

**CITY OF GARDNER, MASSACHUSETTS  
CITY COUNCIL PUBLIC SAFETY COMMITTEE  
MINUTES OF THE MEETING OF SEPTEMBER 25, 2018**

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The Committee Chairman, Councillor James Johnson, called the Public Safety Committee meeting to order at 6:30 p.m. in the Mayor's Conference Room, City Hall. Committee members present were Councillors Karen Hardern and Edward Gravel.

Other Officials present and/or participating were Councillor Nathan Boudreau; Public Health Director Jennifer Susen-Roy; Building Commissioner Roland Jean; Police Chief Neil Erickson; Deputy Chief of Police Richard Braks; Resident Jeffery Palmieri, and Assistant City Clerk Faith Glover.

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

On a motion by Councillor Edward Gravel and seconded by Councillor Karen Hardern, it was voted to accept the Minutes of July 25, 2018 Public Safety Committee Meeting, as printed.

**II. Department Head Reports**

**Health Director -Jennifer Susen-Roy provided the following information:**

- The areas around the donation boxes at the Salvation Army Store in Union Square are not being kept clean and are in violation of the unattended box regulations. As a result, she directed the Salvation Army to have someone observe as residents placed items into the boxes during the hours their operating hours, Monday-Friday. Jennifer also informed the Salvation Army that they are to take down the wooden sheds outside the building, as well as repair the fence between *Taylor Rental* and their property.
- Waste Management had a rough month in June, as yard waste was not picked up. Jennifer had a meeting with Waste Management recently and the communication is better.
- "National Grid Substation" - Jennifer had some concerns about violations of Sanitary Codes, as well as standing water creating "a breeding ground" for mosquitos. Jennifer is having a conversation regarding her concerns with National Grid.
- Asst. Director Lauren Saunders is very busy with "tall grass issues."
- The Board of Health is getting ready to send out the renewal letters for permits that will expire on December 31, 2018.
- Councillor Gravel mentioned to Jennifer regarding the trash containers at Monument Park, they are over stuffed. Jennifer is looking to buy more "Solar Bellies" for recycling and trash to be placed around the Downtown area.
- Councillor Karen Hardern thanked Jennifer for putting up with the calls.

**Fire Chief Richard Ares (Fire/Ambulance) provided the following report:**

- The new ambulance went into service on September 7 and is working very well. Sometime after October 1, the Mayor and Councillors will be invited for a photo-op with the new ambulance.

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- Combined Fire-Police dispatch is slated to begin on October 1.
- Two firefighters graduated from the Fire Academy at the end of August and are now on shifts. Two more are currently in the Academy - one will be graduating October 15 and one on November 9.
- The City has been awarded a FEMA Assistance to Firefighters Grant to purchase a new pumper. The grant is for \$498,000.00. The Federal portion is \$452,728.00 and the City share is \$45,272.00. This will replace our 1989 Engine 3.

**Building Commissioner Roland Jean provided the following information.**

- 650 building permits have been issued so far this year, they are issuing 6-10 permits per day.
- The GFA Credit Union and Fidelity Bank are undergoing major renovations. On Pearson Blvd, renovations for the Medical Marijuana Facility have begun.
- Sapphire Park as-built has been approved.
- 183 Main Street is a vacant three family house. The ZBA denied a permit because the owner had no plans to fix the outside of the building. The decision was appealed so Roland will keep the Safety Committee updated.
- Since the State issued a plumbing variance, Watkins Field will only need a total of 13 bathrooms, instead of 38 bathrooms per Code.
- The Victorian lights Downtown will be repaired the 1<sup>st</sup> week of October.
- The light needs to be repaired at the crosswalk near Heywood Hospital.
- New Local Building Inspector, Rick Germano, is working out well.
- Councillor Gravel asked about the new guidelines, “For Existing Noncompliant Apartment Buildings”, and which vacant and abandoned buildings will be candidates for repairs (attached).
- Councillor Johnson noted that if natural gas is shut off for 6 months, then it would force a gas inspection by a plumber and then the gas inspector and questioned who would check to see if the gas is not shut off.  
Chief Erickson forwarded to the Committee, by email, a “Gas Safety Fact Sheet” from UNITIL.

**Police Chief Neil Erickson and Deputy Chief Braks provided the following information.**

- Chief reported that they have three new SUV cruisers.
- The 3 new Police Officers that are in the Academy are doing well.
- Combining Fire and Police Dispatch has been pushed back to November. This extra time will allow for more staffing to be hired and the training of that staff before they begin to dispatch both Police and Fire.
- The Police Department is still working on getting clearance from the FAA for using the new drone. At this time, the drone is equipped with a single camera for daytime search.

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The drone will have many capabilities in the future, a heat sensor to locate possible fires in the woods, or a lost person, via a Global Positioning System.

**III. Removal of Parking meters from City Hall Ave & Connors Street. (Continued from 7/25/2018).**

The parking meters on City Hall Ave and Connors Street cost more to maintain than they generate in revenue.

Motion by Councillor Karen Hardern to remove the parking meters on City Hall Ave and Connors Street. Motion carried on a 2 to 1 vote.

**IV. Knowlton Street from Connors Street/An Ordinance Implementing Two-Hour Parking on to Nichols Street (South side). (Continued from 7/25/2018).**

Motion by Councillor Karen Hardern Knowlton Street from Connors Street and ordinance implementing Two-Hour Parking to Nichols Street (south Side). Motion carried on a 2 to 1 vote.

**V. AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 600, ENTITLED "VEHICLES AND TRAFFIC," ARTICLE VI: STOPPING, STANDING, AND PARKING, SECTION 23: ALL-NIGHT PARKING. (First Printing 9/21/2018)**

Councillor Johnson submitted a Memorandum for the Councillors (attached).

The Police Chief and Councillor Nathan Boudreau voiced reasons in support of amending the overnight parking ban.

Director of the Board of Health, Jennifer Susen-Roy, voiced reasons against amending the overnight parking ban.

Resident Jeffrey Palmieri requested time to address the committee regarding the amendment of the overnight ban. Mr. Palmieri read a statement is against the overnight parking ban (attached).

After much discussion a motion was made by Councillor Karen Hardern to pass the amendment to the All-Night Parking ban. Motion carried on a 2 to 1 vote.

**VI. Adjournment.**

On a motion Councillor Edward Gravel and seconded by Karen Hardern, it was voted to adjourn at 7:44 p.m.



CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LT. GOVERNOR

DANIEL BENNETT  
SECRETARY

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*Executive Office of Public Safety and Security*  
*Department of Fire Services*

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PETER J. OSTROSKY  
STATE FIRE MARSHAL

**TO:** Heads of Fire Departments and Building Departments

**FROM:** Peter J. Ostroskey, State Fire Marshal  
Charles Borstel, Commissioner, Division of Professional Licensure

**DATE:** April 2, 2018

**SUBJECT:** APPLICATION OF M.G.L. C. 148 S. 26C FOR EXISTING  
NONCOMPLIANT APARTMENT BUILDINGS

As a result of inquiries from several fire and building officials about the existence of older apartment buildings that apparently lack adequate fire protection, the Department of Fire Services and the Division of Professional Licensure are jointly providing the following guidance:

**The Issue:**

What are the fire protection requirements for older apartment buildings with 6 or greater units that:

- (1) Are not located in a high-rise building (over 70' in height);
- (2) were built prior to the effective date of the State Building Code, January 1, 1975; and
- (3) have not undergone any alterations that would trigger enhanced fire protection under the State Building Code?

**The Law:**

In general, these particular buildings were subject to the provisions of M.G.L. c. 148, s. 26C. Said statute, last amended by c. 527, sec.1 of the Acts of 1989, states: "Apartment houses containing six or more dwelling units, hotels, boarding or lodging houses, or family hotels which are not regulated by section twenty-six A or twenty-six B shall be equipped with automatic smoke or heat detectors as provided by the rules and regulations of the board of fire prevention regulations". (emphasis added).

*Administrative Services • Division of Fire Safety*  
*Hazardous Materials Response • Massachusetts Firefighting Academy*

The provisions of s. 26C applied retroactively to larger, older apartment buildings built and/or not altered prior to January 1, 1975, the effective date of the State Building Code, 780 CMR. In accordance with the enabling legislation, the law was approved by the governor as of November 17, 1989 and is enforced by the head of the fire department (see c. 527, secs. 3 and 4, Acts of 1989) and includes the following specific compliance deadlines:

- a. Communities with a population greater than 100,000: 5 years from effective date of law.
- b. Communities with a population of 50,000 to 100,000: 3 years from effective date of law.
- c. Communities with a population of less than 50,000: 1 year from effective date of law.

In summary, building owners should have equipped such residential buildings with automatic smoke and/or heat detectors as provided by the technical provisions of the State Fire Code, as of the stated deadlines, which have all since expired.

**The Technical Requirements:**

The technical requirements for complying with M.G.L. c. 148, s. 26C were, for many years, found in the State Fire Code, (527 CMR 24.00) and the newly revised Code, 527 CMR 1.00, effective January 1, 2015. It is noted that the BFPR recently removed the language regarding these particular buildings, since it was believed to be unnecessary as the compliance deadline had long since expired (over 25 years ago) and the technical installation requirements could be found in the State Building Code.

If it is discovered that an older building that meets the criteria of M.G.L. c. 148, s. 26C does not feature the installed/approved detectors required by the law, it is recommended that the Head of the Fire Department order compliance by requiring, at a minimum, the last technical requirement which is found in 527 CMR 1.00: 13.7.4.5 (the edition published on January 1, 2015). This provision required the installation of “detectors, alarms, pull stations, notification and monitoring [to be installed in accordance with] the building code. In addition to the requirements of the building code, interconnected smoke detectors are required and provided in Table 13.7C shall be installed in all common areas...”

In summary, the building must be equipped with:

- Single- and multi-station interconnected smoke alarms within each dwelling unit;
- Manual pull stations;
- Hard wired and interconnected smoke detectors in the common areas and hallways;
- A fire alarm system (panel) which is monitored; and
- Notification throughout the building.

All devices must be installed to satisfy the requirements of NFPA 72.

Such enforcement action should also be coordinated with the local building official, since such activity also triggers a building permit and compliance with certain technical provisions of the State Building Code, 780 CMR.

Finally, it should be noted that the provisions of M.G.L. c. 148, s. 26C are unique since the law required the mandatory retroactive installation of fire protection in these older residential structures in accordance with the statutory deadlines, even if the buildings had not undergone any alterations or renovations.

If you have any further questions please call the Code Compliance Helpdesk at (978)567-3375 or contact your local building official.



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Peter J. Ostroskey



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Charles Borstel

# P1. Safety Meeting

I Am here on behalf on neighbors citizens. to share our concerns: About the potential changing on the Parking Ban. As it Affects my family And neighbors And creates A tremendous safety hazard to children And put them At heavy Risk in Life threatening Positions. As I Am in between ② School 200 Holy Rosary And Waterford.

Here Are some concerns.

- ① Build up of snow on Both Side of street - Pushes cars toward center of street while more snow makes it even worse.

pa

② Side walks. not Passable.

Side walks Are inconsistently clear for children and Adults to walk in Road where As they may have to walk Around multiple cars. creating a dangerous. Atmosphere.

③ Reckless ABANDONMENT of Left on street with no storm. With old BAN cars must be Removed. everynite thus giving Resident Leaving thier homes in morning A clear view for safe PASSAG

③ with new cars can be Left for multiple DAYS causing difficulty on people leaving with SnowBank and car disrupting clear vision

④ Slipper Road. conditions - during win is A given cars. given less Room to Drive As Snow Banks Push them to cente

PS 4B And with cars parked on both sides, give drivers and pedestrians very little wiggle room. And with hill (Moran St) makes treacherous when snow melts and refreezes.

(5) Pile up of snow the Dpw uses the corner of Greenwood and Moran St to pile up. Sometime over 10-15 ft which cause a visibility issue for cars climbing or descending on Moran St

(6) (1) Issues. Trash day in winter is already extremely difficult as with cars added to the mix causing a very much concern for all

(2) Issues. With new BAN communication will be nearly impossible to reach all,

Noteable. ① A The old BAN people put cars AWAY

② The new BAN Promotes parking needlessly of streets.

③ This is A change of ordinance to I'm sorry - I didn't know it looked good today (etc)

④ This Also puts A tremendous burden on the <sup>(A)</sup> Police → giving more tickets towing AWAY CARS, things they Don't want to Do

⑤ Fire-Ambulance Less room to manuever during emergencies as the cars can be hindered in critical Time

Q Dept Public Health - giving code Red, trash Bins and who is making the snow BAN curfew

⑤ DPW = certainly severely affected these people. have a system that works. It maybe not perfect but the system they have put Gardner Residents in the safest position they CAN be

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Since this was move to First Print I have had many calls from people who just don't know and are confused. AS WELL AS I.

I Ask how much Research has been done.

2 WAS there ANY public Input if so why WAS this not made Public

③ There are many more questions. but the most important one was If it is not Broke why fix it

P6.

I have Also started A petition from people that Are ReBelling Against something that works why mess with it

As A Life Long Resident And home owner for over 30 years, A NAVY Veteran And Former councilor the mos important Life skill I have learned is Safety And the 3 points of emphasis Are

① Homeowner on Tenant Building Are Aware of the Ban And Provide Parkin  
B If Renter there is Always places to find to Park that is thier choice

② The existing Ordinance has won well for so many years As it gives

P7. the Dpw time not only to keep the streets clean and treated but cleanup after multiple storms.

(3) The Third being like all of you that have lived here multiple years not that there is no-weather forecast gasing for, vs the monAmoc Region as rain sleet and snow is so unpredictable that it causes chaos as we never know what we are going to get.

I urge and recommend that commonsense apply to this safety hazard. Thank you for all of your time Jeff

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

OFFICE OF THE  
CITY COUNCIL



**MEMORANDUM**

Dear Mr. Clerk,

I propose that the following amendment be made to Calendar No. 9987:

This ordinance be made as a temporary change to 600-23 to expire on Jun 30<sup>th</sup>, 2019.

-I understand the desire for a 2 year evaluation and agree. However, by having it expire after one winter the subcommittees can review it and make recommendations to better improve it, recommend to revert back to original if it causes to much trouble or recommend extending for another year due to lack of sufficient data.

15 During the parking ban, no vehicles will be permitted to park on any public way, highway or  
16 parking lot under the control of the City between the hours of 11:00 pm and 7:00 am.

Line 16 should have an exception should be given for business establishments that open before 6 AM or are open later than 11PM or use the current times of 2am to 6am. I know many have stated that this mainly effects open bars and restaurants and people shouldn't be stopping at a bar during a storm. However, since the intent is to set this prior to a storm and 48hours after a storm this will have an adverse effect on establishments that rely on either street parking or city parking lots for business.

I would appreciate it if you would circulate this to the other Council members.

Very respectfully,

James D Johnson  
Ward 5 Councillor