

**PRESIDENT**  
Ronald F. Cormier

**COUNCILLORS AT LARGE**

James S. Boone  
Craig R. Cormier  
Ronald F. Cormier  
Scott J. Graves, Esq.  
Marc Morgan  
Matthew C. J. Vance

**WARD 1 COUNCILLOR**

James M. Walsh, Esq.

**WARD 2 COUNCILLOR**

Paul G. Tassone

**WARD 3 COUNCILLOR**

Nathan R. Boudreau

**WARD 4 COUNCILLOR**

Karen G. Hardern

**WARD 5 COUNCILLOR**

James D. Johnson

**CITY OF GARDNER**  
**MASSACHUSETTS 01440-2630**

OFFICE OF THE  
CITY COUNCIL



January 12, 2017

**PUBLIC SAFETY COMMITTEE MEETING NOTICE**

**Date:** Tuesday, January 17, 2017  
**Time:** 6:00 p.m.  
**Location:** City Council Chamber, Room 219, City Hall

*ANNOUNCEMENT - Any person may make a video or audio recording of an open session of a meeting, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recording shall notify the Chair forthwith. All Documents referenced or used during the meeting must be submitted in duplicate to the Chair of the Committee, pursuant to the Open Meeting and Public Records Law. All documents shall become part of the official record of the meeting.*

- I. Review and Approval of the Minutes of the December 19, 2016 Meeting.
- II. Department Updates
  - o Health Director Jennifer Susen-Roy
  - o Police Chief Neil Erickson
  - o Fire Chief Richard Ares
  - o Local Building Inspector Roland Jean (*for Commissioner Jeff Cooke*).
- III. #9716 – An Application by Brian’s Auto Sales, 549 West Broadway, for a Class 3 Motor Vehicle Junk License (New) (*In City Council and Referred to Public Safety Committee 12/5/2016*).
- IV. #9730 – An Application by R&R Motors, 7 Donlan Street, for Renewal of Class 2 Motor Vehicle Dealer License (*In City Council and Referred to Public Safety 1/3/2017*).
- V. Request by the Mayor to Designate Certain Parking Spaces on City Hall Avenue and on Connors Street for “Post Office Employee Parking Only.”
- VI. Request by the Fire Department for Authorization to Dispose of a 2002 Dodge Ram pickup.
- VII. Landlord-Tenant Anti-Crime Ordinance (*Proposed by Dexter Lison*).

**NOTICE:** *The listing of Agenda items are those reasonably anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.*

CITY COUNCIL OF GARDNER

Paul G. Tassone  
Chairman, Public Safety Committee

**City of Gardner, Massachusetts**  
**City Council Public Safety Committee**  
**Minutes of the Meeting of December 19, 2016**

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Chairman Paul Tassone called the Public Safety Committee meeting to order at 6:00 p.m. on Monday, December 19, 2016 in the City Council Chamber. Committee members Councillors Karen Hardern and Matthew Vance were also present.

Others officials participating were Fire Chief Richard Ares, Public Health Director Jennifer Susen-Roy, Police Chief Neil Erickson, and Police Detective William Crockett.

I. **Minutes of Prior Meeting(s).**

On a motion by Councillor Karen Hardern and seconded by Councillor Matthew Vance, it was voted to accept the Minutes of the November 21, 2016 Public Safety Committee Meeting, as printed.

II. **Department Updates**

**Public Health Director Jennifer Susen-Roy**

- The Department issued “cease and desist” orders to 24 business establishments that failed to provide the Department with all required documentation for 2017 annual license renewals (liquor, tanning, food, retail stores, etc.). She added that the Department affixes placards onto buildings that house these businesses, effectively closing down the business until paperwork is filed and license certificates are issued. She noted that establishments will file their paperwork once “cease and desist” orders are issued.
- The Health Department issued “Orders to Vacate” to all persons occupying the house at 53 Greenwood Street. The Department provided temporary housing arrangements for the 14 people (3 families) that were evicted.

**Trash Fee Abatement Appeal, 229 Brookside Drive** – The Director cited her letter of November 29, 2016 to the Public Safety Committee that detailed the circumstances of the case and said that City Code and regulations prohibit the transportation of residential waste. The Appellant, Mr. Fitzgerald, stated that he never utilized the City’s trash collection services, as he transported his trash to his private club on Chestnut Street, where he disposed of the trash in a Sons of Kristoff-contracted dumpster. He said that he would accept the City’s trash Toters now and start using the service only if he does not have to pay the bill.

On a motion Councillor Vance and seconded by Councillor Hardern, on recommendation of the Public Health Director, it was voted to deny the Trash Abatement appeal of Alan Fitzgerald, 229 Brookside Drive.

**City of Gardner, Massachusetts**  
**City Council Public Safety Committee**  
**Minutes of the Meeting of December 19, 2016**

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Trash Fee Abatement Appeal, 13 Ford Street - The Director stated that the homeowner was charged for two sets of Toters, but that the house was a single family unit. The Department abated the fee for one year, but the Committee's vote is required to abate fees for prior years.

On a motion Councillor Vance and seconded by Councillor Hardern, on recommendation of the Public Health Director, it was voted to grant an abatement retroactively to 2013 to Shawn McDonald, 13 Ford Street.

**Chief of Police Neil Erickson:**

- The Regional Dispatch Center Center's Director is expected to assume office in January, 2017 with the charge of administering the merger of the emergency communications systems and protocols for the Town of Athol and the City of Gardner, the new Regional Center. The Chief noted that any increased costs to implement the new position would be minimal, since the current Supervisor has been utilizing overtime for the project and also that the Director's position would be salaried.
- The new grant-funded communication system has been installed (\$1.3M) and purchase orders have been issued for an additional \$500k (from the second grant) for the fiber connection between the street and the facility and other ancillary items, providing communications data between Gardner and Athol.
- The Regional Communications Center would be overseen by a Director, three Supervisors, and three Dispatchers per shift, for around-the-clock coverage.

**Fire Chief Richard Ares:**

- Seven recruits are currently in the Fire Academy and are expected to graduate on February 8.
- The Department is anticipating the ambulance license from the State. The operational target date for the Ambulance is February 9.
- The Department is initiating online open burning permit applications. The Department issues up to 500 permits per year and no fee is applied.

III. **#9713 – Applications for Renewal of Class 1 Motor Vehicle Dealers Licenses.**

On a motion Councillor Vance and seconded by Councillor Hardern, on recommendation of the Chief of Police, it was voted to recommend to the City Council that the following **Class 1** Motor Vehicle Dealers Licenses be granted:

- (1) Salvadore Chevrolet, 442 West Broadway.
- (2) Salvadore Chrysler-Dodge, Kinzer Drive.

**City of Gardner, Massachusetts**  
**City Council Public Safety Committee**  
**Minutes of the Meeting of December 19, 2016**

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IV. #9714 – Applications for Renewal of **Class 2** Motor Vehicle Dealers Licenses

On a motion Councillor Vance and seconded by Councillor Hardern, on recommendation of the Chief of Police, it was voted to recommend to the City Council that the following **Class 2** Motor Vehicle Dealers Licenses be granted:

- (1) AC Auto Clinic, 411 Park Street
- (2) Auto Mart, 182 West Street
- (3) Brian's Auto Sales, 549 West Broadway
- (4) Chair City Auto Sales, 144 Pearson Boulevard
- (5) Gardner Auto Sales, 119 Pearson Boulevard
- (6) Gardner Five Star Auto Sales, 407 Chestnut Street
- (7) J. Wood Inc., 361 West Street
- (8) JPJ Automotive LLC, 78 East Broadway
- (9) Mike's Auto, 251 East Broadway
- (10) Rahaim Auto Sales, Rear 27 Hill Street
- (11) Ric's Radiator Repair Used Car Sales, 800 West Broadway
- (12) Riverside Auto Recycling, 65 Riverside Road
- (13) Salvadore Chevrolet, 249 Timpany Boulevard.
- (14) Salvadore Chevrolet, 421 West Broadway.
- (15) T.J. & Sons Auto Repair & Towing, Inc., 537 West Broadway.

V. #9715 – Applications for Renewal of **Class 3** Motor Vehicle Junk Licenses.

On a motion Councillor Vance and seconded by Councillor Hardern, on recommendation of the Chief of Police, it was voted to recommend to the City Council that the following **Class 3** Motor Vehicle Junk Licenses be granted:

- (1) Lajoie's Used Auto Parts, Inc., Rear 27 Hill Street
- (2) Riverside Auto Recycling, 65 Riverside Road

VI. #9716 – An Application by Brian's Auto Sales, 549 West Broadway, for a Class 3 Motor Vehicle Junk License (New)

On a motion Councillor Vance and seconded by Councillor Hardern, on recommendation of the Chief of Police, it was voted to recommend to the City Council to grant APB Automotive Enterprises, 408 Parker Street, a Class 2 Motor Vehicle Dealer License.

**Adjournment.**

On a motion Councillor Vance and seconded by Councillor Hardern, it was voted to adjourn at 6:36 p.m.

9716

License Application  
Processing Fee - \$200.00



CITY OF GARDNER, MASSACHUSETTS  
City Hall - Room 121 - 95 Pleasant Street  
Gardner, MA 01440-2630  
Tel: 978-630-4058 Fax: 978-630-2589

Date Received

RECEIVED

APPLICATION FOR LICENSE TO BUY AND  
SELL SECOND HAND MOTOR VEHICLES

NOV 29 AM 11 12  
CITY OF GARDNER

New  Renewal  Class 1 - Class 2 - Class 3 (Circle all that apply to this Application)

1. Legal Name of Business: Brian K Michaud  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)

2. Doing Business As: Brian's Auto Sales  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)

3. Business Address: 549 W. Broadway Gardner MA 01440  
(Complete street address where business will be conducted and P O Box, if any)

4. Business Tel: 978-632-1943 Cellular \_\_\_\_\_ Fax 978-632-0707 E-Mail brianautobody@yahoo.com

5. Is the business an individual, partnership, association or corporation? Individual

6. If an individual, state full name and residential address: Brian K Michaud  
253 Lovewell St Gardner MA 01440

7. If a partnership, state full names and residential addresses of all partners: N/A

8. If an association or corporation, state full names of the principal officers:  
President N/A  
Secretary \_\_\_\_\_  
Treasurer \_\_\_\_\_

9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? yes
- a. If so, is your principal business the sale of new motor vehicles? No
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? no
  - c. Is your principal business that of a motor vehicle junk dealer? yes
  - d. Is your principal business that of a "Repairs"? No
  - e. Is your principal business that of "Repossession"? No

9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
24 x 45 Metal Building with adjoining 16 x 32 Cinder-block bay with adjoining 12 x 32 metal office

10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO

If yes, state the name of the manufacturer: \_\_\_\_\_

11. Do you have a signed contract as required by Section 58, Class I? YES \_\_\_\_\_ NO
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES  NO \_\_\_\_\_  
 If yes, in what city or town? Gardner
- Did you receive a license? YES  NO \_\_\_\_\_ For what year? 2016
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO  If yes, please explain: \_\_\_\_\_

**Provide the following items/documentation with the completed Application form:**

- Applicable License Application Processing Fee(s), check payable to "City of Gardner"
- Surety Bond in the amount of \$25,000 executed by a surety company authorized to transact business in Massachusetts, or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority. A separate bond shall be required for each different name under which the dealer conducts his business. (Applies only to Class 2 Dealers).
- State and Federal Tax Certification Affidavit
- City of Gardner PERMIT/APPLICATION GOOD STANDING CERTIFICATE
- Criminal Offender Record Information (CORI) Authorization form.
- Workers Compensation Insurance Affidavit: General Businesses
- Parking Plan (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- Site Plan (scaled 1" = 40 ft.) showing all available parking, driveways, entrances and exits, building location, etc. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- Zoning Opinion from the Building Commissioner.
- Planning Board and/or Board of Appeals Decisions (if applicable).

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. APPLICANT FURTHER CERTIFIES THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZES THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

*RMC*

DATE SIGNED Nov 28, 16

INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT

OR

SOCIAL SECURITY NUMBER



License Fee must be submitted with this form. Make check payable to City of Gardner. Mail completed Application Form, along with all required documentation and check to: City Clerk, 95 Pleasant Street, Room 121, Gardner, MA 01440.

**NOTICE:** The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 requires the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, shall be sufficient cause for the denial of the License application.

9716

# CITY OF GARDNER LAW DEPARTMENT

John M. Flick  
City Solicitor

Jill A. Romer  
Assistant City Solicitor



144 Central Street, Suite 201  
Gardner, MA 01440

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

Writer's Email:

January 6, 2017

Mark P. Hawke, Mayor  
City of Gardner  
95 Pleasant Street  
Gardner, MA 01440

Re: Class III Motor Vehicle Junk License for 549 West Broadway Application

Dear Mayor Hawke:

I am writing in response to your request for advice regarding the above-referenced license for a Class III license. As you know the ability of the City to grant a Class II license is governed by City Ordinance and M.G.L. c. 140, § 59A.

This statute provide specific requirements that must be met in order to properly site a Class III vehicle junkyard in the City. I have enclosed a copy of the statute for your review. Essentially, the applicant fails to satisfy two essential elements of the statute. The proposed junk year is less than 1,000 feet from the Rout 2 right of way, and is 0 feet from Route 2A. According to M.G.L. c. 140, §59A, a vehicle junkyard cannot be less than 1,000 feet from "nearest edge of any highway in the interstate or primary system," i.e. Route 2; or less than 600 feet "from any other state highway," i.e. Route 2A. Please see the enclosed letter from the Assistant City Engineer.

The only provision of the statute under which the Applicant may be successful in obtaining a Class III license is paragraph 4. In order to satisfy the provisions of paragraph 4, the applicant must construct a fence in accordance with City standards and the Commonwealth of Massachusetts Department of Transportation (the 'DOT') Regulations. The Applicant must then re-submit his application and the City must transmit the application, within three days of receipt, to the DOT. Until the applicant tis found to have complied with M.G.L. c. 140, § 59A (c)(4), the application should be denied.

Please let me know if you have any additional questions.

Very truly yours,

John M. Flick

Enc.

Cc: Ronald Cormier, City Council President  
Alan Agnelli, City Clerk



**CITY OF GARDNER**  
**ENGINEERING DEPARTMENT**

Room 226, City Hall - Gardner Ma 01440-2688

Chris Coughlin  
Assistant City Engineer

Tel: (978) 630-4010  
FAX: (978) 630-4896



John Flick, City Solicitor  
Gardner Legal Department  
City of Gardner City Hall  
95 Pleasant Street – Room 125  
Gardner, Massachusetts 01440

RE: 549 West Broadway

Per your request for distances to highways for parcel M-17-8-2. 549 West Broadway is located 597' at its closest to Route 2 and is located 0' to Route 2A.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Coughlin', is written over a horizontal line.

Chris Coughlin  
Assistant City Engineer



Massachusetts General Laws Annotated  
Part I. Administration of the Government (Ch. 1-182)  
Title XX. Public Safety and Good Order (Ch. 133-148a)  
Chapter 140. Licenses (Refs & Annos)

M.G.L.A. 140 § 59A

§ 59A. Motor vehicle junkyards; requirements

Currentness

No license shall be granted under section fifty-nine to a person within Class 3 as defined in section fifty-eight, for a motor vehicle junkyard, unless such junkyard

(a) is to be operated and maintained entirely within a building; or

(b) is to be operated and maintained exclusively for the purpose of salvaging the value as scrap of the material collected, as opposed to reselling parts to be used for the purpose for which they were originally manufactured, and is to be located in a built-up industrial or commercial area, or contiguous to a railroad siding, or on or contiguous to docking facilities; or

(c) is:

(1) more than one thousand feet from the nearest edge of any highway on the interstate or primary system, and

(2) more than six hundred feet from any other state highway, and

(3) more than three hundred feet from any park, bathing beach, playground, school, church or cemetery and is not within ordinary view therefrom; or unless it is

(4) screened from view by natural objects or well-constructed and properly maintained fences at least six feet high acceptable to said city or town and in accordance with regulations as promulgated by the department of highways and as specified on said license.

No license shall be granted under the provisions of clause (4) of subsection (c) unless a copy of the application for such license has been forwarded by the applicant to the department of highways within three working days of the filing of said application.

**Credits**

Added by St.1967, c. 600, § 3. Amended by St.1985, c. 663, § 2; St.1991, c. 552, § 90.

Notes of Decisions (1)

M.G.L.A. 140 § 59A, MA ST 140 § 59A  
Current through Chapter 349 of the 2016 2nd Annual Session

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# City of Gardner, *Executive Department*

Mark Hawke, Mayor



December 20, 2016

Attorney John M. Flick, City Solicitor  
144 Central Street, #201  
Gardner, MA 01440

RE: Item 9716- An Application by Brian's Auto Sales, 549 West Broadway, for a Class 3 Motor Vehicle Junk License

Dear Attorney Flick,

I am writing to you regarding Council Item 9716, the application by Brian's Auto Sales for a Class 3 Motor Vehicle Junk License.

I am uncertain of the legality of the siting of a junkyard at this location and would like your opinion of how Chapter 140 §59A pertains.

Sincerely,

Mark Hawke  
Mayor, City of Gardner

C: Councilor Paul Tassone, Chairman Public Safety Committee  
Councilor Karen Hardern  
Councilor Matthew C. J. Vance  
Alan Agnelli, City Clerk

9730

License Application  
Processing Fee - \$200.00



CITY OF GARDNER, MASSACHUSETTS  
City Hall - Room 121 - 95 Pleasant Street  
Gardner, MA 01440-2630  
Tel: 978-630-4058 Fax: 978-630-2589

Date Received

### APPLICATION FOR LICENSE TO BUY AND SELL SECOND HAND MOTOR VEHICLES

New \_\_\_ Renewal  Class 1 - Class 2 - Class 3 (Circle all that apply to this Application)

1. Legal Name of Business: R+R Motors  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: \_\_\_\_\_  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 7 Donlan St Gardner MA 01440  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel. ~~978 790 8006~~ Cellular 978 790 8006 Fax \_\_\_\_\_ E-Mail \_\_\_\_\_
5. Is the business an individual, partnership, association or corporation? Individual
6. If an individual, state full name and residential address: \_\_\_\_\_
7. If a partnership, state full names and residential addresses of all partners: Russell Blake 73 Eli Dr Winchendon MA Robert Charles 202 Eli Dr Winchendon MA
8. If an association or corporation, state full names of the principal officers:  
 President \_\_\_\_\_  
 Secretary \_\_\_\_\_  
 Treasurer \_\_\_\_\_
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? yes
  - a. If so, is your principal business the sale of new motor vehicles? no
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? yes
  - c. Is your principal business that of a motor vehicle junk dealer? no
  - d. Is your principal business that of a "Repairs"? no
  - e. Is your principal business that of "Repossession"? no
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
7 Donlan St
10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO   
If yes, state the name of the manufacturer: \_\_\_\_\_

11. Do you have a signed contract as required by Section 58, Class I? YES \_\_\_\_\_ NO
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES  NO \_\_\_\_\_  
If yes, in what city or town? Gardner (Renewal)  
Did you receive a license? YES  NO \_\_\_\_\_ For what year? \_\_\_\_\_
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO  If yes, please explain: \_\_\_\_\_

**Provide the following items/documentation with the completed Application form:**

- Applicable License Application Processing Fee(s), check payable to "City of Gardner"
- Surety Bond in the amount of \$25,000 executed by a surety company authorized to transact business in Massachusetts, or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority. A separate bond shall be required for each different name under which the dealer conducts his business. (Applies only to Class 2 Dealers).
- State and Federal Tax Certification Affidavit
- City of Gardner PERMIT/APPLICATION GOOD STANDING CERTIFICATE
- Criminal Offender Record Information (CORI) Authorization form.
- Workers Compensation Insurance Affidavit: General Businesses
- Parking Plan (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- Site Plan (scaled 1" = 40 ft.) showing all available parking, driveways, entrances and exits, building location, etc. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- Zoning Opinion from the Building Commissioner.
- Planning Board and/or Board of Appeals Decisions (if applicable).

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. APPLICANT FURTHER CERTIFIES THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

[Signature] \_\_\_\_\_ DATE SIGNED 12-7-16  
INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE \_\_\_\_\_

OR \_\_\_\_\_  
EMPLOYER IDENTIFICATION NUMBER (EIN) \_\_\_\_\_

License Fee must be submitted with this form. Make check payable to City of Gardner. Mail completed Application Form, along with all required documentation and check to: City Clerk, 95 Pleasant Street, Room 121, Gardner, MA 01440.

**NOTICE:** The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 requires the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, shall be sufficient cause for the denial of the License application.

# City of Gardner, *Executive Department*

Mark Hawke, Mayor



January 4, 2017

Councilor Paul Tassone, Chairman  
And Public Safety Committee  
95 Pleasant Street  
Gardner, MA 01440

RE: Parking on City Hall Avenue and Connors Street

Dear Councilor Tassone,

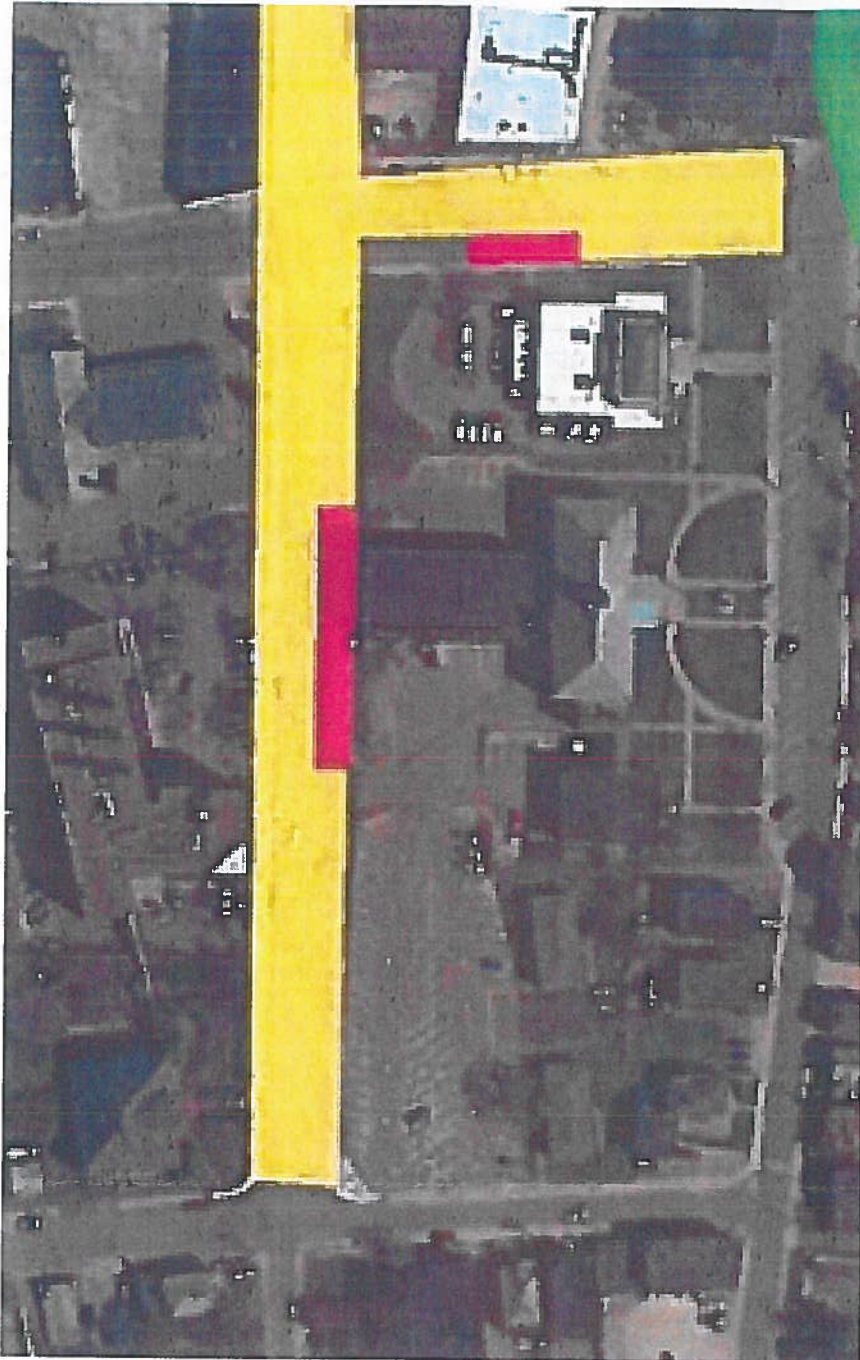
As mentioned in my October 14, 2016 letter to the City Council regarding parking meters, City Code 600-18 B allows the City Council's Public Safety Committee to designate the actual location of meters within the designated area. I also mention that I would seek the Public Safety Committees approval to not meter eight (8) spaces along the southerly side of City Hall Ave adjacent to the Post Office and sign those spots as "Post Office Employee Parking Only". The same request would be made for the twelve (12) spaces on the easterly side of Connors Street directly behind the City Hall Auditorium.

As such, I am asking the Public Safety Committee to approve the designation of eight (8) spaces along the southerly side of City Hall Ave, adjacent to the Post Office, be signed as "Post Office Employee Parking Only." I ask the same designation be made of the twelve (12) spaces on the easterly side of Connors Street, directly behind the Mayor Frederick Perry Memorial Auditorium.

A map depicting these areas is attached.

Respectfully,

Mark Hawke  
Mayor, City of Gardner



Proposed Post Office Employee  
Parking denoted in Red.



# CITY OF GARDNER

FIRE HEADQUARTERS  
70 CITY HALL AVENUE  
GARDNER, MA 01440-2671

OFFICE OF FIRE CHIEF  
Richard P. Ares

Telephone (978) 630-4051  
Fax (978) 630-4028

To: Jennifer Dymek, Purchasing Agent  
From: Chief Richard Ares  
Date: January 9, 2017  
Subject: Disposal of City Items (Equipment)

Herein is approved authorization from the Public Safety Committee and Mayor Mark P. Hawke seeking permission to dispose of the following (values are estimated):

2002 Dodge Ram pickup w/plow VIN# 3D7HU18N02G161790 \$3000.00

The item(s) are currently located at Fire Headquarters and may be inspected by making an appointment with Chief Richard Ares. I understand arrangements must be made with the Purchasing Department prior to transportation of the item(s) to the sale location designated by the Purchasing Department.

The Mayor and Public Safety Committee hereby authorizes the disposal or sale of the item(s) listed above:

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Authorized and Approved by \_\_\_\_\_  
Mark P. Hawke, Mayor

\_\_\_\_\_  
Date



# New Crime-Free Law: Landlord Participation Mandatory

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 [www.american-apartment-owners-association.org/property-management/latest-news/new-crime-free-law-landlord-participation-mandatory/](http://www.american-apartment-owners-association.org/property-management/latest-news/new-crime-free-law-landlord-participation-mandatory/)

In an effort to clean up neighborhoods, the city of Dover, Delaware has passed a new anti-crime ordinance that allows city officials to order tenants be evicted — and landlords' participation is mandatory.

According to a news report, the measure received unanimous approval this week.

The new ordinance identifies certain crimes for which a tenant must be evicted. These crimes include: offensive touching, menacing, vehicular assault, sexual harassment, indecent exposure, criminal mischief, graffiti, trespass, criminal trespassing, crime against a vulnerable adult, unlawfully dealing with a child, disorderly conduct, malicious interference with emergency communications, public intoxication, loitering, criminal nuisance, obstructing of public passage, lewdness, prostitution, patronizing a prostitute, unlawfully dealing with a dangerous weapon, and unlawfully dealing with a switchblade knife.

Under the measure, the city will notify the landlord of an offense, and the landlord will have 30 days to initiate eviction, or otherwise get the tenant out of the property.

Under the language of the ordinance, the tenant does not need to be involved in the crime to face mandatory eviction. The rules apply if any member of the tenant's household, any guest or other person under the tenant's control engages in criminal activity on or within 500 feet of the lot on which the rental dwelling resides, on three or more occasions within a 12-month period.

An interesting facet of the law is that it does not require conviction of the charges, which can be a sticking point for landlords seeking to evict a tenant based on the suspicion of criminal activity.

Landlords also will be required to incorporate a new "Safe Communities" anti-crime addendum into lease agreements.

Officials are offering at least two crime-fighting seminars per year. While attendance is generally voluntary, any landlord who has run afoul of the law, including omitting the lease addendum, will be required to attend a seminar.

The penalty for failing to evict a tenant under the new law is suspension of the rental license.

It does not appear that the law offers any exception for cases where the tenant or a member of the tenant's household is the victim of the crime, although councilmembers did delete the language "or associated with" from the draft bill, possibly to avoid conflicts with laws protecting victims of domestic violence. It is within the discretion of city officials to decide whether to refer a tenant for eviction.

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**American Apartment Owners Association offers discounts on products and services for landlords related to your rental housing investment, including rental forms, tenant debt collection, tenant background checks, insurance and financing. Find out more at [www.joinaaoa.org](http://www.joinaaoa.org).**

## Sec. 22-331. - Purpose; applicability; definitions; compliance.

- (a) *Purpose.* The purpose and intent of this article is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of dwellings operated for lease to the public. The health, safety and welfare of the occupants of the dwellings are of the utmost importance to the city, as is the general community character in which these dwelling units are located.
- (b) *Applicability.* The provisions of this article shall apply to all matters affecting or relating to rental dwellings. Where, in this article, different sections of this Code may specify different requirements, the most restrictive shall govern.
- (c) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- (1) *Criminal activity* is defined as any crime classified by applicable law as a (a) felony, (b) Class A misdemeanor, or (c) any of the following offenses: any drug offense defined by Title 16 of the Delaware Code, and the following misdemeanors in addition to any Class A misdemeanor, as defined by Title 11 of the Delaware Code: § 601—Offensive touching, § 602—Menacing, § 628—Vehicular assault 3, § 763—Sexual harassment, § 764—Indecent exposure, § 811—Criminal mischief, § 812—Graffiti, § 820—Trespassing, § 821/2/3—Criminal trespassing, § 1105—Crime against a vulnerable adult, § 1106—Unlawfully dealing with a child, § 1301—Disorderly conduct, § 1313—Malicious interference with emergency communications, § 1315—Public intoxication, § 1321—Loitering, § 1322—Criminal nuisance, § 1323—Obstructing of public passage, § 1341—Lewdness, § 1342—Prostitution, § 1343—Patronizing a prostitute, § 1445—Unlawfully dealing with a dangerous weapon, § 1446—Unlawfully dealing with a switchblade knife.
  - (2) *Dwelling unit* means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
  - (3) *Multiple-family dwellings* means dwelling units operated as a group, and located in the same building. This shall include apartments, roominghouses, condominium dwelling units, and accessory apartments located within structures principally used for owner occupancy.
  - (4) *Rental dwelling* means a dwelling unit that is leased for occupancy to a person or persons in exchange for monetary payment or provision of goods or services to the owner of the dwelling unit.
  - (5) *Single-family dwellings* means dwelling units operated singly, and separated from other units. In general, this definition shall apply to single-family detached dwellings; mobile homes and manufactured homes; and attached units, including duplexes and townhouses.
- (d) *Compliance required.* No person shall operate, occupy or let to another for occupancy any dwelling which is not in compliance with the International Property Maintenance Code adopted in section 22-221 and all other applicable codes.

(Code 1981, § 10-86; Ord. of 4-10-2000; Ord. No. 2013-04, 4-8-2013; Ord. No. 2016-16, 8-8-2016)

Sec. 22-373. - Eviction required.

- (a) If the tenant, any member of the tenant's household, any guest or other person under tenant's control engages in criminal activity as defined by section 22-331(c)(1) and Chapter 22, Buildings and Building Regulations, of the Dover Code on three or more occasions within a 12-month period, the chief of police shall notify the department of planning and inspections to initiate the safe communities lease termination notice procedure directing the property owner or property manager to terminate the tenancy in accordance with subsection (b).
- (b) Upon notification by the chief of police that termination of tenancy is required in accordance with subsection (a), the department of planning and inspections shall notify the property owner and property manager that they have 30 days to initiate the eviction or otherwise terminate the tenancy. Such notice shall be sent by U.S. Mail, evidenced by Certificate of Mailing, to the property owner and property manager if a property manager is on record with the department of planning and inspections.

(Ord. No. 2013-04, 4-8-2013)