

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL PUBLIC SAFETY COMMITTEE
MINUTES OF THE MEETING OF MAY 12, 2022

Committee Chairman Councillor Craig Cormier called the Public Safety Committee meeting to order at 8:45 a.m. in the City Council Chambers, Room 219, City Hall. Committee members Councillor James Boone and Karen Hardern were also present

Also present were Mayor Michael Nicholson; Building Commissioner Roland Jean; Fire Chief Greg Lagoy; and Assistant City Clerk John Olivari.

I. Review and Approval of the Minutes Meeting.

On a motion by Councillor Karen Hardern and seconded by Councillor James Boone, it was voted viva voce to accept the Minutes of the January 18, 2022 and February 17, 2022 Public Safety Committee Meeting, as printed. Councillor James Boone abstained from the January 18, 2022 vote.

II. Department Updates:

Building Department

Building Commissioner Roland Jean informed the Committee that they are at 380 building permits right now:

- They are ahead from last year. Last year was a record year.
- Zoning Board are busy. They have five cases Tuesday night.
- There will be an appointment coming up for an alternate plumbing inspector. The previous plumbing inspector resigned.
- The custodian has been spread out. He has been out on medical. There have been people in city hall who have been helping out. It's been a challenge.
- Painting the hallways that connect city hall and the annex building.
- Mayor's conference room is finished.
- Ovilla Case Playground, service was shut off by National Grid due to vandalism.
- Recently got the service back up and running so the lights are available.
- Purchased a new vehicle for the department. His fleet is now complete and shouldn't have to purchase another vehicle during his tenure.
- 88 to 98 Main Street where there was staging on the sidewalk. That has changed hands to new owners.
- 66 to 72 Main Street has the same issue. There is an engineer's report saying that the brick needs to come off the façade.
- 25 Main Street is imminent. There are big plans for that building.
- 262 Park Street is gone. The developer is going to build a single-family home.
- 114 Leamy Street, the roof has collapsed, and that building will be coming down shortly.

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Fire Department

PERSONNEL

- Probationary Firefighters Patrick Swensen and Stenio Pereira graduated the Massachusetts Fire Academy Recruit Training Program on March 4, 2022. Firefighter Swensen has been assigned to Group 4, and Firefighter Pereira assigned to Group 3. Both were recently sworn in before the Council.
- Firefighter Matthew Moniz has been promoted to the rank of Lieutenant. Matt was hired by the Gardner Fire Department in 2016, and had previous experience with the Littleton, MA Fire Department. He was also sworn in recently before the Council. He replaces Lt. Steven Roy who retired at the end of last year.
- On April 15, 2022 another Firefighter resigned from the Fire Department. He accepted a position at another area Fire Department.

- We are currently in the process of filling three currently vacant Firefighter positions. A Civil Service list has been released after the test was given last fall, and candidates are now turning in resumes. Interviews will follow, with new hires expected to start working this summer.
- Overtime continues to be high, mainly due to vacant Firefighter positions and the lengthy hiring process. There was also one Firefighter out of work on Injury Leave for an extended period this fiscal year.

GRANTS UPDATE

- The Massachusetts FY2022 Firefighter Safety Equipment Grant is complete. We have purchased new ventilation saws and a Rapid Intervention Team (“RIT”) emergency breathing air supply kit. Over \$11,000 of equipment was acquired at no cost to the City.
- The FY2020 FEMA Assistance to Firefighters Grant (AFG) project for a new Fire and Carbon Monoxide Alarm system for Fire Headquarters is moving along. The L.W. Bills Company of Georgetown, MA is the installation contractor, which is underway and should be completed shortly.
- In March, the Fire Department was also awarded a FY2022 Massachusetts Executive Office of Public Safety Grant to purchase an Automated External Defibrillator. The grant award amount is \$2,427.99 and covers the full cost of the AED, there is no match required by the City.

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HEADQUARTERS ROOF REPAIR

- A contractor was hired to remove damaged ceiling drywall and insulation in the apparatus bays. This was to expose the internal rain gutter system to attempt to pinpoint leaking areas for repair.

GFD ACTIVITY UPDATE

- During the months of January through April 2022, the Fire Department responded to 1,697 calls for emergency service. During that time period, the Fire Department Ambulance transported 698 patients to area hospitals.

III. **#10675 – An Application by GameStop, Inc. #3725, for a License to deal in Second-hand Articles at 376 Timpany Blvd.**

On a motion by Councillor James Boone and seconded by Councillor Karen Hardern, it was voted viva voce to recommend to the City Council to APPROVE a License to deal in Second-hand Articles located at 376 Timpany Blvd. for GameStop, Inc. #3725.

IV. **#10676 – An Application by The Salvation Army – Family Store & Donation Center, for a License to deal in Second-hand Articles at 8 Union Street.**

On a motion by Councillor Karen Hardern and seconded by Councillor James Boone, it was voted viva voce to recommend to the City Council to APPROVE a License to deal in Second-hand Articles located at 8 Union Street for Salvation Army – Family Store & Donation Center.

V. **#10677 – An Application by Gardner Coins & Cards, Inc. for a License to deal in Second-hand Articles at 18 Parker Street.**

On a motion by Councillor James Boone and seconded by Councillor Karen Hardern, it was voted viva voce to recommend to the City Council to APPROVE a License to deal in Second-hand Articles located at 18 Parker Street for Gardner Coins & Card, Inc.

VI. **#10678 – An Application by House of Peace and Education, Inc. d/b/a HOPEful Boutique, for a license to Deal in Second Hand Articles at 29 Pleasant Street.**

On a motion by Councillor James Boone and seconded by Councillor Karen Hardern, it was voted viva voce to recommend to the City Council to APPROVE a License to deal in Second-hand Articles located at 29 Pleasant Street for HOPEful Boutique.

VII. **#10679 – An Ordinance to Amend the Code of City of Gardner Chapter 664, Entitled “Yard Sales”**

Mayor Nicholson informed the committee that this was a suggestion from people who have recently taken out yard sale permits. The request is to change the start of yard sale times from 9:00 a.m. to 8:00 a.m.

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On a motion made by Councillor Karen Hardern and seconded by Councillor James Boone, it was voted viva voce to recommend to the City Council that the following ordinance ought to pass:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER
CHAPTER 664, ENTITLED "YARD SALES"

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

SECTION 1: Section 2(B) of Chapter 664 of the Code of the City of Gardner, entitled "Yard Sales: Registration Required, General restrictions," be amended by deleting "9:00 a.m." and inserting in place thereof, "8:00 a.m."

SECTION 2: This ordinance shall take effect upon passage and publication as required by law.

VIII. #10680 – An Ordinance to Amend the Code of the City of Gardner, Chapter 500, Entitled "Nuisances: Vacant, Abandoned, and Blighted Buildings"

Mayor Nicholson informed the Committee that this is a recent update to some codes and reviewing what other cities and towns have implemented. This ordinance is related to the recent nuisance, vacant, abandoned properties ordinance that was passed earlier. This addition adds more "teeth" to the ordinance to prevent the problem before it becomes a problem.

On a motion made by Councillor Karen Hardern and seconded by Councillor James Boone, it was voted viva voce to recommend to the City Council that the following ordinance ought to pass:

AN ORDINANCE TO AMENDE THE CODE OF THE CITY OF GARDNER
CHAPTER 500, ENTITLED "NUISANCES: VACANT, BLIGHTED, AND
ABANDONED PROPERTIES"

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

SECTION 1: Section 500-3 of the Code of the City of Gardner, entitled "Property Standards," be amended by adding the following:

G. The owner of a vacant building must promptly repair all broken windows, doors, other openings and any unsafe conditions at a vacant building. Boarding

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up of open or broken windows and doors is prohibited except as a temporary measure for no longer than forty-five (45) consecutive days, unless the Commissioner determines that, due to vandalism or security reasons and due to circumstances out of the owner's control, the proper boarding of windows and doors is necessary for a period of time longer than forty-five (45) consecutive days. Boards or coverings must be fitted to the opening size and colored to blend with the existing building color scheme.

H. The owner must maintain the building and property for the duration of the vacancy or abandonment. The owner shall maintain the condition of the building and property so as to appear not to be vacant. Upon notice by the Building Commissioner, any accumulated trash and/or graffiti shall be removed from the property by the owner within (7) days. The Building Commissioner and/or his designee will document violations.

I. If deemed necessary by the Building Commissioner, the owner must erect and maintain, at his/her own expense, a six (6)-foot privacy fence within thirty (30) feet of the entire building. The Building Commissioner shall notify the owner in writing of the basis for requiring any such fencing. Such an order from the Commissioner must first be confirmed by obtaining written letters of support by the Fire Chief, Police Chief, City Engineer, and one (1) disinterested party who is not an employee of the City, confirming the opinion of the Building Commissioner.

SECTION 2. Section 500-4 of the Code of the City of Gardner, entitled "Certificate of Building Closure and Other Requirements," be amended by removing Subsection (A)(1) and inserting in place thereof the following:

(1) Prior to or not more than seven (7) days after a building becomes a vacant building, as defined herein, the owner(s) must file a certificate of building closure application in a form prescribed and amended from time to time by the Director, Commissioner and the Fire Chief setting forth the following: the status of such building, including in such notice the name, address and telephone number of the owner; the location of the building; the length of time the building has been vacant; the estimated time the building will remain vacant; and the nature of the contents of the building;

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SECTION 3. Chapter 500 of the Code of the City of Gardner, entitled “Buildings, Vacant and Abandoned Amendment; Nuisances Amendment; Nuisances: Vacant, Blighted and Abandoned Properties,” be amended by adding a new Section 6 to be entitled, “Utility Shut Offs,” as follows, with the subsequent sections being renumbered to account for this new section:

A. The Building Commissioner shall have the discretionary authority to disconnect utilities immediately if a potential hazard that may be dangerous to life and limb is present.

B. The Building Commissioner shall have the authority to order that all utilities to a property be disconnected after the property has been vacant, as defined in this Chapter of the City Code, for a period of six (6) months.

SECTION 4: Chapter 500 of the Code of the City of Gardner, entitled “Buildings, Vacant and Abandoned Amendment; Nuisances Amendment; Nuisances: Vacant, Blighted and Abandoned Properties,” be amended by adding a new Section 7 to be entitled, “Inspections,” as follows, with the subsequent sections being renumbered to account for this new section:

500-7: Inspections

The Building Commissioner, Police Chief, Fire Chief and the Health Agent, or their designees shall have the authority to periodically inspect the exterior and interior of any building subject to this Chapter of the City Code for compliance, as authorized under the terms of registration form filed with the Building Commissioner, required in Section 500-4.

SECTION 5: Chapter 500 of the Code of the City of Gardner, entitled “Buildings, Vacant and Abandoned Amendment; Nuisances Amendment; Nuisances: Vacant, Blighted and Abandoned Properties,” be amended by adding a new Section 11 to be entitled, “Inspections,” as follows:

500-11: Severability

If any provision of this by-law is held to be invalid by a court of competent jurisdiction, such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.

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SECTION 6: This ordinance shall take effect upon passage and publication as required by law.

IX. #10681 – An Ordinance to Amend the Code of the City of Gardner, Chapter 330, Entitled “Bicycles and Play Vehicles”, by Adding a New Article III, to be Entitled “Sharable Dockless Mobility Devices,” Which Article Provides for the Definition of Sharable Dockless Mobility Devices, Licensing and Operation Requirements, Regulatory Authority, and Enforcement

Mayor Nicolson informed the Committee that the City has been selected as a Pilot City for the scooter company, Bird. These scooters have the potential to provide new methods of transportation, they also need to be regulated to where they can be ridden, stored, operated, and more. The scooters can be rented from these businesses or privately owned.

Councillor James Boone had some concerns regarding the amount it will cost the city to “police” these mobile devices.

Lt. McAvene responded that there needs to be an enforcement piece. They don’t know yet. They don’t know how many will come. They are coming to the city one way or another.

Another concern Councillor James Boone had was that cemeteries were off limit.

Mayor Nicholson responded that this ordinance was based on a recommendation sample that was given. The ordinance can still be amended if preferred.

Councillor James Boone requested more time regarding the fees for mobile devices that are left behind.

The Committee will recommend to the City Council for more time for further study and report.

X. #10682 – A Measure Authorizing Traffic Restrictions Temporarily Closing a Portion of Pleasant Street

Mayor Nicholson informed the committee that this will be a Pilot Program to test on street outdoor dining for the Summer of 2022, where the section of Pleasant Street from Parker Street to City Hall Avenue to shut down to traffic to allow tables to be

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set up in the street. This will be a test to see if this will bring more business to the downtown.

On a motion made by Councillor James Boone and seconded by Councillor Karen Hardern, it was voted viva voce to recommend to the City Council that the following ORDER ought to pass:

**VOTE AUTHORIZING TRAFFIC RESTRICTIONS TEMPORARILY
CLOSING A PORTION OF PLEASANT STREET**

VOTE: To restrict traffic on Pleasant Street from Monday, June 20, 2022, from 7:00 a.m. through Saturday, October 1, 2022 at 7:00 a.m. beginning at a point approximately 100 feet south of the intersection of Parker Street and Pleasant Street (at Prestige Barber Shop) and ending at a point approximately 245 feet southerly along Pleasant Street (at Turk's Barber Shop) from the point of beginning.

XI. #10683 – A Measure Authorizing the Temporary Removal of Parking Meters on Parker Street.

Mayor Nicholson informed the committee that this request requires a vote from the Safety Committee to remove parking meters on Parker Street. This only effect 4 meters on Parker Street. The request came from Gardner Ale house to remove the parking meters so they could create “parklets” and allow them to fit approximately 4 tables for outdoor dining.

The committee agreed for more time.

XII. #10684 – A Measure Authorizing the Temporary Removal of Parking Meters on City Hall Ave

Mayor Nicholson informed the committee that the removal of the parking meters on City Hall Ave would provide free parking for customers who are going to the business on Pleasant Street.

On a motion made by Councillor Karen Hardern and seconded by Councillor Craig Cormier, it was voted viva voce two (2) yeas; one (1) nay, Councillor James Boone to APPROVE the following RESOLUTION:

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VOTE AUTHORIZING THE TEMPORARY REMOVAL OF PARKING METERS ON PARKER STREET

Be it resolved by the Public Safety Committee of the City Council as follows:
WHEREAS, the portion of Pleasant Street between Parker Street to City Hall Avenue is designated as a three (3) hour parking meter zone through the provisions of Section 600-18(A) of the Code of the City of Gardner; and
WHEREAS, Section 600-18(B) of the Code of the City of Gardner states, “The actual location of meters to be placed within the above locations shall be designated and may from time to time be changed by vote of the City Council Public Safety Committee”; and
WHEREAS, the City Council of the City of Gardner adopted Ordinance No. 1648, entitled “An Ordinance to Amend the Code of the City of Gardner by adding a new Chapter 501 to be entitled, “Outdoor Restaurant Seating and Services” on March 21, 2022; and
WHEREAS, Ordinance No. 1648 was presented to the Mayor and signed on March 22, 2022, and had its final printing on March 25, 2022; and
WHEREAS, the Administration wishes to promote outdoor seating options during the summer months in order to assist local restaurants in their recovery efforts from the COVID-19 Pandemic; and
WHEREAS, the Administration has committed to review the success of the Parker Street Outdoor Seating Pilot Initiative in September of 2022, and understands that any permanent removal of the Parking Meters in this area would require a vote of the full membership of the City Council through an amendment of the City Code; now
THEREFORE, the Public Safety Committee of the City Council votes to authorize the Administration through the Department of Public Works to temporarily remove the parking meters designated as Meters 103L, 103R, 104L, and 104R, located on Parker Street from June 20, 2022 through October 1, 2022.

XIII. New Business

Councillor Karen Hardern expressed some concerns regarding the parking meters.

Adjournment.

On a motion Councillor Karen Hardern, and seconded by Councillor James Boone, it was voted viva voce to adjourn at 9:36 a.m.