

**REGULAR MEETING OF JANUARY 21, 2020**

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Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Tuesday evening, January 21, 2020.

**CALL TO ORDER**

Council President James Walsh called the meeting to order at 7:30 o'clock p.m.

**CALL OF THE ROLL**

City Clerk Alan Agnelli called the Roll of Members. Eleven (11) Councillors were present including President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros.

**OPENING PRAYER**

President Walsh led the Council in reciting the Opening Prayer.

**PLEDGE OF ALLEGIANCE**

President Walsh led the Council in reciting the "Pledge of Allegiance".

**OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT**

President Walsh announced to the assembly that the Open Meeting Recording and Public Records Announcement is posted at the entrance to the Chamber, and that any person planning to record the meeting by any means should identify themselves.

**READING & ACCEPTANCE OF MINUTES**

On a motion by Councillor Ronald Cormier and seconded by Councillor Elizabeth Kazinskas, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to waive reading and to accept the Minutes of the January 6, 2020 Inaugural Exercises and the Regular Meeting, as printed.

**COMMUNICATIONS FROM THE MAYOR****APPOINTMENTS****#10232**

Reporting for the Finance Committee, Councillor Elizabeth Kazinskas informed the Council that Atty. Gandbhir has done a fantastic job in her position and that the Committee voted to recommend confirmation of her Appointment.

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On a motion by Councillor Elizabeth Kazinskas and seconded by Councillor George Tyros, on recommendation of the Finance Committee, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to confirm the following Appointment received from the Mayor:

**PRIYA GANDBHIR** to the position of **ASSISTANT CITY SOLICITOR** for the term expiring January 3, 2021.

Worcester, ss.

January 21, 2020

Then personally appeared **PRIYA GANDBHIR** and made oath that she would faithfully and impartially perform the duties of **ASSISTANT CITY SOLICITOR** according to law and the best of her abilities.

Before me,  
/s/ Alan L. Agnelli, City Clerk

**#10233**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Mayor is appointing Dr. Michele Parker to replace Dr. John Mulqueen who moved out of Gardner and that the Committee voted to recommend her confirmation.

On a motion by Councillor Ronald Cormier and seconded by Councillor Craig Cormier, on recommendation of the Finance Committee, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to confirm the following Appointment received from the Mayor:

**DR. MICHELE PARKER** to the position of **MEMBER, BOARD OF HEALTH**, for the term expiring December 31, 2022.

Worcester, ss.

January 27, 2020

Then personally appeared **DR. MICHELE PARKER** and made oath that she would faithfully and impartially perform the duties of **MEMBER, BOARD OF HEALTH**, according to law and the best of her abilities.

Before me,  
/s/ Faith A. Glover, Assistant City Clerk

**#10234**

Reporting for the Finance Committee, Councillor Elizabeth Kazinskas informed the Council that Mr. O'Keefe has been in the position for many years and has done a fantastic job for the City; therefore, the Committee voted to recommend confirmation of his Appointment.

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On a motion by Councillor Elizabeth Kazinskas and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to confirm the following Appointment received from the Mayor:

**ROBERT O'KEEFE** to the position of **INFORMATION TECHNOLOGY DIRECTOR** for the term expiring January 7, 2023.

Worcester, ss.

January 22, 2020

Then personally appeared **ROBERT O'KEEFE** and made oath that he would faithfully and impartially perform the duties of **INFORMATION TECHNOLOGY DIRECTOR** according to law and the best of his abilities.

Before me,

/s/ Faith A. Glover, Assistant City Clerk

**#10235**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that Mr. Hirons is being reappointed, has held the position for many years, and that the Committee voted to recommend his confirmation.

On a motion by Councillor Ronald Cormier and seconded by Councillor Elizabeth Kazinskas, on recommendation of the Finance Committee, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to confirm the following Appointment received from the Mayor:

**STEPHEN HIRONS** to the position of **SEALER OF WEIGHTS AND MEASURES** for the term expiring January 8, 2021.

Worcester, ss.

January 21, 2020

Then personally appeared **STEPHEN HIRONS** and made oath that he would faithfully and impartially perform the duties of **SEALER OF WEIGHTS AND MEASURES** according to law and the best of his abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk

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**#10236**

Reporting for the Finance Committee, Councillor Elizabeth Kazinskas informed the Council that Ms. Butler is a new Appointee and is experienced, as she has served as Conservation Administrator for the Town of Townsend, as well as its Land Use Coordinator, and in other positions. She added that she holds a Master's Degree and has many of the qualifications for the position, so the Committee voted to recommend her confirmation.

On a motion by Councillor Elizabeth Kazinskas and seconded by Councillor Craig Cormier, on recommendation of the Finance Committee, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to confirm the following Appointment received from the Mayor:

**LYNDSY BUTLER** to the position of **CONSERVATION AGENT** for the term expiring January 8, 2023.

Worcester, ss.

January 22, 2020

Then personally appeared **LYNDSY BUTLER** and made oath that she would faithfully and impartially perform the duties of **CONSERVATION AGENT** according to law and the best of her abilities.

Before me,

/s/ Faith A. Glover, Assistant City Clerk

**ORDINANCES****#10237**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Ordinance amendment was presented for the first time at its recent meeting, so the Committee is seeking additional information and a report from the Human Resources Director; therefore, the Committee is recommending that the Measure be referred back to the Finance Committee for further study and report.

On a motion by Councillor Ronald Cormier and seconded by Councillor Elizabeth Kazinskas, on recommendation of the Finance Committee, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to refer *An Ordinance Amending the Code of the City of Gardner, Chapter 171 Thereof, Entitled "Personnel" to Change Article IX. Vacations for City Officers and Employees, Section 171-36, Other full-time officers and employees; and, by adding new Section 171-37 (a) Conservation/Planning Agent, providing for additional vacation leave* to the Finance Committee for study and report.



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#10238

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Ordinance amendment was presented for the first time at its recent meeting, so the Committee is seeking additional information and a report from the Human Resources Director; therefore, the Committee is recommending that the Measure be referred back to the Finance Committee for further study and report.

On a motion by Councillor Ronald Cormier and seconded by Councillor Elizabeth Kazinskas, on recommendation of the Finance Committee, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to refer *An Ordinance Amending the Code of the City of Gardner, Chapter 171 Thereof, Entitled "Personnel" to change Article XIII. Department Head Benefit Time and Longevity Pay, Section 171-53, Vacation, providing for additional vacation leave* to the Finance Committee for study and report.

PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

#10239

On a motion by Councillor Ronald Cormier and seconded by Councillor Elizabeth Kazinskas, on recommendation of the Finance Committee, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to adopt the following Order:

PRESIDENTIAL PRIMARY ORDER  
TUESDAY, MARCH 3, 2020

It is ordered that meetings of the citizens of this City qualified to vote in the Presidential Primaries shall be held on **TUESDAY, MARCH 3, 2020** for the purpose of casting their votes in the Presidential Primaries for the candidates of political parties for the following offices:

PRESIDENTIAL PREFERENCE.....FOR THIS COMMONWEALTH  
STATE COMMITTEE MAN.....WORCESTER & MIDDLESEX DISTRICT  
STATE COMMITTEE WOMAN.....WORCESTER & MIDDLESEX DISTRICT  
WARD COMMITTEE .....CITY OF GARDNER

It is further ordered that the polls shall open at 7:00 o'clock in the morning and close at 8:00 o'clock in the evening.

Presented to the Acting Mayor for Approval – January 22, 2020  
Approved – January 22, 2020  
JAMES M. WALSH, Acting Mayor

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**#10240**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted to recommend that the Measure be referred to the Council as Committee of the Whole to allow Jeffrey Legros, the Assistant Director of the Department of Community Development and Planning, to present the Mini-Entitlement Plan to the full Council.

On a motion by Councillor Ronald Cormier and seconded by Councillor Elizabeth Kazinskas, on recommendation of the Finance Committee, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to refer the following Measure to the Council as Committee of the Whole for study and report:

**FY 2020 COMMUNITY DEVELOPMENT BLOCK GRANT**  
**Mini-Entitlement Plan**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GARDNER AS FOLLOWS:

WHEREAS, the City council has reviewed the proposals prepared by the Department of Community Development and Planning for inclusion within the FY 2020 Community Development Block Grant (CDBG) Mini-Entitlement Plan; and

WHEREAS, the CDBG proposals seek funding for support of public social services, demolition, infrastructure repair and upgrade, economic development, rehabilitation, planning and design, and associated administrative costs; and

WHEREAS, the activities proposed within the FY 2020 CDBG Mini-Entitlement Plan meet the priorities identified within the City's 2018-2021 Community Development Strategy, and the 2004 Community Development Plan; and

WHEREAS, the City does not possess the bonding capacity or have the availability of funds to appropriate from its general budget to undertake such projects and reliance upon grant funds is required; and

WHEREAS, the City Council supports each of the activities as being consistent with the City's goal of promoting quality programs for its citizens;

NOW THEREFORE, the City Council hereby extends its support of each proposed activity and endorses the City's FY 2020 CDBG Mini-Entitlement Plan to be submitted to the Commonwealth of Massachusetts, Department of Housing and Community Development.



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REPORTS OF STANDING COMMITTEES

PUBLIC SAFETY COMMITTEE

**#10216**

There being no objections, the Public Safety Committee was granted more time to study and report on the following Ordinance:

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.

PUBLIC WELFARE COMMITTEE

**#10207**

Councillor Scott Joseph Graves, Chairman of the Public Welfare Committee, reported that the Committee met to discuss the proposed Ordinance amendment and expressed favorable action; however, since additional information was presented at the Joint Hearing earlier in the evening, then the Committee seeks additional time to explore these issues with the Community Development Director and Building Commissioner. The Council is also awaiting the Planning Board's Final Report, he added.

There being no objections, the Public Welfare Committee was granted more time to study and report on the following Ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO REVISE ARTICLE VI, DENSITY AND DIMENSIONAL REGULATIONS, AND ARTICLE X, SUPPLEMENTAL REGULATIONS.

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

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Section 1. Section 675–610. General Requirements, Section F, of the Code of the City of Gardner, is amended by deleting and repealing Section F in its entirety and inserting in place thereof, the following:

Within an area formed by the side lines of intersecting streets and a line joining points on such lines 30 feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of 3 feet and a height of eight feet above the plane through their street grades.

Section 2. Section 675–1050. Fences and hedgerows, is hereby amended by deleting and repealing Section 675-1050 in its entirety and inserting in place thereof, the following:

Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over 3 feet above the street grade within an area formed by the intersecting street lines and straight line joining the point of said street line 30 feet back from their points of intersection. Fencing and hedgerows running perpendicular to the streets shall not be allowed to block vision over 3 feet above the street grade for a distance of 15 feet along driveways immediate in location.

Section 3. This Ordinance shall become effective upon passage and publication as required by law. Any claims of invalidity by reason of any defect in the procedure of adoption may only be made ninety days after the posting or the second publication.

**FINANCE COMMITTEE****#10226**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted to recommend that the Measure be returned to the Executive Department for study and execution, if need be, to coincide with the new budget year and to remove the Measure from the Calendar.

Councillor Graves questioned whether any negative action on the Measure would prohibit the matter from being brought before the Council within two years, in light of the recent change in the Council Rules involving “renewal of motions”.

Council President James Walsh, Chairman of the Finance Committee, informed the Councillor that Council action to return the Measure to the Mayor is not a vote on the merits of the issue, since no Ordinance amendment accompanied the Mayor’s correspondence.

On a motion by Councillor Ronald Cormier and seconded by Councillor Elizabeth Kazinskas, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander

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Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros; one (1) nay, Councillor Nathan Boudreau, to return *Correspondence from the Mayor relative to the Title and Compensation of the Executive Secretary* to the Executive Department for study and execution, if need be, to coincide with the new budget year and to remove the Measure from the Calendar.

**#10229**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted to recommend that the Measure be returned to the Executive Department for the following reasons: an engineering report determining the non-salvageability of the building before the Council is asked to vote on its demolition; that the Executive Department determine costs for demolition; that at least preliminary plans for the entire area, including the National Grid parcel, be included in the design; that a cost and design estimate to include reuse, design, and implementation.

Councillor Ronald Cormier moved to return the Order to the Executive Department for an engineering report to determine the non-salvageability of the building before the Council is asked to vote on its demolition; that the Executive Department determine costs for demolition; that at least preliminary plans for the entire area, including the National Grid parcel, be included in the design; and that a cost and design estimate be prepared to include reuse, design, and implementation.

Councillor Elizabeth Kazinskas seconded the motion.

On the motion, Councillor Nathan Boudreau stated that he supports the motion, but that he “did open himself to phone calls and Facebook and it is overwhelmingly accepted that it needs to come down...it is becoming a public safety concern.” He added that he hopes that the Council would consider it.

Councilor Cormier reiterated his initial remark that the non-salvageability of the Pool be determined and that should include the question of the public’s safety.

Councillor Scott Graves questioned whether the City is legally able to demolish the pool structure and read from correspondence from Levi H. Greenwood dated April 24, 1914 as delivered to the Inhabitants of Gardner at Town Meeting. Councillor Graves said that the City has had many studies performed on the Pool’s condition and that the Pool has lost money from the day that it opened. He said that the latest study noted that with three million committed that the pool will still lose money. He cited several capital and operational expenses that the City faces, “so what more information do we need.” “I won’t support it – it is where it should be – the legislative department,” he added.

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On the motion, on recommendation of the Finance Committee, it was voted viva voce, nine (9) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Judy Mack, Elizabeth Kazinskas, and George Tyros; two (2) nays, Councillors Scott Joseph Graves and Karen Hardern, to return the following Order to the Executive Department in order to determine costs for demolition and public safety; that preliminary plans for the entire area, including the National Grid parcel, be included in the design; and, that a cost and design estimate be prepared to include reuse, design, and implementation:

AN ORDER APPROPRIATING FROM FREE CASH TO GREENWOOD POOL DEMOLITION ACCOUNT.

ORDER: That there be and is hereby appropriated the sum of Four Hundred Thousand Dollars and No Cents (\$400,000.00) from Free Cash to the Greenwood Pool Demolition Account.

**#10230**

Reporting for the Finance Committee, Councillor Elizabeth Kazinskas informed the Council that available funds from the pump station loan order would be used to upgrade the Coleman Street and the Dyer Street sewer pump stations.

On a motion by Councillor Elizabeth Kazinskas and seconded by Councillor Ronald Cormier, on call of the roll, it was voted on recommendation of the Finance Committee, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to adopt the following Order:

AN ORDER APPROPRIATING FROM SEWER SURPLUS TO SEWER CAPITAL PROJECT PUMP STATION UPGRADES EXPENSE.

ORDERED: That there be and is hereby appropriated the sum of Ninety Five Thousand Five Hundred Dollars and No Cents (\$95,500.00) from Sewer Surplus to Sewer Capital Project Pump Station Upgrades Expense.

Presented to the Acting Mayor for Approval – January 22, 2020

Approved – January 22, 2020

JAMES M. WALSH, Acting Mayor

**#10231**

On a motion by Councillor Elizabeth Kazinskas and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to adopt the following Measure:




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 AUTHORIZING FIVE-YEAR CONTRACT PERIOD  
 SCHOOL TRANSPORTATION SERVICES

VOTED: To authorize the City to enter into contracts not to exceed five (5) years for School Transportation Services, pursuant to the provisions of Massachusetts General Law, Chapter 30B, section 12 and under the terms outlined in the Purchasing Agent's December 13, 2019 Memorandum.

Presented to the Acting Mayor for Approval – January 22, 2020

Approved – January 22, 2020

JAMES M. WALSH, Acting Mayor

UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION
**#10207**

The Council continued *An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled "Zoning," to Amend Section 675-610, General Requirements, Sec. F and Section 675-1050, Fences and Hedgerows* until the Planning Board issues its Final Report.

NEW BUSINESS

On a motion by Councillor James Boone and seconded by Councillor Nathan Boudreau, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to consider New Business.

**#10241**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Boone, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to place on file correspondence from the City Clerk relative to a Notice of Vacancy in the Office of Mayor, as follows:

CITY OF GARDNER, MASSACHUSETTS

CITY CLERK

January 21, 2020

James M. Walsh, Esq., President  
 And Members of the City Council  
 City Hall, 95 Pleasant Street  
 Gardner, MA 01440

Re: Notice of Vacancy in the Office of Mayor



REGULAR MEETING OF JANUARY 21, 2020

Dear President Walsh and Members of the City Council:

I am writing to inform you that a vacancy in the office of Mayor shall exist as of 4:30 p.m. on Tuesday, January 21, 2020. A copy of Mayor Hawke’s letter of resignation is enclosed.

Consequently, the provisions of Section 32 of the *Charter of the City of Gardner* state, in part: “If a vacancy occurs in the office of mayor before the last six months of the term of office, the city council shall order an election to fill the same for the unexpired term.”

Accordingly, a consolidated Special Municipal Preliminary Election Order and Special Municipal Election Order is enclosed for the Council’s consideration.

Thank you for your attention in this matter.

Very truly yours,  
ALAN L. AGNELLI  
City Clerk

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**City of Gardner, Executive Department**

January 21, 2020

Alan Agnelli, Clerk City of Gardner  
95 Pleasant Street  
Room 121  
Gardner, MA 01440

Mr. Clerk,

Please share this communication with the City Council.

“I’m bitter, but at least I can recognize that fact so I know I will get over it. I’m bitter because I had a job I loved. Who wouldn’t? Working for your hometown wasn’t a dream come true for me as it is something I never had as a goal at any point in my career or even growing up in Gardner. However, it is a job I grew to love and, as humble as I can be, was pretty good at doing too.

As Mayor, you are responsible for a \$68 million budget, negotiating 7 city-side union contracts and assisting on 3 school-side union contracts, appointing more than 100 individuals to various offices, departments, boards and commissions. Managing the day to day operations of a City encompassing police, fire, public works as well as the office and back room operations of City Hall and the public school system as the Chair of the School Committee. The Mayor is also the political face of the City in dealing with other municipalities, the state and federal governments. After all of this, there is the expectation of the general public to attend local events, speak at various engagements across the City and state as well simply show up everywhere.

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The pay for doing all of this is now lower than 6 department heads that report directly to the Mayor. It is also lower than every principal and all but one vice principal as well as 30 or so various other positions including teachers, guidance counselors, police, firefighters and DPW employees.

The City Council insisted upon a salary study for all non-union employees and included in that study was the position of Mayor. This report clearly stated that the pay for the Mayor should be trending toward \$100k and raise by at least the same amount as all non-union employees. The City Code also states that the Finance Committee should take up the pay of the Mayor and Council on or after January and make a report to the Council as a Committee of the whole. However, it tends to fall to the Mayor to make a recommendation to the Finance Committee and, once again, the final decision wasn't made until late September (long after any possibility to withdraw from the election).

The final decision to not increase the pay of the Mayor is where the bitterness comes in. It seems that some individuals have succeeded. After working to build the City's Stabilization Fund to its largest level ever, installing proper financial mechanisms to ensure appropriate Free Cash certifications, achieving record level school funding, investing more in the City's infrastructure than at any point in the City's history, funding road paving well beyond any realistic expectations, initiating quarterly tax billing, instituting municipal electric aggregation and so much more, more individuals that work for the Mayor, now make more than the Mayor and this trend will continue for at least the next 2 years.

As Mayor, my real estate taxes increase each year, my homeowners insurance, auto insurance and utility bills increase each year. My expenses continue to climb while my pay remains the same for 4 years because of some foolish political gamesmanship.

The City of Gardner deserves better. Instead of a 2% (\$1,800) increase for the position of Mayor (the same as all non-Union employees), the City will now spend up to \$40,000 for new elections.

When I first ran for Mayor I talked about the possibility of moving to a City Manager form of government. I still believe that is the best course of action today. There are those that are against change and moving the City forward. This may be the change the City needs.

In conclusion, those that believe they have won, have only performed irreparable damage to the City.

After working for the City for 18 years and 3 months, **effective 4:30pm, Tuesday, January 21, 2020**, I will be resigning the office of Mayor.

Sincerely,

Mark Hawke



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**#10242**

On a motion by Councillor Elizabeth Kazinskas and seconded by Councillor Craig Cormier, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to adopt the Special Election Schedule as provided by the City Clerk, as follows:

CITY OF GARDNER, MASSACHUSETTS  
 SCHEDULE FOR THE 2020 SPECIAL MUNICIPAL ELECTIONS  
 To fill the unexpired term for the Office of Mayor

Nomination Papers Available from the City Clerk – January 27, 2020  
 Deadline for Candidates to File Nomination Papers with Registrars – Feb. 13, 2020  
 Deadline for Registrars to Transmit Nomination Papers to City Clerk – Feb. 27, 2020  
 Last Day to File Objections or to Withdraw – March 2, 2020  
 Drawing for Ballot Positions – March 9, 2020  
 Last Day to Register to be eligible to Vote in the \*Preliminary – March 18, 2020  
 Preliminary Election\* (*if necessary*) – April 7, 2020  
 Last Day to Register to be eligible to Vote in the Special Election – April 15, 2020  
 Special Election – May 5, 2020

*\*A Preliminary Election will be held only if there are more than two (2) candidates certified for nomination.*

And further, to adopt the following Order:

CITY OF GARDNER, MASSACHUSETTS  
 SPECIAL MUNICIPAL PRELIMINARY ELECTION ORDER  
 AND  
 SPECIAL MUNICIPAL ELECTION ORDER

**ORDERED:** *If necessary*, that meetings of the citizens of this City qualified to vote for City officers shall be held on TUESDAY, the SEVENTH DAY of APRIL, 2020 from 7:00 o'clock in the morning until 8:00 o'clock in the evening for the purpose of casting their votes for the nomination of Mayor to serve for the unexpired term.

**ORDERED:** That meetings of the citizens of this City qualified to vote for City officers shall be held on TUESDAY, the FIFTH DAY of MAY, 2020 from 7:00 o'clock in the morning until 8:00 o'clock in the evening for the purpose of casting their votes for Mayor to serve for the unexpired term.

**ORDERED:** It is further ordered that the following polling places are designated by this Council:



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WARD 1, PRECINCT A – Elk’s Home, 31 Park Street  
WARD 1, PRECINCT B – Elk’s Home, 31 Park Street  
WARD 2, PRECINCT A – Levi Heywood Memorial Library, 55 W Lynde Street  
WARD 2, PRECINCT B – Levi Heywood Memorial Library, 55 W Lynde Street  
WARD 3, PRECINCT A – Acadien Social Club, 193 Parker Street  
WARD 3, PRECINCT B – High Rise Community Room, 104 Church Street  
WARD 4, PRECINCT A – Gardner Police Headquarters, 200 Main Street  
WARD 4, PRECINCT B – Gardner Police Headquarters, 200 Main Street  
WARD 5, PRECINCT A – Knights of Columbus Hall, 110 South Main Street  
WARD 5, PRECINCT B – Knights of Columbus Hall, 110 South Main Street

Presented to the Acting Mayor for Approval – January 22, 2020

Approved – January 22, 2020

JAMES M. WALSH, Acting Mayor

**#10243**

On a motion by Councillor James Boone and seconded by Councillor Karen Hardern, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to send a *Letter of Appreciation and Recognition to former Mayor Mark Hawke for his many years of dedicated service to the City of Gardner.*

**ANNOUNCEMENTS and COMMENTARY**

Councillor Nathan Boudreau expressed his appreciation to Council President James Walsh for appointing him to Chair the Public Service Committee and then recognized his colleagues on the Committee, as “all are Ward Councillors and get the calls involving their wards.”

Councillors expressed their appreciation and best wishes to Council President James Walsh for the new task that he will undertake as Acting Mayor.

Councillors expressed their appreciation to former Mayor Make Hawke for his many years of dedicated service to the City.

Citing Mayor Hawke’s Letter of Resignation, Councillor Scott Graves said, “I could not help but wonder how things might have been if my decision in your [President’s] seat would have been upheld by the City Council when I tried one last time to put the salary issue in front of the City Council. I thought I made the right decision. I was overruled by the City Council. So it stands forever as the fact that I was wrong. However, there is a memo that I put in the file for posterity’s sake, so if anybody wants to take a gander at that. And, I think perhaps there’s a chance that Mark Hawke would still be here if my decision had been upheld that night.”



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**REGULAR MEETING OF JANUARY 21, 2020**

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Commenting on the issue raised by Councillor Graves, Council President James Walsh stated that it is important to point out that the Council did not defeat a salary adjustment for the Mayor, but simply did not pass it because it was a 5-5 vote. The reason, he said, is because he was not present and did not vote. But, he said, he was hopeful at a subsequent meeting that the matter would come up again under Reconsideration and that he expected that it would. "But it did not," he said, "as a result, I was not able to vote. Had I been able to do, I would have voted in favor of the adjustment. But, that time is passed. Circumstances have developed and we move on from here."

Councillor Judy Mack said that the departure of Mayor Hawke and the current situation may provide something for the Council to reflect upon moving forward, whether equitable pay for the Mayor or reviewing parts of the City Charter to meet the needs of the City in the future.

Councillor Judy Mack wished "a very Happy 90<sup>th</sup> Birthday" to her mother, Mary, "a proud lifelong resident of Gardner and a great example of a life well-lived."

Councillor Ronald Cormier stated that the Council met with the City Solicitor earlier in the evening concerning the function of an Acting Mayor and what powers that an Acting Mayor position possesses. He said that the powers "were quite clarified," but, "as with all things, this has become a learning experience for all of us."

Council President James Walsh informed the Council that he understands the duties, responsibilities, and the limitations of Acting Mayor and accepts them, noting that he has some experience in the role many years before. "I will do my best to act responsibly in their execution," he added.

**CLOSING PRAYER**

President Walsh led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion by Councillor Nathan Boudreau and seconded by Councillor Judy Mack, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to adjourn at 8:06 p.m.

**Accepted by the City Council: *February 3, 2020***