

1. CALL TO ORDER

Mayor Rines called the meeting to order at 7:05 PM

2. ROLL CALL

Jean Dellert, District 3

Dennis Doiron, At-Large

Lewis Benner, At-Large

Phil Hart, District 4

Richard Rambo, District 2

Mayor Brian Rines

Jeffrey Kobrock, City Manager

Molly Gallant, Council Clerk

Councilors Colwell & Webster absent.

3. PETITIONS, COMMUNICATIONS, RESOLUTIONS, & PUBLIC HEARINGS

3.1 Public Hearing for Liquor License Renewal for the A1 Diner.

Public Hearing opened at 7:08 pm and closed with no public comment.

3.2 Consideration of Comments from the Public on Issues that Do Not Appear Elsewhere on the Agenda (Please limit comments to five minutes.)

Cindy Sirois asked the Council if the City Manager could give an update on the Gardiner vs. MacMaster case. Manager Kobrock stated that the discovery phase has just ended and the court date is yet to be set.

George Trask asked if the purchase of a new truck at Public Works went out to bid. Pat Gilbert stated that it went out to bid, Mr. Trask asked if he could have a copy of the bid, Mr. Gilbert state that he would make it available.

George Trask also stated that he received a letter from the City Attorney stating that the City of Gardiner has become an intervener with Public Utilities Case. Manager Kobrock stated the City decided to become an intervener in July. Mayor Rines asked Mr. Trask to speak to the City Manager about it.

Mayor Rines asked if there were any objections to taking items out of order, there were no objections.

5. CONSENT AGENDA

5.1 Consideration of Liquor License Renewal for the A1 Diner.

Motion by Councilor Benner and seconded by Councilor Dellert to Accept Consent Agenda 5.1.

Vote: 6 in favor 0 – opposed Motion: passes

6.1 Consideration of Fund for Efficient Delivery of Services Grant.

Wright-Pierce was retained by the City of Gardiner and the Gardiner Water District to provide an independent analysis of the estimated capital costs and annual cost savings associated with the development of a combined service center housing the Water District and the City's Public Works and Wastewater Departments. The evaluation consisted of reviewing the previously established capital expenditures and annual cost savings that would be achieved by combining the respective administrative tasks and functions, and working with the Joint Management Team to re-assess and supplement these estimates as needed in order to complete the financial evaluation of the combined service center concept.

Motion: by Councilor Doiron and seconded by Councilor Rambo to Accept Fund for Efficient Delivery of Service Grant.

Vote: 2 in favor 4 –opposed (Hart, Dellert, Rambo, Benner) Motion: fails

6.2 Consideration of First Reading of Ordinance 05-30, Correction of Clerical Errors to the Land Use Ordinance.

Manager Kobrock stated that this is to correct clerical errors in the Land Use Ordinance.

Motion by Councilor Rambo and seconded by Councilor Dellert to Accept First Reading of Ordinance 05-30, Correction of Clerical Errors to the Land Use Ordinance.

Vote: 6 in favor 0 – opposed Motion: passes

6.3 Consideration of Order 05-31, Amending FY 06 Budget.

This item was discussed two weeks ago on the suggestion of Councilor Benner.

Councilor Benner stated with the absence of two Councilors he was thinking of Tabling the matter until another meeting. Mayor Rines stated that Councilor Benner could table until another meeting, table until another chosen date in the future or table indefinitely.

Manager Kobrock voiced concern about not making a decision on the Public Works Supervisor position with snow coming soon, seeing the two positions are tied together. The Council stated that Manager Kobrock has the executive authority to make the decision to go forth on the position.

Motion by Councilor Rambo and seconded by Councilor Hart to Table Order 05-31, Amending FY 06 Budget until November 3, 2005.

Vote: 4 in favor 2 opposed (Rines, Doiron) Motion: passes

Motion by Councilor Rambo and seconded by Councilor Dellert to go into Executive Session at 8:00 pm.

Vote: 6 in favor 0 – opposed Motion: passes

Out of Executive Session at 8:50 pm

**4. EXECUTIVE SESSION per MRSA, Title 1, Chapter 13, Section 405 (6) (D)
Union Negotiations**

City Council asked the City Manager to proceed with union negotiations as described by David Barrett.

Councilor Colwell present

6. NEW BUSINESS

6.4 Discussion of Adelpia/Time Warner Transfer.

Manager Kobrock stated that several months ago the City of Gardiner joined a coalition of communities who were part of the Adelpia/ Time Warner transfer which was a coalition very similar used to negotiation the transfer of Frontier to Adelpia. A resolution has been drafted by the coalition that is similar to the conditions that were adopted with the last transfer. The coalition feels that they are fair conditions, and disappointed that Time Warner won't discuss the issues. The contentious parts of the conditions are to guarantee that Time Warner services become available upon old Adelpia systems and any new upgrades that need to be done are done within a three year period and some minimum density service requirements are met. For the City of Gardiner they are low level importance, the system is already built to a capacity that Time Warner would be able to meet the existing services, although Time Warner has confirmed this. Also, the City of Gardiner is coming up for franchise renewal. Action is needed next meeting or the transfer will be ratified without any conditions. Manager Kobrock advised to approve the Resolution at the next meeting, the risk is very low, and puts the city into position for negotiations during renewal.

6.5 Consideration of Sewer User Rates.

Motion by Councilor Doiron and seconded by Councilor Dellert to Accept Sewer User Rates.

Vote: 7 in favor 0- opposed Motion: passes

6.6 Consideration of Sewer Abatements.

Motion by Councilor Dellert and seconded by Councilor Doiron to Accept Sewer Abatements

Vote: 7 in favor 0- opposed Motion: passes

6.7 Consideration of First Reading of 05-32, General Assistance Ordinance.

This Ordinance is done yearly with new State of Maine guidelines.

Motion by Councilor Doiron and seconded by Councilor Colwell to Accept First Reading of 05-32, General Assistance Ordinance.

Vote: 7 in favor 0- opposed Motion: passes

7. CITY MANAGER REPORT

Eaton and Peabody filed intervener status this week for the City of Gardiner in respects with the case with the Water District.

Next week in the Executive Session an insurance lawyer will come to talk to the Council

Recently the Boys and Girls Club did not get a significant grant renewed, there will be changes in the budget. Some of the grant money was also used by the library and paying the resource officer at the school.

8. COUNCIL DISCUSSION

Councilor Rambo stated that he would not be present at next week's meeting.

Councilor Dellert stated that the Appeals Board needs some replacements.

Councilor Doiron asked if there is an Ordinance about fencing, there is a fence that is put on backwards on Maine Ave., and the corner of Northern Ave, and he is wondering if something could be done. Manager Kobrock stated that he would look into it.

Councilor Colwell apologized that she did not attend the meeting, stating that she didn't receive a packet. Secondly for the record Councilor Colwell wanted to thank Deirdre Berglund for the help in teaching residents of group homes how to vote. Deirdre went over and above in her help, along with everyone else in the front office. Councilor Colwell asked about the questionnaire concerning the playground at the Common, was it being distributed to local residents and posted on the website? Manager Kobrock stated that the committee copied questionnaires at City Hall, and believes it is all being taken care of.

Councilor Hart stated that the first meeting of Kennebec County Budget Committee was held recently, with a tour of recent improvements. A mobile unit on site for disasters is well worth a tour.

Mayor Rines asked if there were any objections to adding Addendum Items, there were none.

1. Consideration of Order 05-34, Amending Order 95-9.

Changes the mileage reimbursement, it is currently .25, it will go to the state rate.

Motion by Councilor Doiron and seconded by Councilor Rambo to Accept Order 05-34, Amending Order 95-9.

Vote: 7 in favor 0 – opposed Motion: passes

9. ADJOURNMENT

Mayor Rines adjourned the meeting at 9:45 pm.

Respectfully submitted,

Molly Gallant
Council Clerk