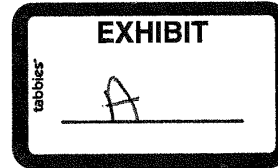


# EXHIBIT A

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<br/>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.W., 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<br/>Approved December 7, 1954<br/>ULRIC O. FREDETTE, Mayor.</p>   | <p>Approved by Mayor</p>  |
| <p>#994<br/>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<br/>Approved December 7, 1954<br/>ULRIC O. FREDETTE, Mayor</p>  | <p>Approved by Mayor</p>  |

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

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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

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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.

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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.

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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 mutual 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 accommodate 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.

1001 Cont.

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 <sup>to</sup> 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 <sup>not</sup> 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 Farley 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 Farley 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 many 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

1919-102011021

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

Charles F. Saunders, Airport Commissionner

JAMES F. CASAVANT as Forest Warden for term expiring December 31, 1955

James F. Casavant Forest Warden

OMER H. LAROCHE as Moth Superintendent for term expiring December 31, 1955

Omer H. Laroche Moth Superintendent

THOMAS H. BINALL as Member, Planning Board for term expiring December 31, 1955.

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.

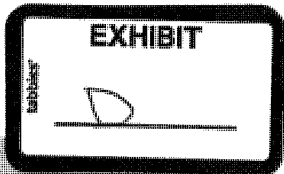
According to City Solicitor because Mayor does not sign application it does not pass

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 council, and asking them to Planning Board report  
they were in favor of having the sewage system installed. The follow-  
ing 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 improve some 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, Motion to put matter  
it was voted that the following report from the Planning Board be placed on file.  
July 13, 1955

At His Honor, the Mayor and Members of  
the City Council  
Present:

At the regular meeting of the Planning Board it was voted that Planning Board  
to accept the portion of Harvard Street at the top on the hill.  
The layout plan was suitable and the street was not conflict  
with the Planning Board's regulations.

Very truly yours,  
Stanley Michonowicz  
Chairman.

#1184  
President Walsh announced that an informal meeting of the Council had Informal Meeting  
been called by the President for Wednesday evening, July 20, 1955 at  
7 o'clock p.m. at the Sander's Hotel, Elm Street, Council for a meeting  
with the members of the Sander's Sander's Hotel.

#1290  
On motion made by Councillor Korhonen, seconded by Councillor Korhonen, Motion to City Solicitor  
to refer the request received from the Gardner  
Necessity, Inc., to place on the parcel for the next regular City  
election approval of the location on the easterly side of Route 140 on  
Hewitt Street for the permit system of taxing on licensed horse  
races to the City Solicitor for an opinion as to the proper procedure.

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 Tamulew, 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

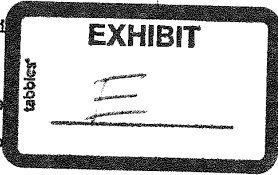


# **EXHIBIT E**

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 surverse 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. Pranger*  
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.

#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

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 from City Solicitor read

"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", I submit the following answer:

Opinion on putting matter of raceway before the voters

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: 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.

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

\$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.

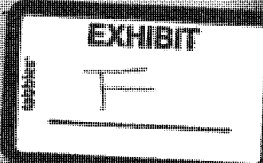
Accept Safety Comm. report and grant overhead sign permit on Parker Street

# 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 Fram-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

007 - 5 1955

Order Passed  
Presented to Mayor for approval  
Approved

.....19  
.....19  
.....19  
.....19  
.....1955  
.....1955

*Sacallio F. Pongera*  
Clerk

October 5, 1955

*Philip B. Arnold*  
Mayor

This Vote approved to ~~avoid City additional expense.~~

VOTED: That provisions of General Laws of Chapter 54,

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 1 1/2 miles from West Gardner Square; be approved as the location of a tract for the pari-mutuel system of betting on licensed horse races?"

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

In City Council

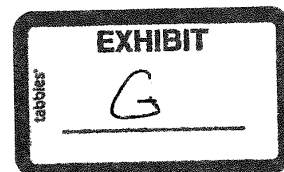
Mayor  
Clerk  
October 2, 1955  
for approval

Vote

10/15/55

# 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

|                     |       |       |       |       |     |     |     |     |           |           |       |
|---------------------|-------|-------|-------|-------|-----|-----|-----|-----|-----------|-----------|-------|
| *Edward W. Tamulen  | One-A | One-B | Two-A | Two-B | 3-A | 3-B | 4-A | 4-B | 5-A       | 5-B       | Total |
| Wassey S. Szymanski |       |       |       |       |     |     |     |     | 400       | 766       | 1166  |
| Blanks              |       |       |       |       |     |     |     |     | 323       | 192       | 515   |
|                     |       |       |       |       |     |     |     |     | <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