

**SPECIAL COUNCIL MEETING
GARDINER CITY COUNCIL
Wednesday, May 6, 2009
City Council Chambers
7 p.m. Business Meeting**

1. CALL TO ORDER

Meeting called to order @ 7:02pm

2. ROLL CALL

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

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.)

Alan Aronson, owner of Loads of Fun Laundromat was present. He has done some research about using a different EUR rate. The current method of calculation is confusing and he is unclear on how they came up with it. Mayor MacLean assured Mr. Aronson that Chuck would look into the matter and give him a response.

Dorothy Washburne came and said she wanted to again mention that at previous Executive Sessions the subject matter was discussed outside of the meeting. She still wants to know if this has been discussed and are they going to take it seriously. Will there be sanctions against the member who broke the public's trust. Councilor Holmes asked Dorothy how she knew what was discussed at those meetings. Councilor Hart said the problem is there were more than just Councilmen at those Executive Sessions and you can't just point the finger at the Council. It could have been someone else that was at the meeting. Councilor Holmes said they are bound by law and good manners not to talk about what was discussed. He further said that if there was a breach by someone else it really is of no concern to them. Dorothy thinks it is inappropriate for anything that was discussed to be repeated. Councilor Trask said he was previously on the Council and he was accused of speaking outside of an Executive Session when in fact it was material that was left written on a blackboard that was the issue. Mayor MacLean said he has no doubt that when the group spends more than three hours at an executive session on a personnel matter people will come to their own conclusions about the subject matter. He said he has learned a very valuable lesson both from the editorial in the KJ as well as comments from members of the public about the need for clarity. Dorothy asked for a yes or no answer about if what is discussed is supposed to remain confidential or not. She said she is going to go back to her first question about if what is said in Executive Session is private. Councilor Holmes said the point he was trying to make was if she was here to apply for a tax abatement and they met in an Executive Session to discuss it they are bound not to discuss it but she isn't. That is what he was trying to say with reference to any others present at an Executive Session. Councilor Rambo said if someone has strong evidence that a council member has spoken out of turn it has not been presented to them. She said what happened upset her greatly and she considers it a breach of public trust. Mayor MacLean said they will ask the City solicitor to come in the future and speak about the FOIA adjacent to the public comment section.

3.1. Public Hearing for Various Licenses for Mike's Sidetrack Grill

Councilor Rambo asked for better information on the various permits they are seeking. Mayor MacLean explained that they were an outside consumption license, electronic game machines, jukebox, billiard room, victualers license, liquor license.

3.2. Public Hearing for Liquor License Renewal for Mad Dog Fine Wine and Ale House

3.4. Public Hearing for Liquor License Renewal for Smith Wiley Post 4 American

Legion

4. CONSENT AGENDA

Motion to accept the consent agenda made by Councilor Hart, Second by Councilor Trask. Trask asked what the outdoor consumption permit pertains to. Councilor Rambo asked Chief Toman if there had been any issues with any of those seeking licenses. Chief Toman said no.

4.1 Consideration of Accepting March 2009 [Warrants](#)

4.2 Consideration of Councilor Holmes signing March Warrants

4.3 Consideration of Various Licenses for Mike's Sidetrack Grill

4.4 Consideration of Liquor License Renewal for Mad Dog Fine Wine and Ale House

4.5 Consideration of Liquor License Renewal for Smith Wiley Post 4 American Legion

4.6 Consideration of Outdoor Consumption Permit for Smith Wiley Post 4

Motion to accept consent agenda made by Councilor Hart, Second by Councilor Trask, Vote: Unanimous

5. OLD BUSINESS

5.1 Second Reading of [Revised Solid Waste Ordinance](#)

Judy Dorsey said she had a couple of requests. She said she noticed that there were a couple of places in the ordinance that might be an issue when they become a final revision. She said they might want to take a second look at it. Jeff assured her they would look at it very closely and that any fixes would be easy. Judy said she would like to change the date that the City will mail reminder letters from May 15 to June 1.

Motion to accept with the date corrections suggested by Judy made by: Councilor Johnston, Second by: Councilor Holmes, Vote: Unanimous

6. NEW BUSINESS

6.1 Presentation of March [Finance Report](#)

Sandy said he will not be here for the next two weeks and he would like to talk about April's finance reports. He said he changed the March reports a bit and tried to do some projecting about where we will be at the end of this year. If you look at the cover letter it is self explanatory. He hasn't changed his projections from the prior report. He said they thought that excise collections would be better than they are. The Governor is playing around with a new budget which might make excise even worse. He doesn't feel it will impact this year. He did factor in the City Managers severance package. Health insurance is another factor. Nothing new. He said in prior reports he had said nothing changed in the overlay but that is not so now. Due to abatements that number is slightly less. Councilor Hart asked why on property tax revenues he didn't list what taxes are outstanding. Sandy said he could certainly provide that information.

6.2 Ratification of Fire Chief Nomination

Jeff said the Charter gives the City Manager permission to nominate a person. He said Rickey Cody has been acting Chief for a few months and has done an exceptional job and he would like to formally nominate him. Jeff said Rickey is considering retirement in a year so he is seeking a one year contract. Councilor Trask asked if he could extend his contract if he chooses and Jeff said no.

Motion to accept the nomination made by: Councilor Hart, Second By: Councilor Trask, Vote: Unanimous

6.3 Consideration of Accepting the Byrne Jag Police [Grant](#)

Chief Toman spoke and said that late this winter the federal government decided that they would like to give the City \$17,951.00 to be used above and beyond what they have budgeted for. Once they receive this award they would like to use it for the replacement of portable radios and car radios. The radios are digital and APCO/P25 compliant. There is better external communications and clearer reception. The remaining funds will be used for an upgrade to the records management system. This software will allow them to know more about people they are dealing with in traffic stops etc. If they have been stopped anywhere else in Maine that information will be available to the officer. Chief Toman said he is asking the Council to approve execution of a Memorandum of Understanding with Augusta, Kennebec County, etc. in a form approved by the City Solicitor.

Motion to approve by: Councilor Hart, Second by: Councilor Rambo
Vote: Unanimous

6.4 Discussion of Waterfront Project Preliminary Designs

Jason presented slides which showed the status of where they are at with the Waterfront project. Jack Fles spoke and said they are joining forces with Sebago Technics and Gates Leighton and Associates. They have been meeting every three weeks for a while now. They would like to represent the two different designs they have come up with. They would like the council to vote so that they can move forward with the project. They have spent a lot of time on what materials to use. The grass space will be doubled and will need to be maintained. Brian Kent spoke and said they have an approved plan for downtown and the waterfront. They have had 26 meetings. If anyone is interested he will share the minutes. Kiley Mason of Sebago Technics took us through the conceptual plans. She gave some dates that they have targeted. They go to bid in July, with construction after and plan to be done by fall. She spoke about various ways to use the space to get the community down there. They will create more green space. Jason said this is Phase 2. They are keeping an open mind about what they can do to raise funds for this project. They are looking at this as beyond the footprint of what is being presented tonight. There are opportunities to tie this in with other projects such as the Rail Trail and the Common. Jason said they will be coming back to the council with a more formalized document soon. Don and Eric of Gates Leighton Associates spoke about some of these projects that the bank wants to fund that will move forward. Some of this will have to be coordinated with DOT. The history of Gardiner is how they came up with some of these themes. He said the library and Dorothy Washburne were extremely helpful in providing them with historical data.

Library is very important to this project as the history is so thick that there is no way that it can all be fit into a kiosk. They will need to direct people to the library for further information. He said they have focused on one small section but he is aware that the waterfront park is much larger and extends down for a distance. Eric Galley spoke about the visitor center and the fact that they have been on a fast track to fashion it after an ice house which keeps in theme with the river. This would be fashioned over the pump station. They would like to incorporate an overlook deck at the visitor center. They would add to the building and create restrooms. He talked about how narrow the right of way is. In order to pave sidewalks they would need to procure an easement. That might take a while. In the meantime people would have to come down and cross the tracks to access the park. Jeff Preble spoke and said one of the big things they need to keep in mind is that as they build out the new building it increases the space and the elevation of the building. Rick explained why they chose the materials they did. He explained why the colors would draw people's attention. They tried to keep it in the tradition of the old ice houses. Eric said the windows are opaque so there would be a glow. The materials for the restrooms are low maintenance. Stained concrete floors. Easy to maintain toilets and sinks. They are still researching materials to use for the walls, something that will stand up to abuse and easily be cleaned. They are looking at bolted down picnic tables for the area. They are aware it is in a flood plane and would build a retaining wall. They would put in granite benches. They offered up a couple suggestions for sculptural themes that could be used. One was a playful image of a sea creature or river creature. The other was more tied into the heritage of Gardiner being a mill town and its history on the river. Councilor Johnston said he feels this is an incredible piece of work and he has two questions. One is about shoreline zoning and the second is a right of way issue. Jason said he would defer to Kiley on permitting issues. Shoreline Zoning should not be an issue. Right of way issue, Brian Kent has been working on it and he wants to see something in writing. Gosline Murchie is fine with it in regards to their parking. They will work with the program. Councilor Hart said he has concerns about parking. Will it be easy to plow around it? He wonders about doing the bid in the middle of the summer. He thinks we won't get any bids from contractors because they have already lined up their work for the summer. Jason said he thinks it is still a competitive market and he doesn't think it will be a problem. Hart said time will tell. Councilor Hart asked about the slopes on the grassy parts. Will they be able to mow them? Kent said it will be vegetation, nothing to be mowed. They have to coordinate with DOT. Councilor Hart asked about the sidewalk and if it will interfere with the roads. Chuck said they should not interfere with anything. Hart asked if the plaque will still be a part of the project and Jeff assured him it will. Councilor Holmes said this is all very exciting. He asked Jack about his boats and if the flow of traffic will affect the size of boats one could bring in there. Jack said no it will not be a problem. Councilor Holmes asked about the materials used in it. They are trying to use materials that will stand up to the weather over time. He also wanted to know if there was any chance for an actual room in a visitor's center. Eric said the challenge is the 100 year flood line. They don't have a lot of space. They tried to create an overhang space so people can get out of the weather. Holmes clarified that it is not solely a financial issue but size of land issue as well. They are also constrained by underground utilities and sewer as well. Kent said to think about it as a regional center that anyone can visit at anytime without anyone managing it. Jason said he would encourage people who are looking for more info to go inside the library. Councilor Trask said he thinks this is nice

and he remembers when it all started back in the 90's. He just wanted to know how we will maintain this. Will we have enough staff in buildings and grounds or public works to handle this? Jason said it has been discussed in the downtown TIF to fund those kinds of impacts. Councilor Hart said Jack had probably already thought of this but once this is all put in place if it will still be possible for a trailer truck to back in there with a boat attached. Jack said yes they took all of that into consideration. Councilor Rambo said he feels that this is truly amazing. He asked if this design can accommodate two-way traffic and Jack said yes. Eric said that it is designed with two eleven foot lanes. They are looking to get an easement of an additional two feet, to accommodate turning. A straight shot would be fine.

The Council agreed to allow them to move forward with the project.

6.5 Discussion of Tax Increment Financing Program Update

Jason said he would give a little background on the downtown TIF. He gave some background about where they are at and Sandy Runyon would provide some numbers. This involved the previous Council. It is part of the area wide TIF project. They were recognized for their work and asked to speak at the area wide TIF meeting. Gardiner is recognized for having a history of a good TIF program. He showed the physical area that the downtown TIF areas consist of. It was a ten year plan. The most you can do these TIF plans for is 30 years. It includes the Cobbossee Corridor. They are looking at including the Common as a connection. Most of what is included is what is in the physical boundary. The funds received from the state due to these TIF's are around \$400,000. Those monies are taxed less and we receive more in revenue sharing because of them. Sandy said back when they were talking about the budget gap and filling it they had asked if we could use some of these TIF funds. Sandy said he gave a snapshot of how the TIF worked in 2009. He showed what funds we had because of the TIF's and what we would have had without TIF involvement. If we lose the TIF we extend our debt service. He pointed out the benefits of continuing with the TIF process versus not continuing. He said he would recommend extending the TIF. Jason spoke at length about what the funds would be used for. There are limits to what the funds can be used for. He said there is a misunderstanding regarding what these funds do for the City. The improvement plan for the downtown area is for 15 years. The current TIF is a ten year plan which would hurt at the 11 year mark. These are some of the reasons they would like to extend the TIF. He showed slides of what those funds have purchased already. Conservation Committee can now use TIF funds. Economic Development uses funds that are tied to it as well. The Police and Public Works departments also benefit from these funds. Other areas that benefit are Assessing and Finance. He spoke about Gardiner's track record of applying for grants and being successful. He feels there will be more grants in the future. He would like to include the Common so they can provide lighting etc. without taking it out of the general fund. They are paying for the design of the waterfront plan out of TIF funds. Jason said he wants to know if the council will support moving forward with this. There will be a formal hearing coming up. It will be gone over in the budget process as well. Councilor Johnston asked to go back to the slide that showed the TIF area. He wondered why they included a portion of a certain neighborhood. Jason said he presented it as an idea to have an EA Robinson walking tour to the state but they did not support it. Councilor Hart asked how much money will be taken out of the taxes on a yearly basis. Jason said it wouldn't take any money

out of taxes or general fund. Hart said maybe he asked the question wrong. He wondered if they did not have a TIF how much of taxes would go to the general fund. Sandy said \$116,000. He said if you don't have the TIF you will lose money. Councilor Trask told Jason he did an excellent job explaining it. He can't imagine why they would have done it for only ten years. He feels they should approve extending it to twenty years. He also wanted to know if Jason said they were trying to include the Common and Jason said yes they are proposing that. Councilor Johnston said he remembers in one of the lawyerly discussions he remembers something about the boundary needing to include the Boys and Girls club and Jason said that it is excluded. Councilor Nickless asked about the relationship of the debt service. Sandy said he was showing how it looks broken out by year. Councilor Rambo asked about the Economic Development budget coming out of Libby Hill and is he proposing to change that to the TIF. Jason said he is proposing a combination of both.

Mayor MacLean suggested a brief recess at 10:00pm.

Mayor MacLean called the meeting back to order at 10:11pm.

6.6 Consideration of City Manager Transition Plan

Jeff showed his plan for the transition of the City Manager position effective May 29, 2009. He ran through the timeline. He said if they appoint an interim manager tonight it would allow two weeks for that person to work with him to ensure a smooth transition. It would be his recommendation that the City engage the services of MMA and Dave Barrett in their search. He would recommend adopting a goal statement by mid June so that by the end of June they can adopt a budget. He would encourage citizen involvement in the process. He gave a timeline up through the end of the year. He finished by showing the costs related with all of this. Councilor Hart said he thinks the council should not just appoint a search committee. He thinks the council should be part of the committee. He has no problem with going out and getting help but he doesn't want to wait to get involved until the end of the process. Councilor Trask said he thinks before they get to January maybe they should look at a Charter change about November election. Councilor Hart said that it is a separate issue. Councilor Rambo said whether they do the interview or not he thinks it is important for the Council to develop the search criteria and flesh out the job description. Councilor Johnston said he has participated in a couple of citizen committees and he thinks the council can always sit in but he doesn't think the council should be sitting in on first interviews. He feels it will be too time consuming. He feels the same way about the Charter issue, again a lot of work. Councilor Trask said the thing is it could be a very different council after November and how will that affect the process. Councilor Rambo reminded him the new council would not be in effect until January.

A motion to accept the transition plan was made by: Councilor Johnston

Second by: Councilor Nickless, Vote :Unanimous

6.7 Discussion of FY10 Budget Schedule

Sandy has offered to be the budget person but has some family obligations that prevent him from being available so the proposal is to start the Tuesday after Memorial Day and meet every night until June 3 to work on the budget process. Councilor Rambo said they could always do an amended budget to work with to extend the process and Sandy said

that would not be preferable to him. Sandy said it will require an effort from all. Councilor Rambo said typically they have had a department head come in and present their individual budgets. Mayor MacLean asked for reaction from others. They agreed to meet on the 27th at 4pm. Then again on the 3rd. Then if on the 10th they come in early again it might work. They will do a first reading on the 10th.

7. EXECUTIVE SESSION – PERSONNEL M.R.S.A. § 405(6)(A)

Councilor Holmes made a motion to go into Executive Session pursuant to 1 M.R.S.A. (6) (A) section 405 for the purpose of discussing a personnel matter relating to the City Manager transition plan, Second by: Councilor Nickless, Vote: Unanimous

Council did not make a decision about the Interim City Manager.

8. EXECUTIVE SESSION - POVERTY ABATEMENTS M.R.S.A. § 405(6)(F)

Councilor Johnston made a motion to deny both poverty abatements, Second by Councilor Trask, Vote: Unanimous

9. CITY MANAGER'S REPORT

Jeff said when we provided utilities to the turnpike center we asked if there could be a Gardiner presence at the center. They have been working on that presence ever since. Jason is working on marketing materials to have available. It has been a joint effort between Gardiner and West Gardiner and it has been complex.

There are some projects that are ticking along in the background that he thinks bear reminding. One is the common which is moving forward. We have received a grant for the Art Walk which City will re-grant to Gardiner Main Street.

10. COUNCIL DISCUSSION

Councilor Holmes said thanks to everyone. Last week there were boulders allover Rt. 201 all the way out to Libby Hill. He made a phone call and within a very short time public works crews responded.

Councilor Hart asked Jeff if he would put together a list of ongoing issues and problems that the council should be aware of. He asked Jeff to look and see if there are anymore issues out there. Councilor Trask asked Chuck what the story is on the grader. Are there any repairs we have paid for? Chuck said we haven't paid any funds yet. Councilor Trask said he thinks we should wrap it up.

11. ADJOURNMENT

Meeting adjourned at 11:25pm

Respectfully submitted,
Kathy Cutler
Council Clerk

