CITY OF GARDNER
MASSACHUSETTS 01440-2630

OFFICE OF THE
CITY COUNCIL

September 20, 2019

PUBLIC SAFETY COMMITTEE MEETING

Date: Wednesday, September 25, 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 June 27, 2019 Meeting.

II. #10163, An Application by R&R Motors, 7 Donlan Street, for a Permit to Amend the License to Buy and Sell Second Hand Motor Vehicles, Class 2, by adding a Second License Holder (In City Council and Referred to the Public Safety Committee, 9/3/2019).

III. #10171, An Application by Central Mass Serenity, 310 Central Street, for a Fortune Teller License (In City Council and Referred to the Public Safety Committee, 9/16/2019).

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.

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 City Council Chamber, Room 219, City Hall. Committee members Councillors Karen Hardern and Edward Gravel were present.

Other Officials present were Deputy Chief of Police James Trifiro; City Councillor Nathan Boudreau; and, City Clerk Alan Agnelli.

Residents of Ash Street in attendance and participating were Norman Webb; Raymond and Sharon Lashua; and, Richard Jalbert.

Minutes of Prior Meeting(s).
On a motion by Councillor Gravel and seconded by Councillor Hardern, it was voted to accept the Minutes of the May 28, 2019 Public Safety Committee Meeting, as printed.

Chairman Johnson noted that the Director of Code Enforcement, Jennifer Dymek, has been actively participating in Traffic Commission meetings and that the position’s inclusion was an oversight when the Ordinance was adopted. He suggested that the Committee vote to recommend that the Council pass the Ordinance amendment.

On a motion by Councillor Gravel and seconded by Councillor Hardern, it was voted to recommend to the City Council to Order the following Ordinance amendment to First Printing: AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 275 THEREOF, ENTITLED “TRAFFIC COMMISSION,” TO CHANGE COMMISSION MEMBERSHIP.

Be it ordained by the City Council of the City of Gardner as follows:
Section 1. Subsection B. of § 275-1 of the Code of the City of Gardner is hereby amended by inserting the words “Civil Enforcement Director” immediately following the words “Director of Community Development and Planning.”

Section 2. Effective date.
This ordinance shall become effective on passage and publication as required by law.

Chairman James Johnson introduced the following Ordinance for discussion:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 600 THEREOF, ENTITLED "VEHICLES AND TRAFFIC," ARTICLE V. PARKING METERS AND ARTICLE VI. STOPPING, STANDING AND PARKING.

Be it ordained by the City Council of the City of Gardner as follows:
Section 1.

Section 600-18 A. of Chapter 600, Three-Hour Parking Meters, of the Code of the City of Gardner, is hereby amended by adding the following:
Section 2.

Section 600-24 of Chapter 600, Parking Prohibited on Certain Streets, of the Code of the City of Gardner, is hereby amended by deleting and repealing the following:

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Knowlton Street</td>
<td>North</td>
<td>From Connors Street to Nichols Street (6 spaces)</td>
</tr>
<tr>
<td>Knowlton Street</td>
<td>South</td>
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</tr>
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<td>Connors Street</td>
<td>West</td>
<td>From the corner of Knowlton Street northerly for a distance of 238 feet (10 spaces).</td>
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<td>West</td>
<td>From the southerly property line of 164 Ash Street migrating in a southerly direction to the intersection of West Street and Monadnock Street.</td>
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Section 4.

This ordinance shall become effective upon passage and publication as required by law.

With several residents of Ash Street in attendance, Chairman Johnson called for discussion of Section 3 of the proposed Ordinance amendment, the Ash Street Parking restriction as follows:

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Deputy Chief of Police James Trifiro informed the Committee that the Traffic Commission responded to a parking complaint from a resident of Ash Street. Consequently, the Commission consulted the City Engineer and the Public Works Director and they reported that the width of a majority of the roadway was less than the Code requirement of 28 feet.

Councillor Gravel said that sidewalks were removed on the right side of the street up to Allen Street and that there is currently a parking restriction on the same side of the street as the Hen House. He added that he has to take into consideration the parking needs of those tenants of rental units that do not have off-street parking.

The Deputy Chief informed the Committee that the Commission’s recommendation arose from a complaint from an Ash Street resident and that its recommendation complies with the street width requirements delineated in the City Code. He explained that the width of Ash Street is 24
feet, 4 feet less than the requirement. In addition, the Code requires a minimum width of 8 feet for parking spaces and a width of 10 feet for each travel lane for safe passage of motor vehicles.

Councillor Gravel asked whether the Traffic Commission considered a one-way traffic pattern.

The Deputy Chief responded, saying that in theory, it appears to be a good idea; however, there are not enough crossroads to accommodate public safety vehicles in an emergency, as Little Street is the nearest crossroad off Ash Street and is a great distance from the beginning of Ash Street at Monadnock Street.

Councillor Gravel stated that the City has two options – to either ban parking on a length of Ash Street or to institute one-way travel.

Councillor Johnson suggested that perhaps a provision for waiving the width requirement could be added to the Code, adding that widening the street is not a viable option.

Councillor Hardern expressed concern about disabled persons needing to park on the restricted side of the street in order to access their houses.

Deputy Chief Trifiro reminded the Committee that the Traffic Commission recommended the parking restriction based solely on street and vehicle width requirements presently defined in the City Code.

Councillor Hardern noted that she encountered a similar problem with a resident of Greenwood Street, where vehicles park in front of a resident’s walkway because there is no parking on the opposite side of the street.

Chairman Johnson cited comments from an extract of an e-mail from DPW Director Dane Arnold concerning the Departments investigation of the parking situation on Ash Street.

Ward 3 Councillor Nathan Boudreau informed the Committee that, in January, he received the parking complaint from a constituent of Ash Street and referred it to the Traffic Commission. He noted that letters from two residents of Ash Street were passed along to the Clerk for the record (Scott M. and Christine Graves, 92 Ash Street and Matthew Hudson, 120 Ash Street).

Councillor Hardern questioned whether the Ward Councillor, Councillor Boudreau, had a recommendation for the Safety Committee.

Councillor Boudreau stated that he understands the concerns of people on both sides of the issue and that from soliciting the opinions of residents of Ash Street, they are “50-50” concerning the proposed parking restriction. He added that he would like to hear from the residents of Ash Street first before making a recommendation.

Chairman James Johnson noted that there was a similar parking problem on Bennett Road directly across from Holy Spirit Church.

Norman Webb, a resident of Ash Street, informed the Committee that he is aware that there have been many traffic accidents near the Hen House at the bottom of Ash Street at Monadnock,
which he described as a “bad intersection.” He suggested that some action be taken to alleviate the problem at that intersection and that perhaps a trial one-way traffic pattern be implemented for Ash Street and that parking be restricted to one side only.

Raymond Lashua, a resident of Ash Street, informed the Committee that he and his wife have been residents of Ash Street for 45 years and that there have been traffic problems since then. He said that he has photographs of vehicles that are parked on the street by tenants that have available off-street parking and their driveways are open. He said that he stopped his home mail delivery because the postal carrier could not access his house due to snowbanks and vehicles parked in front of his walkway and on sidewalks. He added that the City could force residents to park their vehicles to use off-street parking if “no parking” restrictions are implemented. Sharon Lashua scolded landlords for not clearing snow from driveways so that their tenants have access to off-street parking.

Richard Jalbert, an Ash Street resident, concurred with comments made by his Ash Street neighbors, and pondered whether a flashing traffic signal could be installed at the crest of Ash Street in order to warn approaching motorists of the potential danger of oncoming traffic. He added that, in winter, motorists will speed up Ash Street from Little Street in order to make the crest of the hill.

Mr. Webb remarked that the two-way traffic pattern “is the problem.”

Mr. Lashua added that he has no objection to implementing the proposed parking restriction on his side of the street since everyone has a driveway.

Mr. Webb suggested that the City impose the ban on a trial basis. If it does not work, he said, then try something else, such as one-way travel.

Councillor Gravel read aloud a statement from Councillor James Boone, attached hereto.

A resident added that Councillor Boone owns 6 houses on Ash Street and the multiple garages at the end of Monadnock Street.

Deputy Chief Trifiro informed the Committee that there were approximately 7 to 8 reportable motor vehicle accidents on Ash Street in the past 10 years.

Chairman Johnson questioned the Committee’s intentions – whether to refer the proposal back to the Traffic Commission to consider a one-way travel option, or to request more time on the referral.

On a motion Councillor Hardern and seconded by Councillor Gravel, it was voted to request more time for study and report.

*********

Chairman Johnson called the Committee to address the proposal for metered parking on Connors and Knowlton Streets, as well as the provision to allow parking on the North side of Knowlton Street from Connors Street to Nichols Street (6 spaces), as follows:
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Chairman Johnson opened the discussion by noting that under City Code, parking is currently prohibited on the northerly side of Knowlton Street from Connors Street to Nichols Street; however, there are no signs informing motorists that parking is prohibited along this stretch of 6 spaces. He said that the stretch of this section of Knowlton Street is wide enough to accommodate parking on both sides of the street from Connors Street to Nichols Street. He suggested that the Committee vote to recommend to the City Council to adopt the following elements of Section 2 and 3 of the Ordinance amendment:

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On a motion by Councillor Gravel and seconded by Councillor Hardern, it was voted to recommend to the City Council to Order the following to First Printing:

Section 2.

Section 600-24 of Chapter 600, Parking Prohibited on Certain Streets, of the Code of the City of Gardner, is hereby amended by deleting and repealing the following:
Chairman Johnson opened the discussion relating to Section 1 of the Amendment, the creation of metered zones on Knowlton and Connors Streets, as follows:

Section 1.

Section 600-18 A. of Chapter 600, Three-Hour Parking Meters, of the Code of the City of Gardner, is hereby amended by adding the following:

Chairman Johnson, referencing the Mayor’s correspondence, stated that the Mayor suggests that the areas proposed for parking meters be designated for Two-Hour Parking.

Deputy Chief Trifiro informed the Committee that the provisions of the City Code relating to Two-Hour Parking were repealed in 2011, since it is not an enforceable option.

Chairman Johnson said that he sees metered parking as the most enforceable option for parked vehicle turnover, which would help customers of the Hair Salon and patients of the Health Center find parking near the establishments. He said that Two-Hour parking is difficult to enforce, since an officer would have to be present and record the times that certain vehicles park, the locations, and the specific times that each departs. He added that Downtown merchants want metered parking for customer turnover.

Councillor Gravel stated that he isn’t a fan of parking meters and that metering the various spaces would be a detriment to the neighborhood.

Councillor Hardern agreed, adding that she is concerned about elderly needs.

On a motion by Councillor Gravel and seconded by Councillor Hardern, it was voted two (2) in favor, Gravel and Hardern, one (1) opposed, Johnson, to recommend to the City Council that Section 1 not be adopted.

Adjournment.

On a motion Councillor Gravel and seconded by Councillor Hardern, it was voted to adjourn at 7:41 p.m.
Scott M. Graves
rep. Mr/Mrs Scott and Christine Graves
Residents of 92 Ash St.

To require Ash St. residents and their visitors not to park on the street by regulation is a gross overreach of public safety regulation and constitutes a significant inconvenience to our neighborhood residents.

My family and I have made 92 Ash St. home since 2005. When we purchased our home (a residence devoid of a driveway) we were told and had confirmed by city officials parking rights on the street due to the loss of front yard square footage for all west-side homes in a street-widening effort completed in 1997.

In the time since several variations of on-street parking options have been implemented. During the period of 2005 the berm created on the west side of the street was considered the area we were to park; parking outside the berm constituted a violation of the parking regulation. This was changed several more times until ~5 years ago or more when the solution of lining the outer side of the berm created an artificial ‘curb’ to which parking cars are required to park outside of.

Further changes to our streetscape, namely the elimination of any sidewalks for our neighbors young and old to utilize have reduced the usability of our street infrastructure and I believe reduce the literal curb appeal of our neighborhood.

For many as for our household, there simply is no property suitable for creating a driveway in which to park more than one vehicle.

Further, in the 14 years we’ve made Ash St. our home there have been, to our knowledge, no significant complaints on the part of our residents for the on-street parking option. Likewise, we have never to our knowledge witnessed a minor or significant vehicular accident due to any limitation of the streetscape. Parking, in a nutshell, is simply not an issue for those of us living and working together in the Ash St. neighborhood.

The option to end all on-street parking on the west side of Ash St. is a solution in search of a problem. More to the point, to pass such a regulation will create significant hardship and inconvenience to our residents that is unnecessary to maintain public safety.

An amended regulation that allows for dedicated on-street parking for residents, perhaps by decal might be an option. Such an option may be coupled with allowing year-long parking on the berm with dedicated spots for each effected household.

We would also suggest investment by the municipality in improved sidewalk space on one side or the other of the street. This would increase curb value, continue to encourage slower speeds in our neighborhood while also encouraging more use by pedestrians.
I want to start by thanking Councillor Johnson for chairing this committee and calling this hearing this evening, and by thanking the Gardner Police Department, specifically Deputy Chief of Police James Trifiro Jr. for penning the letter to the Council that started us down this path. Much of what government is tasked with overseeing pertains to the law and order of the community it serves. Rules and regulations are created by our City Council with the expectation that they take into consideration the safety of our community above all else, and when rules are created the expectation is that they will be enforced. After all, what good is a set of rules if you allow people to pick and choose which ones to follow?

Under the current code of the City of Gardner, in section 567-8, it states, “… that part of the street or way between the regularly established curblines or sidewalk lines and especially improved and intended to be used for vehicular traffic shall have a width of not less than 28 feet”. As Deputy Chief Trifiro points out in his letter to this council, “an extensive range on Ash Street was described to be under specification (width less than 28 feet) which could conceivably affect the safe transit of motor vehicles in the area where roadside parking was taking place”. I’m here to tell you, the Public Safety Committee, that it does indeed affect the safe transit of motor vehicles, as well as the safe movement of ambulatory citizens.

Living at the crest of the hill I’ve witnessed, on more than one occasion, vehicles driving head on down the center of the roadway from opposite directions because there was no other path to take. To my knowledge, there has not been any head on collisions yet, but there have been many occasions where drivers are forced to back down the road to allow an oncoming vehicle to pass before making their own pass. Additionally, on more than one occasion the roadway has been so congested that larger vehicles had no path through. Just last summer I witnessed a Fed-Ex truck sit in the middle of the road and lay on its horn, pleading for somebody
to come and move their vehicle because it could not pass through without hitting vehicles parked on the side of the road.

In addition to the congestion caused during the summer months, the city has created special allowances for citizens to park on the sidewalks in the winter months. These allowances create dangerous circumstances for foot traffic on the road, forcing children and adults alike to walk into the snowy roadways to get to and from their own vehicles. These allowances also create congestion similar to the summer months when plows are forced to navigate around vehicles parked on the side of the road, even when a parking ban is in effect. It is an eventuality each year that Ash Street is reduced to a single-passable lane in the narrow areas that this Committee is considering this evening, part of which travels over the crest of the hill where two oncoming vehicles cannot see each other from a distance.

These allowances that have been made by the city have been made to accommodate convenience for some rather than safety for all. It’s incredibly convenient to park on the side of the road, but this council and this committee in particular are not tasked with overseeing conveniences. As servants to the public that elected you, you are tasked with creating rules that will have universal application and will facilitate safety for the citizens you represent. Convenience should be a secondary matter, yet we’ve somehow allowed convenience to creep ahead of safety on Ash Street and have allowed citizens to pick and choose which rules they are going to follow.

And so I ask you to consider – with all of this as public knowledge, what liability would the city share if the current allowances continue to persist and an accident, or worse, occurs? How far are we willing to let convenience push us before public safety takes precedence again? As a father of two young girls I ask this committee and the council to apply the rules that are
already in place, and to apply the parking restrictions recommended by the Gardner Police Department prohibiting on-street parking between 164 Ash Street and the West Street. It will be inconvenient, but it will foster safety.

In closing, I would request that Councillor James Boone recuse himself from any vote regarding action to be taken on Ash Street due to a conflict of interest. Councillor Boone owns several rental properties on Ash Street. In Massachusetts General Law, Section 23 of the Conflict of Interest Law prohibits you from using or attempting to use your official position to secure an unwarranted privilege for anyone, or from giving a reasonable basis for the impression that you can be improperly influenced in the performance of your official duties. Additionally, in Section 19 of the same law it is recognized that your objectivity can be compromised when you act on matters in which you, or a family member or close business associate, have a financial state. Therefore, the law prohibits you from participating in a particular matter in which a business organization in which you serve as an employee, officer, director, trustee or partner has a financial interest. Councillor Boone is currently listed as an owner or trustee on 6 properties on Ash Street.

Thank you for your time this evening.

Matthew Hudson
We finally improved parking by eliminating the Winter parking ban and now we are going to completely remove street parking for residents and business on Ash St. My wife has lived there for 58 years, and I’ve lived there since 1983 and it has always been that way except for removing sidewalk and trees. This will be an inconvenience to tenants, visitors, care givers, owners and diners. My mother in-law, 93 years old, lives on 33 Ash. She often gets assistance from others but now others will not be able to park close by.

Can a sign be put up for the resident that is having issues?

When sidewalks were removed why didn’t we widen the road?

Accident reports don’t show any outliers in accidents on Ash vs. other streets.

CC James Boone
On Parking meters:
Jim
Timed parking signs don’t work. For an officer to enforce a 2 hour parking sign, the officer has to see car at 0 hour and then come back 2 hours later to observe and enforce the parking violation. We had timed parking areas all over the City Years ago, but were all removed (other than in front of City Hall) because they couldn’t be enforced.

To start this special consideration again this one time, will only lead to further special consideration to expand throughout the City. This is not a good idea.

Parking meters address the salons original request for a few open spaces near their business. An officer drives by - sees the expired meter, and can immediately enforce the violation.

Further more- once people realize it is hard to enforce- they will start to park there continually (like in front of City Hall)

Dane

On Ash St No Parking:
Jim
Your options would be what the council will need to decide.

As far as what other streets don’t meet this requirement- I would start by saying the Traffic Commission doesn’t go out looking for roads to go ban parking. This was a request by a resident and a follow up request to investigate by the Mayor and a City Councilor. We did not pursue this. We were asked to investigate and the conclusion we came up with is based on Existing Codes/Regs on the books. I do not recommend we go around and measure every street that doesn’t meet the width requirement and instantly ban parking unless an issue is brought to our attention.

Dane
R & R Motors
7 Donlan St
Gardner, MA 01440

August 19, 2019

City Council
City of Gardner
95 Pleasant St Room 121
Gardner, MA 01440

Re: R&R Motors 7 Donlan St
Class 2 Used car dealer licence

Dear President Graves and Councilors:

I am seeking to amend the current Class 2 Motor Vehicle Dealer Licence for R&R Motors. Effective immediately I am seeking to add back to the licence the previous partner, Robert Charles and have his name attached to all documents related to R&R Motors.

No other changes are required, thank you for your attention on this matter.

Sincerely,

Russell L. Blake
APPLICATION FOR FORTUNE TELLER LICENSE

Name of Applicant: Genevieve Hackett

Applicant’s Length of Residency in Gardner and Years Residing: 0

Name of Business: Central Mass Serenity

Owner of Business: Genevieve Hackett

Name of Manager of Business: Genevieve Hackett

Address of Business: 310 Central Street, Gardner, MA 01440

Telephone # of Business: (978) 410-4433

Facsimile # of Business: n/a

Expected Opening Date: June 1, 2018

Hours of Operation (specify days of week along with opening and closing hours):
by appointment and class schedule which will vary

List all services which will be provided. Please attach additional pages if necessary.

<table>
<thead>
<tr>
<th>Name/Type of Service</th>
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<tr>
<td>Psychic Medium, Energy Healing, Spiritual Learning Center.</td>
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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. I FURTHER CERTIFY 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.

I HAVE RECEIVED AND READ THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 140, §185I.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

DATE SIGNED 7/19/2019.

INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT
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 may require 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.

License Application Processing Fee must be submitted with this form. Make check payable to City of Gardner. Mail Application Form, Workers' Compensation Affidavit, and CORI Form and check to: City Clerk, 95 Pleasant Street, Room 121, Gardner, MA 01440-2690.

Fortune Teller Licenses expire on April 30th annually