

GARDNER CHARTER COMMITTEE PUBLIC HEARING FEBUARY 23rd MINUTES

Committee Members Present:

Attorney Robert Rice
Neil Janssens
Alan Agnelli
Jennifer Zlotnik Pelavin
Tina Griffin

Also Present:

Mayor Michael J. Nicholson
Colin Smith
Various Members of the public

- I. Call to Order: Robert Rice called the meeting to order at 4:00pm and urged members of the public who wished to testify to sign in on the sheet provided. He recognized Mayor Nicholson and City Council President Kazinskas to give testimony.

Mayor Nicholson presented the proposed changes to the charter and noted the public hearing had been posted online as well as twice in the Gardner News. He noted that all Department Heads with the exception of Joshua Cormier felt the proposed changes were adequate and would not be attending the hearing in person. He noted that all pronouns in the charter were male and that efforts were being made to make the document more inclusive of gender. He offered to address more specific changes on an individual basis. He expressed support for swearing in ceremonies to be changed from the first Monday in January if that date fell on a legal holiday.

President Kazinskas expressed her support for the deletion of the word “annually” in Section 5 of the Charter and the deletion of Sections D and E due to conflict with Massachusetts General Law Chapter 332.

Mayor Nicholson expressed his support for a change to Section 6 Subsection B to note the entirety of the Law Department as opposed to just the City Solicitor, in keeping with the original intent of the section. He also expressed support for a provision that does duly appointed to positions be required to take an oath of office within 60 days. He advocated for deleting Section 7 in its entirety.

President Kazinskas expressed her support for adding “The person so removed shall receive a copy of the reasons for removal and may, if desired, to contest the same before the city council and may be represented by counsel at the hearing.” to section 9.

Mayor Nicholson expressed support for changing Section 11 to refer to a majority vote of the City Council

Mayor Nicholson expressed support for changing Section 12 of the Charter to align with state practices and having a period of seven weeks between preliminary and general elections as opposed to four. President Kazinskas concurred in her support and noted the Council proposed identical changes in 2016.

Mayor Nicholson expressed support for changing Section 13 of the Charter to align more closely with state practices.

Mayor Nicholson advocated for changes to Section 18 which aligned more closely with current publishing norms and practices.

Mayor Nicholson advocated for changes to Section 23 which would formalize a window of time in which the Mayor had to be sworn in following an election.

President Kazinskas advocated for changes to Section 24 which bring the section into compliance with Massachusetts General Laws. She also advocated for changes to Section 26 which allow for greater flexibility in the case of emergency.

Both the City Council President and Mayor advocated for changes to Section 29 which aligned more closely with current publishing practices and reflected the difficulties of publishing in periodicals in full.

Attorney Rice clarified that in such instances the full text is published on the city's website, which was affirmed by the Mayor.

Mayor Nicholson advocated for changes to Section 30 which would allow the Mayor to propose amendments to matters before the Council.

Mayor Nicholson advocated for changing six months to twelve months in Section 32. He also advocated for changes which would formalize when an acting Mayor was required and formalize the pay for that position. He noted section 33 and 34 were in conflict with state procurement law and advocated for their deletion. He advocated for deleting section 35 noting that some vendors turn down business from the city knowing that goods and services over a thousand dollars require a contract. He noted the state set the threshold at ten thousand dollars.

He advocated for changing Section 38 to be in compliance with State Law.

He advocated for deleting Section 51 of the Charter in its entirety as it is in conflict with Massachusetts General Law.

He advocated for various changes to Section 54 of the Charter which broadly modernized outdated practices.

Attorney Rice asked if any action taken by the Committee could be outside its charge, to which the Mayor replied in the negative.

The Committee recognized City Councilor James Walsh to give testimony.

Councilor Walsh asked if the Mayor or Council President has signed in to give testimony, to which Attorney Rice replied that they had not, but the Committee had made special provision.

Councilor Walsh noted he voted against the creation of the committee, and was concerned about mischief, but was pleased by the composition of the committee. He expressed the opinion that the charter should be revised sparingly. He expressed support for changing the timeline of preliminary election from four weeks to seven weeks, and noted this was the only change he supported. In summary, he urged the committee to be careful and narrow in its work.

The Committee recognized City Councilor Judy Mack to give testimony.

Councilor Mack expressed support for bringing the charter into compliance with state law. She offered an amendment to Section 11 of the charter which stated that City Councilors be allowed to miss up to two scheduled meeting in a calendar year whereafter their annual pay would reduced by ten percent. She expressed her view that modern technology allowed for alternative ways of Councilors to attend meetings.

The Committee recognized City Councilor Jim Boone to give testimony.

Councilor Boone asked how the public would be aware of the proposed changes to the charter. He noted that he had a hard time following the proposed changes of the Mayor and Council President. He expressed skepticism the general public would be able to follow along. He expressed support for changing the Mayor's term of office to four years. He expressed support for alternating the Councilors' terms of office, so that they were not all facing reelection at the same time.

The Committee recognized Martin Gray to give testimony.

Mr. Gray expressed his frustration with the state of the Gardner News, and said he was curious about the Committee's proceedings.

The Committee recognized Joshua Cormier, the city's Chief Procurement Officer, to give testimony.

Mr. Cormier spoke to the proposed changes to Section 35 of the Charter, which requires the City to have a contract for amounts more than a thousand dollars, and noted it sometimes causes problems. He noted that current technology mitigated this problem to some degree, but that a thousand dollars in 1923 was quite different from a thousand dollars today.

The Committee recognized Scott Graves to give testimony.

Mr. Graves noted that he went through every change proposed by the Mayor and City Council President, and expressed his opinion that none of the changes were necessary. He noted he was nostalgic, and that the Charter had worked for a hundred years. He said there was nothing we couldn't do because of the charter. He encouraged respect for the legacy of the charter, and expressed suspicion about the purpose of the committee. He expressed his view that the final changes to the charter would be significantly different than the current proposals. He advocated for various ways in which the inconveniences of the current charter could be worked around. He reiterated his opposition to changing the charter for "housekeeping purposes".

Attorney Rice noted that concluded the testimony of those who had signed in, and asked if anyone else present wished to give testimony.

A motion was Alan Agnelli to adjourn. The motion was seconded by Attorney Rice. The meeting was adjourned at approximately 5:00pm.