

**SPECIAL COUNCIL MEETING**

**GARDINER CITY COUNCIL**

Wednesday, April 29, 2009

City Council Chambers

7 p.m. Business Meeting

**1. CALL TO ORDER**

Meeting was called to order @ 7:05 pm.

**2. ROLL CALL**

In attendance: Mayor Andrew MacLean, Richard Rambo, Richard Nickless, Kendall Holmes, Philip Hart, Michael Giberson, George Trask and Robert Johnston.

**3. PETITIONS, COMMUNICATIONS, RESOLUTIONS, & PUBLIC HEARINGS**

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

Mayor MacLean opened the floor up to members of the public.

Amy Reese and her husband Robert Lash of 7 High Holborn spoke and said they came to the meeting to show support for Jeff Kobrock as the City Manager. She said that Jeff was very instrumental in their purchase of the old Central St. school. He was available and friendly.

Jack Fles of 15 Pleasant St. spoke and said he first wanted to clear the air on some comments he had heard on the street. Someone asked about him putting his name on the bottom of a petition and if that was a conflict of interest. He said he had reviewed the Constitution and he is not violating any law or church bi-law. He is not here representing Christ Church, he is representing himself. He is opposed to petitions but became aware a few weeks back of a petition that had been generated to get rid of Jeff as the City Manager. He found that very disturbing and felt even worse when he began to hear details of what was discussed at an Executive Session regarding dismissal of the City Manager. He said he had read the comments in the Kennebec Journal and felt they were slanderous and fraudulent. He understands that there have been some issues in the City but feels we have to address them as a team and not lay them at the feet of one person. He recommends offering Jeff at least a one year contract and working with him on any issues they have. He said in his opinion Jeff has done a good job and is good for Gardiner.

Councilor Hart asked what would give anybody the idea that they were not going to offer Jeff another contract. He said he would have a problem if he felt someone was speaking outside of an Executive Session. No one should be talking about this. Whether they have a problem with Jeff or not is not the issue. His said his understanding in his time on the Council was that it is wrong to

talk outside of an Executive Session.

Dorothy Washburne of 56 Water St. said she was here to support Jeff. She said she has a serious issue with Executive Session. She said she was appalled to find out what was discussed after the first session three weeks ago. She said within 24-48 hours half of Gardiner knew what they had talked about. Her understanding of Executive Session is that it is an opportunity for the Council to talk about subject matter which is highly confidential. She feels that there has been a breach of the public's trust and questioned what could be done to punish the person responsible. Mayor MacLean said he didn't want to digress but his understanding is that a legislative body has wide discretion as far as what they can do to their members. Erik Stumpf, the City's solicitor, spoke and said this issue falls under M.R.S.A. Title 1 (405) Title 30-A. If there is a violation then that would be subject to censure. He doesn't know what was said out on the street nor the source so he can't comment on that. Dorothy said she feels like they need to follow up on it.

John Shaw of 3 Dennis St. said he was presented a petition to sign to support Jeff. He wanted to say that Gardiner has prospered having Jeff as its manager and he feels Gardiner is headed in the right direction.

Councilor Rambo had a copy of the City Charter and under Article 2 Section 7 it says Council may determine its own rules for procedure and punish members for misconduct.

Jerry Maschino of 62 Water St. feels if the Council had cause to get rid of Jeff they had three hours in that first Executive Session to deal with it. This all smells bad to him.

Tom Reeves spoke in support of Jeff and said he feels Jeff should be offered a multi year contract. He has lived in the area since the early 70's and thinks Jeff is good for the City.

Beverly Robbins said she has lived in Gardiner since 1966. When she heard about tonight's meeting she came to City Hall to ask for a copy of the job description for the City Manager. She could not believe the responsibilities that Jeff has. She feels Jeff has done a good job. She said she understands that these are tough economic times for everyone and that there are budget issues. She said we are all suffering but that Jeff has done a tremendous job and there should be two of him.

Geri Doyle of 18 Vine St said she also came to show support for Jeff. She said one of the things she admired most about Jeff was back when he first took over as City Manager there had always been a sign out front for a parking space for the manager which he took down., She feels he understood from the beginning that he worked for the people.

Mayor MacLean thanked everyone for their comments.

#### 4. NEW BUSINESS

##### 4.1. First Reading of Revised Solid Waste Ordinance

Judy Dorsey was present representing the Recycling Advisory Committee. She gave some background on the committee and said the committee was appointed last October in response to a regional study to try to increase recycling. They have been meeting since then to try to make an improvement. They know there is no money in the current budget or for the foreseeable future to try to overhaul the system we use to haul our waste and our recyclable material. They had to come up with strategies in the shorter term to improve the situation in ways that won't interfere with whatever they decide to do down the road. The major thing they realized was that the current ordinance is vague and has no enforcement provisions. It dates back to 1992 and is ineffective. They have revised it and offer the revision tonight for a first reading. The committee came up with a rough draft that they gave to Jeff and the Mayor for review. They had a meeting and invited the haulers. All who came to the meeting were supportive of the changes. There will be a clearer

statement of who needs to be licensed and who doesn't. At this point they are only interested in licensing those who offer regularly scheduled service to the city, whether it is to residents, the city, whoever it is to. They in turn will have to offer recycling services to their customers. The ordinance will be clear about who has to offer services and what they have to offer. The application process will be streamlined as well. The haulers will have to educate their customers about what recyclables they accept and how they need to be packaged. One of the problems in the past is that residents have asked why they should separate out the recyclables if the hauler just throws it in with the rest of the garbage. The new ordinance will require quarterly reports from the haulers. They included enforcement in the new ordinance.

Councilor Johnston asked about the enforcement provision that they might lose their license to haul? She said yes. They start out with a list of penalties but ultimately can lose their license to haul in Gardiner. She said it is a lucrative business and there are plenty of haulers who would be willing to take over the customers.

Councilor Hart asked what Judy's vision is in how we will enforce the ordinance. She said there are provisions in there regarding what you have to do. Ultimately if you enforce a penalty against someone who has not renewed their license and that person refuses to pay and continues to haul, we will have to take them to court. Councilor Hart asked who will be following up with the haulers to see that they are doing what they are supposed to. Judy said that is one of the purposes of the quarterly report. They have to report the total tonnage of waste and where they took the recyclables, so we will be able to find out if that is actually where it went.

Councilor Johnston said he thinks what Councilor Hart is actually asking is who going to be watching. Is it the Police Department, is it Public Works, is it going to be citizens who call up and complain that they put out cardboard and the hauler put it in with the general rubbish? Who investigates? Judy responded that it is up to the City. The committee has already had a lot of feedback. She thinks the committee has an ongoing responsibility to help the City do whatever needs to be done. She said the committee obviously can't enforce but they can pass along complaints and talk to haulers to find out what is going on and why.

Councilor Holmes thanked Judy and asked her how in the absence of a licensing process she knows there are six haulers. She said the City sent letters to all the haulers we knew were operating as well as any listed in the phone book saying if you aren't licensed you are supposed to be. Holmes also asked about penalties. We have \$200/day for haulers who operate without a license but a different penalty for a hauler who lets his license expire. Why wouldn't you lump them together under the same penalty? She said we started out with much less in penalties in the draft and Erik thought it was way too low. These penalties are structured at his suggestion. Erik spoke and said in his opinion if you set the fine too low haulers will consider them a cost of doing business and never bother to license. Judy closed by saying the committee applied for a small state grant for education which they won. They will use it for flyers and also will have a booth at this year's Celebrate Gardiner day.

A motion was made to approve the first reading by Councilor Nickless, Second by Councilor Rambo, Vote: Unanimous.

At 8:00pm Councilor Holmes made a motion to go into Executive Session under 1 M.R.S.A. (6) (A) for the purpose of discussing a personnel matter relating to the City Manager. Second by Councilor Nickless, Vote: Unanimous

##### **5. EXECUTIVE SESSION - Personnel 1 M.R.S.A. § 405(6)(A)**

Back on the record at 11:14pm having concluded Executive Session regarding a personnel matter. Councilor Rambo moved to approve a separation agreement with Jeff Kobrock as circulated to the City Council and to authorize The Mayor to sign the agreement on behalf of the City of Gardiner. Second by Councilor Johnston. Vote: Unanimous

Councilor Hart said he wanted to wish Jeff well in his new endeavors and to thank him for his service to the City.

**6. ADJOURNMENT**

Meeting adjourned @ 11:15pm

Respectfully submitted,

Kathy Cutler

Council Clerk