



INFORMAL MEETING OF FEBRUARY 19, 2019

Informal Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Tuesday evening, February 19, 2019.

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.

President Graves announced that the informal meeting of the Council as Committee of the Whole was called to discuss Council Calendar #10051, *An Ordinance to Amend the Code of the City of Gardner, Chapter 600 Thereof, Entitled "Vehicles and Traffic," Article V, Parking Meters.*

President Graves said that the proposed Ordinance was filed by Councillor James Boone because Councillor Boone believes that a substantial change [to parking meters] should be decided by the entire City Council. He then distributed copies of several sections of the City Code delineating distinct powers that some of the Council's Standing Committees unilaterally possess, as follows:

- Chapter 221-6. Purchasing/Civil Enforcement, Sale, alienation or disposal of personal or real property.
- Chapter 553-96. Sewers, Abatements or rebates.
- Chapter 560-3. Solid Waste, Solid Waste Collection Program
- Chapter 600-18. Vehicles and Traffic, Three-hour Parking Meters.
- Chapter 625-9. Water, Payment of Bills.

Continuing, President Graves informed the Council that he discovered a conflict between the provisions of Section 600-9 and Section 600-18, whereby Section 600-9 expressly states, "It [Council] shall have the power to designate the location of all parking meter zones, parking meters and parking meter spaces within the City," and that Section 600-18 expressly states, "B. The actual location of meters to be placed within the above locations shall be designated and may from time to time be changed by vote of the City Council Public Safety Committee."

Councillor Nathan Boudreau remarked that Section 18 provides that the Public Safety Committee determines that actual placement of meters versus actual locations (zones).

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President Graves reiterated the Code citation: “It [City Council] shall have the power to designate the location of all parking meter zones, parking meters and parking meter spaces within the City.”

Councillors Ronald Cormier and Councillor James Walsh remarked that the zones have always been defined by the City Council, while the Public Safety Committee has designated the placements of meters. Councillor Cormier added that the Traffic Commission may play a role in the assignment of meters, since the locations may impact traffic conditions.

President Graves responded, saying that the location of parking meters has nothing to do with traffic flow and further, that Section 600-9 expressly says that “the City Council has the power to designate where the meters go.”

Councillor James Walsh stated that the fundamental question is whether the specific locations of parking meters are to be decided by the Council as a Whole or by the Public Safety Committee. He said that he believes that determining specific locations remain with the Public Safety Committee and the designation of zones remain with the Council as a Whole.

President Graves remarked that Section 600-9 already grants the power to place meters with the City Council. He then asked the proponent, Councillor James Boone, whether he believes that it is a good idea that the decision be made by a three-member Standing Committee or that it should be decided by the full Council.

Councillor Boone informed the Council that at the last Council meeting, he suggested that committees study and report on matters and [do] not necessarily make decisions for the entire Council, but “It is certainly plausible that entire sections of the City could have parking meters put in or removed and eight of us would not have a vote.” Continuing, he said that when there was discussion about removing meters from the street in front of the old Police Station, he “found himself to be frustrated that he had no say in the final decision, but that the decision rests with only the Public Safety Committee.”

Councillor Nathan Boudreau then questioned whether Councillor Boone had an issue that brought up the question. He then suggested inserting a period after “parking meter zones” in Section 600-9 to resolve the conflict with Section 600-18.

President Graves said that he understood Councillor Boone’s theory as to why he is seeking to change the procedure. He postulated about establishing a parking meter siting process in the same manner that the Council utilizes for all other legislative measures, such as a request to remove a parking meter would appear on the Council agenda, the measure is then referred - possibly to both the Safety Committee and the Traffic Commission – and then have each report back to the City Council to vote on it.”

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Councillor Boudreau suggested that this concern will come up as issues that are addressed by other standing Committees arise. He noted that the Public Service Committee, of which he chairs, deals with people - some that “are down on their luck.” He said that he does not want to see a change [made] here set a precedent” whereby “a family has to come in front of the entire City Council to discuss why they did not pay their water bill or are in arrears.”

President Graves remarked that by following his suggestion, the work would still be performed at the Committee level, but that the Committee would report back to the City Council. “So there is no reason why the Applicant or Appellant would have to come back to the City Council,” he said. Continuing, he said that the Council usually takes the recommendation of the Committee because it has been studied the issue and that a change “would give Councillor Boone that satisfaction or the comfort that the Council had a say in the matter. You could argue against it, as now you cannot.”

Councillor Ronald Cormier informed the Council that the committee structure streamlined the process that shortened the Calendar, as meetings used to be long and drawn out over minutiae. He said that it is up to the Public Safety Committee to investigate the meter locations, since having 11 Councillors investigating the locations could be cumbersome.

Councillor Walsh stated that matters before the Safety Committee are included on its meeting Agenda and that every Committee’s agenda is published, so that anyone can attend Committee meetings and offer their input and to participate. He said that the current Committee setup makes sense and that changing it could make the process unnecessarily cumbersome. Concluding, he said that other than the fact that the issue arose due to Councillor Boone’s review of the Code, he is not aware of any particular abuse or problem that has arisen. “If it isn’t broken, then don’t fix it, except maybe for the conflicting language,” he added.

Councillor Christine Johnson expressed support for the measure, saying “We will not always have the Council that we have today. Someday, we may have three people on the Safety Committee who might have a bone to pick with a business that is in South Gardner because there has been talk about putting parking meters there. So, if you have a committee that wants meters installed, then they’ll be installed without Council approval.” She said that persons in [water] arrears will be publicized eventually – “whether it’s on the Council floor for an abatement or in the newspaper.” She concluded, saying that meter locations affect the entire City and a committee should not make that decision. The City Council should invoke the same procedure – refer, report, the Council vote, she said.

President Graves noted that the City Council votes to grant all classes of motor vehicle dealer licenses and suggested that maybe the Safety Committee could act on them without Council approval, adding that their usually “rubber-stamped” after the Committee’s recommendation.

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Councillor Craig Cormier stated that he doesn't see a significant gray area between the two sections and that the Safety Committee could not vote to place parking meters in South Gardner because the area has not been designated a metered zone by the City Council.

President Graves said that the City Council could designate a metered zone in South Gardner and then the Safety Committee could place a meter in front of a business that they don't like. He added that the City Treasurer determines exactly where the meter is to be installed.

Councillor Gravel said that since he first served on the Council, he could not recall the Safety Committee ever proposing to install a meter location in a designated area.

Councillor James Boone questioned the reaction if the Public Safety Committee decided to install parking meters in the West Street Parking lot.

Councillor James Walsh responded, saying that the West Street Parking Lot is not a designated metered lot.

Councillor Ronald Cormier added that the Committee cannot create a metered zone.

President Graves solicited the Council's opinion about retaining the authority of the Public Safety Committee or to proceed with the amendment granting the full Council with the authority to place parking meters.

Councillor Ronald Cormier noted that the proposed amendment simply removes a phrase.

Councillor Nathan Boudreau said that he would be okay with ratifying the decision of the Public Safety Committee.

President Graves remarked that ratification would be along the same line as his approach to refer and report, and then to act on the measure.

Councillor James Walsh suggested that ratification would mean that the Council would have the final say. He added that he disagreed with that approach and "seems to be a solution looking for a problem."

On straw poll, 4 in favor, President Graves and Councillors Boone, Christine Johnson, and James Johnson; seven (7) opposed, Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Elizabeth Kazinskas, and James Walsh.

The meeting concluded at 7:27 p.m.

Accepted by the City Council: *March 4, 2019*