PUBLIC SAFETY COMMITTEE MEETING NOTICE

Date: Tuesday, February 19, 2019
Time: 6:00 p.m.
Location: Mayor’s Conference, Room 128, 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 17, 2018 Meeting.

II. Department Updates
   - Public Health Department
   - Police Department and Animal Control
   - Fire Department and Ambulance
   - Building Department

III. #10053, An Ordinance to Amend the Code of the City of Gardner, Chapter 312 Thereof, Entitled “Animals,” by Deleting and Repealing § 312-2F (In City Council and Referred to Public Safety, 2/4/2019).


V. Other Business.

VI. Adjournment.

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

James D. Johnson
COUNCILLOR JAMES D. JOHNSON
Chairman, Public Safety Committee
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 Deputy Chief of Police Richard Braks; City Councillors James Boone and Christine Johnson; and, City Clerk Alan Agnelli.

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 December 3, 2018 Public Safety Committee Meeting, as printed.

II. Motor Vehicle Dealer Licenses.
Deputy Chief of Police Richard Braks informed the Committee that the Police Department reviewed the applications and recommended that all licenses be granted for 2019. He added that the Department is obligated to conduct routine inspections of all licensees prior to renewal.

Councillor Christine Johnson informed the Committee that she discovered that a local auto dealer’s fire extinguisher inspection date was expired, so she questioned whether the Fire Department routinely inspects automobile dealer establishments.

Committee Chairman James Johnson remarked that surprise inspections are not routinely performed. He requested that the issue of periodic inspections of Motor Vehicle Dealers be discussed with the Building Commissioner and the Fire Chief at the next regular Public Safety Committee meeting.

On a motion by Councillor Edward Gravel and seconded by Councillor Karen Hardern, it was voted to recommend to the City Council that the following License Applications be granted:

(1) Class I.
   - Rob’s Dyno Service, LLC, 268 Coleman Street
   - Salvadore Chevrolet, 442 West Broadway
   - Salvadore Chrysler-Dodge-Jeep-Ram, 442 West Broadway

(2) Class 2.
   - AC Auto Clinic, 411 Parker Street
   - APB Automotive Enterprises, 408 Parker Street
   - Brian’s Auto Sales, 549 West Broadway
   - Chair City Auto Sales, 144 Pearson Boulevard
   - Gardner Five Star Auto Sales, 407 Chestnut Street
   - JPJ Automotive, LLC, 78 East Broadway
III. An Ordinance to Amend the Code of the City of Gardner, Chapter 600 Thereof, Entitled “Vehicles and Traffic,” Article V, Parking Meters (Submitted by Councillor Boone).

Councillor James Boone petitioned the Safety Committee for consideration of an Ordinance that would remove the Public Safety Committee as the authorizing authority for the siting of parking meters within Metered zones and assigning the authority to the full City Council. He said that the entire Council represents different interest groups and that a public hearing should be conducted to allow the public to have a chance to express opinions on the location of parking meters.

Councillor Edward Gravel questioned Councillor Boone’s motivation for seeking the change.

Councillor Boone said that public safety officials, businesses, and individuals should have a say.

Committee Chairman James Johnson noted that under Councillor Boone’s proposal, a proposed change to the location of a parking meter would still be referred to the Public Safety Committee for study and recommendation.

Councillor Karen Hardern stated that she spoke with Councillor Boone about other Council Standing Committee responsibilities, such as the Public Service Committee granting abatements for water and sewer user charges, as well as the Public Safety Committee granting trash fee abatements. To her, a change from the current practice is unnecessary, she added.

Chairman James Johnson stated that when he first served on the Public Safety Committee, he was surprised to learn that only the Committee had the authority to designate the location of meters in designated metered districts. He added that it makes sense to him that the full Council should decide individual meter locations.
Councillor Gravel suggested that the practice should remain with the Safety Committee, but that it the Ordinance could be presented to the Council to decide.

On a motion Councillor Karen Hardern and seconded by Edward Gravel, it was voted two (2) in favor, Councillors Gravel and Hardern, one (1) opposed, Councillor James Johnson, to retain the current Ordinance.

IV. Other Business – None.

VI. Adjournment.
On a motion Councillor Karen Hardern and seconded by Edward Gravel, it was voted to adjourn at 6:48p.m.
ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 312 THEREOF, ENTITLED "ANIMALS," BY DELETING AND REPEALING § 312-2F.

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

Section 1. The Code of the City of Gardner is hereby amended by deleting and repealing Subsection F of § 312-2, Responsibilities of owner or keeper, of Chapter 312, Animals.

Section 2. Effective date.

This ordinance shall become effective on passage and publication as required by law.
January 28, 2019

Attorney Scott J. Graves, President
And City Councilors
95 Pleasant Street
Gardner, MA 01440

RE: Dog Control

Dear President Graves and Councilors,

Chapter 312 of the City Code is relative to Dog Control. 312-2, A. contains the City’s “leash law” provisions and 312-2 E. contains the City’s “pooper scooper” provisions.

An issue arises with 312-2 F. which states “No animals are allowed in any City cemetery or playground, including Pulaski Park.” I am not aware of the genesis of this ordinance, but it does pose a problem as Pulaski Park is the new home of the City’s Dog Park.

I have attached an Ordinance for your consideration to remedy the matter.

Respectfully,

Mark Hawke
Mayor, City of Gardner
Chapter 312. Animals

Article I. Dog Control

§ 312-2. Responsibilities of owner or keeper.

A. No owner or keeper of any dog shall permit such dog, whether licensed or unlicensed, to run at large within the City of Gardner, except that a dog may, for the purpose of sporting events such as hunting, field trials or training purposes, be exempt from the restraining order during such period of time as the dog is actually engaged in the event or sport. Dogs may be taken from the owner's premises, provided that such dogs are on a leash and under the control of the owner or keeper.

B. No person shall own or keep within the City of Gardner any dog which is a nuisance by reason of vicious disposition, excessive barking, or other cause of disturbance.
[Added 12-17-1990 by Ord. No. 1063]

C. No owner of any dog shall fail to provide such dog with a sufficient quantity of wholesome, nutritious food and potable water; adequate shelter from inclement weather; a humane means of exercise; and the necessary veterinary care upon sickness, disease or injury.
[Added 12-17-1990 by Ord. No. 1063]

D. No person shall torture, torment, deprive of necessary sustenance, or cruelly beat, mutilate or kill any dog.
[Added 12-17-1990 by Ord. No. 1063]

E. The owner, keeper or any person in control of a dog shall be responsible for the prompt removal and proper disposal of any feces deposited by such dog upon any public ways, such as streets, roads, avenues, lanes, circles, highways, paths, sidewalks, trails, etc., or upon any public land within 10 feet of such public ways, or upon any public land designated as parks, playgrounds, cemeteries, school yards, or golf courses, or upon the grounds of any other municipal or government building, all within the boundaries of the City of Gardner.
[Added 7-6-1998 by Ord. No. 1276]

F. No animals are allowed in any City cemetery or playground, including Pulaski Park.
[Added 6-5-2006 by Ord. No. 1428]
ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 600 THEREOF, ENTITLED "VEHICLES AND TRAFFIC," TO CHANGE PROVISIONS RELATING TO ROTARY TRAFFIC, TRAFFIC ISLANDS, AND OBEDIENCE TO ISOLATED YIELD SIGNS.

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

Section 1.

The Code of the City of Gardner is hereby amended by striking from Article VII. One-Way Streets; Rotary Traffic. § 600-43. Rotary traffic, Lafayette Square: Parker Street, West Street and Oak Street.

Section 2.

The Code of the City of Gardner is further amended by changing Article XII. Traffic Islands, § 600-74. Location designated, to read as follows:

D. Lafayette Square: Parker Street, West Street and Oak Street, where vehicular traffic shall move only in a counter clockwise direction, except when directed by an officer.

Section 3.

The Code of the City of Gardner is further amended by adding to Article VIII. Operation of Vehicles, § 600-55. Obedience to Isolated Yield Signs, the following:

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Section 4.

This Ordinance shall take effect upon passage and publication as required by law.
AUTHORIZING TEMPORARY RULES FOR THE REGULATION OF TRAFFIC
AT LAFAYETTE SQUARE FOR A PERIOD OF 120 DAYS

VOTED: To authorize temporary changes to traffic regulations for a period of 120 days, in accordance with §600-70 of the Code of the City of Gardner, as follows:

Section 1. Suspending Article VII. One-Way Streets; Rotary Traffic. § 600-43. Rotary traffic, Lafayette Square: Parker Street, West Street and Oak Street.

Section 2. Designating Lafayette Square: Parker Street, West Street and Oak Street, where vehicular traffic shall move only in a counter clockwise direction, except when directed by an officer, as a Traffic Island under Article XII. Traffic Islands, § 600-74.

Section 3. Designating Obedience to Isolated Yield Signs under Article VIII. Operation of Vehicles, § 600-55., the following:

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Mayor's Signature

Approved on December 18, 2018

December 18, 2018
Presented to Mayor for approval

City Clerk

11 years, 0 days.
December 17, 2018
Voted Passed

December 17, 2018
In City Council

Vote
Informal Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, December 17, 2018.

**CALL TO ORDER**

Council President Scott Joseph Graves called the meeting to order at 7:00 o’clock p.m.

**ATTENDANCE**

Eleven (11) Councillors were present including President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh.

Also in attendance and participating were Police Chief Neil Erickson and Deputy Chief of Police Richard Braks.

President Graves announced that the Informal session was called to discuss Council Calendar #10016, *An Ordinance to Amend the Code of the City of Gardner, Chapter 600 Thereof, Entitled “Vehicles and Traffic,” to Change Provisions Relating to Rotary Traffic, Traffic Islands, and Obedience to Isolated Stop and Yield Signs.*

Deputy Chief of Police Richard Braks provided Councillors with schematics of Lafayette Square identifying the current traffic pattern and the proposed changes. He noted that Lafayette Square is presently designated as a Rotary, so that under Massachusetts law, a vehicle travelling along the rotary has the right-of-way. Accordingly, he said, vehicles travelling along Parker Street and West Street must yield to vehicles traversing the rotary. The proposed changes include changing the traffic designation from a traffic rotary to a traffic island and adding two yield signs for traffic approaching Parker Street from Oak Street and for traffic approaching West Street from Parker Street (along the island).

Councillor James Walsh questioned the present situation for traffic travelling along Oak Street onto Nichols Street and for Parker Street traffic travelling east to that intersection.

Deputy Chief Braks said that the intersection of Nichols and Parker is regulated by a Yield sign for traffic on Parker Street entering Nichols Street and Oak Street and a Stop sign at Nichols Street entering Parker Street.

Councillor Walsh questioned whether there are any traffic restrictions for vehicles travelling across Oak Street to Nichols Street.

Deputy Chief Braks said that Oak Street traffic has the right-of-way, since Nichols Street is regulated by a Stop sign and Parker Street is regulated by a Yield sign.
Councillor Ronald Cormier questioned whether it is the intent to maintain the Yield restriction on Parker Street as part of the proposed traffic changes.

Deputy Chief Braks responded, saying that the Yield restriction would remain and that signs and pavement markings would be installed to indicate new Yield restrictions for traffic passing along the lower part of the island from Oak to Parker Street and from Parker Street to West Street (top of the traffic island).

Councillor Nathan Boudreau questioned whether the plan includes adding flashing Yield signs.

Deputy Chief Braks indicated that there is no plan to add flashing Yield signs.

Councillor Karen Hardern commented that based on a recent experience, a Yield sign should be added to the top of the traffic island for traffic entering West Street.

Councillor Edward Gravel stated that he believes that a Yield sign at Nichols Street will cause vehicles to back-up onto West Street and create a bigger problem that what is needed and that he would recommend that the existing Yield sign on Parker Street should be changed to a Stop sign, because “nobody stops at the Yield sign, anyways.” “I know it’s a Yield sign, but they don’t stop, period,” he added. He said that he would be okay with the proposed Yield sign at the top of the island, but not the one at the bottom of the island.

Councillor James Walsh said that the proposed Yield restriction at the easterly end of the island “is a no-brainer” and added that the junction at the lower end of the island does need traffic controls because there is a confluence of traffic from several directions that meet at that location. He noted that the traffic controls that exist are not solving the problem, but perhaps the implementation of Yield at various locations would work, as opposed to implementing a Stop on Parker Street at Nichols, where a Stop already exists on Nichols to Parker Street. He concluded by saying that the proposed changes could work and that he would support them.

Councillor James Johnson suggested that when the measure comes before the Council at its regular meeting, that it consider “dividing the question” by separating the various components of the Ordinance and to act on them individually, since one element relates to a proposed Stop sign on Hospital Hill Road for traffic entering Temple Street. He added that the proposed changes to traffic regulations at Lafayette Square be made on a temporary basis to allow time to study the impact and to revisit the matter before considering making permanent changes.

Councillor Edward Gravel questioned whether any data exists regarding accidents at the intersection that would justify changing the Ordinance.
Deputy Chief Braks responded, saying that the City experiences “road rage incidents versus accidents” at that intersection, citing vehicles from different points approaching the intersection and motorists believing that they have the right-of-way. When the Police investigate an accident, he said, they must ascertain the regulations governing the roadways and perhaps assign responsibility for the crash, which also involves insurance claims. He said that it is the Police Department’s and the Traffic Commission’s responsibility to address areas with traffic conflicts and to identify remedies by which to improve traffic flow and safety. By adding Yield restrictions, the Police Department’s investigation would be able to conclude right-of-way and responsibility, he added.

Councillor Christine Johnson stated that she has looked at the intersection for a long time and noted challenges posed by the pattern, citing traffic entering Parker Street from Nichols Street as a major problem, particularly vehicles turning left from Nichols onto Parker Street. She said that she would like to consider restricting traffic from Nichols Street entering Parker Street to right turn only. Citing the complex nature of the intersection, she expressed concurrence with Councillor James Johnson that temporary traffic regulation changes should allow for time to study the pattern before seeking a permanent solution.

Council President Graves questioned aloud whether the Traffic Commission had considered recommending a right-turn only restriction from Nichols Street entering Parker Street, and then pondered whether the additional traffic directed toward the Lafayette Square traffic island would only exacerbate the problem.

Councillor Ronald Cormier suggested that an advantage to the existing Yield restriction at Parker and Nichols, as opposed to a Stop restriction is that in winter months vehicles travelling up Parker Street would be less likely to “get stuck” due to poor roadway conditions. He said that he supports the temporary changes, since installing permanent signage and line painting would be constrained during the winter months.

The meeting concluded at 7:16 p.m.

Accepted by the City Council: January 7, 2019