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**WARD 3 COUNCILLOR**  
Nathan R. Boudreau

**WARD 4 COUNCILLOR**  
Karen G. Hardern

**WARD 5 COUNCILLOR**  
Aleksander Dernalowicz, Esq.

**CITY OF GARDNER**  
**MASSACHUSETTS 01440-2630**

OFFICE OF THE  
CITY COUNCIL



January 15, 2020

**CITY COUNCIL SPECIAL MEETING**

**Date:** Tuesday, January 21, 2020  
**Time:** 6:00 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 City Clerk, pursuant to the Open Meeting and Public Records Law. All documents shall become part of the official record of the meeting.*

**AGENDA**

Pursuant to Rule 1 of the Rules of the City Council, a Special Meeting will be held upon the request of Councillors Scott Joseph Graves, Esq. and Karen G. Hardern for the purpose of deliberating on the powers of an Acting Mayor under City Charter Section 32 and the issue of a vacancy in that office under Charter Sections 23 and 32.

*NOTICE: The listing of Agenda items are those reasonably anticipated by the Chair 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.*

ALAN L. AGNELLI  
City Clerk and Clerk of the Council

RECEIVED

WRITTEN REQUEST PURSUANT TO CITY COUNCIL RULE 1 FOR SPECIAL MEETING OF THE  
GARDNER CITY COUNCIL

2020 JAN 8 PM 12:17  
CITY CLERK'S OFFICE  
GARDNER, MA

TO: CITY CLERK, HON. ALAN AGNELLI

FROM: COUNCILLOR SCOTT J. GRAVES, ESQ. AND COUNCILLOR KAREN G. HARDERN

DATE: JANUARY 8, 2020

Mr. Clerk: pursuant to City Council Rule 1, Scott J. Graves, City Councillor, and Karen G. Hardern, City Councillor, hereby submit this request that a Special Meeting of the Gardner City Council be scheduled and convened as soon as is practicable on the subject of the powers of an acting mayor under City Charter Section 32, and the issue of a vacancy in that office under Charter Sections 23 and 32.

The present situation existent as to the election of Mayor Mark P. Hawke for another term as Mayor of the City of Gardner, his being sworn into that office for that term, and, at the same time, the reality that he is currently full-time employed as Town Administrator in the Town of Westminster without a present intention of remaining the Mayor of the City of Gardner, presents an unprecedented situation in this City, and presents unprecedented Charter questions and issues that require immediate City Council attention regarding the extent of the powers of the acting mayor under Charter Section 32, and whether and when and if and how a vacancy in the Mayor's office exists or will exist under Charter Sections 23 and 32.

There is confusion and much question as to the extent of the powers of an acting mayor, and of the existence of a vacancy (or lack thereof) in the office of the Mayor, which have been raised both by the situation and moreso by a legal opinion (or "Memorandum," if you will) issued by the Law Department on Nov. 18, 2019 to the City Council. The City Council, as the Legislative Body of this City, owes a duty to the citizens to ensure that all actions and decisions made within and by the Executive Branch, and all Departments thereof as a consequence of Executive authority and imprimatur, as well as all actions and decisions by the City Council which are thereby implicated or otherwise thereby affected, are made with proper authority and procedure. In this consequence, the two undersigned City Councillors believe it is in the best interests of the Citizens of this City for the City Council to address these issues.

We request that the agenda of the Special Meeting be simply a public deliberation by the City Council to decide what is the best manner in which to address these issues, concerns and questions, and that the City Council take whatever action it deems to be in the best interests of the citizenry, accordingly, if any at all. We request that Mayor Hawke and the City's Law Department be invited to attend the said Special Meeting, and to provide input at their pleasure to do so - and at ~~the City Council's~~ <sup>our</sup> respectful request therefor.

Respectfully Requested (Council Rule 1)

  
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Scott J. Graves, Esq., City Councillor

  
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Karen G. Hardern, City Councillor