PUBLIC SAFETY COMMITTEE MEETING NOTICE

Date: Tuesday, January 28, 2020
Time: 4:30 p.m.
Location: City Council Chamber, Room 219, 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 9, 2019 Meeting.

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

III. #10216 – An Ordinance to Amend the Code of the City of Gardner, Chapter 560 Thereof, Entitled “Solid Waste,” to Change Solid Waste Program Fees (In City Council and Referred to the Public Safety Committee, 12/02/2019).

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.
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 members Councillors Karen Hardern and Edward Gravel were present.

Also present were Police Chief Richard Braks; Building Commissioner Roland Jean; Public Health Director Lauren Saunders; and, City Clerk Alan Agnelli.

Minutes of Prior Meeting(s).
On a motion by Councillor Hardern and seconded by Councillor Gravel, it was voted to accept the Minutes of the September 25, 2019 Public Safety Committee Meeting, as printed.

Department Updates

Building Department
Building Commissioner Roland Jean informed the Committee of the following issues:

- The Department’s new online permitting software was implemented on October 1 and over 400 permit applications were processed via the system year-to-date, with approximately one-third filed from outside City Hall (the Building Department utilizes a PC in-office for customer use).
- The Department acquired an infrared camera via a $3,000 grant from the City’s Insurer for use by the Electrical Inspector and Fire Department to detect heat within abandoned or “X-marked” structures.
- City Hall Panic button system has been tested and is fully operational.
- Family Dollar expansion and the Tractor Supply Store permits were issued.

Police Department and Animal Control
Police Chief Richard Braks informed the Committee of the following issues:

- Detective William Crockett retired recently after 36 years of exceptional service to the Department and to the City.
- An officer candidate is scheduled to begin the Police Academy on January 13, 2020 (to fill a vacancy in the Department).
- Outlined the proposed communications systems improvements scheduled for Glazier Hill/James Street in the New Year.
- Department is seeking qualified candidates to fill a Dispatcher vacancy. The position is very demanding and individuals must be capable of multi-tasking.
- Animal Control Division has three full-time Officers. Department is working on efficiencies in operations since the staff serves the Towns of Ashburnham, Hubbardston, and Westminster, in addition to the City of Gardner.
- Civil Defense is conducting “tabletop exercises” for emergency team members to discuss their roles during emergencies and their responses to particular emergency situations. FEMA has been assisting with training and the Department may apply for a grant from FEMA for additional assistance.
- The Department’s FY2020 Budget year-to-date expenditures are on target.
Fire Department and Ambulance
Fire Chief Richard Ares was unable to attend the meeting due to a scheduling conflict; however, he provided the Committee the following written report:

- The new engine has gone through final inspection and is just waiting for the FEMA portion of the grant to be deposited in the City account. This should happen very soon and then the truck will be delivered. I am planning a photo op when the engine is delivered or shortly thereafter. I will be inviting the Councilors to the event.
- We have two members who started the Fire Academy on November 25. If all goes well they will graduate in February.
- I have reminded the Mayor of my request for funding from free cash to purchase the power load system for our ambulance.
- If there is not another meeting before the end of the year I’d like to express my appreciation to the Safety Committee for your support this year.

Public Health Department
Public Health Director Lauren Saunders informed the Committee of the following issues:

- New Assistant Director Richard Rossi assumed his duties on September 30. He handles food, housing, and other inspections. Currently dealing with hoarding issues, as well.
- Director Saunders is now a Licensed Soil Evaluator and a Licensed Title V Septic Inspector.
- Dr. Michele Parker has agreed to replace Dr. John Mulqueen as the third member of the Board of Health. Dr. Mulqueen recently resigned since he relocated to another community. A member of the board must be a physician, per State Law.
- The Board of Health recently created its own page on Facebook to disseminate public health information.
- Department is reviewing Tattoo Regulations for updates (City of Cambridge, for example). Regulations last adopted in 1999. Municipalities must adopt their own regulations, since there are no State regulations to follow.
- Department conducts surprise inspections of Tattoo parlors for compliance.
- The Director appeared recently on GETV to discuss Mosquito Control efforts and the City’s recycling program.
- The Department partnered with the Massachusetts Opioid Abuse Prevention Collaborative for a program in City Hall.
- The City’s contract with Waste Management for solid waste and recycling disposal is under negotiation. A new waste disposal contract is expected to commence on July 1, 2020.
- Closing-out 2019 licensing and finalizing 2020 licenses and permits.

III. #10208 – An Application by Regan Kleber, d/b/a Regans Store, for a License to Deal in Second Hand Articles at 60 Parker Street (In City Council and Referred to the Public Safety Committee, 11/18/2019; More time granted, 12/2/2019).

On a motion by Councillor Gravel and seconded by Councillor Hardern, it was voted to recommend that that the License be granted.
IV. Motor Vehicle Dealer License Renewals

#10209 – An Application by Rob’s Dyno Service, LLC, 268 Coleman Street, for a Motor Vehicle Dealers License, Class I (In City Council and Referred to the Public Safety Committee, 11/18/2019; More time granted, 12/2/2019).

On a motion by Councillor Gravel and seconded by Councillor Hardern, it was voted to recommend that the License be granted.

#10210 – Applications for Licenses to Buy and Sell Second Hand Motor Vehicles, Class 2 (In City Council and Referred to the Public Safety Committee, 11/18/2019; More time granted, 12/2/2019).

At the Committee’s request, Police Chief Braks stated that he would investigate the number of vehicles parked on the sales lot at Gardner Five Star Auto Sales, 407 Chestnut Street, as 21 vehicles is the maximum number allowed by the License.

The Chief of Police and Building Commissioner recommended to not grant an increase to the number of vehicles on the sales lot at this time (to 35), but to revisit the matter in the spring when the lot is cleared and accurate measurements of the lot can be ascertained to determine whether an increase in the number of vehicles on the lot is feasible.

The Committee voted to recommend to the Council to not approve an increase to the number of vehicles for sale on the lot at any one time, but will revisit the matter in the spring when the lot is cleared and accurate measurements of the lot can be ascertained to determine whether an increase in the number of vehicles on the lot is feasible.

On a motion by Councillor Gravel and seconded by Councillor Hardern, it was voted to recommend that that the following Licenses be granted, with the conditions outlined for Gardner Five Star Auto Sales:

- AC Auto Clinic, 411 Parker Street
- Chair City Auto Sales, 144 Pearson Boulevard
- Gardner Five Star Auto Sales, 407 Chestnut Street
- JPJ Automotive, LLC, 78 East Broadway
- Ric’s Radiator Repair Used Car Sales, 800 West Broadway
- Osagi Enterprises, LLC, 43 Toby Street
- Vilson Auto Sales, 119 Pearson Boulevard

#10211 – An Application by Osagi Enterprises, LLC, 43 Toby Street, for a License to Deal in Motor Vehicle Junk, Class 3 (In City Council and Referred to the Public Safety Committee, 11/18/2019; More time granted, 12/2/2019).

On a motion by Councillor Gravel and seconded by Councillor Hardern, it was voted to recommend that that the License be granted, with a condition that the fence that was recently repaired by Walmart and then damaged by a fallen tree from the License-holder’s property be repaired as soon as weather conditions permit.

#10218 - Applications for Motor Vehicle Dealers Licenses, Class I (In City Council and Referred to the Public Safety Committee, 12/02/2019).

- Salvadore Chevrolet, 442 West Broadway
- Salvadore Chrysler-Dodge-Jeep-Ram, 442 West Broadway
On a motion by Councillor Gravel and seconded by Councillor Hardern, it was voted to recommend that that the Licenses be granted.

#10219 - Applications for Licenses to Buy and Sell Second Hand Motor Vehicles, Class 2
(In City Council and Referred to the Public Safety Committee, 12/02/2019).

Adam Brodeur, d/b/a APB Automotive Enterprises, 408 Parker Street
Brian’s Auto Sales, 549 West Broadway
J. Wood, Inc., 361 West Street
Mike’s Auto, 251 East Broadway
R&R Motors, 7 Donlan Street
TJ & Sons Auto Sales, 537 West Broadway
Salvadore Chevrolet, 249 Timpany Boulevard
Salvadore Chevrolet, 421 West Broadway

On a motion by Councillor Gravel and seconded by Councillor Hardern, it was voted to recommend that that the Licenses be granted.

An Application by Auto Mart, 182 West Street, for a License to Buy and Sell Second Hand Motor Vehicles, Class 2.

On a motion by Councillor Gravel and seconded by Councillor Hardern, it was voted to recommend that that the License be granted.

An Application by Riverside Auto, 65 Riverside Road, for a License to Buy and Sell Second Hand Motor Vehicles, Class 2.

On a motion by Councillor Gravel and seconded by Councillor Hardern, it was voted to recommend that that the License be granted.

An Application by Riverside Auto, 65 Riverside Road, for a License to Deal in Motor Vehicle Junk, Class 3.

On a motion by Councillor Gravel and seconded by Councillor Hardern, it was voted to recommend that that the License be granted.

#10216 - An Ordinance to Amend the Code of the City of Gardner, Chapter 560 Thereof, Entitled “Solid Waste,” to Change Solid Waste Program Fees. (In City Council and Referred to the Public Safety Committee, 12/02/2019).

The Committee postponed action on the following Ordinance until the new Committee is constituted in January, 2020:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 560 THEREOF, ENTITLED “SOLID WASTE,” TO CHANGE THE FEE FOR SOLID WASTE COLLECTION.

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

Section 1. Section 560-3 of the Code of the City of Gardner, is hereby amended by striking the sentence: “The annual fee for the collection and handling of rubbish, garbage, ashes and source-separated materials is set at $200 per apartment unit per building, effective July 1, 2013,” and by inserting in place thereof, the sentence: “Effective July 1, 2020, the annual fee for the collection and handling of rubbish, garbage, ashes and
source-separated materials is set at $230 per household and each unit of apartment buildings containing eight or fewer units in the City.

Section 2. Effective date.

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

Other Business.
None

Adjournment.
On a motion Councillor Gravel and seconded by Councillor Hardern, it was voted to adjourn at 6:56 p.m.
ORDINANCE

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Section 2. Effective date.

This ordinance shall become effective upon passage and publication as required by law.
November 20, 2019

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

RE: Trash Fee Ordinance Change

Dear President Graves and Councilors,

In February of 2013, we presented the attached spreadsheet #1 demonstrating the need to increase the annual fee for solid waste enterprise fund. At the meeting I stated that I felt confident the rate increase would suffice for the next five (5) years. I was wrong. We were able to expertly manage the budget to make that rate increase last for seven (7) years.

Until recently, the majority of recyclable material collected by Massachusetts municipalities was purchased by China for processing. Many municipalities paid low fees to have their recycling hauled, and some even earned money from haulers for the materials.

Over time, the in-state market for processing recyclables such as paper and glass declined, as these businesses could not compete with the Chinese market.

On Jan. 1, 2018, the recycling market in Massachusetts and across the country experienced a massive disruption as China announced that it would no longer import 24 types of materials, including mixed paper and several types of plastic. Citing the increasing rate of impurities in the U.S. recycling stream, China, under its new National Sword policy, now will only accept materials with a contamination rate of one-half of 1 percent or less.

This Sword policy has decimated the recycling market and municipal solid waste budgets. On top of this is the impending expiration of a five (5) year contract with Waste Management. Needless to say, Waste Management did not accurately predict the markets of today when the contract was negotiated last. There will be an increase in rates in our next contract. Director of Public Health, Lauren Saunders and I have been meeting with Waste Management for the past few months trying to hammer out a new contract.

According to the attached spreadsheet #2, in fiscal year 2020, we are anticipating having to use approximately $90,000 in retained earnings in order to balance the budget. This is sustainable because we have the cushion of the retained earnings in order to deal with the projected shortfall.
However, as you can see from the first box, if we do nothing, we anticipate depleting our retained earnings near the end FY 2022.

In the second, third and fourth box we demonstrate the effect a $5 per quarter ($20 per year), $7.50 per quarter ($30 per year), and $10 per quarter ($40 per year) increase would have on future budgets. The $5 per quarter ($20 per year) increase would stabilize the fund for approximately one (1) year before beginning to deplete the retained earnings. The $7.50 per quarter ($30 per year) increase would seem to carry us through FY 2023. The $10 per quarter ($40 per year) increase seems too large and would grow retained earnings at a rapid rate.

Given that the object of an enterprise fund is to be a self-sufficient entity, the Director of Public Health, City Auditor and I all agree that a $7.50 per quarter ($30 per year) increase in the annual fee would allow the Solid Waste Enterprise Fund adequate revenue to sustain a proper amount of retained earnings and cover the actual expected costs associated with the Fund.

Respectfully,

Mark Hawke
Mayor, City of Gardner
Chapter 560. Solid Waste

Article I. Collection and Disposal

§ 560-3. Solid waste collection program.

Under the authority of MGL c. 44, § 28C, the following system of fees, charges and exemptions is established to cover all of the costs of operating the City's municipal solid waste programs:

A. An annual fee for the collection and handling of rubbish, garbage, ashes, and source-separated materials shall be established on all households and apartment buildings with eight apartments or fewer in the City, and said fee shall be paid by the property owner. The fee shall be assessed at an amount the Mayor and City Council deem appropriate to cover all of the fixed costs of such collection. The City shall make this system self-sufficient, utilizing an enterprise fund established under MGL c. 44, § 53F 1/2.

B. The annual fee for the collection and handling of rubbish, garbage, ashes and source-separated materials is set at $200 per apartment unit per building, effective July 1, 2013. The City of Gardner trash bag fee is set at $3.50 per bag. Every collection day as of October 1, 2010, each single-family household, or single-family apartment unit in a building with eight apartments or fewer, may place a single approved rubbish container, with a tight-fitting cover securely in place, out for collection. Said rubbish container must be clearly labeled with the unit identification and identifying City logo. Any additional rubbish that does not fit within said container must be placed in a valid City of Gardner trash bag.
[Amended 6-16-2008 by Ord. No. 1474; 9-7-2010 by Ord. No. 1519; 3-18-2013 by Ord. No. 1558]

C. An owner of any residential property in the City with eight apartments or fewer may be exempted from participating in the mandatory program (including payment of the annual fee and use of the City trash bags) by contracting with a solid waste hauling company duly licensed to operate in the City of Gardner for the removal and disposal of all rubbish, garbage, ashes, source-separated recyclable materials, household appliances, furniture and consumer electronic materials. Any property owner seeking this exemption must annually provide the Director of Public Health with a copy of an acceptable signed contract from a properly licensed hauler.

D. An owner of any residential property in the City with nine apartments or more situated on a public way may voluntarily participate in the solid
waste collection program. Any property owner seeking such participation must annually provide the Director of Public Health with written notice of intent to participate on a form provided by the Health Department. Such participation renders the property subject to the fees as outlined in Subsection A above.

E. Exemptions from the payment of the annual fee may be approved by the Director of Public Health with the approval of the Public Safety Committee of the City Council for apartment units in apartment buildings that are vacant and that the owner intends to maintain in a vacant state. Any property owner seeking this exemption must submit documentation of the status of the vacant unit and a letter certifying his or her intent to maintain the unit in the vacant state for the next year and have the unit inspected by the Director of Public Health or his designee. Occupation of the apartment unit makes the exemption null and void. It is the owner's responsibility to inform the City of the occupation of the unit; failure to do so renders the unit subject to the full amount of the annual fee for the time period covered by the exemption. This exemption is subject to written guidelines and limitations on file in the Board of Health office. Persons aggrieved by findings by the Director of Public Health under this section may appeal such finding to Public Safety Committee of the City Council.

F. Unpaid solid waste collection program fees will become a lien on a homeowner's property tax account as provided in the Massachusetts General Laws. Failure to make payment when due in any year, unless an exemption is granted, shall result in the assessment of interest, penalties, and charges or termination of services as authorized by state statute. [Amended 6-16-2008 by Ord. No. 1474]
Solid Waste

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<tr>
<th>$200/yr total</th>
<th>$20/yr increase</th>
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<tr>
<td>51010 Department Head</td>
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<td>51011 Transfer Station Foreman</td>
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<td>51013 Account Clerk</td>
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<td>51018 Transfer Station Monitors</td>
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<td>51030 Overtime</td>
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<td>51090 Clothing Allowance</td>
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<td>52170 Prof. Dev &amp; Travel</td>
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<td>52232 Trash Bags</td>
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<td>52240 Vehicle Supplies</td>
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<td>52361 Trash Disposal</td>
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<td>52362 Recycling Processing</td>
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<td>52380 Indirect Costs</td>
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<td>55126 Curbside Recycl.</td>
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<td>55381 Curbside Trash</td>
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<td>Debt Service</td>
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<td>Totals</td>
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6600 Household Fee Revenue | $1,125,000.00 | $1,250,000.00 | $1,250,000.00 | $1,250,000.00 | $1,250,000.00 | $1,250,000.00 | $1,250,000.00 | $1,250,000.00 |
| Other Revenue | $165,000.00 | $165,000.00 | $165,000.00 | $165,000.00 | $165,000.00 | $165,000.00 | $165,000.00 | $165,000.00 |
| Net Balance | $82,426.00 | $40,464.57 | $12,576.49 | $36,756.09 | $13,891.63 | $12,668.52 | $70,472.78 | $99,558.46 |
| Surplus Balance | $307,000.00 | $224,574.00 | $265,038.57 | $252,462.08 | $215,705.99 | $229,597.62 | $216,929.10 | $146,456.32 | $46,897.86 |

Assumes a 3% increase in expenses
Assumes no new growth in household fee revenue (0250 Customers)
Assumes no new growth in other revenue
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<th>6567</th>
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<td>$200.00</td>
<td>$200.00</td>
<td>$200.00</td>
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$0 per quarter increase

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<tr>
<td><strong>Annual Fee per Unit</strong></td>
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<td><strong>Per Unit Fee</strong></td>
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<td><strong>EOY Retained Earnings</strong></td>
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$5 per quarter increase

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<td><strong>Annual Fee per Unit</strong></td>
<td>$200.00</td>
<td>$200.00</td>
<td>$200.00</td>
<td>$200.00</td>
<td>$230.00</td>
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<td>$1,279,986.00</td>
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<tr>
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<td>$156,071.00</td>
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<td>$185,571.00</td>
<td>$185,000.00</td>
<td>$185,000.00</td>
<td>$185,000.00</td>
</tr>
<tr>
<td><strong>Total Revenue</strong></td>
<td>$1,424,202.00</td>
<td>$1,448,128.00</td>
<td>$1,452,754.00</td>
<td>$1,485,571.00</td>
<td>$1,695,410.00</td>
<td>$1,695,410.00</td>
<td>$1,695,410.00</td>
</tr>
<tr>
<td><strong>Solid Waste Expenses</strong></td>
<td>$1,258,000.00</td>
<td>$1,385,000.00</td>
<td>$1,471,000.00</td>
<td>$1,575,000.00</td>
<td>$1,622,250.00</td>
<td>$1,670,917.50</td>
<td>$1,771,045.03</td>
</tr>
<tr>
<td><strong>EOY Retained Earnings</strong></td>
<td>$418,098.00</td>
<td>$328,669.00</td>
<td>$401,829.00</td>
<td>$426,321.50</td>
<td>$400,686.48</td>
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$7.50 per quarter increase

<table>
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<tr>
<th>Number of Units</th>
<th>6399</th>
<th>6460</th>
<th>6353</th>
<th>6500</th>
<th>6567</th>
<th>6567</th>
<th>6567</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Annual Fee per Unit</strong></td>
<td>$200.00</td>
<td>$200.00</td>
<td>$200.00</td>
<td>$200.00</td>
<td>$240.00</td>
<td>$240.00</td>
<td>$240.00</td>
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<tr>
<td><strong>Per Unit Fee</strong></td>
<td>$1,279,986.00</td>
<td>$1,292,057.00</td>
<td>$1,270,664.00</td>
<td>$1,300,000.00</td>
<td>$1,576,080.00</td>
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<td>$1,576,080.00</td>
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<tr>
<td><strong>All Other Fees</strong></td>
<td>$144,216.00</td>
<td>$156,071.00</td>
<td>$182,090.00</td>
<td>$185,571.00</td>
<td>$185,000.00</td>
<td>$185,000.00</td>
<td>$185,000.00</td>
</tr>
<tr>
<td><strong>Total Revenue</strong></td>
<td>$1,424,202.00</td>
<td>$1,448,128.00</td>
<td>$1,452,754.00</td>
<td>$1,485,571.00</td>
<td>$1,761,080.00</td>
<td>$1,761,080.00</td>
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</tr>
<tr>
<td><strong>Solid Waste Expenses</strong></td>
<td>$1,258,000.00</td>
<td>$1,385,000.00</td>
<td>$1,471,000.00</td>
<td>$1,575,000.00</td>
<td>$1,622,250.00</td>
<td>$1,670,917.50</td>
<td>$1,771,045.03</td>
</tr>
<tr>
<td><strong>EOY Retained Earnings</strong></td>
<td>$418,098.00</td>
<td>$328,669.00</td>
<td>$467,499.00</td>
<td>$557,661.50</td>
<td>$597,696.48</td>
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</table>

$10 per quarter increase