

The Massachusetts Thoroughbred Breeders Association, Inc. is further authorized to pay cash purses for stakes races to be limited to Massachusetts bred thoroughbred racehorses from the Massachusetts thoroughbred breeding program at licensed pari-mutuel race meetings authorized by the state racing commission. Such races may be betting or non-betting races and may or may not be scheduled races by the licensee conducting the racing meeting. Purse monies paid by the association under this section may be in such amounts as the association shall determine and may be the sole cash purse for such races or may be supplemental to the cash purses established by the licensee; provided, however, that no person, partnership, corporation or group of persons may receive more than five thousand dollars as a cash prize breeder's award from the association for an individual horse race within the commonwealth.

No person shall be eligible for the prizes provided herein unless the following standards are met:

(1) The foal of a thoroughbred mare that drops said foal in the commonwealth and is bred back to the Massachusetts registered stallion shall be Massachusetts bred; or

(2) The foal of a thoroughbred mare who resides in the commonwealth from the fifteenth day of October of the year prior to foaling and continues such residence until foaling and foals in the commonwealth shall be Massachusetts bred.

(3) In either the case of subparagraph (1) or (2) each thoroughbred foal dropped in the commonwealth shall be registered with the Jockey Club and the department of food and agriculture.

(4) Prior to the first day of September of each year, each person standing a thoroughbred stallion in the commonwealth at either private or public service shall file with the department of food and agriculture: (a) a list of all thoroughbred mares bred to such stallion in that year; and (b) a verified statement representing that said stallion stood the entire breeding season in the commonwealth.

The Massachusetts Thoroughbred Breeders Association, Inc. is hereby further authorized to expend up to eight percent of the amount received each fiscal year for said program for advertising, marketing, promotion, and administration of the thoroughbred breeding program in the commonwealth.

The state auditor shall audit the books of the Massachusetts Thoroughbred Breeders Association, Inc., to ensure compliance with this section, in accordance with generally accepted government auditing standards, as often as the state auditor determines is necessary. M.G.L. c. 128 Sec. 2 (g), emphasis added.

⁸ The Jockey Club is the breed registry for Thoroughbred horses in the United States and Canada. It is dedicated to the improvement of Thoroughbred breeding and racing and fulfills that mandate by serving many segments of the industry through its subsidiary companies and by supporting numerous industry initiatives. [https://en.wikipedia.org/wiki/Jockey_Club_\(United_States\)](https://en.wikipedia.org/wiki/Jockey_Club_(United_States)).

The Jockey Clubs purpose is to not only to encourage the development of the thoroughbred horse, but to establish racing on such a footing that it may command the interests as well as the confidence and favorable opinion of the public." <https://www.jockeyclub.com/Default.asp?section=About&area=0> The Jockey Club's primary responsibility, then and now, is the maintenance of The American Stud Book in a manner that ensures integrity of the breed in the United States, Canada and Puerto Rico. *Id.*

The Department of Agriculture confirms its partnership with the Gaming Commission on the Thoroughbred Horse Breeding Program's website. "The Division of Animal Health administers the racehorse breeding registration programs in conjunction with the Massachusetts State Gaming Commission and the representative breed organizations." Exhibit K.⁹ It is for these reasons that wagering is either an Exempt Agricultural Use or at a minimum, incidental to an Exempt Agricultural Use.

The fact that wagering would be occurring on the site does not classify the site as a Sports Betting Facility. The ordinance defines Sports Betting Facility as "An entity licensed by the Massachusetts Gaming Commission under the provisions of Chapter 173 of the Acts of 2022 of the General Laws to conduct sporting and wagering events. This Act deals with licensing and M.G.L. c. 23N, which is titled Massachusetts Sports Wagering Act."¹⁰ The proposal described above only includes a license pursuant to M.G.L. 128A and 128C. Obtaining a license under M.G.L. c 128A would provide Baystate standing to seek a license under M.G.L. c. 128C for simulcast betting.

Therefore, this proposal is permitted by the Gardner Zoning Ordinance as an Exempt Agricultural Use or incidental to that use. The issue of residential use is still under review as of the drafting of this memorandum. If zoning relief is required for this use, the use can be allowed by a special permit. Other potential uses would include operating a restaurant or lounge which would require additional zoning relief. A more complete review has not been made, as a restaurant has not been presented by this proposal.

⁹ <https://www.mass.gov/info-details/thoroughbred-breeding-program>.

¹⁰ SECTION 6 of the Act amends M.G.L c. 128C to require a mandatory minimum of 20 days and the ability of the Commission to waive the same. The Act does not create or amend the licensing scheme.

There is an expired conservation permit issued in connection with an addition to a home and septic system constructed within the buffer zone of the property. The submission is file number 160-0642. *See Energy & Environmental Affairs Data Portal (state.ma.us). Exhibit L.* It is likely that the Department of Environmental Protection will be unable to act on any new requests that are made until the Order of Conditions is resolved. However, this can be addressed by the current owner or Baystate. Other than this, there are no restrictions in the title that would prevent the use of the land as a racetrack. Conservation is currently being reviewed by the applicant's engineers and wetland delineations have already begun. Baystate has met with the Conservation Agent for the City and advises it plans to meet with the Conservation Commission at their earliest meeting following the City Council's approval of the location of the track.

PROCEDURE

THE VOTE

The current draft of the vote is as follows:

“Shall a track of land located within the limits of the City of Gardner, now owned by the GAAMHA, Inc., located at 827 Green Street, comprising approximately 114 acres also identified as assessors lot number R42-21-1 and more particularly described in Worcester Registry of Deeds Book 63792 and Page 211 and situated on the easterly side of Route 140, otherwise called Green Street, be approved as the location of a running horse racing track where race meetings laid out and conducted by licensees under M.G.L c. 128A will be held or conducted?” Exhibit M.

It is important to note that the City may not condition its vote in any way, as this would intrude on the Gaming Commission's jurisdiction. Once approved, the vote cannot be rescinded. A simple majority vote would be required for the measure to pass.¹¹

This vote would need to be placed on the agenda and then referred to a public hearing at a time and place determined by the Council. Once a date is set for the hearing, it will be important to place an advertisement in the Gardner News containing the notice of the public hearing no less than seven (7) days in advance of the hearing.¹² M.G.L. c. 128A § 13A. The applicant will be responsible to place the ad and paying all fees. In addition, the Clerk must post the notice on the City's website and conspicuously at City Hall.

ADVERTISEMENT FOR PUBLIC HEARING

The advertisement for public hearing as described above, would provide as follows:

“Pursuant to G.L. c. 128A, § 13A, the City of Gardner City Council will hold a PUBLIC HEARING on _____ at _____ PM at Gardner City Hall, 95 Pleasant Street, Gardner, MA 01440 to hear the matter of Baystate Racing, LLC's application for horse racing operation at 827 Green Street and specifically the following Vote. ‘Shall a track of land located within the limits of the City of Gardner, now owned by the GAAMHA, Inc., located at 827 Green Street, comprising approximately 114 acres also identified as assessors lot number R42-21-1 and more particularly described in Worcester Registry of Deeds Book 63792 and Page 211 and situated on the easterly side of Route 140, otherwise called Green Street, be approved as the location of a running horse racing track where race

¹¹ A majority of the council shall constitute a quorum, and the affirmative vote of a majority of all the members of the council shall be necessary to adopt any motion, resolution or ordinance. Section 24

¹² For example, if the hearing is on July 1, 2024, then the ad will be placed on Saturday, June 22, 2024 as the Gardner News does not run on Mondays.

meetings laid out and conducted by licensees under M.G.L c. 128A will be held or conducted?’ Anyone wishing to be heard should appear at the time and place designated above. Please refer to Gardner City Council’s Rules for public hearings.”

A copy of the rules will be attached to the advertisement.

GAMING COMMISSION

An application for a license pursuant to M.G.L. c. 128A shall be filed with the Gaming Commission on or before October 1st, in order for Baystate to race in 2025. If an application is filed, the Gaming Commission shall act on the application no later than November 15, 2024. M.G.L. 128, § 2.

Baystate advises that should the City approve the location by July 1, 2024, the applicant would file an application with the Gaming Commission by August 1, 2024. The applicant advises that their expectation is to complete the permitting process with the City by the end of the calendar year and complete construction of the Equine Center, in time to race by 2025. The permitting process with the City would primarily focus on the Conservation Commission and Site Plan Review with the Planning Board.

According to this plan, the Gaming Commission will notice a public hearing in the City to determine if they will issue a license. If the foregoing timeline is met, it is anticipated the hearing will happen at the end of September or the beginning of October. This hearing will be an adjudicatory hearing and if held, will proceed with sworn witness and authenticated documentation. The Gaming Commission would then determine whether the license would be issued and if so, what conditions would be placed upon the license.

If a license is issued, Baystate will be required to race at least 20 days per year. This minimum may be lowered if the applicant seeks and obtains a waiver from the Gaming Commission. The Host Community Agreement will require the applicant to seek this waiver over the next 5 years.¹³ One should note that the statute permits up to 200 days in any 1 year at all running horse racing meetings combined throughout the Commonwealth, not including Suffolk County.

Hours of operation can be only between the hours of 10:00 A.M. and 12:00 A.M. The Gaming Commission shall grant authorized dates at such times that are consistent with the best interests of racing and the public. M.G.L. 128A § 3.

If the Gaming Commission issues a license, an annual public hearing within the City of Gardner will occur, during which time the community will be able to raise concerns with the Gaming Commission. This will also be an adjudicatory hearing where witnesses are sworn, and documents are authenticated. This will be an opportunity each year to request the Gaming Commission place, alter or amend conditions of the license.

HOST COMMUNITY AGREEMENT

The order to authorize the Mayor to Sign a Host Community Agreement (“HCA”) should be filed contemporaneously with Baystate’s application. There is no specific requirement that an order be obtained, but due to the novel nature of the agreement and use, it is advisable. We have substantially completed the negotiations. The current draft will be filed with the City Council in connection with the order. Additional comments regarding the HCA are welcomed. Currently, the material provisions of the HCA are as follows:

1. Annual payments of approximately \$460,000.00 to \$500,000.00.

¹³ 2025: One Weekend (three days) 2026: Two Weekends (six days) 2027: Two Weekends (six days) 2028: Three Weekends (nine days) 2029: Three Weekends (nine days)

- a. This is broken down as follows: 1.5% of all simulcast fees collected by Baystate. The applicant has estimated this amount to be \$240,000.00. (I am scheduling an appointment with the Gaming Commission personnel to better understand the calculation of the City's funds.);
 - b. There will be a PILOT payment in the amount of \$230,000.00 per year subject to an escalation clause; and
 - c. Baystate will donate \$20,000.00, annually, to a local or regional non-profit/charity that directly benefits Gardner residents.
2. Payment for all police, fire and EMS details on festival days, and any other impacts on the City;
 3. Reimbursement of professional services such a legal and engineering services in connection with siting;
 4. Creates a Racing Oversight Committee to review and make recommendations to the Mayor and Council each year on the operations of Bay State Park; and
 5. Annual review on previous and future operations with the Mayor and Council.

CARE OF THE HORSES

The issues surrounding the care of horses are controlled by the state and federal government. In 2022, the federal government implemented the Horse Integrity and Safety Act which established the Horseracing Integrity and Safety Authority (HISA). The Horseracing Integrity and Safety Authority is responsible for drafting and enforcing uniform safety and integrity rules. A summary of the law is attached hereto. Exhibit N. Suffice it to say, the law establishes a new regulatory scheme intended to control abuses in the industry and punish those who would violate the standard of care. The bill sets forth other provisions regarding (1) funding,

conflicts of interest, and jurisdiction; (2) registration with the authority; (3) program enforcement; (4) rule violations and civil sanctions; (5) testing laboratories; (6) review of final decisions of the authority by an administrative law judge; (7) unfair or deceptive acts or practices; and (8) agreements with state racing commissions.¹⁴

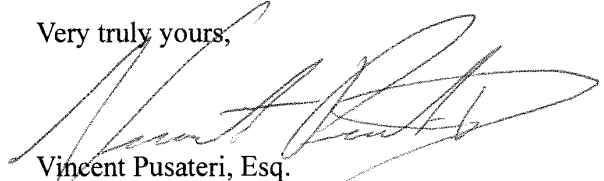
Issues and concerns of the care of the horses can also be addressed by the Massachusetts Gaming Commission. The forward to the regulation notes the right to public participation.¹⁵ Massachusetts Society for the Prevention of Cruelty to Animals is authorized by M.G.L. c. 129, § 9 to visit “any stable where horses are kept for hire, or boarded for a fee, for the purpose of preventing violations of any law and of detecting and punishing the same and such agents shall have the power to prosecute any such violation coming to their notice.” M.G.L. c. 129, § 9. The Department of Agriculture and Resources and Baystate Racing’s Oversight Committee will be additional avenues to pursue the protection of horses. In addition, Baystate will be subjected to various inspections. Pursuant to the terms of the HCA Baystate must report the fact of an inspection and the results to the City.

¹⁴ H.R.1754 - 116th Congress (2019-2020): Horseracing Integrity and Safety Act of 2020 | Congress.gov | Library of Congress; <https://www.congress.gov/bill/116th-congress/house-bill/1754/text>.

¹⁵ “Under M.G.L. c. 30A any interested party has the right to attend all hearings conducted by the Commission for the purpose of the adoption or amendment of any rule or regulation. The Commission shall afford any interested person an opportunity to present data, views or arguments in regard to any proposed rule change. Upon written notice to the Commission, a person may request the adoption, amendment or repeal of any regulation with an opportunity to present data, views or arguments in support of such request. If a dispute should arise concerning a ruling by a steward or other racing official, any party affected by such ruling has a right to an appeal to the Commission in accordance with the provisions of 205 CMR 101.02”. 205 CMR 4:01.

This is not an exhaustive review of the proposal. For additional information please see the City Council packet. Thank you for providing me with the opportunity to investigate this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Vincent Pusateri", written over a light blue horizontal line.

Vincent Pusateri, Esq.
Assistant City Solicitor

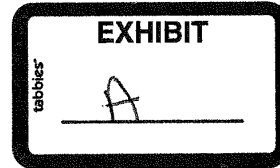
VPP/dam
cc: Mayor Michael J. Nicholson
Encl.

EXHIBIT A

EXHIBIT

63

CITY OF GARDNER
December 6, 1954
IN CITY COUNCIL



<p>Monday evening, December 6, 1954. Regular meeting of the City Council held in the Council Chamber, City Hall. Meeting called to order at 7:30 o'clock p. m. by President Walsh.</p>	<p>Regular meeting</p>
<p>Roll call taken--All members present.</p>	<p>Roll call</p>
<p>The opening prayer was said in unison.</p>	<p>Opening Prayer</p>
<p>On motion made by Councillor Sauter, seconded by Councillor Reponen, it was voted to dispense with the reading of the regular meeting of November 17, 1954.</p>	<p>Dispense with reading of minutes</p>
<p>#993 On motion made by Councillor LeBlanc, seconded by Councillor Robicheud, it was voted on roll call vote, 10 yeas and 1 nay, (Councillor Landry) to pass the following order:</p>	<p>Motion to pass money order</p>
<p>AN ORDER TRANSFERRING A SUM OF MONEY FROM THE SCHOOL DEPARTMENT, OTHER THAN ORDINARY MAINTENANCE, SCHOOL STREET SCHOOL ADDITION ACCOUNT TO THE SCHOOL DEPARTMENT, OTHER THAN ORDINARY MAINTENANCE, NEW CONSOLIDATED SCHOOL ACCOUNT.</p>	<p>\$15,000.00 to School Dept., O.T.O.N., New Consolidated School Account</p>
<p>ORDERED:</p>	
<p>That there be and is hereby transferred the sum of Fifteen thousand dollars (\$15,000.00) from the School Department, Other Than Ordinary Maintenance, School Street School Addition Account to the School Department, Other Than Ordinary Maintenance, New Consolidated School Account.</p>	
<p>Presented to Mayor for approval Dec. 7, 1954 Approved December 7, 1954 ULRIC O. FREDETTE, Mayor.</p>	<p>Approved by Mayor</p>
<p>#994 On motion made by Councillor Cilley, seconded by Councillor Sauter, it was voted unanimously on roll call vote to pass the following order:</p>	<p>Motion to pass money order</p>
<p>AN ORDER TRANSFERRING A SUM OF MONEY FROM THE LEVI HEYWOOD MEMORIAL LIBRARY DEPARTMENT, PERSONAL SERVICE ACCOUNT TO THE LEVI HEYWOOD MEMORIAL LIBRARY DEPARTMENT, ORDINARY MAINTENANCE ACCOUNT.</p>	<p>\$500.00 to Levi Heywood Memorial Library Department, Ordinary Maintenance</p>
<p>ORDERED:</p>	
<p>That there be and is hereby transferred the sum of Five hundred dollars (\$500.00) from the Levi Heywood Memorial Library Department, Personal Service Account to the Levi Heywood Memorial Library Department, Ordinary Maintenance Account.</p>	
<p>Presented to Mayor for approval December 7, 1954 Approved December 7, 1954 ULRIC O. FREDETTE, Mayor</p>	<p>Approved by Mayor</p>

67

joint pole relocation on School Street, notherly from Cross Street (one present joint pole location to be abandoned) which is necessary to satisfy the regulations. Councillor Sauter reported that some people mean to do things properly and some people like things done with expediency. The public hearing is set according to regulation but the pole has already been installed without the approval of the Public Service Committee or City Council. This is beginning to happen too often. Councillor Sauter was informed by the Supervisor of Planning of the Worcester County Electric Company that through illness instructions were given through error to erect this pole. Councillor Sauter, hearing this petetion was to be presented called the City Clerk's Office every day and it did not arrive until Thursday, December 2, 1954 at 2:30 p.m.

Objection to placing of pole prior to public hearing or permission of City Council

1001
On motion made by Councillor Cilley, seconded by Councillor Sauter, it was voted to refer item 1001 - Application from Gardner Raceway, Inc., for permission to establish a harness racing track on Route 140 (Green Street) on the site of the Andrews Park, so called in accordance with provisions of Chapter 128A of the General Laws to the City Solicitor so that he may inform the Council as to the proper action to take under Chapter 128 of the General Laws and that he be present at our next Council meeting so that he may answer any questions that might arise at that time.

Refer application to establish harness racing track to City Solicitor

1001
On motion made by Councillor Sauter, seconded by Councillor Tamulen, it was voted (Councillors Cilley and Landry voting in the negative) that the Council President be given authority to call a public hearing for the next regular meeting if the City Solicitor says it is necessary for the Council to hold a public hearing concerning the application for permission to establish a harness racing track in accordance with the provisions of Chapter 128A of the General Laws.

Permission to hold public hearing on application for harness racing track if City Solicitor recommends it

1002
Councillor Sauter made a motion, seconded by Councillor Robichaud, that the Council is represented by Councillor Lison at the DPU 11163 hearing at room 166, State House, Boston on Wednesday, December 15, 1954 at 10 a.m. on petition of New England Telephone and Telegraph Company for increase in rates and charges for telephone service. Councillor Lison declined and suggested that the City Solicitor as being the proper person to represent the city in such matters. It was pointed out that the City Solicitor did not need the experience and unless he was advised to oppose or favor the increase it was needless to send him to Boston.

Motion to have Councillor Lison represent the City at DPU public hearing on request of New England Telephone to raise rates

EXHIBIT B



On motion made by Councillor Sullivan, seconded by Councillor Reponen, it was voted to adjourn at 7:45 o'clock p.m.

A true copy, Attest:
Frank C. Bourgeois
City Clerk

CITY OF GARDNER
December 20, 1954
IN CITY COUNCIL

Monday evening, December 20, 1954. Regular meeting of the City Council held in the Council Chamber, City Hall. Meeting called to order at 7:30 o'clock p.m. by President Walsh.

Roll call taken-- All members present.

The opening prayer was said in unison.

On motion made by Councillor Sauter, seconded by Councillor Sullivan, it was voted to dispense with the reading of the regular meeting of December 6, 1954 and Special meeting of December 10, 1954.

1001
President Walsh announced that as the Council Chamber was too small to take care of the crowd the hearing would be adjourned to the City Hall Auditorium so that every one will have ample room and will be heard under more favorable circumstances.

1001
Hearing opened in the City Hall Auditorium at 7:45 o'clock p.m. to consider the application of the Gardner Raceway for approval of the location on Route 140, Green Street on the site of Andrews Park so-called for harness racing. Before anyone spoke on the subject President Walsh read three letters, two in favor and one against approving the location. The Church Council of the First Congregational Church at its regular monthly business meeting last evening voted unanimously to go on record as being opposed to a pari mutuel race track in the City of Gardner. It was also voted that this

Adjourn

Regular meeting

Roll call
Opening Prayer
Dispense with reading of minutes

Public hearing moved to City Hall Auditorium to accomodate large crowd

Public Hearing on Gardner Raceway application for harness racing

Letters read in favor and in opposition

Letters (cont)

opposition be communicated to each member of the City Council. In his communication Elliot S. Ryan, Owner-Manager of the Colonial Hotel, Gardner, Massachusetts wished, before the final vote on the Pari-Mutuel Racetrack to go on record as being very much in favor of this new business. He further stated that when industries were running to full capacity the Colonial Hotel was able to operate without a loss, but with the decline in business, such as the removal of the executive and Sales Office of the Florence Stove Company to Chicago, together with manufacturers running on a small scale, and the increased Motel competition, the business was in the red, but he felt to bring racing into Gardner would create new business activity, not only for the Hotel but for the benefit of the Merchants and others as well, and he asked for favorable consideration.

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The Third letter President Walsh read was from L. W. Smith, Executive Vice President of the National Bank of Vernon, Vernon, N. Y. In his opinion during the past two and one half years the assets of the bank increased from \$1,700,000 to \$2,200,000 about 70% of this increase was due to the accounts which the track carries, increase in merchants accounts due to additional business and horsemen who have opened accounts and continued them after the season is closed. In checking with over 90% of the merchants it was found that they were unanimously in stating that their business during the three summer months was comparable to the Christmas Holiday business. Gas Stations, bars, restaurants and motels reported a 100% increase over a comparable period in past years. The two clothing stores in town claim that their high sales occurred, during the racing season rather than the holiday season. The drug store does a heavy volume of business in veterinary supplies. The track purchases large lumber supplies and hardware for improvements and repairs which is purchased locally, The two local feed stores service the track and are very happy with the business. There are 700 to 800 horses on the grounds during the season and the hay and grain sales were very profitable. During the season there is approximately 100 trailers in the park provided by the racing association all of which use bottled gas which it purchases locally. There are approximately 300 tenants in the trailers who buy all their groceries, clothing etc. in town. Approximately 75 owners, trainers, judges, etc. rent rooms from local residents. In addition it is estimated there are 700 people employed as trainers, drivers, grooms, stable hands, maintenance men, guards and waiters. Vernon has a normal population of about 1200 and the increase of 900 to 1100 would tend to double business while they are here. Many of the towns people who were de-

initely opposed to the track two years ago have been employed by them since opening on part-time jobs as ticket sellers, guards and cashiers and they are frank in stating that they had the wrong impression of a harness track and its employees. The directors of the Downs were very cooperative in setting up their police system. They hired a local man who was an ex-trooper to head it and they have done an excellent job. There have been a few traffic violations and several cases on intoxication amongst the stable hands which were handled by the police force on the grounds. To Mr. Smith's knowledge there have been no moral violations, gambling, dice games or slot machines. There has been no increase in juvenile delinquency which could be attributed to the track. They averaged well over 3000 per night attendance last year.

Public hearing (cont)
on Gardner Raceway
application for
harness racing

Speaking in favor

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Atty. J. Philip Howard, with an office at the Post Office Square Building, 60 Pleasant Street, Gardner, Mass., speaking on behalf of the Gardner Raceway, Inc. stated that according to Chapter 128A, Section 14 of the General Laws every four years at the State Election the following question appears on the ballot: "Shall the pari-mutuel system of betting on licensed horse races be permitted in the county?" That question was duly submitted at the last State Election on November 2, 1954 and the results in this county were 102,000 in favor to 87,000 against. In other words, pari-mutuel betting on horse racing was endorsed in Worcester County by a substantial number of voters. The results in this city were 4190 votes in favor and 2071 against. In other words, the voters in this city by a margin of greater than two to one indicated their desire for pari-mutuel betting on horse racing. The vote in every one of the five wards in the city was in favor of it, as follows:

Ward 1	yes	623	No	464
Ward 2	"	1006	"	442
Ward 3	"	1003	"	355
Ward 4	"	658	"	341
Ward 5	"	900	"	469
		<u>4190</u>		<u>2071</u>

In other words, in all but one of the five wards the results were at least two to one and even in Ward I the voter was three to two in favor of pari-mutuel betting on licensed horse racing. The will of the voters it seems is very clear. They have indicated not only in Worcester County but in the City of Gardner they desire pari-mutuel betting on horse racing. He further stated that he was a member of the Great and General Court and every one knows that it is the will of the majority of the voters that governs. Section 13A of the same chapter 128 of the General Laws provides,

GARDNER \$20.50

Public hearing (cont)
on application of
Gardner Raceway for
harness racing

Speaking in favor

" No license shall be granted by the Commission (State Racing Commission) for a racing meeting in any city...unless the location of the racetrack where such meeting is to be held or conducted has been once approved by the Mayor and Alderman (Councillors) as provided by Chapter 271, Section 33 of the General Laws, after a public hearing, 7 days notice of the time and place of the hearing shall have been given by posting in a conspicuous public place in the city...and by publication in a newspaper published in such city..."

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Atty. Howard asked this question, "Am I to understand that in view of the language of this statute that the only question before your board is the question of approval of the location?" "If you do or do not wish to hear arguments on the merits of a race track?" President Walsh replied, " I am going to let this public hearing be run as open as possible both for and against. We are to hear all arguments, pro and con, but action will be taken on the location".

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Atty. Howard resumed and stated that Gardner Raceway, Inc. is a Massachusetts corporation which has been in existence for several years, whose officers, directors and stockholders are in every instance residents of this city, people of good reputation, citizens of the City of Gardner, One of the owners is Nathan Gewandter, a man who has lived in this city much of his life, a substantial tax payer in this city, a man everybody knows and respects. In other words, this concern is comprised of Gardner residents, not some one coming in from outside of Gardner but a local enterprise, made up by local people, financed with local money. At the present time Gardner Raceway, Inc. owns the site of what was formerly called Andrews Park. They have a tract of 60 to 100 acres in area, located $1\frac{1}{2}$ miles from Gardner Center on route 140, with one half mile dirt track, also some barn and stable facilities. Now if this location is approved and if a racing license is secured from the State Racing Commission, Gardner Raceway, Inc. plans to have a track to be entirely rebuilt and relocated. There would be a grand stand of a minimum of 25000 people. There would be barn and stable facilities adequate to take care of 300 horses, an administration building, a building for concessions, a parking lot and a club house. This would entail approximately one half million dollars. It would give additional employment, giving Gardner a new enterprise, and also during the racing meeting which may be limited to perhaps 30 days, more money would be left in Gardner, such as at the restaurants, eating places, hotels, lodging houses, filling stations and markets, and the Gardner people would benefit by it. Some of the people will live in trailers during this time

and their supplies will be purchased in Gardner. He stated that the matter of ascertaining if the track would be near the Gardner water system had been gone into carefully with two engineers and it was found that the proposed location for both the track and barns would be 2500 feet from Perley Brook which is part of the water system and it was found there would be no possibility of pollution from this location.

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Atty. Howard stated, in conclusion, that the Gardner Raceway, Inc. is a local enterprise, made up of local people, controlled by local people, and financed locally. It comes here seeking to bring to Gardner a legitimate business, which is honestly felt will be of distinct advantage to the City of Gardner, a substantial revenue to the city, which will mean a great increase in Gardner, to Gardner merchants. It would attract people from central and western Massachusetts and southern New Hampshire, who now have to travel to Foxboro, which is 70 or 80 miles from Gardner. It will mean more taxes for the City of Gardner. The Gardner Raceway, Inc. does not want to do anything that is going to harm Gardner or its reputation but want it to be a credit to the city of Gardner and they will keep it that way and he hoped for favorable consideration and presented a group of petitions which has been circulated, bearing a total of 617 signatures, petitioning that approval be given to the application of Gardner Raceway, Inc. for a harness racing track to be established in Gardner.

1001 Cont.

Bennett North, Stone Street an abuttor, stated that he had no objection to the location of the track.

Charles Keresey, Stone Street, an abuttor, stated that he had no objection to the location of the track.

Fred E. Perry, former Mayor, 36 Travers Street, stated he practically agreed with every word Atty. Howard said. Once it has been voted that the location is approved it is out of the hands of the Council. The State Racing Commission will have to approve it. The Commission will have another hearing. He did not believe that the race track would hurt the water. He had previously recommended several times that the brook from "Mam Johns" through the water shed land should be piped but it never was seen fit to do so. The city could have bought this land for \$1900. If it was harmful to the water, why did the city not buy it? He stated he did not see why any of the Councillors would oppose it when the majority of the voters voted for it.

Public hearing on
application of
Gardner Raceway for
harness racing (cont)

Speaking in Favor

Galaxy 820 50

Public hearing on
application of
Gardner Raceway for
harness racing (cont)

Speaking in favor

He suggested that all water shed land be posted, no trespassing. He further stated that there were several septic tanks right on the water shed. He pointed out that there exists presently on the city's watershed property besides the septic tanks, the municipal golf course, the Crystal Lake Cemetery, radio station location, and the building at the old Heywood Farm property which had not endangered the water supply and thought there would be no danger caused by the race track, and stated he was in favor of it. Those opposed ^{to} the race track were then heard.

Speaking in opposition

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Rev. Ben Bradford, 197 Woodland Avenue, Gardner, Mass., Pastor of the First Congregational Church and representing the Gardner and Vicinity Ministerial Association stated that he was opposed to this on moral grounds, in the very particular grounds, without going into full relationship where there is a danger of pollution. He stated that we have heard a very glowing account of what it does. He stated that we have ^{not} heard from the little people who are hurt and do not have a chance. There are many more people in the long run who are deeply hurt because of the pari-mutuel betting, Many people, who came to him, said they voted in favor without thinking it would be in Gardner, which was stupid. It would give temporary employment but much more money would go out of the city than stay in Gardner. He stated that they were not in opposition to the race track but in opposition to the pari-mutuel betting, and hoped the Council would be guided by its opening prayer and vote against approving the application.

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Curtis G. Watkins, 141 Chestnut Street, a home owner and President of the Simplex Time Recorder, stated he was interested in the City of Gardner, for a community fit to live in and for the development of that community and gambling is wrong if it hurts people. Gardner needs new industries. With strikes and labor problems there is no extra money floating around, We need new industries but we need money to stay in Gardner. He stated further that he had checked on the population in Vernon, N. Y. and found there were 754 people, with only one bank and two stores. This was after he had read the misleading advertising in the Gardner News in which a favorable and impressive account of the racetrack at Vernon, N. Y. was presented. He stated that the track at Vernon employed only 40 full time workers, half of which were employees of the State of New York who travelled the track circuit during the regular season.

Mr. Watkins read a lengthy transcript of a telephone conversation he had earlier in the day with W. E. Booth of the town of Foxboro, in which he stated that an employee of the bank also worked at the race track and got away with \$3000.00. He left the bank before it was discovered. Since then there were three cases of forgery and there had never been a case before. One of the Tax Assessors worked for the track when it first opened in 1947. You can draw your own conclusion. Later on one of the selectmen left town, a lawyer lost his practice. Two of them have since died an early death, brought on by connections with the track. It was said that the town would get \$40,000 a year in taxes as the track would be assessed for about one million dollars and the Foxboro taxes would go down on account of this. The track was assessed for \$261,000 and the tax is \$16,500. Mr Watkins further stated that if the raceway is permitted to become established here he will do everything in his power with all his resources to dig out scandal and corruption that might be directly attributable to the track.

Councillor Lison speaking as a City Councillor, wished to ask a few questions of Mr. Watkins regarding the papers he had just read. Mr. Watkins refrained from so doing and Councillor Lison said he felt that if a person was not in a position to answer his questions it made his position pretty weak as it was not too clear in Councillor Lison's mind as to some of the suggestions and reflections which were read.

Raymond LeBlanc, 208 Stone Street an abutter representing his wife Irene LeBlanc and two other abutters, Lucien and Rita Duhaime, 240 Stone Street and Oscar and Lydis Maki, 280 Stone Street, stated that they were all opposed to having the race track, which is about five hundred feet away.

Atty. Gould H. Coleman, 93 Prospect Street, President of the Gardner Chamber of Commerce stated that the Council had heard one of the members (Curtis G. Watkins) of the Chamber of Commerce state his personal views. Mr. Watkins, who is one of the most community civic minded in Gardner. A brief and certainly hurried survey of the opinions of the members of the Board of Directors of the Chamber of Commerce. These members are responsible business men here in Gardner and out of 18 members of the Board of Directors are opposed to the erection of a race track here in Gardner. One has expressed his approval of the race track. Two have expressed no opinion either way. The Secretary-Manager, Forrest C. Knight conducted a survey of the Mercantile Division in the square and they certainly do not want a race track here. One word of caution, this being the personal

Public hearing on
application of
Gardner Raceway for
harness racing (cont)

Speaking in opposition

Public hearing on
application of
Gardner Raceway for
harness racing (cont)

Speaking in opposition

opinion of Atty. Coleman, we are going to solve our financial problems with easy money. It would be easy as in Las Vegas or some other place, but that is not the way we want to face our problem here in Gardner. Mr. Watkins has pointed out fully to you all the sordid evils that will come with a race track in Gardner. Let us face our facts honestly, raise our money legitimately. Let us have a good clean community in Gardner now and in the future. Atty. Coleman explained to Councillor Lison that the Board of Directors is the governing Board of the Chamber of Commerce.

Raymond Barker, a representative of the Gardner Gospel Tabernacle stated that he was opposed to having the race track here and wondered why they stopped racing. Evidently it did not pay or it would be going today.

Richard N. Greenwood, 45 Green Street, President of the Heywood-Wakefield Company, stated that while people of Gardner have voted in favor of pari-mutuel horse racing they did not necessarily mean voting to have a track located in Gardner. He stated he was against it and that it was unfortunate from the view of the welfare of the City of Gardner to have a race track located in the City of Gardner.

George A. Keyworth, 42 Cross Street, stated that he had been very much interested in the comments made here tonight, both for and against. He said that he had had previous knowledge of horse racing and dog racing and it is a gambling business. He did not think Gardner was going to be improved in any sense of the word by having a gambling business in pari-mutuel racing. He was concerned more particularly for the welfare of the working people. We are an industrial community, he stated. It is a great temptation to bet on races if you go to a race track. Occasionally you win,

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Only a few win. Many families will be deprived of needs if we have pari-mutuel racing here in Gardner. People have just so much money to spend and if it is spent at the race track and not on the families that type of people need the consideration of this Council as to whether or not it is for the welfare of Gardner to have these races.

Howard D. Ferguson, 14 Edgell Street, Chairman of the Mayor's Industrial Committee and President of the Gardner Trust Company and want to get new business here. He stated that he knew about horse racing and dog racing, it was a lot of grief and we want no part of it. During the past several months there has been a slowing up of payments on mortgages and loans, due to strikes, less working hours, etc. If money is lost at the race track other obligations can not be fulfilled. It is a very unpleasant thing to foreclose mortgages at any time.

Rev. Ralph Bailey, 119 Edgell Street, of the First Unitarian Church, stated that the backers of this proposition make it appear very rosy, with the argument of the money that is going to be brought into the community. Those who have experienced this have reason to doubt this. There are the question of where the money comes from, what kind of people, what kind of homes, how many people lose for one who gains. Most of the people who will come in to Gardner will be people coming in not to work, but to see what they can take out of Gardner, not what they put in to it. He wished to be recorded as opposed to it.

Public hearing on
application of
Gardner Raceway for
harness racing (cont)

Speaking in opposition

Rev. Emmett Russell, 53 Elizabeth Street, of Gardner Gospel Tabernacle spoke in opposition to the racing track.

C. Harry Kuniholm, 186 Elm Street, residing on Route 140, pointed out that the location was a very serious automobile hazard in that it would bring heavy traffic through a residential section of the city, with three churches, a high school and a hospital enroute. He stated that in cases of liquor licenses we use discretion where we allow liquor to be sold. He thought the same discretion and consideration should be used for the location of a track and he was opposed to it entirely as being the wrong location. Further in reply to questioning by Councillor Lison, Mr. Kuniholm stated that as before he lives on Route 140 and did not discuss the merits or demerits of racing or betting, but on the location, and wanted neither a saloon nor a race track on Route 140 which runs through one of the better residential parts of our city.

President Walsh allowed fifteen minutes for each side to be heard for rebuttal.

Rebuttals

Atty. Howard was reminded of the story of President Calvin Coolidge who came home from church and when Mrs. Coolidge inquired as to the text of the preacher's sermon replied that it was on sin and that he was "ag'n it. That is the attitude of most of the people on gambling and they are ag'n it.

It has been pointed out that gambling is immoral and the little man, the average citizen or man in the factory must be protected against it. One particular man who spoke has in his particular factory three bookies right now which is true in a good many of the factories in the city. Any one in the city interested in gambling can do so through bookies operating in Worcester County and who also operate in this city. Over 4000 people in Gardner, a majority of 2 to 1, voted for pari-mutuel racing and he hoped this application would

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Public hearing on
application of
Gardner Raceway for
harness racing (cont)

Rebuttals

Motion to grant
application for
harness racing

Rev. Ben Bradford stated that there would be more evil, than good and for that reason he was "ag'n" it.

Forrest Knight, 65 Maple Street, Secretary- Manager of the Chamber of Commerce, stated he was the one that made the survey and he corroborated the statements made by Atty. Coleman.
The Public hearing was closed.

Councillor Robichaud made a motion, seconded by Councillor Lison, that the application of Gardner Raceway for approval of the location on Route 140, Green Street on the site of Andrews Park so-called for harness racing be granted.

Councillor Kraskouskas stated that she knew nothing about race tracks and gambling, had received several telephone calls for and against racing, and that she was interested in juvenile delinquency and could not make up her mind to make a fair vote so she contacted people in Foxboro who had had experience with pari-mutuel racing. She asked Chief of Police Dolan if there had been an increase in crime or juvenile delinquency and the type of persons that participate in races and class of people attending races. Chief Dolan replied that two arrests were made last year for drunkenness. Two police officers and two plain clothes men were on duty at the tracks with all salaries paid by the owners of the track. Firemen having a day off also worked getting additional revenue. Most of the men, participating were from the ages of 55 to 70 and are retired. They come in trailers, which are nicer than some of the homes. The population of Foxboro is 6000, 2000 of which are at the State Hospital. The largest crowd was 12,000. The land where the track is was formerly assessed for \$125.00 being a swamp and woods. Now the town of Foxboro is collecting \$16,500.00. The track is putting up a club house and one other building for a million dollars, which will mean increased revenue for the town. It employs from 75 to 120 from Foxboro when it is in session. The last election the people voted for it 3 to 1. The track has been in existence for 7 years. When she asked Mr. Cornish if he felt that they would like to rid themselves of the track he said he felt that the election returns spoke for themselves. Councillor Kraskouskas further stated that she could not just make a just decision but rather than hold it up would vote in the affirmative with the intention that it would be held up later by the State Racing Commission.

Councillor Reponen, in view of the fact that there seems to be so much controversy for and against the location made a motion, seconded by Councillor Tamulen, to table the motion on the floor to be considered at a special meeting. On roll call vote taken, Councillors Gilley, Kraakouskas, Landry, LeBlanc, Reponen, Sauter and Tamulen (7) voting in the affirmative and Councillors Lison, Robichaud, Sullivan and President Walsh (4) voting in the negative the motion was not carried as it required a two-thirds vote for passage.

Councillor Gilley gave his reasons for opposing and stated that when the races are over these people who have been cleaned out, if they can afford it well and good. If they can not that is where the tragedy comes in.

Councillor Sullivan complimented President Walsh on conducting the hearing and stated that the Council at the present time was only concerned with the approval of the location and not with the moral aspects of pari-mutuel betting. He stated that another public hearing would be held to determine if harness racing will be permitted, and that final approval would have to come from the State Racing Commission.

Councillor Sauter spoke as a Councillor in his capacity as Chairman of the Public Works Commission. He stated that before his committee comes various things as Highway, Sewer and Water system of the city. Many dollars have been spent in the last twenty-five years, some of them questioned but nevertheless spent to protect the water supply. To protect the water shed in that area which is the Parley Brook area \$38,711.00 has been spent. Proponents of the track have stated that they would build their buildings far enough away, 2500 feet from the present brook. They intend to build a wall to keep people from getting near the brook. They propose to have the parking area adjacent to this wall. If they put in hard top surface the water has got to go some place. The only outlet from the horse stables, parking lot and club house, as water seeks its own level, would be to run into Parley Brook which runs down to the dam on Clark Street. We may find we are short of water and have to dam it during the summer season. It would take considerable money to develop the sewage system to take care of the track. If as at Vernon Downs 100 trailers came here there would be approximately 300 people for from one to three months at the track quite a considerable amount of sewage would have to be taken care of. In 1951 a sum of money was spent for a survey for improvements to the water supply. It is gradually approaching the time when we may need

Discussion on motion to grant Gardner Raceway application for harness racing (cont)

Motion to table issue until special meeting did not pass

Discussion on motion
to grant application
of Gardner Raceway for
horse racing (cont)

additional water for the city. A report was made in March of 1953 with various recommendations. This area would eventually have to be used, flooding land from the Perley Brook to the road near Route 140, the entrance to the trotting park. If that was insufficient it would be necessary to take one of the tributaries and dam that up, dam up the Poor Farm Brook and that entire area would become part of the Gardner Water supply. Although the population has not increased much more water is being used with the advent of modern appliances, automobile washers, etc. Councillor Sauter further stated that if we are going to have a racing track a majority of 90% of the people would travel over Route 140 or over Parker Street to the center of Gardner over Green Street or Woodland Avenue. This intersection is in front of the hospital. In the day time people are used to noise but in the evening there would be a great deal more and the traffic and noise would become a problem. He could not favor a racing track on this location.

Councillor Robichaud stated that he would be in favor of the location.

Councillor Lison stated that the Council was merely approving the site and had nothing to do with pari-mutuel betting. The State Racing Commission will rule on that as that commission has the full responsibility to allow horse racing in Gardner.

Councillor Landry stated that he had been in the City Council for the last five years and had consistently opposed any type of construction on or near the city watershed and would vote against this location for racing.

Councillor Reponen stated that in view of the fact that his motion was defeated and he was definitely going to vote against this location for racing.

Councillor LeBlanc stated that he had been a Councillor in Ward 3 for six years before he became Councillor-at-Large. He said that he investigated. He did not go to the banks nor to anybody in the money but he went to the people direct at their homes and found out what was the result of horse racing in Pawtucket and Narragansett. Women told him that their husbands instead of working in the factories were at the race tracks. After the racing radios, televisions and other articles of furniture were taken from their homes. He stated he was going to vote against this location for racing in Gardner.

President Walsh announced that the question on which the Council is to take action is on the application of Gardner Raceway for approval of the location on Route 140, Green Street on the site of Andrews Park so-called for harness racing.

On roll call vote, taken, Councillors Kraskouskas, Lison, Robichaud, Sullivan and Tamulen (5) voting in the affirmative, Councillors Cilley, Landry, LeBlanc, Reponen and Sauter (5) voted in the negative. Before voting President Walsh said that he sympathized with the petitioners and he also sympathized with the objectors but he believed that at the time the question, "Shall the pari-mutuel system of betting on licensed horse races be permitted in this country?" appeared on the ballot at the State Election this Fall that it was the time to make your objections. He further stated that he thought we had sat back and said "there is nothing to worry about, they always voted against it in Worcester County", but this year they voted for it. Now, we are trying to tell the people of the City of Gardner that they did not know what they were doing. I do not feel it is my prerogative to tell the people that what they did when they voted 4090 in favor and 2071 against is not right, as all voters in all wards of the City voted in favor. That fact can not be forgotten. In view of the vote of the people, no matter how good other arguments may be, no matter where their sympathies lay, I will vote in favor, and the result of the roll call vote was six yeas and five nays and the motion was carried to approve the petition.

Motion to grant application of Gardner Raceway for harness racing passed

At 10:40 o'clock p.m. the meeting adjourned to the Council Chamber, City Hall to consider the rest of the regular Council Business.

Meeting adjourned to Council Chambers

1919-1020-1021

Motion made by Councillor Sullivan, seconded by Councillor Cilley, was voted to suspend the Council Rule in regard to appointments.

Vote to suspend Council rules in regards to appointments

1919-1020-1021

Motion made by Councillor Landry, Seconded by Councillor Robichaud, was voted to confirm the following appointments received from the

Motion to confirm appointments

CHARLES F. SAUNDERS as Airport Commissionner
for term expiring November 18, 1957
JAMES F. CASAVANT as Forest Warden
for term expiring December 31, 1955
OMER H. LAROCHE as Moth Superintendent
for term expiring December 31, 1955
THOMAS H. BINALL as Member, Planning Board
for term expiring December 31, 1955.

Charles F. Saunders,
Airport Commissionner
James F. Casavant
Forest Warden
Omer H. Laroche
Moth Superintendent
Thomas H. Binall
Member, Planning Board

EXHIBIT C

City of Gardner

JANUARY 3, 1955
IN CITY COUNCIL

EXHIBIT

tabbies

C

Monday evening, January 3, 1955, Regular meeting of the City Council held in the Council Chamber, City Hall. Meeting called to order at 7:30 o'clock p.m. by City Clerk Sarah E. Bourgeois who announced that nominations for the election of a President of the City Council for the year 1955 would be in order immediately after roll call.

Regular meeting

Roll call taken-Ten members present, 1 absent (Councillor Cilley).

Roll Call

Councillor Landry nominated Councillor Martin H. Walsh for president, duly seconded by Councillor LeBlanc.

Nomination for
President of Council

On motion made by Councillor Reponen, seconded by Councillor Sauter, it was voted to close nominations.

Motion to close
nominations

On roll call vote taken Councillor Martin H. Walsh was unanimously elected president of the City Council for the year 1955.

Councillor Walsh,
unanimously elected
Council President

President Walsh thanked the members of the City Council for electing him President for the year 1955.

Thank you and address
by President Walsh

He said that the City Council, during the year 1954, has worked hard and sincerely to attain the type of City Government the people wish for the city. We have been hamstrung, he said, at time by indecision and fear on the part of the top echelon, of our City Government, which tends to make our whole structure look weak and indecisive.

The members of the City Council, however, have proven in the past year that their decisions are based on their own judgment according to facts and their individual votes have been accepted within the council, without rancor, by the opposition. There has been an attempt to break up this good democratic process, by trying to inject into our ranks a feeling of indecision and fear by swaying public opinion through high powered and expensive paid advertisement. This type of powerful influence and energy should not be allowed to go to waste in our community. We have a place where this type of influence and ability to organize can be used to great advantage.

Continuing, he said, a year ago the Mayor set up an Industrial Committee in the City for the purpose of bringing new and diversified industry into the community. This committee, he was sorry to say, has not been successful for one reason or another. "I am certain now that we need new industry more than ever." In 1954 another of our industries has left the city. This time one of our oldest and best paying industries, the stove business. Something must be done to replace this loss to the community.

The best men in my opinion, he said to bring industries in to the community are these same men with influence who can band together and get what they go after. With their business minds and connections in industry, I am certain that they could do the community a real service and prevent it from going backward any further, but instead go forward by leaps and bounds.

I therefore, challenge this powerful group of industrialists and members of the Chamber of Commerce to start in 1955 to protect and improve the city, by using their talents to bring new industry to Gardner, in order to keep our position as an industrial community.

We members of the City Council have proven in 1954 that we are officials with a sense of duty to the electorate who put us in office.

Let us look forward to 1955 with the same independent feeling of free men in a free community.

Opening Prayer

The opening prayer was then said in unison.

Motion to delay reading of minutes until next meeting

On motion made by Councillor Sauter, seconded by Councillor Lison, it was voted to delay action on the reading of the minutes of the regular meeting of December 20 until the next regular meeting of the City Council,

Motion to place on file Mayor's comm. relative to Harness Racing in Gardner

1001
On motion made by Councillor Sauter, seconded by Councillor Reponen, it was voted to place on file the Mayor's communication with attached photostatic copies of a letter from the Department of Public Health signed by Clarence I. Sterling, Jr., Deputy Commissioner, and also a press release given by the Mayor on December 24, stating the reasons why it was impossible for him to either approve or disapprove the vote taken on December 20 relative to the location of a track for harness racing on a tract of land now owned by Gardner Raceway, Inc. on Route 140 and why he returned the vote to the City Council without his signature.

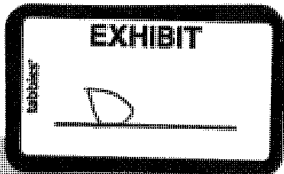
According to City Solicitor because Mayor does not sign application it does not pass

1001
In answer to Councillor Lison as to what would happen now to the vote taken December 20 the City Solicitor replied that according to the statute both the City Council and the Mayor must approve the site. If either one does not sign, it does not pass.

City Solicitor explained lease between City of Gardner and Comm. of Mass. Div. of Employment Security

1044
The City Solicitor explained the lease between the City of Gardner and the Commonwealth of Massachusetts Division of Employment Security. He said the lease is one in usual form for a five year term from the first day of May 1955 or from the day the entire area is available and the alterations specified have been completed, with the privilege on the part of the Commonwealth of extending this lease for a further period of five year for approximately 1800 square feet of space in the building known as the Connors Street School, said space consisting of approximately 1400 square feet in two adjacent classrooms on the second floor in the westerly side of the building and approximately 400 square feet of the second floor partitioned lobby with access stairways to the rear exit of the building. This space is to be used by the Division of Employment Security as a Public Employment Office and for other business of the Division of Employment Security. The annual rental will be \$1200.00 a year or \$100.00 a month plus \$4020.00 which is the bid made on repairs for that part of the school that the Division of Employment Security would occupy. \$100.00 would represent the proportionate cost of heat, water, janitor service and nominal repairs to plumbing and electrical service and office maintenance plus \$67.00 which would take care of interest light and that part of the total cost of repairs and alterations agreed to.

EXHIBIT D



#1280

On motion made by Councillor Sullivan, seconded by Councillor Gilley, it was voted to hold the regular meetings of the City Council during July and August on the third Monday of each month.

On motion made by Councillor Gilley, seconded by Councillor Sullivan, it was voted to adjourn at 8:45 o'clock p.m. after recitation of the closing prayer.

A true copy, Attest:

CITY OF GARDNER
July 18, 1955
IN CITY COUNCIL

Joseph A. ... City Clerk

Monday evening, July 18, 1955. Regular meeting of the City Council held in the Council Chamber, City Hall. Meeting called to order at 7:30 o'clock p.m. by President Walsh.

Roll call taken-- Eight Councillors present. Three Councillors absent. (Councillors LeBlanc, Reponen and Sauter absent.) Councillors LeBlanc and Reponen present at 7:37 p.m.

The opening prayer was then said in unison.

On motion made by Councillor Tamulen, seconded by Councillor Lison, it was voted to dispense with the reading of the minutes of the regular meeting of June 20, 1955.

#1280

On motion made by Councillor Robichaud, seconded by Councillor Kraskowskas, it was voted to confirm the following appointment received from the Mayor:

FRANK K. HIRONS as Special Police Officer
in and around the City of Gardner, condition of appointment is that Police Uniform and badge shall not be worn off premises for which appointed. For term expiring January 15, 1956.

Galaxy S20 5G

200 questionnaires were mailed out to the city people, and asking them if they were in favor of having the sewage system installed. The following is the result of the questionnaires sent out.

- 50 Questionnaires mailed out
- 15 Returned in favor
- 5 Returned opposed
- 20 Not returned.

The Planning Board recommends that this project be undertaken for the following reasons:

- a. Majority of the people with this service.
- b. This area is a resort to health, especially Colby Park upon which the land is naturally wet.
- c. The Board feels that if sewage was installed it would encourage more building in this area.

The Planning Board further recommends that this project be started in 1956 and extended over a three-year period as follows:

- Project #1 (1956)
Lennon Street and People Street.
- Project #2 (1957)
Pearl Street
- Project #3 (1958)
Colby Park

Very truly yours,
(signed) Stanley Michonowicz
Chairman

#1156
On motion made by Councillor Sullivan, seconded by Councillor Sepponen, it was voted that the following report from the Planning Board be placed on file:
July 13, 1955
Motion to put report from Planning Board on file.

#1157
At the Mayor, the Mayor and Members of the City Council
Gentlemen:

At the regular meeting of the Planning Board it was voted that a report be made on the portion of Harvard Street at the top on the hill. The layout plan was submitted and the report was not in conformity with the Planning Board's regulations.

Very truly yours,
Stanley Michonowicz
Chairman.

#1158
President Walsh announced that an informal meeting of the Council had been called by the President for Wednesday evening, July 20, 1955 at 7 o'clock p.m. at the Gardner Hotel, Elm Street, Council for a meeting with the members of the Gardner Amateurs Club.
Informal Meeting

#1159
On motion made by Councillor Pennington, seconded by Councillor Sepponen, it was voted to refer the request received from the Gardner Amateurs, Inc., to place on the parcel for the next regular City election approval of the location on the easterly side of Route 140 on Harvard Street for the participation system of putting on licensed horse races to the City Solicitor for an opinion as to the proper procedure.
Refer to City Solicitor request to place on ballot question of participation system to Gardner Amateurs.

Galaxy S20 5G

to accept the portion of Harvard Street at the top of the Mill.
 No layout plan was submitted and the street does not comply with the Planning Board's regulations.

Very truly yours,
 Stanley Michalewicz
 Chairman.

#1289
 President Welsh announced that an informal meeting of the Council and been called by the President for Wednesday evening, July 20, 1955 at 7 o'clock p.m. at the Furniture Mart, Elm Street School for a meeting with the members of the Gardner Furniture Mart.

#1290
 On motion made by Councillor Tamplin, seconded by Councillor Arastoonakas, it was voted to refer the request received from the Gardner Raceway, Inc., to place on the ballot for the next regular city election approval of the location on the easterly side of Route 140 on Green Street for the pari-mutuel system of betting on licensed horse racing.

Refer to City Solicitor request to place on ballot question of pari-mutual betting to Gardner Raceway

Planning Board Report
 Galaxy SZD 9C

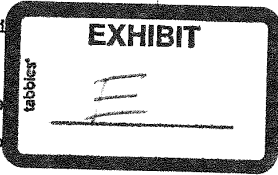
Arrangement of Informal Meeting

EXHIBIT E

206

Refer to Service Comm. drainage on certain streets

#1306 Councillor Landry also referred to the Public Service Commi drainage in Jean Street area, Monadnock, Oriole and Branch and requested that the Public Works Commission make a surve vise the Council on the size of the pipes going through fro Drive to Greenwood Playground.



Request Service Comm. for cost estimate for repairs to Oak Street sidewalk

#1307 Councillor Landry also requested the Public Service Committee to bring in an estimated cost for renewing the sidewalk on the west side of Oak Street from West Street to Richmond Street and on the east side of Oak Street from Richmond Street to Park Street. Councillor Landry stated that he would not want the cost of these repairs to come out of the sidewalk allotment for new sidewalks in Ward 2. There was an item in the budget for street repair and he suggested that sums be set up for sidewalk repair.

Adjourn

On motion made by Councillor Tamulen, seconded by Councillor Lison, it was voted to adjourn at 9:35 p.m. after recitation of the closing prayer.

A true copy, Attest:

CITY OF GARDNER

August 15, 1955

IN CITY COUNCIL

Sarah C. Pongema
City Clerk

Regular meeting

Monday evening, August 15, 1955. Regular meeting of the City Council held in the Council Chamber, City Hall. Meeting called to order at 7:30 o'clock p.m. by President Walsh.

Roll call

Roll call taken-- 10 Councillors present, 1 absent (Councillor Sauter). The opening prayer was then said in unison.

Dispense with reading of minutes

On motion made by Councillor Tamulen, seconded by Councillor Robichaud, it was voted to dispense with the reading of the minutes of the regular meeting of July 18, 1955.

Finance Comm. granted more time on land at corner of Temple St. & Hospital Hill Rd.

#1232 There being no objections the Finance Committee was granted more time to investigate the value of the tract of land at the corner of Temple Street and Hospital Road to ascertain whether or not the City of Gardner would be justified in accepting the bids submitted.

Motion to suspend rule relative to appointments

#1308 On motion made by Councillor Landry, seconded by Councillor Cilley, it was voted to suspend the Council rule in regard to appointments.

Motion to confirm appointments

#1308 On motion made by Councillor Reponen, seconded by Councillor Kraskouskas, it was voted to confirm the following appointment received from the Mayor:

Paul T. Driscoll as Deputy Defense Director

Paul T. Driscoll as Deputy Defense Director for term expiring August 1, 1956.

213

#1295
The Public Safety Committee and Public Welfare Committee were granted more time to consider a proposed ordinance to forbid people using the pool and any time that lifeguards are not on duty at the Greenwood Memorial Pool.

Accept Safety & Welfare Comm. reports on use of pool when lifeguards are not on duty

#1303
On motion made by Councillor Robichaud, seconded by Councillor Kras-kouskas, it was voted to accept the Public Welfare Committee's report that the Park Commissioners and Tree Warden were going to meet and devise the best method of planting shade trees at Pulaski Playground, possibly in connection with an Arbor Day program in the Spring.

Accept Welfare Comm. report on trees at Pulaski Playground

#1292
The Finance Committee was granted more time to consider a bid of \$1.00 received from Fred E. Perry for land located on the west side of Mill Street called Asaph Wood Meadow.

Finance Comm. granted more time on bid for Asaph Wood Meadow.

#1290
Councillor Lison made a motion, seconded by Councillor Robichaud, that a letter from the Gardner Raceway, Inc., re Track Location be read. Councillor Landry made a substitute motion, seconded by Councillor Cilley, that the City Solicitor's opinion be accepted. On vote taken to consider the substitute motion by a vote of 5 to 5 the motion was not passed and therefore defeated. On vote taken to read the letter it was voted by a show of hands 8 to 2 in favor. The following letter was read.

Motion to read letter from Gardner Raceway, Inc. re: Track Location

#1290
The following opinion from the City Solicitor was read:

July 29, 1955

Opinion from City Solicitor read

President & Members of the
City Council
Gardner, Massachusetts

Gentlemen:

Responding to your request of July 18, 1955 for a legal opinion as to whether the City Council may submit to the registered voters the following question:

Opinion on putting matter of raceway before the voters

"Shall a tract of land located within the limits of the City of Gardner, now owned by the Gardner Raceway, Inc., and comprising approximately 100 acres, situated on the easterly side of Route 140, otherwise called Green Street: and approximately 1½ miles from West Gardner Square: be approved as the location of a tract for the pari-mutuel system of betting on licensed horse races", I submit the following answer:

Section 49 of the City Charter states that "the City Council may of its own motion, submit to a vote of the registered voters of the City for adoption or rejection at a regular or special election, any proposed measure."

Section 50 of said Charter, referring to a measure submitted to the voters states, "...shall take effect"; and

Opinion from City Solicitor relative to putting matter of raceway before the voters (cont)

Section 51 says, "...no measure shall go into effect unless it receives ...votes....of the registered voters,...."

In the above sections I have underlined "any proposed measure", "shall take effect", and "shall go into effect", and I have done so to point out the significant and controlling words as they bear on the question here sought to be resolved.

To arrive at a proper legal conclusion, I am compelled to refer to the Chapter and Section of General Laws of this Commonwealth dealing with the question of "Approval of the location for a racetrack." Chapter 128a, Section 13a of said General Laws states, (and I quote that part applicable here) "No license shall be granted by the (State Racing Commission for a racing meeting in any city, ..unless the location of the racetrack where such meeting is to be held or conducted has been once approved by the Mayor and Aldermen (City Council)..."

You will note from the reading of this Chapter and Section of the General Laws that approval by the Mayor and City Council is required. Neither the Mayor nor the City Council can pass this responsibility to the registered voters.

You will note further, that the references to Sections 49, 50, and 51 of the City Charter made in the early part of this analysis, clearly indicate that any "proposed measure" that is submitted to the voters, "shall take effect" or "shall go into effect" upon affirmative vote of the registered voters. This would indicate that any "proposed measure" to be submitted to the voters would upon passage by the voters, have the force and effect of law, and become law on its passage.

The question here presented requesting submission of approval of location of a certain racetrack, is herein treated as a "proposed measure", and since Chapter 128a, Section 13a of the General Laws requires the Mayor and the City Council only to act on racetrack locations, the question therefore cannot be delegated to the registered voters, since affirmative vote by the registered voters on this question could not cause the measure to "take effect".

I therefore rule that the question here proposed may not be placed on the ballot.

Respectfully submitted,

(signed) Eugene O. Turcotte

City Solicitor.

Motion to accept opinion did not pass

#1290

Councillor Landry made a motion, seconded by Councillor Cilley, to accept the opinion of the City Solicitor. On roll call vote taken, Councillors Cilley and Landry (2) voting in the affirmative. Councillors Kraskouskas, LeBlanc, Lison, Reponen, Robichaud, Sullivan, Tamulen and President Walsh(8) voting in the negative and Councillor Sauter (1) absent the motion was defeated.

Motion to place question on ballot at next regular election

#1290

Councillor Lison made a motion seconded by Councillor Robichaud, to place the following question on the ballot at the next regular city election:

"Shall a tract of land located within the limits of the City of Gardner, now owned by the Gardner Raceway, Inc., and comprising approximately 100 acres, situated on the easterly side of Route 140, otherwise called Green Street; and approximately 1 1/4 miles from West Gardner Square; be approved as the location of a tract for the pari-mutuel system of betting on licensed horse races?"

Motion to place question on ballot did pass

On roll call vote taken, Councillors Kraskouskas, LeBlanc, Lison, Reponen, Robichaud, Sullivan, Tamulen and President Walsh (8) voting in the affirmative, Councillors Cilley and Landry (2) voting in the negative and Councillor Sauter (1) absent it was voted to put the question on the ballot.

215

On motion made by Councillor Cilley, seconded by Councillor Tamulen, it was voted to consider new business. New Business

#1323
On motion made by Councillor LeBlanc, seconded by Councillor Cilley, it was voted on roll call vote, 9 yeas, 1 nay (Councillor Landry) and 1 absent (Councillor Sauter) to pass the following order: Motion to pass money order

AN ORDER TRANSFERRING A SUM OF MONEY FROM THE AVAILABLE FUNDS TREASURY ACCOUNT TO THE UNCLASSIFIED DEPARTMENT, WEST STREET COMFORT STATION, PERSONAL SERVICE ACCOUNT.

ORDERED:

That there be and is hereby transferred the sum of Four hundred dollars (\$400.00) from the Available Funds Treasury Account to the Unclassified Department, West Street Comfort Station, Personal Service Account.

Presented to the Mayor for approval
August 16, 1955-Approved
ULRIC O. FREDETTE, Mayor

\$400.00 to Unclassified Dept., West Street Comfort Station, Personal Service Acct.

Approved by Mayor

#1324
On motion made by Councillor LeBlanc, seconded by Councillor Lison, it was voted on roll call vote, 9 yeas, 1 nay (Councillor Landry) and 1 absent (Councillor Sauter) to pass the following order:

AN ORDER TRANSFERRING A SUM OF MONEY FROM THE AVAILABLE FUNDS TREASURY ACCOUNT TO THE UNCLASSIFIED DEPARTMENT, WEST STREET COMFORT STATION, ORDINARY MAINTENANCE ACCOUNT.

ORDERED:

That there be and is hereby transferred the sum of Two hundred dollars (\$200.00) from the Available Funds Treasury Account to the Unclassified Department, West Street Comfort Station, Ordinary Maintenance Account.

Presented to Mayor for approval August 16, 1955
Approved August 16, 1955
ULRIC O. FREDETTE, Mayor

Motion to pass money order

\$200.00 to Unclassified Dept., West Street Comfort Station, Ordinary Main. Acct.

Approved by Mayor

#1325
On motion made by Councillor Robichaud, seconded by Councillor Lison, it was voted to accept the Public Safety Committee's favorable report and to grant Hackney Operator Licenses to the following:

Joseph N. Brunell
Raymond E. Nadeau
Joseph J. Zub.

Accept Safety Comm. report and grant Hackney Operator

#1326
On motion made by Councillor Robichaud, seconded by Councillor Tamulen, it was voted to accept the Public Safety Committee's favorable report and to grant the American House to erect a sign 14" x 18" over the sidewalk at 38 Parker Street under the supervision of the Building Inspector and with a liability policy that meets the approval of the City Solicitor. Accept Safety Comm. report and grant overhead sign permit on Parker Street

215

On motion made by Councillor Cilley, seconded by Councillor Tamulen, it was voted to consider new business.

New Business

#1323

On motion made by Councillor LeBlanc, seconded by Councillor Cilley, it was voted on roll call vote, 9 yeas, 1 nay (Councillor Landry) and 1 absent (Councillor Sauter) to pass the following order:

Motion to pass money order

AN ORDER TRANSFERRING A SUM OF MONEY FROM THE AVAILABLE FUNDS TREASURY ACCOUNT TO THE UNCLASSIFIED DEPARTMENT, WEST STREET COMFORT STATION, PERSONAL SERVICE ACCOUNT.

\$400.00 to Unclassified Dept., West Street Comfort Station, Personal Service Acct.

ORDERED:

That there be and is hereby transferred the sum of Four hundred dollars (\$400.00) from the Available Funds Treasury Account to the Unclassified Department, West Street Comfort Station, Personal Service Account.

Presented to the Mayor for approval
August 16, 1955-Approved
ULRIC O. FREDETTE, Mayor

Approved by Mayor

#1324

On motion made by Councillor LeBlanc, seconded by Councillor Lison, it was voted on roll call vote, 9 yeas, 1 nay (Councillor Landry) and 1 absent (Councillor Sauter) to pass the following order:

Motion to pass money order

AN ORDER TRANSFERRING A SUM OF MONEY FROM THE AVAILABLE FUNDS TREASURY ACCOUNT TO THE UNCLASSIFIED DEPARTMENT, WEST STREET COMFORT STATION, ORDINARY MAINTENANCE ACCOUNT.

\$200.00 to Unclassified Dept., West Street Comfort Station, Ordinary Main. Acct.

ORDERED:

That there be and is hereby transferred the sum of Two hundred dollars (\$200.00) from the Available Funds Treasury Account to the Unclassified Department, West Street Comfort Station, Ordinary Maintenance Account.

Presented to Mayor for approval August 16, 1955
Approved August 16, 1955
ULRIC O. FREDETTE, Mayor

Approved by Mayor

#1325

On motion made by Councillor Robichaud, seconded by Councillor Lison, it was voted to accept the Public Safety Committee's favorable report and to grant Hackney Operator Licenses to the following:

Accept Safety Comm. report and grant Hackney Operator

Joseph N. Brunell
Raymond E. Nadeau
Joseph J. Zub.

#1326

On motion made by Councillor Robichaud, seconded by Councillor Tamulen, it was voted to accept the Public Safety Committee's favorable report and to grant the American House to erect a sign 14" x 18" over the sidewalk at 38 Parker Street under the supervision of the Building Inspector and with a liability policy that meets the approval of the City Solicitor.

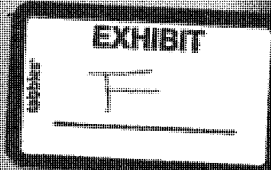
Accept Safety Comm. report and grant overhead sign permit on Parker Street

EXHIBIT F

CITY OF GARDNER

October 3, 1955

IN CITY COUNCIL



Regular meeting

Monday evening, October 3, 1955. Regular meeting of the City Council held in the Council Chamber, City Hall. Meeting called to order at 7:30 o'clock p.m. by President Walsh.

Roll call

Roll call taken-- 8 Councillors present,
3 " absent (Gilley, Kraskouskas and Sullivan)

Opening Prayer

The opening prayer was then said in unison.

Dispense with reading of minutes

On motion made by Councillor Robichaud, seconded by Councillor Tamura it was voted to dispense with the reading of the minutes of the regular meeting of September 19, 1955.

Consideration of item out of order

There being no objection from the Council Item 1355 was considered as the first item on the calendar, to be followed by the drawing of one juror, as requested.

Public hearing Speaking against

#1355 Public hearing held. Leon Bagdonas, 161 Ryan Street, (not a recorded abutter) objected to the amount of land to be taken from the lawn, with no place for his car and offered to give the city 5 feet of the land and if the post were moved would give another 6 feet of land.

Accept Service Comm. report and approve plan for alteration of Ryan Street

On motion made by Councillor Reponen, seconded by Councillor Robichaud it was voted to accept the Public Service Committee's favorable report and to approve the plan and layout as submitted for the alteration of Ryan Street for the entire length from West Street to Clark Street, and of a uniform width of 50 feet throughout.

Counc. Landry excused

Councillor Landry was excused at 7:45 o'clock p.m.

Draw Juror

Councillor LeBlanc drew Kazmera Dymek, 3 Chatham Street as a traverser juror for Civil Session of Superior Court to report at Fitchburg, on Monday, November 7, 1955.

Appointments laid on the table

#1336 The appointments for three election officers, as follows to fill vacancies were laid on the table in accordance with the Council Rules:

- John R. Tinker as Inspector, Ward 1, Precinct B
- Origene Dion " Deputy Inspector Ward 2, Prec. A
- James J. Sutherby as " " 5, " A

Galaxy S20 5G

238

Hearing held and accept report of Service Comm., City Engineer and Plann. Board to accept Laitinen Drive

Accept portions of General Laws and place questions on ballot

Motion to hold public hearing at next meeting on application for underground storage on Chestnut Street

Grant permit to maintain marquee on Parker Street

#1340

Hearing Held. On motion made by Councillor Reponen, seconded by Councillor Robichaud, it was voted to accept the Public Service Committee's favorable report with the recommendations of the Planning Board and City Engineer that the promoter post a bond or certified check to the amount of \$800.00 to guarantee the completion of the street and to accept Laitinen Drive from the easterly line of Halford Street to the easterly line of proposed Pelley Street and of a uniform width of 50 feet.

#1384

On motion made by Councillor Reponen, seconded by Councillor Lison, it was voted that provisions of General Laws of Chapter 5A, Sections 55, 56 and 57 shall be suspended and made inapplicable as to the following question to be placed on the ballot at the City Election, November 8, 1955:

"Shall a tract of land located within the limits of the City of Gardner, now owned by the Gardner Raceway, Inc., and comprising approximately 100 acres, situated on the easterly side of Route 140, otherwise called Green Street; and approximately $\frac{1}{4}$ miles from West Gardner Square; be approved as the location of a tract for the pari-mutuel system of betting on licensed horse races?"

as passed by the City Council at the meeting held on August 15, 1955.

#1385

On motion made by Councillor Robichaud, seconded by Councillor Sauter, it was voted to hold a public hearing in the Council Chamber, City Hall, on Monday evening, October 17, 1955 at 7:30 o'clock p.m. to consider the application of Raoul A. Vallee and Mae H. Vallee for a license to install 5 underground tanks totalling 11,000 gallons for the storage of gasoline, fuel oil and waste oil on their property at 229 Chestnut Street.

#1386

On motion made by Councillor Robichaud, seconded by Councillor Lison, it was voted to accept the Public Safety Committee's favorable report and to grant Fran-Gard Theatres Corporation a permit to maintain a marquee over the sidewalk at 34 Parker Street under the supervision of the Building Inspector and with a liability policy that is subject to the approval of the City Solicitor.

Vote

In City Council

OCT - 3 1955

.....19

Order Passed

OCT - 3 1955

.....19

Sacalia P. Bougera
Clerk

Presented to Mayor for approval

OCT - 4 1955

.....19

Approved October 5,

1955

This Vote approved to avoid City additional expense.

Paul B. Swattle
Mayor

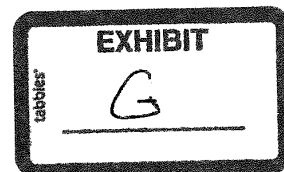
ed of ordinary members of a conference of
representatives of the United States to be in
Washington, D.C. on October 10, 1955.

advised that the United States should be invited to attend a conference of representatives of the United States to be in Washington, D.C. on October 10, 1955. The purpose of the conference is to discuss the possibility of a conference of representatives of the United States to be in Washington, D.C. on October 10, 1955. The purpose of the conference is to discuss the possibility of a conference of representatives of the United States to be in Washington, D.C. on October 10, 1955.

ated written to the members of the Council on October 10, 1955.

EXHIBIT G

CITY OF GARDNER
CITY ELECTION



Tuesday -- November 11, 1955

Polls Open at

10. o'clock a.m.

(Seal)

Polls Close

8 o'clock p.m.

City Clerk's Office, October 28, 1955

In accordance with the vote taken by the City Council September 6, 1955 meetings of the citizens of this city qualified to vote for city officers will be held in the several polling places designated by this Board as follows:

Ward 1, Prec. A	School Street School Annex
Ward 1, Prec. B	School Street School Annex
Ward 2, Prec. A	Motors of Gardner, Inc., 33 West Street
Ward 2, Prec. A	Coleman Street School
Ward 3, Prec. A	City Hall Auditorium
Ward 3, Prec. B	Waterford Street School
Ward 4, Prec. A	Union Hall, 69 Pine Street
Ward 4, Prec. B	Parker Bros., Auto Co., 231 Main Street
Ward 5, Prec. A	Gardner Auto Co., Inc. 486 Chestnut Street
Ward 5, Prec. B	Prospect Street School

On Tuesday, November 8, 1955 for the purpose of giving in their votes for the election of Mayor for two years, six Councillors-at Large for two years, one Ward One Councillor for two years, one Ward Three Councillor for two years, one Ward Four Councillor for two years, one Ward Five Councillor for two years, and two members of the School Committee for Four years; all terms to begin the first Monday in January, 1956. Also to vote on the approval of a location situated on the easterly side of Route 140, otherwise called Green Street, for the pari-mutuel system of betting on licensed horse races.

It is further ordered that the polls shall be opened at 10 o'clock in the morning and close at 8 o'clock in the evening.

Per order of the City Council
SARAH E. BOURGEOIS, CITY CLERK

CITY OF GARDNER

Notice

I hereby certify that the following is a list of the candidates to be voted on at the City Election to be held on Tuesday, November 8, 1955 To vote for a person mark a cross (x) in the section at the right of the name.
SARAH E. BOURGEOIS, City Clerk

Candidates for WARD FIVE COUNCILLOR for TWO Years

Vote for ONE

Edward W. Tamulen, 150 Lovewell Street
 Wassey S. Szymanski, 19 Glenwood Street

Candidates for SCHOOL COMMITTEE for FOUR Years

Vote for Two

Robert B. Morgan, 152 Oak Street
 Herve N. Vezina, 131 Graham Street
 Richard W. Cushing, 24 Jackson Park
 George C. Lison, 23 West Broadway

To vote on the following question mark a cross (X) at the right of YES or NO

"Shall a tract of land located within the limits of the City of Gardner, now owned by the Gardner Raceway, Inc., and comprising approximately 100 acres, situated on the easterly side of Route 140, otherwise called Green Street: and approximately 1 1/4 miles from West Gardner Square: be approved as the location of a tract for the pari-mutuel system of betting on licensed horse races?"

YES	
NO	

Gardner, Mass.
 October 29, 1955

RETURNS

CITY ELECTION----NOVEMBER 8, 1955

The returns of the City Election were received from the various wards at the City Clerk's Office as follows:

WARD	TIME	VOTES	REGISTRATION	PERCENTAGE
1 A	Nov. 8, 10.44p.m	818	972	84.1
1 B	Nov. 8, 10.19p.m	544	670	81.1
2 A	Nov. 8, 11.08p.m	972	1170	83.0
2 B	Nov. 8, 12.33a.m	1082	1296	83.4
3 A	Nov. 8, 1.14a.m	1017	1218	83.4
3 B	Nov. 8, 11.48p.m	858	1014	84.6
4 A	Nov. 8, 11.02p.m	672	816	82.3
4 B	Nov. 8, 11.07p.m	644	804	80.1
5 A	Nov. 8, 10.40p.m	767	923	83.1
5 B	Nov. 8, 10.22p.m	1007	1199	83.9
		<u>8381</u>	<u>10082</u>	<u>82.9</u>

A true copy, Attest:

Sarah E. Bourgeois
 City Clerk

WARD FIVE COUNCILLOR

	One-A	One-B	Two-A	Two-B	3-A	3-B	4-A	4-B	5-A	5-B	Total
*Edward W. Tamulen									400	766	1166
Wassey S. Szymanski									323	192	515
Blanks									<u>44</u>	<u>49</u>	93
Total									767	1007	1774

SCHOOL COMMITTEE

*Robert B. Morgan	469	316	534	523	541	388	388	388	473	553	4573	
Herve N. Vezina	178	126	516	489	480	469	246	235	179	240	3158	
Richard W. Cushing	456	295	206	292	156	143	241	155	339	513	2796	
*George C. Lison	303	210	377	509	530	466	259	297	360	467	3778	
Blanks	<u>230</u>	<u>141</u>	<u>311</u>	<u>351</u>	<u>327</u>	<u>250</u>	<u>210</u>	<u>213</u>	<u>183</u>	<u>241</u>	<u>2457</u>	
Total	1636	1088	1944	2164	2034	1716	1344	1288	1534	2014	16762	

RACING QUESTION

YES	111	122	238	287	319	247	161	226	205	269	2185
* No	686	400	654	711	593	542	469	355	514	685	5609
BLANKS	<u>21</u>	<u>22</u>	<u>80</u>	<u>84</u>	<u>105</u>	<u>69</u>	<u>42</u>	<u>63</u>	<u>48</u>	<u>53</u>	<u>587</u>
Total	818	544	972	1082	1017	858	672	644	767	1007	8381

*Elected

A true copy, Attest:

Frank D. Ramirez

City Clerk

EXHIBIT H

Taxation of
company.

Section 13. Every such corporation shall be taxed under the provisions of sections two to seven, inclusive, of chapter sixty-three.

Certain sections of law to apply.

Section 14. The provisions of sections eighty-six to one hundred and ten, both inclusive, of chapter one hundred and forty and the provisions of chapter one hundred and ten A and chapter one hundred and seventy-four shall not apply to such corporations. *Approved July 26, 1935.*

Chap. 453 AN ACT RELATIVE TO THE TERM OF CERTAIN NOTES TO BE ISSUED BY THE COMMONWEALTH.

Be it enacted, etc., as follows:

The term of the notes which the state treasurer is authorized to issue under chapter three hundred and ninety-two of the acts of the current year, authorizing temporary borrowings by the commonwealth in anticipation of receipts from federal grants for emergency public works, shall not exceed nine months, as recommended by the governor in a message to the general court dated July twelfth, nineteen hundred and thirty-five, in pursuance of section three of Article LXII of the amendments to the constitution.

Approved July 26, 1935.

Chap. 454 AN ACT MAKING CERTAIN ADJUSTMENTS IN THE LAWS RELATING TO HORSE AND DOG RACES CONDUCTED UNDER THE PARI-MUTUEL OR CERTIFICATE SYSTEM OF BETTING.

Emergency
preamble.

Whereas, The deferred operation of this act would in part defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 128A,
§ 5, etc.
amended.

SECTION 1. Section five of chapter one hundred and twenty-eight A of the General Laws, as appearing in section three of chapter three hundred and seventy-four of the acts of nineteen hundred and thirty-four, is hereby amended by striking out the first paragraph and inserting in place thereof the following:—

Pari-mutuel
system of
wagering
authorized.

Before holding or conducting a racing meeting, every licensee shall provide a place or places, equipped as hereinafter provided, on the grounds where such meeting is held or conducted or adjacent thereto, but not elsewhere, at which such licensee shall conduct and supervise the pari-mutuel or certificate system of wagering on the speed or ability of horses or dogs performing in the races held or conducted by such licensee at such meeting, and such pari-mutuel or certificate method of wagering upon such races so conducted shall not under any circumstances be held or construed to be unlawful, other statutes of the commonwealth to the contrary notwithstanding. Such place or places shall be equipped with automatic betting machines

capable of accurate and speedy determination of award or dividend to winning patrons, and all such awards or dividends shall be calculated by a totalisator machine or like machine, except at state or county fairs.

SECTION 2. Section three of said chapter one hundred and twenty-eight A, as amended by chapter two hundred and thirty-nine of the acts of the current year, is hereby further amended by striking out the first paragraph, as appearing in said section three of said chapter three hundred and seventy-four, and inserting in place thereof the following: —

G. L. (Ter. Ed.), 128A, § 3, etc., amended.

If any application for a license, filed as provided by section two, shall be in accordance with the provisions of this chapter, the commission, after reasonable notice and a public hearing in the city or town wherein the license is to be exercised, may issue a license to the applicant to conduct a racing meeting, in accordance with the provisions of this chapter, at the race track specified in such application; provided, that if the commission has already taken action on an application in any calendar year, after such notice and public hearing, no other public hearing need be granted on any other application relating to the same premises filed prior to the expiration of said year, unless such other application is for an extension of more than ten days for the racing meeting or for an additional racing meeting.

License to conduct racing meeting. Application for, contents of.

SECTION 3. Said section three is hereby further amended by striking out, in the second line of paragraph (f), as so appearing, the word "seventy" and inserting in place thereof the word: — ninety, — so that said paragraph will read as follows: — (f) No licenses shall be issued for more than an aggregate of ninety racing days in any one year at all running horse race meetings combined, not including running horse racing meetings at state and county fairs.

G. L. (Ter. Ed.), 128A, § 3, etc., further amended.

Number of racing days limited.

SECTION 4. Said section three is hereby further amended by inserting after the word "track" the second time it occurs in the fifth line of paragraph (h), as so appearing, the words: — within the commonwealth, — and by adding at the end thereof the following: — ; provided, that licenses may be issued to permit such meetings to be held or conducted at the same time at not more than two race tracks if such tracks are seventy-five miles apart, — so that said paragraph will read as follows: —

G. L. (Ter. Ed.), 128A, § 3, etc., further amended.

(h) No licenses shall be issued to permit running horse racing meetings to be held or conducted, except in connection with a state or county fair, at the same time at more than one race track within the commonwealth, nor at any time at a race track located within fifty miles of another race track within the commonwealth, one mile or more in circumference; provided, that licenses may be issued to permit such meetings to be held or conducted at the same time at not more than two race tracks if such tracks are seventy-five miles apart.

Number of licensed race tracks limited.

SECTION 5. Section nine of said chapter one hundred

G. L. (Ter. Ed.), 128A,

§ 9, etc.,
amended.

and twenty-eight A, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following: —

Penalty.

Any person violating any such rule or regulation shall, upon a complaint brought by the commission, be punished by a fine not exceeding five thousand dollars or by imprisonment not exceeding one year, or by both.

G. L. (Ter.
Ed.), 128A,
new section
9A, added.
Rules and
regulations
may control
fees, etc.

SECTION 6. Said chapter one hundred and twenty-eight A is hereby amended by inserting after said section nine the following new section: — *Section 9A.* For the purpose of enabling the commission to exercise and maintain a proper control over horse and dog racing conducted under the provisions of this chapter, the rules, regulations and conditions prescribed by the commission under section nine may provide for the licensing and registering at reasonable and uniform fees, of agents, assumed names, colors, partnerships and minor agreements and may provide for the licensing at reasonable and uniform fees of trainers of horses and dogs and of jockeys participating in such racing and also of owners of dogs. Such rules and regulations may also provide for the suspension and revocation of licenses so granted and also for the imposition on persons so licensed of reasonable forfeitures and penalties for the violation of any rule or regulation prescribed by the commission and for the use of the proceeds of such penalties and forfeitures.

G. L. (Ter.
Ed.), 128A,
§ 13, etc.,
amended.

Penalty for
unlicensed
wagering.

SECTION 7. Section thirteen of said chapter one hundred and twenty-eight A, as so appearing, is hereby amended by striking out, in the thirteenth line, the word "shall" and inserting in place thereof the word: — may, — and by inserting after the word "barred" in the same line the words: — or suspended, — so as to read as follows: — *Section 13.* Any person making a handbook, at any race track within the commonwealth, or holding or conducting a gambling pool or managing any other type of wagering or betting on the results of any horse or dog race, or aiding or abetting any of the foregoing types of wagering or betting, except as permitted by this chapter, shall for a first offence be punished by a fine of not more than two thousand dollars and imprisonment for not more than one year, and for a subsequent offence by a fine of not more than ten thousand dollars and imprisonment for not more than two years. Any jockey, trainer or owner of horses participating in horse or dog racing, if found guilty by the commission of unfair riding or crooked tactics, may be barred or suspended from further participation in racing throughout the commonwealth.

G. L. (Ter.
Ed.), 128A,
new section
13A, added.
Approval of
local authori-
ties required.

SECTION 8. Said chapter one hundred and twenty-eight A, as so appearing, is hereby further amended by inserting after section thirteen the following new section: — *Section 13A.* The provisions of section one hundred and eighty-one of chapter one hundred and forty and of sections thirty-one, thirty-three and thirty-four of chapter two hundred and seventy-one, and of chapter four hundred and ninety-

four of the acts of nineteen hundred and eight, shall not apply to race tracks or racing meetings laid out and conducted by licensees under this chapter; except that no license shall be granted by the commission for a racing meeting unless the location of the race track where such meeting is to be held or conducted has been once approved by the mayor and aldermen or the selectmen as provided by said section thirty-three of said chapter two hundred and seventy-one.

Approved July 26, 1935.

AN ACT AUTHORIZING THE CITY OF BOSTON TO PROVIDE CERTAIN ADDITIONAL FUNDS NECESSARY TO MEET THE COST OF CERTAIN IMPROVEMENTS IN CONNECTION WITH THE CONSTRUCTION OF THE VEHICULAR TUNNEL BETWEEN BOSTON PROPER AND EAST BOSTON.

Chap. 455

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and ninety-seven of the acts of nineteen hundred and twenty-nine is hereby amended by striking out section eight, as amended by section two of chapter two hundred and eighty-seven of the acts of nineteen hundred and thirty-two, and inserting in place thereof the following: — *Section 8.* For the purpose of meeting the cost of the tunnel, which shall include all expenses incurred in laying out and constructing the same and all facilities and appurtenances incidental thereto, including plazas, street approaches, and additional street and traffic improvements, all as described in section one, and all land damages, expenses of the department, such proportion of the salaries of the department as may in its opinion be properly chargeable thereto and all interest accruing prior to the use of the tunnel on debt incurred for the foregoing, the treasurer of the city shall, from time to time, on request of the department, with the approval of the mayor of the city and without any other authority than that contained in this act, issue and sell at public or private sale the bonds of the city, registered or with interest coupons attached, as he may deem best, to an amount not exceeding nineteen million six hundred thousand dollars. Such bonds shall be designated on their face, Traffic Tunnel Bonds, City of Boston, Act of 1929, sixteen million dollars of which shall be for such terms, not exceeding fifty years, and three million dollars of which shall be for such terms, not exceeding thirty years, and six hundred thousand dollars of which shall be for such terms, not exceeding thirty years, as in each case the mayor and the treasurer of the city may determine, and shall bear such interest, payable semi-annually, as the mayor and the treasurer of the city may determine. Such bonds may be called, retired and cancelled by the city on any date upon which interest is payable on said bonds after twenty years from their respective dates, by payment by the city of the amount of

Chap.158 AN ACT RELATIVE TO MEMBERSHIP IN COUNTY RETIREMENT SYSTEMS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 32, § 21, etc., amended.

SECTION 1. Section twenty-one of chapter thirty-two of the General Laws, as most recently amended by section two of chapter three hundred and thirty-six of the acts of nineteen hundred and thirty-seven, is hereby amended by striking out paragraph (1) (a), as appearing in section one of chapter four hundred of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following paragraph:—

Employees under fifty-five years of age.

(a) Except as otherwise provided in paragraphs (b) and (d) of this subdivision, any person who, while under age fifty-five, enters the service of the county after the date on which the system becomes operative therein may by written application to the retirement board become a member of the system as of the date of the filing of such application; provided, that, if such application is not filed prior to the date of completion of ninety days of such service, he shall become a member of the system as of said last mentioned date.

G. L. (Ter. Ed.), 32, § 21, further amended.

Employees of hospital districts.

SECTION 2. Said section twenty-one is hereby further amended by inserting at the end of subdivision (1), as amended, the following new paragraph:—

(f) A person who, while under age fifty-five, enters the employ of a hospital district shall become a member of the system after completing nine months of service, unless he shall sooner become a member following an application in writing to the retirement board for such membership.

Approved April 26, 1939.

Chap.159 AN ACT REQUIRING THE HOLDING OF A PUBLIC HEARING PRIOR TO APPROVAL BY MUNICIPAL AUTHORITIES OF THE LOCATION OF A RACE TRACK WHERE IT IS PROPOSED TO HOLD A RACING MEETING AT WHICH THE PARI-MUTUEL SYSTEM OF WAGERING SHALL BE PERMITTED.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 128A, § 13A, etc., amended.

Approval of local authorities required.

Hearings.

Chapter one hundred and twenty-eight A of the General Laws is hereby amended by striking out section thirteen A, inserted by section eight of chapter four hundred and fifty-four of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following:— *Section 13A.* The provisions of section one hundred and eighty-one of chapter one hundred and forty and of sections thirty-one, thirty-three and thirty-four of chapter two hundred and seventy-one, and of chapter four hundred and ninety-four of the acts of nineteen hundred and eight, shall not apply to race tracks or racing meetings laid out and conducted by licensees under this chapter; except that no license shall be

granted by the commission for a racing meeting in any city or town unless the location of the race track where such meeting is to be held or conducted has been once approved by the mayor and aldermen or the selectmen as provided by said section thirty-three of said chapter two hundred and seventy-one, after a public hearing, seven days' notice of the time and place of which hearing shall have been given by posting in a conspicuous public place in such city or town and by publication in a newspaper published in such city or town, if there is any published therein, otherwise in a newspaper published in the county wherein such city or town is situated.

Approved April 26, 1939.

AN ACT FURTHER REGULATING THE BUSINESS OF FUNERAL DIRECTING. *Chap. 160*

Be it enacted, etc., as follows:

SECTION 1. Section eighty-two of chapter one hundred and twelve of the General Laws, as appearing in section three of chapter four hundred and seven of the acts of nineteen hundred and thirty-six, is hereby amended by striking out the definition of "Funeral directing" and inserting in place thereof the following: —

G. L. (Ter. Ed.), 112, § 82, etc., amended.

"Funeral directing", the business, practice or profession, as commonly practiced, of (a) directing or supervising funerals or providing funeral service; (b) handling or encasing, or providing services for handling or encasing, dead human bodies, and preparation of dead human bodies, otherwise than by embalming, for burial or disposal; (c) providing embalming services; (d) providing transportation, interment and disinterment of dead human bodies; (e) maintaining an establishment so located, constructed and equipped as to permit the decent and sanitary handling of dead human bodies, with suitable equipment in such establishment for such handling.

Definition.

SECTION 2. Section eighty-seven of said chapter one hundred and twelve, as amended by chapter thirteen of the acts of nineteen hundred and thirty-seven, is hereby further amended by adding at the end the following: — ; nor shall said sections prohibit a corporation or partnership, if not engaged in any other business, from engaging in the business of funeral directing, if a duly registered and licensed funeral director is in charge of the business of said corporation or partnership.

G. L. (Ter. Ed.), 112, § 87, etc., amended.

Corporations may engage in business.

SECTION 3. The last paragraph of section forty-nine of chapter one hundred and fourteen of the General Laws, as amended by section four of said chapter four hundred and seven, is hereby further amended by striking out, in the first and second lines, the words "may by a special rule or regulation permit" and inserting in place thereof the words: — shall issue a permit for, — so as to read as follows: —

G. L. (Ter. Ed.), 114, § 49, etc., amended.

The board of health of a town shall issue a permit for the continuance therein, under the active supervision of a per-

Permit to continue business

Section 36D. With the approval of the board of directors of any such corporation, at the request of the owner of the equity of redemption and upon a certification of the security committee of such corporation that the then balance of the amount due does not exceed eighty per cent of the value of the mortgaged premises, the amount of the fixed monthly payments called for by any such note and mortgage may be changed; provided, that any such change shall not result in the extension of the term of such loan beyond twenty years from the date of such change; and provided, further, that such change shall be evidenced by an instrument setting forth such change, payments and mortgage extension.

Extension
of term
of loan.

SECTION 2. Chapter one hundred and ninety-one of the acts of nineteen hundred and thirty-five, as amended by chapter two hundred and three of the acts of nineteen hundred and thirty-six, chapter two hundred and thirty-three of the acts of nineteen hundred and thirty-seven and chapter one hundred and ninety-nine of the acts of nineteen hundred and thirty-eight, is hereby repealed.

Temporary
act repealed.

Approved May 20, 1941.

AN ACT PROVIDING THAT THE SECTION OF THE NEW STATE HIGHWAY FROM THE BILLERICA-CHELMSFORD LINE TO THE NORTH CHELMSFORD LINE BE KNOWN AS THE LOWELL TURNPIKE HIGHWAY. *Chap. 294*

Be it enacted, etc., as follows:

The section of the new state highway lying between the Billerica-Chelmsford boundary line and the so-called North Chelmsford line shall be known as the Lowell turnpike highway.

Approved May 20, 1941.

AN ACT RELATIVE TO THE APPROVAL BY MUNICIPAL AUTHORITIES OF THE LOCATION OF A RACE TRACK WHERE A RACING MEETING AT WHICH THE PARI-MUTUEL SYSTEM OF WAGERING SHALL BE PERMITTED IS PROPOSED TO BE HELD IN CONNECTION WITH A STATE OR COUNTY FAIR. *Chap. 295*

Be it enacted, etc., as follows:

Section thirteen A of chapter one hundred and twenty-eight A of the General Laws, as most recently amended by chapter one hundred and fifty-nine of the acts of nineteen hundred and thirty-nine, is hereby further amended by inserting after the word "town" in the tenth line the words: —, except in connection with a state or county fair, — so as to read as follows: — *Section 13A.* The provisions of section one hundred and eighty-one of chapter one hundred and forty and of sections thirty-one, thirty-three and thirty-four of chapter two hundred and seventy-one, and of chapter four hundred and ninety-four of the acts of nineteen hundred and eight, shall not apply to race tracks or racing

G. L. (Ter.
Ed.), 128A,
§ 13A, etc.,
amended.

Approval of
location of
certain race
tracks
required.

meetings laid out and conducted by licensees under this chapter; except that no license shall be granted by the commission for a racing meeting in any city or town, except in connection with a state or county fair, unless the location of the race track where such meeting is to be held or conducted has been once approved by the mayor and aldermen or the selectmen as provided by said section thirty-three of said chapter two hundred and seventy-one, after a public hearing, seven days' notice of the time and place of which hearing shall have been given by posting in a conspicuous public place in such city or town and by publication in a newspaper published in such city or town, if there is any published therein, otherwise in a newspaper published in the county wherein such city or town is situated.

Approved May 20, 1941.

Chap. 296 AN ACT AUTHORIZING THE LEASING OF MUNICIPALLY OWNED LANDS FORMERLY HELD UNDER TAX TITLES, AUTHORIZING THE CUSTODIAN OF SUCH LANDS TO EMPLOY ASSISTANTS AND EXTENDING THE PERIOD OF OPERATION OF THE LAW RELATIVE TO THE CARE AND DISPOSAL OF SUCH LANDS.

Emergency
premise.

Whereas, The provisions of law sought to be extended by this act would, but for this act, shortly cease to be effective, but the circumstances and conditions which made advisable their enactment still continue and it is accordingly desirable that said provisions continue in effect without interruption; therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and fifty-eight of the acts of nineteen hundred and thirty-eight, as most recently amended in section one by chapter one hundred and twenty-three of the acts of nineteen hundred and thirty-nine, is hereby further amended by inserting after section two the two following new sections: — *Section 2A.* If the custodian is of the opinion that a sale of any such property is not immediately practicable, the custodian, acting on behalf of the city or town, may, subject to the approval of the mayor or the board of selectmen, notwithstanding any provision of law, ordinance or by-law inconsistent herewith, lease such property for a term not exceeding three years, and may on behalf of the city or town execute and deliver such lease.

Section 2B. The custodian, subject to appropriation, may employ one or more assistants as may be necessary for the proper performance of his duties, and such assistants shall receive as compensation such amounts as may be approved by the mayor or by the board of selectmen.

SECTION 2. Section three of said chapter three hundred and fifty-eight is hereby amended by striking out, in the

Chap.437 AN ACT FURTHER REGULATING THE APPROVAL OF LOCATIONS FOR HOLDING HORSE AND DOG RACING MEETINGS AT WHICH THE PARI-MUTUEL SYSTEM OF WAGERING SHALL BE PERMITTED.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 128A, § 13A, etc., amended.

Approval of locations for race meetings, regulated.

Section 13A of chapter 128A of the General Laws, as most recently amended by chapter 295 of the acts of 1941, is hereby further amended by adding at the end the following paragraph:—

Provided, nevertheless, that in the case of towns said approval by the selectmen, excepting only the approval of locations where racing meetings have already been held, other than in connection with state and county fairs, prior to May first, nineteen hundred and forty-eight, shall not become effective unless and until it shall be ratified and confirmed by vote, taken by Australian ballot, of a majority of the registered voters of said town voting at the next annual election. In the event that a location of a race track has been disapproved by the town officials or at a town election as aforesaid, no petition for approval of the same location shall be received by town authorities and no hearing shall be held on the question of approving or disapproving of the same location for a period of three years from the date of disapproval. Said approval by the selectmen of the location of a race track, excepting only the approval of locations where racing meetings have already been held, other than in connection with state and county fairs, prior to May first, nineteen hundred and forty-eight, shall be effective for a period of six years at the expiration of which time the location shall again be so approved before the commission shall grant a license for a racing meeting in said town.

Approved May 28, 1948.

Chap.438 AN ACT AUTHORIZING INSPECTORS OF BUILDINGS TO ISSUE CERTAIN PERMITS OR CERTIFICATES UNDER CERTAIN CONDITIONS.

Emergency preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose which is in part, in view of the existing housing emergency in the commonwealth, to provide immediately that inspectors of buildings may issue permits or certificates in certain cases for structures used or to be used for dwelling purposes, therefore it is hereby declared to be an emergency law necessary for the immediate preservation of the public health, safety and convenience.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 143, § 31, etc., amended.

SECTION 1. Section 31 of chapter 143 of the General Laws, inserted by section 1 of chapter 631 of the acts of 1947, is hereby amended by striking out, in lines 6, 8 and 27, the words:— demolition, removal,

Chap.776 AN ACT RELATIVE TO THE SALARY OF THE COMMISSIONER OF INSURANCE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 25, § 6, etc., amended.

Salary of commissioner of insurance.

Section 6 of chapter 26 of the General Laws, as most recently amended by section 40 of chapter 591 of the acts of 1946, is hereby further amended by striking out, in line 6, the words "eighty-five hundred" and inserting in place thereof the words: — twelve thousand, — so as to read as follows: — *Section 6.* Upon the expiration of the term of office of a commissioner of insurance, his successor shall be appointed for three years by the governor, with the advice and consent of the council. The commissioner shall receive such salary, not exceeding twelve thousand dollars, as the governor and council determine. He shall give bond with sureties in the sum of ten thousand dollars, to be approved by the state treasurer, for the faithful performance of his duties.

Approved November 9, 1951.

Chap.777 AN ACT RELATIVE TO THE TENURE OF OFFICE OF THE PRESENT INCUMBENT OF THE OFFICE OF DOG OFFICER IN THE CITY OF REVERE AND RELATIVE TO CERTAIN POWERS AND DUTIES OF DOG OFFICERS.

Be it enacted, etc., as follows:

SECTION 1. Ralph T. Mele, the present incumbent of the office of dog officer in the city of Revere, is hereby given unlimited tenure of office therein, and shall not be involuntarily separated from his service as such except subject to and in accordance with the provisions of sections forty-three and forty-five of chapter thirty-one of the General Laws.

G. L. (Ter. Ed.), 128A, § 13A, etc., amended.

Powers and duties of dog officers.

SECTION 2. The first paragraph of section 13A of chapter 128A of the General Laws, as appearing in chapter 295 of the acts of 1941, is hereby amended by inserting after the word "forty", in line 3, the words: — and the provisions of said chapter relative to the powers and duties of dog officers, — and by inserting after the word "chapter", in line 8, the words: — or to animals eligible to race at such meetings, — so as to read as follows: — The provisions of section one hundred and eighty-one of chapter one hundred and forty and the provisions of said chapter relative to the powers and duties of dog officers and of sections thirty-one, thirty-three and thirty-four of chapter two hundred and seventy-one, and of chapter four hundred and ninety-four of the acts of nineteen hundred and eight, shall not apply to race tracks or racing meetings laid out and conducted by licensees under this chapter or to animals eligible to race at such meetings; except that no license shall be granted by the commission for a racing meeting in any city or town, except in connection with a state or county fair, unless the location of the race track where such meeting is to be held

or conducted has been once approved by the mayor and aldermen or the selectmen as provided by said section thirty-three of said chapter two hundred and seventy-one, after a public hearing, seven days' notice of the time and place of which hearing shall have been given by posting in a conspicuous public place in such city or town and by publication in a newspaper published in such city or town, if there is any published therein, otherwise in a newspaper published in the county wherein such city or town is situated.

SECTION 3. Section one of this act shall take full effect upon its acceptance during the current year by vote of the city council of the city of Revere, subject to the provisions of its charter, but not otherwise.

Approved November 14, 1951.

AN ACT AUTHORIZING THE CITY OF BROCKTON TO APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY A CERTAIN UNPAID BILL.

Chap. 778

Be it enacted, etc., as follows:

SECTION 1. The city of Brockton is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay an unpaid bill incurred by said city in nineteen hundred and fifty in the amount of twenty-nine hundred and sixty-five dollars for repairs to number one and number two engines of the Silver Lake pumping station, which bill is legally unenforceable against said city by reason of its being incurred in excess of an available appropriation or by reason of the failure of said city to comply with the provisions of its charter.

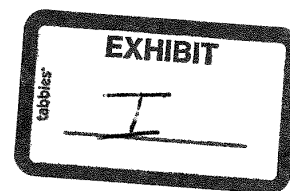
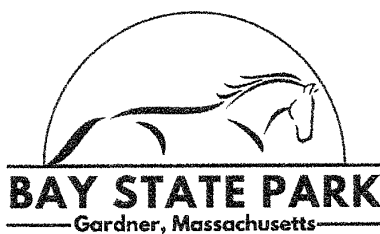
SECTION 2. The bill referred to in section one shall not be approved by the city auditor of said city for payment or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said city auditor, stating under the penalties of perjury that the services for which the bill has been submitted were ordered by an official or employee of said city, and that such services were rendered to said city.

SECTION 3. Any person who knowingly files a certificate required by section two which is false and who thereby receives payment for services which were not rendered to said city shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its passage.

Approved November 14, 1951.

EXHIBIT I



April 30, 2024

Council President Elizabeth Kazinskas
 City of Gardner
 City Hall, 95 Pleasant Street, Room 121
 Gardner, Massachusetts 01440

Dear Madam President and Honorable Councilors:

On behalf of Baystate Racing llc, I write to express our interest in what we believe to be an exciting project for Gardner.

Gardner is known as the Chair City. But nearly 150 years ago, Gardner started to emerge as the premier destination for horse breeding, training, and racing in the state. Local physician Dr. Robert Foster Andrews created what was then called Andrews Park on the site currently managed by GAAHMA, Inc. on Route 140. The first horse race was on September 26, 1875 with more than 600 attendees. Over the course of the next several decades, the site also became the location of the Mid-State Fair, and the Agricultural Fair sponsored by the Gardner Agricultural Society and the Gardner Chamber of Commerce. In later years, Leonard LeBlanc, one of the top trainers in New England, bought the farm to raise and train his horses.

More recently, under the guidance of GAAMHA, the location has become a place for those with substance user disorder and mental health needs find therapy and recovery while taking care of the farm and its animals.

Bay State Park is a natural continuation of Gardner's agricultural legacy. Our proposal is developed by horse and agricultural enthusiasts. It is strongly supported by the Massachusetts Thoroughbred Breeders Association and the New England Horsemen's Benevolent and Protective Association. Bay State Park will be the location for thoroughbred breeding and off-track retirement programs, training, and racing facilities, while preserving open space for future generations. Additionally, we are collaborating with GAAMHA on equestrian training for clients and providing retired horses for therapeutic programs and partnering with Mount Wachusett Community College Pathway for Jobs around agricultural and veterinarian tech training.

We respectfully request that you schedule a public hearing with seven days notice in the Gardner News in accordance with MGL c. 128A, s. 13A to consider Andrews Park as a location for a Race Meet License.

We will submit a draft Host Community Agreement (HCA) to Mayor Michael J. Nicholson. The HCA is our contract with the City of Gardner. Highlights of our proposal include an annual review of operations with the Mayor and Council, estimated new revenue of \$500,000 a year, cover any costs related to police, fire, and EMS details on festival days, create local jobs, and \$10,000 upfront for the cost of any reviews during the approval process.

We look forward to working with you, your colleagues, and partners in government in the months ahead on this project and be part of Gardner's great agricultural legacy.

Sincerely,

John A. Stefanini

CC: Mayor Michael J. Nicholson

EXHIBIT J



Gould Title Company, Inc.

Real Estate Title Services

90 Front Street, Suite C202
 Worcester, MA 01608
 Tel: (508) 754-1871
 Fax: (508) 754-7079

PRELIMINARY TITLE REPORT

Prepared for:

Todd K. Helwig, Esquire

We have examined the records as indexed in the Registries of Deeds and Probate for the County of Worcester (Worcester District) since October 31, 1950 and March 18, 1954

for the Premises described in a Quitclaim Deed

from Deborah M. Rosenblatt, Trustee under the Last Will of Noella M. LeBlanc, Docket #WO132966EA

to GAAMHA, Inc.

dated November 19, 2020 and recorded in Book 63792, Page 211.

Title appears to be in GAAMHA, Inc.**

and is free from encumbrances of record during the period examined, except:

Construction Mortgage from GAAMHA, Inc. to Enterprise Bank and Trust Company for \$1,015,000.00, dated November 19, 2020 and recorded in Book 63792, Page 217;

Assignment of Rents from GAAMHA, Inc. to Enterprise Bank and Trust Company dated November 19, 2020 and recorded in Book 63792, Page 233;

Excepting that portion of premises owned by the Boston and Maine Railroad as recited in deed in Book 3299, Page 3 (see Plan Book 135, Plan 22 for possible location);

Subject to pole and wires rights of New England Telephone and Telegraph Company as recited in deed in Book 3299, Page 3;

Order of Taking (easement) for Winchendon Road by the County of Worcester (County Commissioners) vs. Gardner Agricultural Association Inc. et als dated October 16, 1936 and recorded in Book 2679, Page 584 (Parcels 7 and 8 on Plan Book 94, Plan 6);

Order of Taking (easement) for Winchendon Road by the County of Worcester (County Commissioners) vs. Gardner Agricultural Association Inc. et als dated February 3, 1939 and recorded in Book 2739, Page 13 (Parcel 1 on Plan Book 107, Plan 36);

Deed out to Francis R. Cosentino dated February 15, 1957 and recorded in Book 3873, Page 1 (Gould Title Reference No. 15135-A);

Order of Taking for Route 140 by the Commonwealth of Massachusetts (Department of Public Works) vs. Land Corporation of Gardner et als dated May 10, 1972 and recorded in Book 5222, Page 477 (Parcels taken in fee: 7-14, 7-17 and 7-36. Parcels taken for drainage and slope easements: 7-DS-2 and 7-DS-4 on Plan Book 364, Plan 16);

Order of Taking for Route 140 by the Commonwealth of Massachusetts (Department of Public Works) vs. Land Corporation of Gardner et als dated April 9, 1980 and recorded in Book 6960, Page 296 (Parcel 8-R-1 [easement] and Parcel 8-30 [fee] as shown on Plan Book 474, Plan 65);

Terms and provisions of Decision re: Special Permit from the City of Gardner (Zoning Board of Appeals) to Industrial Tower and Wireless, LLC (applicant) and GAAMHA, Inc. (owner) dated October 17, 2023 and recorded in Book 69891, Page 304 (to construct a wireless communication facility);

Possible rights of others in Old Abandoned Road as shown on Plan Book 135, Plan 22;

Provisions of M.G.L. c. 40, Section 54A restriction prohibiting issuance of building permits without approval of the Secretary of Executive Office of Transportation and Construction;

Outstanding charges as shown on Municipal Lien Certificate dated October 28, 2020 and recorded in Book 63792, Page 203;

Possible corporate excise taxes for GAAMHA, Inc. if the contemplated conveyance will be all or substantially all of the assets of said corporation in the Commonwealth of Massachusetts.

****Note: The Deed recorded in Book 50612, Page 71 raises the question as to whether Noella and Leonard LeBlanc conveyed their full interest or if Leonard was only releasing homestead rights as stated under his signature line. The title being vested in the current owner is subject to interpretation of that deed. A 5B Affidavit may be needed to clarify the chain of title. If the LeBlancs did not effectively convey their full interest in said Deed, then title will be in the Estate of Leonard LeBlanc and be subject to the following:**

Tax Lien by the Commonwealth of Massachusetts vs. Leonard LeBlanc (35 Duval Court, Winchendon xxx-xx-8629) dated April 13, 2018 and recorded in Book 58764, Page 347, if same person;

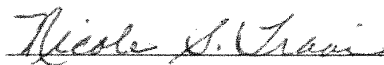
Possible expenses of administration and Massachusetts and federal estate taxes under the Estate of Leonard LeBlanc, Worcester Probate Case No. 19P2900.

Note: Agricultural Lien recorded in Book 10272, Page 293 was recently released in Book 70156, Page 133. A property classified under this chapter "shall not be sold for, or converted to, residential, industrial or commercial use while so taxed or within one year after that time unless the city or town in which the land is located has been notified of the intent to sell for, or convert to, that other use." (See M.G.L. c. 61A, sec. 14). A waiver of right of first refusal may be needed for the contemplated transaction.

Note: Recreational Lien recorded in Book 53055, Page 211 was recently released in Book 70156, Page 84. A property classified under this chapter "shall not be sold for, or converted to, residential, industrial or commercial use while so taxed or within one year after that time unless the city or town in which the land is located has been notified of the intent to sell for, or convert to, that other use." (See M.G.L. c. 61B, sec. 9). A waiver of right of first refusal may be needed for the contemplated transaction.

Note: No survey of record to establish accuracy of description.

Run Through: March 27, 2024
Reference: #15135
Location: Green Street, aka Route 140 (fka Winchendon Road)
 Gardner, MA



*Bankruptcy indices are no longer available in the Worcester District Registry of Deeds' computer system; therefore this examination does not include possible bankruptcies.

Gould Title Company, Inc.

Real Estate Title Services

90 Front Street, Suite C202
 Worcester, MA 01608
 Tel: (508) 754-1871
 Fax: (508) 754-7079

PRELIMINARY TITLE REPORT

Prepared for:

Todd K. Helwig, Esquire

We have examined the records as indexed in the Registries of Deeds and Probate for the County of Worcester (Worcester District) since April 1, 1966

for the Premises described in a Quitclaim Deed

from Thomas R. LeBlanc, Deborah M. Rosenblatt, Joann M. McAvoy and Steven J. LeBlanc

to GAAMHA, Inc.

dated August 28, 2021 **and recorded in Book** 66317, **Page** 109.

Title appears to be in GAAMHA, Inc.

and is free from encumbrances of record during the period examined, except:

Order of Taking (easement) for Winchendon Road by the County of Worcester (County Commissioners) vs. Gardner Agricultural Association Inc. et als dated February 3, 1939 and recorded in Book 2739, Page 13 (Parcel 1 on Plan Book 107, Plan 36);

Order of Taking for Route 140 (fee) by the Commonwealth of Massachusetts vs. Aurule E. Charland et als dated May 10, 1972 and recorded in Book 5222, Page 477 (Parcel 7-20 on Plan Book 364, Plan 16);

Possible corporate excise taxes for GAAMHA, Inc. if the contemplated conveyance will be all or substantially all of the assets of said corporation in the Commonwealth of Massachusetts.

Tax Lien by the Commonwealth of Massachusetts vs. Leonard LeBlanc (35 Duval Court, Winchendon xxx-xx-8629) for \$11,668.66 dated April 13, 2018 and recorded in Book 58764, Page 347, if same person;**

Possible expenses of administration and Massachusetts and federal estate taxes under the Estate of Leonard LeBlanc, Worcester Probate Case No. 19P2900.**

**If the Deed recorded in Book 50612, Page 69 is interpreted to convey Noelle and Leonard's LeBlanc's full interest, this encumbrance would not apply.

Note: No survey of record to establish accuracy of description.

Run Through: March 27, 2024
Reference: #15135-A
Location: Green Street, aka Route 140
 Gardner, MA



*Bankruptcy indices are no longer available in the Worcester District Registry of Deeds' computer system; therefore this examination does not include possible bankruptcies.

EXHIBIT K

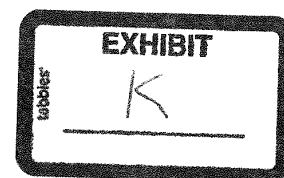
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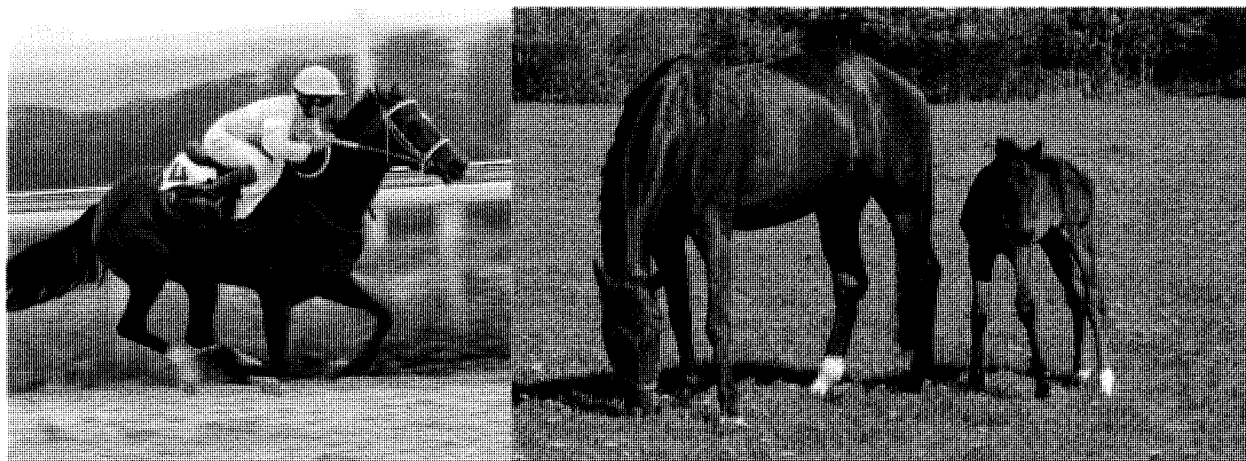
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(1) > EEA (/orgs/executive-office-of-energy-and-environmental-affairs) > Massachusetts Department of Agricultural Resources (/orgs/massachusetts-department-of-agricultu

Thoroughbred Breeding Program

The Division of Animal Health administers the race horse breeding registration programs in conjunction with the Massachusetts State Gaming Commission and the representative breed organizations.



The Massachusetts Department of Agricultural Resources' Division of Animal Health ("MDAR") is charged with promoting, developing, and encouraging through the Massachusetts Thoroughbred Breeding Program, the breeding of thoroughbred horses in the commonwealth by offering cash prizes to breeders of such horses.

The authorizing statute, Massachusetts General Law Chapter 128, section 2, part (g) (<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXIX/Chapter128/Section2>), describes the specific standards by which horses, and thereby their owners, would be eligible to receive such prizes.

M.G.L. c. 128, Section 2, states, in part:

"No person shall be eligible for the prizes provided herein unless the following standards are met:

1. The foal of a thoroughbred mare that drops said foal in the commonwealth and is bred back to the Massachusetts registered stallion shall be Massachusetts bred; or
2. The foal of a thoroughbred mare who resides in the commonwealth from the fifteenth day of October of the year prior to foaling and continues such residence until foaling and foals in the commonwealth shall be Massachusetts bred.
3. In either the case of subparagraph (1) or (2) each thoroughbred foal dropped in the commonwealth shall be registered with the Jockey Club and the department of food and agriculture.”

Thoroughbred Breeding Registration Forms

Registration fees:

MDAR does not collect registration fees associated with this program.

Forms and Critical Dates:

The Thoroughbred breeding season runs from February 1-June 30

- **Thoroughbred Stallion Mares Bred and Declaration Form 2024 – Due September 1, 2024**
(/doc/thoroughbred-stallion-mares-bred-and-declaration-form-2024/download)
- **Thoroughbred Resident Broodmare Registration Form 2024 – Due October 15, 2024**
(/doc/thoroughbred-resident-broodmare-registration-form-2024/download)
- **Thoroughbred Resident Broodmare Registration Late Form (After October 15, 2024)** (/doc/thoroughbred-resident-broodmare-registration-form-late-after-october-15-2024/download) – **Due when mare arrives**
- **Thoroughbred Yearling Registration Form 2024 – Due December 31, 2024**
(/doc/thoroughbred-yearling-registration/download)
- **Thoroughbred Stallion Registration Form 2024 – Due February 1, 2024**
(/doc/thoroughbred-stallion-registration-form-2024/download)

Form submissions, program questions, updates, and notifications regarding foal births and emergency situations can be directed to:

Linda Harrod

MDAR Thoroughbred Breeders Program

225 Turnpike Road

Southborough, MA 01772

Phone: 617-872-9956

Fax: 617-626-1736

[linda.harrod@mass.gov](mailto:Linda.harrod@mass.gov) (mailto:Linda.harrod@mass.gov)

Thoroughbred Broodmare Registration and Foal Eligibility

All Thoroughbred broodmares, whether current Massachusetts residents or recent imports, **MUST** be registered with MDAR.

Broodmare registration on or before October 15:

If a Thoroughbred broodmare arrives and registers on or before October 15 of the year the mare is bred, an MDAR Thoroughbred Resident Broodmare Registration Form must be completed and submitted on or before October 15. This is the October prior to foaling. Registrations that are postmarked after October 15 will be considered late.

Mares shall be present on the farm listed on their registration forms by October 15 and must remain there through foaling. MDAR inspectors may inspect during that time to confirm residency. If a mare needs to be moved to another premises in Massachusetts, MDAR must be notified prior to the movement to maintain eligibility. Movement of the mare to a premises outside of Massachusetts may void their eligibility.

MDAR must be notified within 24 hours of foaling so a final inspection can be scheduled.

Broodmare registration after October 15:

If a Thoroughbred broodmare arrives and/or registers AFTER October 15 of the year she was bred, the owner must contact MDAR immediately upon arrival to complete the necessary paperwork. An MDAR Thoroughbred Resident Broodmare Registration Form Late must be completed and submitted when the mare arrives in Massachusetts. MDAR may schedule an inspection of a late arriving mare to ensure that she is present on the farm named on the registration form. This applies to mares being brought into Massachusetts or mares that reside in Massachusetts year-round.

There is **ONLY** one option for the foal of a late arriving/registering Thoroughbred broodmare to become eligible to the Massachusetts Thoroughbred Breeding Program. The mare **MUST** be bred back to a Massachusetts registered Thoroughbred stallion in the year the foal is born. This breeding must take place within the defined breeding season, February 1-June 30.

MDAR must be notified within 24 hours of the foal's birth so that an MDAR inspector may verify that the mare and foal are present on the farm named in the registration form.

The breed back to a Massachusetts registered stallion must be documented on the MDAR Thoroughbred Stallion Mares Bred and Declaration Form in the year of foaling. A date of last cover is required.

Broodmares bred to a Massachusetts registered stallion:

Foals sired by a Massachusetts registered stallion are not eligible for this program unless they are born to mares who have met the requirements listed in the Thoroughbred Broodmare Registration and Foal Eligibility section, above. Mares bred to a Massachusetts registered stallion are required by the statute to register with MDAR on or before the October 15 deadline and their location will be confirmed by MDAR. Should the mare arrive or register after October 15, a breed back to a Massachusetts registered

Thoroughbred stallion will be required for the foal to be eligible for the program. An MDAR Inspector may verify their presence on the registered farm.

MDAR must be notified within 24 hours of the foal's birth to verify that the foal was "dropped in the Commonwealth." These mares must appear on the MDAR Thoroughbred Stallion Mares Bred and Declaration Form for the year prior to foaling."

Stallions:

Stallions standing at either private or public service in Massachusetts must be registered with MDAR on or before the start of the breeding season, February 1. Stallions must stand in Massachusetts for the entire breeding season of February 1 - June 30. An MDAR Thoroughbred Stallion Mares Bred and Declaration Form is due to MDAR by September 1 of the year the stallion stood.

Foals:

The birth of a foal must be reported within 24 hours to MDAR, prior to the mare leaving the registered farm. MDAR requests that the mare and foal remain on the registered farm for 72 hours following the birth of the foal to allow Animal Health Inspectors the opportunity to confirm the birth of the foal..

Yearling registration:

Eligible foals must be registered with the Jockey Club and MDAR. The MDAR Thoroughbred Yearling Registration Form is due to MDAR by December 31 of the yearling year.

Equines entering Massachusetts – Health Certificate and EIA Test Required:

Horses entering Massachusetts from another state are required to have a negative Equine Infectious Anemia (EIA) test (sometimes called a Coggins Test) performed no more than 12 months prior to entry and an Official Certificate of Veterinary Inspection (sometimes called a Health Certificate) issued no more than 30 days prior to entry. This includes horses returning to Massachusetts from out of state.

MDAR inspection:

For MDAR to verify eligibility to the satisfaction of the Office of the State Auditor, inspections may be completed to confirm residency. All registered stallions, mares and foals are subject to unannounced inspection by MDAR staff at any time during their residency period to confirm their location.

Emergency situations:

Should a mare, foal or stallion need to move off the registered farm during their residency period for emergency veterinary care or any other reason, MDAR must be contacted as soon as possible but within 24 hours. Movement off the registered premises without timely notification or movement to a location outside MA may void eligibility.

Massachusetts Thoroughbred Breeders Association contact information:

MDAR shares registration information with MTBA on a regular basis. Should you have further questions, MTBA can be contacted here:

MTBA

175 Littleton Road, Unit B-10

Chelmsford, MA 01824

mtba@comcast.net (mailto:mtba@comcast.net)

508-252-3690

www.massbreds.com (http://www.massbreds.com/)

Contact

Linda Harrod

Online

linda.harrod@mass.gov (mailto:linda.harrod@mass.gov)

Phone

[617-872-9956](tel:6178729956) (tel:6178729956)

Fax

617-626-1736

RELATED

MDAR Policy Statement Thoroughbred Broodmare Registration and Foal

[Eligibility](https://www.mass.gov/doc/policy-on-thoroughbred-broodmare-registration-august-2022/download) (https://www.mass.gov/doc/policy-on-thoroughbred-broodmare-registration-august-2022/download)



All

[Topics \(/topics/massachusetts-topics\)](/topics/massachusetts-topics)

Site

[Policies \(/massgov-site-policies\)](/massgov-site-policies)

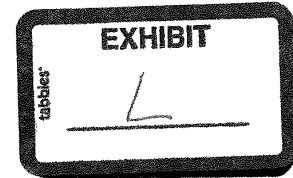
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[Requests \(/topics/public-records-requests\)](/topics/public-records-requests)

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EXHIBIT L



Wetlands NOI Project Information

Related links

There are no related links for displayed element.

NOI Number ?

160-0642

Applicant Information

GAAMHA,
INC.

Filing Date ?

01/15/2021

Filing Type ?

Buffer Zone

Project Type

Other

Project Address

827 GREEN STREET

Comments

ADDITION TO AN EXISTING SFH IN BZ

Technical Comments

Inland Resource Areas

RESOURCE AREA ALTERED

PROPOSED ALTERATION

PROPOSED REPLACEMENT

Coastal Resource Areas

RESOURCE AREA ALTERED

PROPOSED ALTERATION

PROPOSED REPLACEMENT

◀ PREVIOUS

🔍 SEARCH AGAIN

EEA Site Policies (<https://www.mass.gov/site-policies>)

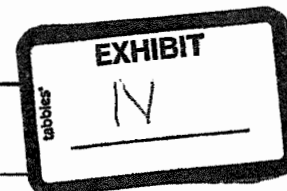
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EXHIBIT M

VOTE

Shall a track of land located within the limits of the City of Gardner, now owned by the GAAMHA, Inc., located at 827 Green Street, comprising approximately 114 acres also identified as assessors lot number R42/21/1// and more particularly described in Worcester Registry of Deeds Book 63792 and Page 211 and situated on the easterly side of Route 140, otherwise called Green Street, be approved as the location of a running horse racing track where race meetings laid out and conducted by licensees under M.G.L c. 128A will be held or conducted?

EXHIBIT N

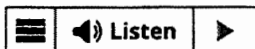


H.R.1754 - Horseracing Integrity and Safety Act of 2020

116th Congress (2019-2020)

Sponsor: [Rep. Tonko, Paul \[D-NY-20\]](#) (Introduced 03/14/2019)
Committees: House - Energy and Commerce
Committee Reports: [H. Rept. 116-554](#)
Latest Action: Senate - 09/30/2020 Received in the Senate. ([All Actions](#))
Tracker: Introduced Passed House

[Summary\(2\)](#) [Text\(4\)](#) [Actions\(13\)](#) [Titles\(5\)](#) [Amendments\(0\)](#) [Cosponsors\(261\)](#) [Committees\(1\)](#) [Related Bills\(3\)](#)



There are 2 summaries for H.R.1754.

[Passed House \(09/29/2020\)](#)

Bill summaries are authored by [CRS](#).

Shown Here:

Passed House (09/29/2020)

Horseracing Integrity and Safety Act of 2020

This bill recognizes the Horseracing Integrity and Safety Authority for purposes of developing and implementing a horseracing anti-doping and medication control program and a racetrack safety program.

The authority shall establish an anti-doping and medication control standing committee and a racetrack safety standing committee to provide guidance to the authority on the development and maintenance of the programs.

The Federal Trade Commission (FTC) shall have oversight over the authority. The authority shall submit to the FTC any proposed rule, standard, or procedure developed by the authority to carry out the horseracing anti-doping and medication control program or the racetrack safety program. The authority shall seek to enter into an agreement with the U.S. Anti-Doping Agency or an entity equal in qualification under which the entity acts as the anti-doping and medication control enforcement agency under this bill.

Among the required elements of the horseracing safety program are sets of training and racing safety standards consistent with the humane treatment of horses, a system to maintain track surface quality, programs for injury and fatality analysis, investigation and disciplinary procedures, and an evaluation and accreditation program.

The bill sets forth other provisions regarding (1) funding, conflicts of interest, and jurisdiction; (2) registration with the authority; (3) program enforcement; (4) rule violations and civil sanctions; (5) testing laboratories; (6) review of final decisions of the authority by an administrative law judge; (7) unfair or deceptive acts or practices; and (8) agreements with state racing commissions.