

City of Gardner, *Executive Department*



Mark Hawke, Mayor

February 1, 2016

James M. Walsh, President
And City Councilors
95 Pleasant Street
Gardner, MA 01440

Re: City Charter

Dear President Walsh and Councilors:

In order to assist some of the new Councilors, please find attached a letter that was sent to the City Council on August 19, 2015 along with a packet of information demonstrating the timeline of events that has unfolded regarding the Charter Review.

The information I do not have are those documents President Walsh requested from the Charter Committee consultant. At the City Council meetings of May 19, 2014, June 2, 2014, June 16, 2014, it is stated in the minutes that this information would be forthcoming as it was necessary for the Council "to have the benefit of the background and context [contained in the documents] in order to properly consider the matter."

I respectfully request this information be forwarded to my attention so that I may have a complete file of the matter.

Respectfully,

Mark P. Hawke
Mayor

City of Gardner, *Executive Department*

Mark Hawke, Mayor



August 19, 2015

James M. Walsh, President
And City Councilors
95 Pleasant Street
Gardner, MA 01440

Re: City Charter

Dear President Walsh and Councilors:

After reading the City Council minutes of July 6, 2015, I understand the City Council will resume discussions concerning the City Charter sometime after Labor Day. I am encouraged by this news as I feel this process has taken far too much time to complete already.

I am hopeful that the Council will act upon the Charter Review Committee's recommendation which was submitted to the Council on April 22, 2014. While I do not personally agree with each and every provision of the committee's recommendation, I respect the process and the individuals that put their time and effort into the formation of this recommendation.

As we learned from our work on the Williams-Rockwell Fund, both branches of government must agree in order for this matter to move forward. The Charter Review Committee has put forth a comprehensive document that I will support. If any changes to the document are made, I'd suggest an informal meeting of the Council be called so that we may discuss the changes and work out any differences before finalizing the matter.

I've enclosed a portion of the minutes of the Informal Meeting of October 20, 2014 which delineates a timeline of the Charter review process. I look forward to your swift action on this matter.

Respectfully,

Mark P. Hawke
Mayor

1. September 2008 – Financial Management Review
 - a. Changing structure of appointments

 2. January 5, 2012 – Email to Council and School Committee
 - a. Typically Mayor appoints Committee, I offered to split with Council
 - b. **Do not amend, re-write the Charter**
 - c. Run Committee by consensus rather than by votes
 - d. Collins Center present best practices, Committee decides

 3. February 8, 2012 – Special Meeting of City Council
 - a. “objective group of individuals” to pre-review charter

 4. February 9, 2012 – Unsolicited email from Chair of Hubbardston Charter Comm.
 - a. Praises Collins Center
 - b. Forwarded to City Councilors on February 9.

 5. March 5, 2012 – Special Meeting of City Council
 - a. Special Guest Marilyn Contreras, DHCD
 - i. Charters should be in harmony with MGL’s
 - ii. Charters enacted long ago no longer reflect current operations
 - iii. Older charters are no longer responsive to the way things are today
 - iv. Pres. Anderson mentioned Collins Center complete review of whole document, Contreras concurred saying it would make sure it is consistent paragraph to paragraph.

 6. March 19, 2012 – Special meeting of City Council
 - a. Unanimously voted to form Pre-Review Committee selected by entirely by the Council.

 7. April 12, 2012 – Email from President Anderson re: Pre-Review Committee
 - a. Letter of Charge to Committee
 - i. Minutes from Northampton included
 - ii. Clerk’s findings of Charter faults included
 - iii. Council meeting minutes included
 - iv. Background information included
 - v. Charter included

 8. Pre-Review Committee minutes (April 24, May 9, June 5) and June 8 Letter to Council
 - a. Charter conflicts with MGL’s
 - b. Sections outdated and no longer apply
 - c. No comprehensive review in 90 years
 - i. Minutes indicate input from Dept Heads, Mayor and 1 City Councilor
 - ii. Public Hearing attended by Committee, Mayor and 1 TGN reporter
-

9. August 17, 2012 letter to Council from President
 - a. Final letter and minutes from Pre-Review Committee included
 - b. Copious information available upon request

 10. October 10, 2012 – Special Meeting of City Council
 - a. Charter Review generally endorsed
 - b. **Concerns raised that a full review might lead to less desirable proposals to drastically alter City Government**
 - c. Councilors expressed support for Full Review (Gerry cited reservations)
 - d. Councilors unanimously expressed support for money order for consultant
 - e. **Council decided to pick 7 members and Mayor may pick 2**

 11. December 3, 2012 – City Council meeting
 - a. Special Act Charter Drafting Committee so voted
 - i. Mayor tried to remove himself from the appointments
 - ii. Council insisted Mayor make picks

 12. Took a long time to get a committee formed.
 - a. Committee met 8 times and held 1 Public Hearing
 - i. One meeting attended by Walsh
 - ii. One meeting attended by TGN reporter and Ernie King
 - iii. No one else attended a single meeting
 - iv. Mayor did not attend any meetings
 - b. Public Hearing
 - i. 3 former and 2 current Councilors spoke against
 - ii. 1 member of School Comm asked for a larger SC role
 - iii. Mayor spoke in favor
 - c. Committee had homework and readings between meetings and spent hours reviewing research papers and best practices.

 13. April 22, 2012 – City Council meeting
 - a. Voted **“to refer to the Council as Committee of the Whole a Communication from the Special Act Charter Drafting Committee, and to invite the Mayor and School Committee to participate in the Council’s meeting.”**

 14. Tonight – 6 months later with no action what-so-ever!
-

Members of Pre-Review Committee

Sue Goldstein

Dr. James Faust

Shelia Murphy

Ken Pierce

Leonette Roy

Atty William Wagner

Norman Wironen

Members of Charter Review Committee

Andrew Boucher

Former Councilor Charlie Leblanc

Al Lafreniere

Leonette Roy

Dave Curran

Arthur Young

Former Councilor Cleo Monette

Edward Yablonski

Patricia Jandris

In both cities and towns, we advocate a structure where all department heads, including finance department heads, are accountable to the chief executive, be that a mayor, manager or board of selectmen. Therefore, we recommend that the city amend the charter to provide for the appointment of these officials by the mayor. The one caveat to the change being recommended here is that appointment authority for the city clerk, because of the nature of the position's duties, can remain with the city council.

Recommendation 2: Shift Roles and Responsibilities

We recommend that the mayor and city council reconsider the roles of the various offices within city government and make appropriate long-term adjustments. In Gardner, we observed a number of long-standing organizational preferences that have endured through the years with little notice or introspection by city leaders. While not necessarily designed to save money, making appropriate modifications would enable government to be more effective and decisive in the provision of city services. To this end, we list below several steps the city can take to help streamline operations. While emphasizing that we think highly of current finance department heads, as transitions among staff take place, the city should look to move toward changing duties. As a part of any structural changes, which we recommend based on our understanding of office *functions*, the *allocation* and possible redistribution of staff between various departments will need to be considered.

Combine positions of treasurer and tax collector – Gardner's combination of a tax collector and city clerk is not a common one. Conversely, because of the parallels in the responsibilities of the treasurer and tax collector, many communities find that having these duties combined in one office generates long-term cost savings in terms of personnel and cash management benefits. Cities and towns have concluded that having receipts collected, counted, posted, deposited and managed in the same office makes organizational sense. At some point, Gardner should reach a similar conclusion. An opportune time to create the combined position may present itself when one officer or the other chooses to retire or otherwise leave city service. To combine the treasurer and collector positions and make such a change permanent will require a charter amendment. However, since the treasurer, clerk and tax collector positions each exist independently in the city charter, it seems practical to appoint the same person as treasurer and tax collector in much the same way that the clerk/tax collector is appointed currently. The clerk would then be a free-standing position.

Consolidate authority for water, sewer, trash, civil enforcement and other collections under a "treasurer/collector" or "city collector" – For residents, establishing a one-stop payment counter for all municipal fees and charges makes sense. Furthermore, the commitment and collection of receipts by the same department, as is the case with water bills, does not provide an adequate system of checks and balances in our opinion. Therefore, we recommend that all city receipts be taken in by one office. We have already recommended the eventual shift to a treasurer/collector. However, in the interim, Gardner might consider accepting the local option statute to establish the tax collector's position as that of a "city collector." As a "tax collector,"

Mayor

From: Mayor
Sent: Thursday, January 05, 2012 10:43 AM
To: Alice Anderson; Christine Wilson; Cormier, Joshua L; Edward Gravel; Henry Ares; James Johnson; Karen Hardern (karenhardern@hotmail.com); Kim Dembrosky; Pat Gerry (patgerry@hotmail.com); Ronald Cormier; Scott Graves (sgraveslawoffice@verizon.net)
Cc: CBaileyN@aol.com; Jim Boone; johnmlafreniere@aol.com; Melody Phelps (melodybphelps@yahoo.com); paul tassone; vancem@gardnerk12.org
Subject: Charter Review

Councilors and School Committee Members,

As promised, here is the report of the meeting with the U-Mass Boston Collins Center for Public Management regarding a Charter Review.

Council President Alice Anderson and I met with Stephen McGoldrick, Deputy Director of the Collins Center, for about an hour. Mr. McGoldrick had the following to suggest:

- There are two ways to do this. Via a Charter Commission or a Special Act
 - A Charter Commission would be made up of 9 members elected at large at the next municipal election. They would have 18 months to work on the charter and put something to the voters at the following election. He suggested against this method.
 - The special act route would have an appointed committee of 7 or 9 members. This group would work together over the course of the next 12-15 months to craft the charter. He suggested this route.
- Typically, the Mayor is the appointer of the committee. I explained the amicable working relationship with the City Council in Gardner and suggested that I work with the Council President to appoint a committee. The committee should be made up of respectable and knowledgeable Gardnerites. We don't want to pack the committee with elected officials, we would need a good cross-section of representation.
- The process would require City Council and Mayoral approval, then legislative approval, then the measure would be placed on the local ballot.
- He suggested we do not try to re-write the existing Charter, but start from scratch.
- Cost. The Collins Center is subsidized by the State since they are part of the UMass system. They charge a flat fee of \$20k and that comes with attendance at everything that needs to be attended (City Council meetings, public meetings, Charter Commission meetings, etc.) regardless of how many. He also suggested that the City mail the final version of the new Charter along with a one page summary to every household in Gardner once the process is complete.
- He prefers to run the Charter Commission by consensus rather than by votes. If too many things are 5-4 votes, it does not send a cohesive message to the populace.
- He anticipated approximately 15 meetings lasting 2 hours a piece. The meetings would normally be twice a month. This was his estimate of the meeting schedule that may be needed by the volunteer Charter Committee.
- He would present best practices for the Charter and the Committee would steer the discussion and make all decisions.

This is a brief overview of our meeting with the Collins Center. He will be sending me a contract and work-plan for review. I will share that when I receive it. In the meantime, if you have any questions, comments or concerns about any of this, please let me know and I will try to answer.

Mark

Mark Hawke

Mayor, City of Gardner
95 Pleasant Street, Room 125
Gardner, MA 01440

City of Gardner

95 Pleasant Street, Gardner, MA 01440
ph: (978) 632-1900

City Council Minutes 02/8/2012-Special Meeting

Wednesday evening, February 8, 2012. **Special Meeting** of the City Council held in the Council Chambers, City Hall – Meeting called to order by Council President Alice Anderson at 6:30 o'clock p.m.

Members present: President Alice Anderson and Councillors Henry Ares, Joshua Cormier, Ronald Cormier, Kim Dembrosky, Patrick Gerry, Edward Gravel, Scott Graves, Karen Hardern, James Johnson and Christine Wilson. Mayor Mark Hawke was also present.

The President Anderson read aloud the following:

Any person may make a video or audio recording of the open session of this meeting so long as it does not interfere with the conduct of the meeting – All documents and exhibits used or referenced at this meeting shall be submitted in duplicate to the City Clerk, as they become part of the minutes of the meeting. Is there anyone present who will be recording this meeting?

Sam Bonacci, Reporter for *The Gardner News*, announced plans to audio record the meeting. President Anderson informed the Council, where no objections were raised as to the manner and/or location of recording.

President Anderson announced the Council is meeting as a Committee of the Whole to discuss Calendar Item #8757, the City Charter Review/Professional Services Proposal.

The President opened the discussion by asking whether the City needed to initiate a Charter review.

Councillor Henry Ares asked "what types of changes are we looking for?"

Councillor Scott Graves asked President Anderson and Mayor Hawke what they learned from the presentation by Stephen McGoldrick, Deputy Director of UMASS Collins Center, adding "are we looking at substantive changes to the Charter?"

President Anderson responded to Councillor Graves' inquiry by stating no suggestions were made as to specific Charter changes; however, only the process was discussed.

Councillor Patrick Gerry said he had two concerns [about reviewing the Charter]. The first is that no valid [proposals were presented] to move ahead with the process, and secondly, the ideas he heard were "good for the Mayor".

Councillor Karen Hardern asked "what doesn't work in the Charter?"

Councillor Kim Dembrosky stated it isn't a bad idea to review the Charter, as "it should be in line with state law." She cited her research with Northampton's Charter review process and their local ordinance requiring a Charter review every ten years. She added Northampton's Charter Committee worked with Marilyn Contreas, Senior Program and Policy Analyst at Massachusetts Department of Housing and Community Development. The Councillor said she is in favor of establishing a Charter Review Committee first, then a Charter Drafting Committee if the review process identifies specific changes.

Councillor Ronald Cormier suggested the Charter likely needs to be tweaked, as "it isn't broken". He added it may be appropriate to establish an objective group of individuals to focus its attention on the current Charter.

President Anderson and Councillor Graves agreed that the City should pursue establishing a review committee before proceeding with a formal drafting committee with the Collins Center support.

Councillor Gerry agreed with creating a non-binding review committee; however, questioned if the City Council would be required to accept recommendations of a Charter Committee's.

Councillor Joshua Cormier stated the process "has to be taken out of our [Council's] hands so as not to influence the recommendations by a Review Committee". He added the City needs to conduct a Charter review adding "if we don't review it, how then do we know it's the best document we can have?"

Councillor Ronald Cormier stated "perhaps the President could appoint an ad-hoc committee to investigate the need to amend the Charter, a preliminary look, so to speak"

Mayor Hawke commented "things [in government practices] have changed over the last ninety years", citing Charter language conflicts with the General Laws and inherent weaknesses with a brief, two-year term of office for the Mayor. He suggested seven to nine members on a committee to review the Charter and to make recommendations to the City Council.

Councillor Gravel said he researched the City of Newburyport's Charter review and found it had a positive impact.

Councillor Wilson added her research of Somerville identified no major changes to the Charter.

Councillor Dembrosky suggested a preliminary review be conducted to determine whether the City should pursue a paid consultant for Charter drafting purposes.

Councillor Graves suggested the City review the Charter to address any items not in compliance with state law and not look for "substantive changes" to form of government or elected official terms of office. He agreed that a "pre-review committee" would be appropriate at this time and that registered voters be nominated to such a committee.

Councillor Joshua Cormier stated the City of Melrose has a Charter provision requiring a Charter review every ten years.

President Anderson questioned whether Councillors and average citizens have the expertise necessary to conduct a Charter review. "A review without professional guidance is a waste of time", she stated. Councillor Ronald Cormier concurred, adding professional guidance "keeps you on track".

Councillor Christine Wilson said an ad-hoc committee would be beneficial, adding that liaisons from the School Committee and Chamber of Commerce could be helpful.

President Anderson asked Councillor Dembrosky to contact Marilyn Contreas (DHCD) to see if her services are available.

Mayor Hawke stated the UMASS Collins Center's "non-inclusive fee" could allow 60 meetings with a Charter Review/Drafting Committee. The proposal suggests two meetings per month, with a completion date of April 20, 2013. He added if the Council does not act on the proposal soon, the Charter review could become a four year process instead of two, delaying the voter consideration until the 2015 City election. "If we follow the timeline established by the Collins Center's Proposal, we would stay on target," he added.

Councillor Gerry suggested the City "take its time to do it right". Councillor Joshua Cormier concurred.

The Council agreed to wait for a response from Marilyn Contreas of DHCD, whether she can assist the Council. Councillor Dembrosky will contact Ms. Contreas to see if she is available to meet with the Council in the near future.

ADJOURNMENT

On a motion by Councillor Joshua Cormier, seconded by Councillor Kim Dembrosky, it was voted on voice vote, eleven (11) yeas, President Alice Anderson and Councillors Henry Ares, Joshua Cormier, Ronald Cormier, Kim Dembrosky, Patrick Gerry, Edward Gravel, Scott Graves, Karen Hardern, James Johnson and Christine Wilson to adjourn at 7:40 o'clock p.m.

Accepted by the City Council:

Mayor

From: Pitney, Jamie <jamie_pitney@charter.net>
Sent: Thursday, February 09, 2012 6:30 PM
To: Mayor
Subject: Message from Hubbardston Charter Committee Chair

Mayor Hawke,

My name is Jamie Pitney and I am the chair of the Hubbardston Charter Committee.

I have been following the recent charter review proposal in Gardner and the most recent council meeting questioning the use of the UMASS Collins Center.

As you may have seen, we in Hubbardston just passed the other night at Town Meeting of a charter that was the product of consulting services by UMASS.

The purpose of my note to you is to provide a strong endorsement of the Collins Center. Our consultant, Mike Ward, was fantastic. Though if hired you may get someone else.

We could not have been happier with the Collins Center service to us. It included:

- Writing of the charter – with changes based on the committee's direction
- Research of peer and other town activities (during our research and listening phase) related to governmental organization and charter properties
- Provided meeting materials for each public meeting of the charter committee
- Attended virtually every meeting (which required driving out from Dorchester each time)

The quality of the end product is such that, when we had it reviewed by town counsel (Kopelman & Page) and specifically someone who is expert on election law and charters, the changes K&P recommended were minor, mechanical and to add some legal-ez where necessary. In short, everything that was written was considered legal and in good order.

Prior to our efforts, Hubbardston did not have a charter. The only thing close we have is our incorporating document from 1767. So we thought it about time! We still have a ways to go (state legislature, governor then a town wide ballot vote) but we cleared a big hurdle at town meeting.

Good luck with your adventure on the charter. I hope my words of endorsement regarding the Collins Center helps in convincing the city council to support same.

Please feel free to contact me if you have any questions or would like to discuss further.

My best,

Jamie

Jamie Pitney
52 Barre Road
Hubbardston, MA 01452-1208
(978) 928-4096 (home)
(508) 414-8997 (cell)
(978) 928-1149 (fax)
mailto:jamie_pitney@charter.net
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City of Gardner

95 Pleasant Street, Gardner, MA 01440
ph: (978) 632-1900

City Council Minutes 03/05/2012-Special Meeting

Monday evening, March 5, 2012. **Special Meeting** of the City Council held in the Council Chambers, City Hall – Meeting called to order by Council President Alice Anderson at 6:30 o'clock p.m.

Councillors Present: President Alice Anderson and Councillors Henry Ares, Joshua Cormier, Kim Dembrosky, Edward Gravel, Scott Graves, Karen Hardern, James Johnson and Christine Wilson. Councillor Ronald Cormier arrived at 6:30 p.m.

Councillor Absent: Councillor Patrick Gerry.

Mayor Mark Hawke was also present.

The President Anderson read aloud the following:

Any person may make a video or audio recording of the open session of this meeting so long as it does not interfere with the conduct of the meeting ~ All documents and exhibits used or referenced at this meeting shall be submitted in duplicate to the City Clerk, as they become part of the minutes of the meeting. Is there anyone present who will be recording this meeting?

Sam Bonacci, Reporter for *The Gardner News*, announced plans to audio record the meeting. President Anderson informed the Council, where no objections were raised as to the manner and/or location of recording.

President Anderson announced the Council is meeting as a Committee of the Whole to discuss Calendar Item #8757, the City Charter Review/Professional Services Proposal. She introduced Marilyn Contreas, Senior Program and Policy Analyst at Massachusetts Department of Housing and Community Development.

Ms. Contreas opened the discussion by citing Northampton's recent Charter process, stating the Northampton City Council first appointed a charter review committee, then a Charter drafting committee. She mentioned two legal methods the City could utilize for amending the Charter, either by Special Act or through an elected Charter Commission. She distributed two documents highlighting each method. She made the following comments:

- Charters should be "in harmony with the laws of the Commonwealth". As language in the general laws changes, [dated] local Charter language competes with revised state laws, leaving intent "open to interpretation by the Courts".
- Charters enacted long ago no longer reflect current municipal organization, such as financial practices and citizen referendum/initiative petitions.
- Charters should include language allowing municipal administrative changes without requiring special acts [of the General Court].

Councillor Graves questioned if the Home Rule Amendment route (elected Charter Commission) was more appropriate for Gardner.

Ms. Contreas answered the appropriate Charter [amendment] route is by "local preference". She added the following comments:

- The State does not provide "model charters" [for communities to draw from].
- A Charter is the "legal foundation of the City".
- Older Charters are no longer responsive to the "way things exist today". The City needs flexibility to meet changes as they arise.
- Charters seem to have "nostalgic value", unlike the Constitution.



President Anderson remarked the Consultant (Stephen McGoldrick, UMASS Collins Center) advised reviewing the whole Charter is a wise move.

Ms. Contreas agreed, stating "it makes sense to ensure the charter's provisions are consistent from paragraph to paragraph". She asked "what are the fundamental features that should be in the Charter?" She added, "Do other towns have [Charter] provisions that are a fit for Gardner?"

Councillor Dembrosky commented either Charter amendment approach requires voter approval, adding Northampton conducted public forums which served to generate support for the Charter. Ms. Contreas added the City solicited testimony at every public meeting.

Councillor Dembrosky questioned if the community [Gardner] wants to pursue a Charter review before spending money for Charter drafting.

In response to Councillor Dembrosky's inquiry, Councillor Edward Gravel stated "some things will have to be decided for the people."

Councillor Scott Graves added "it (Charter) is the people's document, so we (Council) must be responsible to do the right thing. We have to set some direction to get this done."

There being no further discussion, President Anderson adjourned the meeting at 6:35 o'clock p.m.

Accepted by the City Council:

City of Gardner

95 Pleasant Street, Gardner, MA 01440
ph: (978) 632-1900

City Council Minutes 03/19/2012-Special Meeting

Monday evening, March 19, 2012 **Special Meeting** of the City Council held in the Council Chambers, City Hall ~ Meeting called to order by Council President Alice Anderson at 6:30 o'clock p.m.

Councillors Present: President Alice Anderson and Councillors Henry Ares, Joshua Cormier, Ronald Cormier, Kim Dembrosky, Patrick Gerry, Edward Gravel, Scott Graves, Karen Hardern, James Johnson and Christine Wilson.

The President Anderson read aloud the following:

Any person may make a video or audio recording of the open session of this meeting so long as it does not interfere with the conduct of the meeting ~ All documents and exhibits used or referenced at this meeting shall be submitted in duplicate to the City Clerk, as they become part of the minutes of the meeting. Is there anyone present who will be recording this meeting?

Sam Bonacci, Reporter for *The Gardner News*, announced plans to audio record the meeting. President Anderson informed the Council, where no objections were raised as to the manner and/or location of recording.

President Anderson announced the Council is meeting as a Committee of the Whole to discuss Calendar Item #8757, the City Charter Review/Professional Services Proposal. She immediately solicited comments from the Councillors.

Councillor Henry Ares questioned the propriety of having the City Solicitor perform an evaluation of the City Charter.

President Anderson responded to Councillor Ares' question in the affirmative; however, added a [comprehensive] review is a tremendous and time consuming task to undertake and Stephen McGoldrick of UMASS Collins Center advised [this route] would not be an efficient way to undertake a review of the Charter.

Several Councillors questioned whether conflicts with State law or ordinances necessitate a review.

In response, Councillors pointed out [existing] ordinances could be amended to comply with [revised] Charter provisions.

Councillors voiced support for reviewing the Charter; however, some questioned the proposal to contract with a Consultant to perform the review, even before specific problems are identified or public input is solicited.

Several Councillors questioned the "fast track" that the Mayor proposed, preferring to lengthen the review process to incorporate comments from the public and officials. Others added concern that an appointed "review committee" would not be objective.

Councillor Ronald Cormier recommended a Preliminary Review Committee be appointed first to evaluate the framework of the current Charter and then pursue any [proposed] changes through the normal legislative process.

Councillor Ares concurred, adding Gardner residents should be considered for the Committee, while Councillor Joshua Cormier mentioned the availability of former City Councillors, Mayors and City Solicitors as potential committee members.

President Anderson cited the Town of Hubbardston's recent Charter adoption process as a model to possibly emulate. She noted their positive relationship with their Consultant, the Collins Center, as well as the commitment of seven dedicated Hubbardston residents who served on their Charter Drafting Committee. The Committee included active and former employees and individuals from the business and political sectors.

Councillor Karen Hardern commented on her review of the Leominster Charter, noting its clarity and ease of understanding, as opposed to Gardner's.

Councillor Dembrosky questioned if the community [Gardner] wants to pursue a Charter review before spending money for Charter drafting.

Discussion focused on whether to create a review committee, and then evaluate the group's findings before creating a drafting committee and seeking the assistance of a paid consultant.

Councillor Scott Graves moved to establish an Informal Preliminary Review Committee to determine whether or not to undertake a formal review of the City Charter. The motion was seconded and passed unanimously.

Councillor Edward Gravel moved to authorize and direct the Council President to appoint a Preliminary Review Committee. The motion was seconded by Councillor Hardern.

Councillor James Johnson moved to amend the motion to establish a timeline for the Committee to complete its work. The motion was duly seconded. Councillor Gravel agreed to incorporate Councillor Johnson's amendment and the motion, as amended, passed unanimously.

→ On a motion by Councillor Joshua Cormier, seconded by Councillor Edward Gravel, it was voted on voice vote, eleven (11) yeas, President Alice Anderson and Councillors Henry Ares, Joshua Cormier, Ronald Cormier, Kim Dembrosky, Patrick Gerry, Edward Gravel, Scott Graves, Karen Hardern, James Johnson and Christine Wilson to adjourn at 7:27 o'clock p.m.

Accepted by the City Council:

Mayor

From: Alan Agnelli
Sent: Thursday, April 12, 2012 8:28 AM
To: Councillor A Anderson; Councillor Christine A. Wilson; Councillor E Gravel; Councillor Henry P. Ares; Councillor J Johnson; Councillor J Cormier; Councillor Karen Hardern; Councillor K Dembrosky; Councillor Patrick M. Gerry ; Councillor R Cormier; Councillor S Graves
Cc: Mayor; Mayor Secretary; Titi Siriphan; Christine Fucile
Subject: Charter Study Committee Appointments
Attachments: Charter Study Comm Task-Timeline Ltr_4-6-2012.pdf

Councillors and Mayor Hawke:

President Anderson wishes to inform you that she has appointed the following persons to the Charter Study Committee:

- Ms. Susan Coleman-Goldstein
- Dr. James A. Faust
- Ms. Sheila M. Murphy
- Mr. Kenneth J. Pierce
- Ms. Leonette M. Roy
- Atty. William D. Wagner
- Mr. Norman J. Wironen

For your information, please find attached President Anderson's letter to the Committee members outlining their task and expected timeline for completion of the study. Should you have any questions, please feel free to contact me.

Thank you for your kind attention in this matter.

Sincerely,

Alan

Alan L. Agnelli, City Clerk
City Hall - Room 121
95 Pleasant Street
Gardner, MA 01440-2690
Tel. 978-630-4058
Fax 978-630-2589

4/6/12

To: All Appointees

Re: Gardner's Charter Study Committee

From: Alice Anderson, President, Gardner City Council

On Monday, March 19, 2012, the City Council met as a committee of the whole and unanimously decided that I was to appoint an ad hoc committee to informally review the city's charter and to make a recommendation to the Council as to whether or not it should endorse a formal charter review process. While doing research on how to proceed, one city in particular was cited as an example for this informal process. That city was Northampton, MA.

With that in mind, I am providing each of you with a copy of the series of minutes from their meetings as well as a copy of their final recommendation. These documents are from 1995 and are only meant to give you an idea of how another community tackled this process. Other towns and cities have done things differently. You may decide upon an approach that is unique to your own deliberations. Also included are: a copy of the Open Meeting Law, a copy of a memo put together very recently by Gardner's City Clerk that spells out some specific instances that he feels may warrant your attention when reviewing our existing charter, copies of pertinent City Council minutes, two copies of background information that may be of interest, and a copy of the city charter.

I have asked Ms. Sue Goldstein to facilitate the first of your meetings until such time as you elect a chairperson. In order to meet the requirements of the Open Meeting Law, the chairperson will be responsible for setting the meeting times/places and notifying the City Clerk. The committee will also need to designate someone to record the minutes and submit them to the City Clerk in a timely fashion. The person elected by you to serve as committee chair should contact the City Clerk as soon as possible to find out exactly what the notification rules are. I would expect a final recommendation from your committee by October 1, 2012.

I know I am leaving this process in the hands of very capable citizens who have nothing to gain or lose by speaking their minds during this review. This process has nothing to do with politics and everything to do with keeping Gardner on solid ground as we move into the future. Thank you for agreeing to help your city in this way and for the time it will take you to do so. Please feel free to call me at any time should you have any questions.

Alice P. Anderson
978-632-8553
978-413-1959

June 8, 2012

Dear Councilor Anderson:

The Charter Study Committee is unanimously recommending a full and comprehensive professional review of the City Charter. After several meetings and one public hearing, the Committee is basing this decision on the following points:


1. Sections of the Charter contains conflicts to State Law
2. Sections of the Charter are outdated and no longer apply
3. The Charter has not been reviewed since inception over 90 years ago

I am enclosing copies of our meeting minutes and additional exhibits for your review.

On behalf of the Committee members, I would like to thank you for providing us with the opportunity to serve on this Committee.

Please let me know if you have any questions.

Sincerely,



Susan Goldstein, Chair
Charter Study Committee

Minutes from April 24, 2012 Meeting of Gardner's Charter Study Committee

The temporary Chair of Gardner's Charter Study Group called the first meeting to order at 7:00 PM. In attendance were said Sue Goldstein, Jim Faust, Sheila Murphy, Ken Pierce, Leonette Roy, Bill Wagner, and Norm Wironen. Also attending was a reporter from WGAW.

The Committee elected Sue Goldstein as Chair, Jim Faust as Vice-Chair, and Bill Wagner as Clerk for recording minutes of all meetings. The mission presented to the group by President of the Gardner City Council, Alice Anderson, was discussed and limited to an informal review of the city charter and to make a recommendation to the City Council as to whether or not it should endorse a formal charter review process.

A lively conversation explored the role of the committee in any proposed changes in the city charter. The City of Northampton's process in changing their city charter was explored. A brief history of the Gardner City Charter and the process required to effectuate any changes focused the discussion to a needed course of action. In order to exercise due diligence in reaching a decision as to whether the Gardner City Council should propose a review of the city charter, the following ideas were discussed and accepted:

- Invite the current Mayor, the current City Clerk, the current Auditor, the current City Solicitor, the former Mayor, and the former City Clerk to present viewpoints on the city charter and the need, if any, to make changes. The Chair will work with the City Clerk to invite said guests to a meeting at City Hall on Wednesday, May 9, 2012. The timing of the appearances will be determined by the Chair.
- Other city officials, such as Department Heads, including Schools and Police, and Fire, will be invited to respond in writing to the need, if any, to change the city charter. The Chair will decide the deadline for such responses, but a meeting was set for Tuesday, June 7, 2012 at 7 PM in City Hall to consider the any responses.
- The Committee will consider the need and advisability to hold a public hearing on the need, if any, to change the city charter at a later meeting.
- A future meeting will be dedicated to reviewing suggestions from the above-mentioned officials and community members in conjunction with the ideas already submitted in writing by the City Clerk.
- The Chair will work with the City Clerk to post proper notices of future meeting.

The Chair noted the request by the City Council President for a final recommendation from the committee by October 1, 2012, which the group thought to be sufficient time. The Chair thanked the Committee for their involvement in this important community endeavor. The meeting was adjourned at 7:40 PM.

Reported by Bill Wagner, Clerk

Minutes from May 9, 2012 Meeting of Gardner's Charter Study Committee

The Chair of Gardner's Charter Study Group called the second meeting to order at 7:00 PM on May 9, 2012. In attendance were said Sue Goldstein, Jim Faust, Sheila Murphy, Ken Pierce, Leonette Roy, Bill Wagner, and Norm Wironen. Also attending by invitation was City Clerk, Alan Agnelli.

The Committee Chair Sue Goldstein asked for a motion and second to accept Meeting Minutes from April 24, 2012. The motion passed.

The Committee Chair Sue Goldstein welcomed Gardner City Clerk, Alan Agnelli, to our meeting. Sue pointed out that Mr. Agnelli previously submitted written observation on various provisions of the Gardner City Charter. Sue asked Alan to explain his comments for the committee.

Alan discussed inauguration of city officials, the office of the Mayor, Acting Mayor, powers of appointment and confirmation, salaries, executive approval of legislative measures, city budgets, City Council (appointment powers, meetings, minutes, procedures and vacancies, public procurements and contracts), and the School Committee. In many cases there are inconsistencies, conflicts with state law, and obsolete provisions.

Members peppered the City Clerk with numerous questions, which were answered fully. Discussion ranged from the history of certain provisions to the question of whether the City should simply clarify the City Charter through housekeeping changes, as opposed to a wholesale revision. Members were concerned with possible political changes to the Charter, such as terms and the number of members on the City Council and School Committee, even though none have been suggested to date. The Chair thanked Mr. Agnelli for his time and efforts.

The Chair pointed out that various other city officials could not attend, due to other demands. The group discussed written responses from the City Auditor Brooks and City Planner Hubbard. The Chair also explained a response from a School Committee member.

Discussion followed about how extensive revisions to the City Charter should be. Mr. Pierce pointed out that the Charter has only been amended, not re-written, since 1921. Mr. Wironen said that one-half of the sections in the City Charter have already been questioned. He also pointed out that there are at least nine conflicts with state law, according to the responses received to date. Mr. Wironen presented a spreadsheet regarding these questions, which The Chair will make available to all members.

The next meeting will be held on Tuesday, June 5, 2012 at 7 PM at City Hall. This meeting will be a public hearing and also marks the final date for written responses to be submitted. Publicity and compliance with open meeting concerns will be handled by the City Clerk. A follow up meeting was scheduled for Wednesday, June 13, 2012 at 7 PM in City Hall.

The meeting was adjourned at 7:50 PM. Reported by Bill Wagner

Minutes from June 5, 2012 Meeting of Gardner's Charter Study Committee

The Chair of Gardner's Charter Study Group called its final meeting to order at 7:00 PM on June 5, 2012. In attendance were said Sue Goldstein, Jim Faust, Sheila Murphy, Ken Pierce, Leonette Roy, Bill Wagner, and Norm Wironen. Also attending were Mayor Hawke and a reporter from The Gardner News.

The Committee Chair Sue Goldstein asked for a motion and a second to accept Meeting Minutes from May 9, 2012. The motion passed.

The Committee Chair Sue Goldstein announced that the meeting offered the community a chance to address the issue of whether or not the City of Gardner should review the City Charter. Sue noted that Mayor Hawke wished to make a few comments.

Mayor Hawke quickly stated that the City Charter was outdated. Gardner elects a mayor every two years, as opposed to the normal 4 year term of office. He noted that too many city officials were appointed by the City Council, which interfered with the Mayor's function as executive. Again, it was noted that many provisions of the City Charter were in open conflict with state law, especially in the area of purchasing.

The committee heard the Mayor's views on the number of signatures needed to access city ballots. Also, questions were raised about the City Charter process for selecting a school superintendent in light of the actual process used. Mayor Hawke thought the City Charter should be more specific on the duties of the Mayor. That comment resulted in a discussion of the need for a professional review of the City Charter. After the Mayor answered a few questions to clarify certain points raised, Committee Chair Sue Goldstein thanked Mr. Hawke for his time and effort.

Committee Chair Goldstein reminded the group of the e-mail comments from Mary Delaney and Kim Dombrowski received before this meeting. Sue then noted that since no one else from the community appeared to speak she would entertain a motion for new business.

A motion passed to move directly to a discussion of whether or not the Gardner's Charter Study Committee should recommend a formal review of the City Charter. A new motion was made and seconded that the committee recommend to the City Council President that the current City Charter was in need of a full and comprehensive professional review because (1) there are many conflicts with state law, (2) there are sections that no longer have any function, and (3) that this Charter has not been fully reviewed since 1921, excepting various amendments of November 8, 1989.

Charter Committee Chair Goldstein polled each member as to the motion. The vote was unanimous in favor of recommending the full and comprehensive professional review. The group then instructed Sue to write a letter to City Council President Anderson to announce and explain our vote. Also, the Chair was asked to attach copies of the committee's minutes and all correspondence received to prove a record of the committee's work.

Charter Committee Chair Sue Goldstein cancelled the follow up meeting scheduled for Wednesday, June 13, 2012 at 7 PM in City Hall.

The meeting was adjourned at 7:38 PM. Reported by Bill Wagner

City Charter Sections Questioned by City Officials
6/5/12 53 Sections in Charter

<u>Section</u>	<u>Alan Agnelli</u>	<u>Rob Hubbard</u>	<u>Cal Brooks</u>	<u>Mary Delaney</u>	<u>Jim Boone</u>	<u>Mayor Hawke</u>	<u>Summary</u>	<u>Comments</u>
1								
2			X				1	Refers to reorganization from town form
3			X				1	as above
4	X	X			X	X	3	Mayoral Succession Question
5					X		1	
6	X					X	1	Inconsistency re/confirmation of solicitor
7		X					1	pronoun "he"
8		X					1	Question of council affirmation of dismissal
9	X	X					2	Inconsistent w/Section 8
10								
11	X	X	X		X	X	4	Conflicts w/MGL
12	X						1	Inconsistent w/state primary voting date
13								
14								
15								
16								
17								
18	X						1	Duplicate publication of election results
19								
20								
21								
22								
23	X	X				X	2	Inauguration
24	X						1	Conflicts w/State Public Records Law
25								
26								
27								
28	X						1	Conflicts with Council & Robert's Rules of Order
29	X	X				X	2	Publishing ordinance scheduling problem
30	X						1	Conflicts w/ Solicitor re/issuing of licenses, etc.

8913

PRESIDENT
Alice P. Anderson

CITY OF GARDNER
MASSACHUSETTS 01440-2630

COUNCILLORS AT LARGE
Henry P. Ares
Joshua L. Cormier
Ronald F. Cormier
Kim M. Dembrosky
Patrick M. Gerry
Scott J. Graves, Esq.

OFFICE OF THE
CITY COUNCIL



WARD 1 COUNCILLOR
Alice P. Anderson

WARD 2 COUNCILLOR
Christine A. Wilson

WARD 3 COUNCILLOR
Edward A. Gravel

WARD 4 COUNCILLOR
Karen G. Hardern

WARD 5 COUNCILLOR
James D. Johnson

August 17, 2012

To: All City Councilors
From: Alice Anderson, Council President
Re: Charter Study Review Committee

Attached is a copy of the final letter from the Charter Study Review Committee citing their opinion as to the need for a formal charter review. I am also sending along at this time the minutes from their meetings and a chart created by one of the committee members. Should any of you want further detail, I have copies of the input they received from various sources. The quantity of material is fairly lengthy, and I thought that to reproduce and send it all would be cumbersome. Contact me directly by phone or email, and I will see to it that you have copies of this information as well if that is your wish.

I will schedule a special meeting of the Council as a Committee of the Whole to discuss this matter as soon as is feasible. So, please resurrect your prior notes, add this material to it, and arrive prepared for spirited debate.

Thank you for the work that you do and the time you put into your Council duties. It is very important and of great value to all!

Alice

**CITY OF GARDNER
MINUTES OF OCTOBER 10, 2012 SPECIAL MEETING
COMMITTEE OF THE WHOLE
IN CITY COUNCIL**

Wednesday evening, October 10, 2012. Special Meeting of the City Council acting in Committee of the Whole, City Council Chambers, 2nd Floor, City Hall.

Ten (10) members were present, including President Alice Anderson and Councillors Joshua Cormier, Ronald Cormier, Kim Dembrosky, Patrick Gerry, Edward Gravel, Scott Graves, Karen Hardern, James Johnson and Christine Wilson; one (1) absent, Councillor Henry Ares.

President Anderson called the meeting to order at 6:15 o'clock p.m. and read aloud the following:

Any person may make a video or audio recording of the open session of this meeting so long as it does not interfere with the conduct of the meeting. All documents and exhibits used or referenced at this meeting shall be submitted in duplicate to the City Clerk, as they become part of the minutes of the meeting. Is there anyone present who will be recording this meeting?

Melissa Sandford, Staff Reporter for *The Gardner News*, announced plans to audio record the meeting. President Anderson informed the Council, where no objections were raised as to the manner and/or location of recording.

President Anderson announced the City Council was meeting as a Committee of the Whole to review and discuss the Charter Study Committee's Report and would conduct a "straw poll" following discussion.

Councillors generally endorsed pursuing a Charter review process with the assistance of an outside consulting firm experienced in municipal Charters. A recommendation was made to "keep an eye on the process" as it moves forward and a comment was made that the Consultant's proposed Scope of Services keeps the Council "in the loop".

Many cited previously cited conflicts with various provisions of state law, as well as outdated provisions.

Concerns were raised that if the full review process was implemented, less desirable proposals to drastically alter the makeup of city government could be presented for final consideration.

Several Councillors noted that any proposed changes would have to be presented to the City Council for its approval or rejection, as the measure would require home rule legislation. The voters would then have to approve the special act at a municipal election.

President Anderson informally polled the Councillors to determine their support for moving ahead with the Charter drafting process. Councillors expressed support, with Councillor Gerry citing reservations.

Polled by the President, Councillors unanimously endorsed contracting with the UMASS Collins Center (for \$20,000.00) to assist with the process.

Charter Drafting Committee Selection Process

Councillors considered several options in the makeup of the Drafting Committee.

**CITY OF GARDNER
MINUTES OF OCTOBER 10, 2012 SPECIAL MEETING
COMMITTEE OF THE WHOLE
IN CITY COUNCIL**

Discussed were the following scenarios:

- A nine member committee comprised of three persons appointed by the Mayor, three by the Council President, and three by the City Council.
- A nine member committee comprised of three persons appointed by the Mayor, three by the City Council and three named by the Committee.
- A nine member committee comprised of persons appointed by the Council President, as was the method utilized with the Charter Study Committee.
- A nine member committee comprised of persons jointly chosen by the Council President and Mayor.
- A nine member committee comprised of two persons appointed by the Mayor, two by the Council President, and five chosen by the Ward Councillors, representing each ward of the city.

On straw poll, the Council rejected a Committee named solely by the Council President.

On straw poll, the Council agreed to a nine person Committee comprised of two persons appointed by the Mayor, two by the Council President, and five chosen by the Ward Councillors, representing each ward of the city. A Councillor at Large would be paired with each Ward Councillor to determine who would be selected to represent the ward. The President would choose the pairings by lot. Councillor Joshua Cormier was designated to serve in place of President Anderson for Ward 1, thereby balancing the Ward and At-Large pairings.

On a motion by Councillor Ronald Cormier, seconded by Councillor Christine Wilson, it was voted to adjourn the meeting at 7:22 p.m.

Accepted by the City Council:

**CITY OF GARDNER
REGULAR MEETING OF DECEMBER 3, 2012
IN CITY COUNCIL**

PETITIONS, APPLICATIONS, REMONSTRANCES, ETC.

#8957

President Anderson entertained a motion to establish a *Special Act Charter Drafting Committee*.

Councillor Christine Wilson moved to establish a *Special Act Charter Drafting Committee*, as follows:

That there is established a Special Act Charter Drafting Committee consisting of nine members. Five members, one from each ward in the City, shall be appointed by the respective Ward Councillor, in consultation and with the consent of a Councillor at Large, as assigned by the President of the City Council; two members shall be residents of the City appointed by the President of the City Council; and two members shall be residents of the City appointed by the Mayor. Said Committee shall draft a Special Act Charter for the City for submission to the General Court and placement on the municipal general election ballot.

The Committee shall meet in open session, hold public hearings, and shall submit its draft Special Act to the City Council for its consideration. Upon the submission of the draft Special Act Charter to the City Council, the Special Act Charter Drafting Committee shall be dissolved.

Councillor Joshua Cormier seconded the motion.

On debate, Councillor Gerry questioned the legality of establishing a Charter Committee, remarking that he is unaware of the number of votes required for the City Council to approve recommendations of such a Charter Committee. He suggested a two-thirds vote should be the threshold for passage [of home rule legislation].

Councillor Joshua Cormier stated that since the Mayor has informed the Council that he does not want to appoint any Committee members, the two Mayoral appointees should be stricken from the Committee. He then moved to amend the main motion by striking reference to the two Mayoral appointees, thus resulting in a Committee of seven members. Councillor Ronald Cormier seconded the motion.

Councillor Scott Graves stated that the Mayor should be part of the Committee selection process.

Councillor Kim Dembrosky expressed opposition to the amendment, since the Council, after much deliberation, arrived at a fair and unanimous conclusion as to the Committee structure.

Mayor Hawke addressed the Council stating that he would have a role in the [Charter] decision-making process, notwithstanding whether he has a choice in the Committee's selection. He encouraged the Council to move ahead and get the process going.

Councillor Joshua Cormier then withdrew his motion to amend the main motion.

Councillor Dembrosky suggested that action on the measure be postponed until an answer is received on Councillor Gerry's question concerning the Council's authority to establish such a committee.

President Anderson declared a brief recess in order to prepare a response to Councillor Gerry's inquiry.

President Anderson reconvened the meeting, addressing Section 10 of the City Charter, reading aloud as follows:

"Until superseded under the provisions of this act or by action of the city council, the organization of the executive and administrative departments, and the powers and duties of the officers and employees of said town, shall remain as constituted at the time when this act takes full effect as provided in section three, but the city council may from time to time by ordinance, subject to the provisions of this act and in accordance with general laws, reorganize, consolidate or abolish departments, in whole or in part; may transfer the duties, powers and appropriations of one department to another, in whole or in part; may establish new departments; and may increase, reduce, establish or abolish salaries of heads of departments or members of boards.

**CITY OF GARDNER
REGULAR MEETING OF DECEMBER 3, 2012
IN CITY COUNCIL**

President Anderson added that the process [to establish the proposed Special Act Charter Drafting Committee] operates under the same method [authority] that the Council employs for [establishing] every board and commission since the [City] Charter was established.

Councillor Edward Gravel beseeched the Council to consider the importance of the Mayor's participation in selecting the Committee's appointees. "It is not a team effort without the Mayor's participation", he stated.

On the motion to establish the Special Act Charter Drafting Committee, it was passed on voice vote, nine (9) yeas, President Alice Anderson and Councillors Joshua Cormier, Ronald Cormier, Kim Dembrosky, Edward Gravel, Scott Graves, Karen Hardern, James Johnson and Christine Wilson; one (1) nay, Councillor Patrick Gerry; one (1) absent, Councillor Henry Ares.

The foregoing was laid before the Mayor on the 4th day of December, 2012, and after ten days it had the "force of the law" as prescribed under Section 30 of the Charter of the City of Gardner, as it was not returned with objections within that time.

#8958

On a motion by Councillor Joshua Cormier, seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted on voice vote, ten (10) yeas, President Alice Anderson and Councillors Joshua Cormier, Ronald Cormier, Kim Dembrosky, Patrick Gerry, Edward Gravel, Scott Graves, Karen Hardern, James Johnson and Christine Wilson; one (1) absent, Councillor Henry Ares, to pass the following Resolution:

WHEREAS, in the opinion of the City Council of the City of Gardner that the intent and purpose of the Community Development Housing Rehabilitation Program is to maintain safe, affordable housing units for low to moderate income families by financially assisting owners of such properties, it is therefore resolved that:

The Mayor is duly authorized to execute the Subordination for case #01-134 in amount of \$23,242.00 subject to review and approval as to form by the City Solicitor. The term of the loan is 15 years expiring on February 20, 2018.

Presented to the Mayor for Approval – December 4, 2012
Approved December 6, 2012
MARK P. HAWKE, Mayor

#8959

On a motion by Councillor Ronald Cormier, seconded by Councillor Joshua Cormier, on recommendation of the Finance Committee, it was voted on voice vote, ten (10) yeas, President Alice Anderson and Councillors Joshua Cormier, Ronald Cormier, Kim Dembrosky, Patrick Gerry, Edward Gravel, Scott Graves, Karen Hardern, James Johnson and Christine Wilson; one (1) absent, Councillor Henry Ares, to pass the following Resolution:

WHEREAS, in the opinion of the City Council of the City of Gardner that the intent and purpose of the Community Development Housing Rehabilitation Program is to maintain safe, affordable housing units for low to moderate income families by financially assisting owners of such properties, it is therefore resolved that:

The Mayor is duly authorized to execute the Subordination for case #11-286 in amount of \$15,300.00 subject to review and approval as to form by the City Solicitor. The term of the loan is 15 years expiring on June 4, 2027.

Presented to the Mayor for Approval – December 4, 2012
Approved December 6, 2012
MARK P. HAWKE, Mayor

#8960

On a motion by Councillor Joshua Cormier, seconded by Councillor Edward Gravel, it was voted on voice vote, ten (10) yeas, President Alice Anderson and Councillors Joshua Cormier, Ronald Cormier, Kim Dembrosky, Patrick Gerry, Edward Gravel, Scott Graves, Karen Hardern, James Johnson and Christine Wilson; one (1) absent,