PUBLIC SAFETY COMMITTEE MEETING NOTICE

Date: Monday, March 18, 2019
Time: 6:30 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 February 19, 2019 Meeting.

II. #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).

III. #10069, An Application by Osagi Enterprise, LLC, for a License to Buy and Sell Second Hand Motor Vehicles, Class 2, on Toby Street (In City Council and Referred to Public Safety, 3/4/2019).

#10070, An Application by Osagi Enterprise, LLC, for a License to Deal in Motor Vehicle Junk, Class 3, on Toby Street (In City Council, Referred to Public Safety, and Ordered to Public Hearing, 3/4/2019; Public Hearing scheduled for Monday, 3/18/2019 @ 7:30 p.m.).

IV. Other Business.

V. 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.
The Committee Chairman, Councillor James Johnson, called the Public Safety Committee meeting to order at 6:00 p.m. in the Mayor’s Conference Room, City Hall. Committee member Councillor Karen Hardern was also present. Councillor Edward Gravel was absent.

Other Officials present and/or participating were Fire Chief Richard Ares; Chief of Police Richard Braks; Building Commissioner Roland Jean; and, City Clerk Alan Agnelli.

I. Minutes of Prior Meeting(s).

On a motion by Councillor Karen Hardern and seconded by Chairman James Johnson, it was voted to accept the Minutes of December 17, 2018 Public Safety Committee Meeting, as printed.

II. Department Updates

Police Department – Chief of Police Richard Braks

- Senior Citizen Police Academy held at 50 Pine Street, 28-30 participants, in week 4 of 10-week program. Senior Program operates using the same materials and guideline as the regular Citizen Police Academy.
- Lafayette Square Traffic – No issues or concerns; there has been no problems with vehicles backed-up to West Street due to installation of temporary Yield Sign.
- Plate Readers were installed in cruisers. Allows Officers to run license plate registrations while on patrol.
- Two solar-powered radar speed signs were deployed. The first is situated on Green Street between Heywood Hospital and WGAW Radio Station and the second on Central Street near Lakeview Terrace. Additional units may be purchased from grants for deployment throughout the City.
- The front-ends of the Ford SUV cruisers do not hold up as well as the old Ford Crown Victoria cruisers. It is almost to a point where the manufacturer may issue a recall.
- The Department’s radio band has experienced “momentary interference” from the Reservoir Hill antenna and the Department is attempting to identify the source of the interference. The interference has not affected the Fire Department, since Fire is on a separate radio band. The Police Department is on “high band frequency” while the Fire Department is on “ultra-high band frequency.” The Chief added that the Police Department has been utilizing a second antenna for its communications until the problem is resolved.
- The three new Police Officers are in “Field Training” until March 6. All three have prior Military training and the Chief has received very good reports from the training officers.
- One Police Officer who has been out on injured leave is due to return in June.
- The Department has experienced many staffing changes in the past year, including:
  - A new Chief of Police
  - A new Deputy Chief of Police
  - A new Lieutenant
A new Detective
3 new Sergeants
3 new Police Officers.

- As a result of the staffing changes, the Training budget “has been taxed.”
- IM Power has been working to regulate the Police Station’s HVAC System. The heating system is expected to be “in good shape” by the spring and IM Power will then tackle the air conditioning system.

**Fire Department and Ambulance – Fire Chief Richard Ares**

- Since October, two Firefighters left the Department and another is expected to leave in July. The Department is in the process of hiring three Firefighters to replace them. If all pass their physicals, PATs, and psychological exams, they most likely would be admitted to the Fire Academy in late July or early August.
- The Overtime budget has been impacted due to the departures.
- The new pumper was ordered (through the FEMA Grant). The Pumper will be a Sutphen 1500GPM pump with a 1000 gallon tank. The Apparatus Committee and the Chief will be going to the Sutphen factory in two weeks to finalize details for construction and delivery is currently expected at the end of this year. The Engine is being purchased through a cooperative buying program.
- The Department’s Ambulance currently averages 6 transports per day.
- The Advanced Life Support (“ALS”) arrangement with Woods Ambulance is working very well.
- In 2018, the Department responded to 5,023 emergency calls, of which 175 were fires of some type, and 4,054 were emergency medical calls.
- In addition to the emergency calls, the Department conducted 1,319 fire inspections and code compliance activities.
- In the 2019-2020 school year, Monty Tech will construct a concrete block building on Reservoir Hill to house public safety radio systems, which will replace the existing wood shed.
- On questioning by Councillor James Johnson, Chief Ares stated that a new chassis for the older Ambulance is estimated to cost $150,000. He said that he would address the issue with the vendor.
- The Chief addressed emergency/disaster response.
- Councillor Johnson addressed the creation of dedicated Stabilization Funds for Fire and Police vehicles.

**Building Department – Building Commissioner Roland Jean**

- Inspections of multi-family housing units (3 units or more) are being conducted and that Inspection Certificates are valid for 5 years. Some landlords do not understand the reason for the inspections and have expressed frustration. Some of the multi-family units have never been inspected, which is a requirement every five years.
- A grant was awarded to assess the sprinkler system in City Hall.
• The Department applied for a “Tech Grant” for software. A decision is expected soon.
• The Department issued 900 permits in 2018. 210 Permits have been issued in 2019, to-date (an increase over 2018 at the same point in time).
• State law requires that any club with an occupancy of 100 persons or more is required to install sprinklers. Four local clubs will be affected, since they currently do not have sprinklers. The Notices of Compliance will be issued soon.

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).
Chairman Johnson reported that the City Council also referred the Ordinance to the Public Service Committee since the issue affects public cemeteries, parks, and playgrounds.

On a motion Councillor Karen Hardern and seconded by Chairman James Johnson, it was voted to recommend that the City Council pass the following 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:

<table>
<thead>
<tr>
<th>Yield Street</th>
<th>Direction of Travel</th>
<th>For Traffic Entering</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oak Street</td>
<td>Eastbound</td>
<td>Parker Street</td>
</tr>
<tr>
<td>Parker Street</td>
<td>Westbound</td>
<td>West Street</td>
</tr>
</tbody>
</table>
Section 4.

This Ordinance shall take effect upon passage and publication as required by law.

V. **Other Business**

None.

VI. **Adjournment.**

On a motion Councillor Karen Hardern and seconded by Chairman James Johnson, it was voted to adjourn at 6:45 p.m.
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,

[Signature]

Mark Hawke
Mayor, City of Gardner
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.
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. 1429]
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: OSAQI ENTERPRISE LLC
   (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: 420 O TOBY ST. GARDNER MA 01440
   (Complete street address where business will be conducted and P.O. Box, if any)

4. Business Tel: 5087146591 Cellular 703649836 Fax E-Mail OSAGYERDA @ HOMAI.COM

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

6. If an individual, state full name and residential address: KWAME NK RUMAH
   27 TOWLE DR W HOPEWELL VA 23064

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

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? SECONDARY
   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:

   SEE ATTACH

10. Are you a recognized agent of a motor vehicle manufacturer? YES _____ NO _____
    If yes, state the name of the manufacturer:

   _____________________________________________________________

Page 1 of 17

Revised December 2016
11. Do you have a signed contract as required by Section 58, Class I? YES _______ NO _______ NO

12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES ____ NO ____ NO
   If yes, in what city or town? _____________________________________________
   Did you receive a license? YES ____ NO ____ 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 ____ 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 Approval 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 THEREUNDER. 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.

INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR AFFILIATE

DATE SIGNED 2/20/19

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.
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: OSACI ENTERPRISE LLC

2. Doing Business As: (Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)

3. Business Address: 43 TOBY ST, GARDNER, MA 01440

4. Business Tel.: 508-714-6591 Cellular: 649-633-45 Fax: E-Mail OSACITFORDCH@GMAIL.COM

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

6. If an individual, state full name and residential address: KWAME NKRAHM

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

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? SECONDARY
   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:

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 ________ NO

12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES  NO NO

If yes, in what city or town?______________________________________________________________

Did you receive a license? YES  NO 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 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.

DATE SIGNED ___/___/_____

INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT

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 if 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.
ABUTTERS NOTICE OF PUBLIC HEARING

Pursuant to the provisions of G.L. c. 140, §§ 58, 59, and Chapter 606 of The Code of the City of Gardner, notice is hereby given that the City Council will conduct a Public Hearing on Monday, March 18, 2019 at 7:30 p.m. in the City Council Chamber, Room 219, City Hall, 95 Pleasant Street, Gardner, Massachusetts, on an application by Osagi Enterprises, LLC for a License to Deal in Motor Vehicle Junk, Class 3, at 0 and 43 Toby Street.

Persons interested in this matter are encouraged to attend and to offer testimony.

CITY COUNCIL OF GARDNER

Alan L. Agnelli, City Clerk