

Mayor Hart called the meeting to order at 6:01pm.

▪ **ROLL CALL**

Patricia Hart, Mayor at large; Councilors: Terry Berry, District 1; Tim Cusick, At large; Marc Rines, District 4; Jon Ault, At large; Maryann White, At large; Amy Rees, District 2  
Absent: Shawn Dolley, District 3

Also in attendance: City Manager, Christine Landes; City Clerk, Kelly Gooldrup; Mike Miclon, Robert Abbey, Corey Gero,

Department Heads: Anne Davis, Librarian; Thomas Fiorelli, Director of Economic Development and Planning; Doug Clark, Wastewater Director; Finance Director, Denise Brown; Police Chief, James Toman; Fire Chief, Al Nelson; Public Works Director, Tony LaPlante

▪ **PUBLIC COMMENT (anything not on the Agenda)**

Robert Abbey discussed parking issues downtown. Even during the day, during the week he has to hunt for parking. He is concerned with the expanding Johnson Hall Theater and the impact it will have with parking. He hears frequently from Downtown Store owners that without a safety officer, there are some business owners that park two or three vehicles in front of the businesses all day and the other business owners are feeling the effects of that as their customers want to do pick up and go. Also people who want to shop at Reny's are pulling into the Gardiner Main Street parking lot and then backing out into traffic. We have three very viable businesses going into the Dingley Block with foot and vehicular traffic that will be competing for spaces that most people use for Reny's. Maybe a reverse lane could be installed in those parking lots or possibly develop the parking area that Camden still owns.

Mayor Hart thanked Robert Abbey for speaking and keeping the Council informed of all the happenings Downtown.

▪ **NEW BUSINESS**

**1. City Council consideration of instructing the Ordinance Review Committee to review an allowed use change to the High Density Rural District/Quimby Field proposal from Corey Gero**

The City Council is being asked to consider giving instruction to the Ordinance Review Committee to review an allowed use change to the High Density Rural District. Such a change would allow a possible expansion of Quimby Field.

Corey Gero came to the City Manager several weeks back to talk about a possible expansion to Quimby Field. The City Manager met again with Mr. Gero and Stacy Blair, Council appointed trustee to the Quimby Trust. After that discussion, and in preparation for a proposal to the City Council regarding an expansion and upgrade to the field, along with a possible dissolution of the trust, some research was conducted concerning allowed uses in the High Density Rural District.

It came to our attention that athletic fields/parks/etc are not an allowed use in this district. Any proposed changes would need to come as a recommendation from the Ordinance Review Committee. The City Council is being asked to instruct the committee to review allowed uses in this district and determine if this idea of a field expansion would be feasible with a change in the district.

City Manager Landes commented that Corey Gero is here tonight asking the Council to have the Ordinance Review Committee to review the uses for the high density residential district. Under the current ordinance, any expansions would not be allowed.

Corey Gero, works for Maine X Construction, is working on some projects in Gardiner. One donation project is to put in a turf field. The Quimby Field is under the Quimby Trust. Currently the field is not open on Sundays. He would like to start opening on Sundays and create more community involvement. Parking is also an issue and would like to see an expansion.

Mayor Hart asked what the turf field is about.

Corey Gero replied that it started with Chad Kempton asking him what it would take to get a turf field for the Gardiner High School program. They created a turf field committee after getting approval for a donation from Maine X Construction for the ground work. We are looking for donations to get the field funded. We are up to almost one hundred and ninety thousand dollars right now. The current field is in bad condition right now. The new turf field would be used for all types of sports.

Mayor Hart stated that the current turf field as at the High School and Ingrid Stanchfield was here recently speaking about their vision to fundraise to build their building on the lacrosse field and build a new soccer/lacrosse field. So there are other fields and upgrades that are going on in that area. Are you working with them?

Corey Gero replied that he is not working with them but he did speak with Ingrid Stanchfield about his involvement in the turf field and Quimby Field.

Mayor Hart asked what his involvement in the Quimby Field is at this time besides being a coach.

Corey Gero said he steps up to the plate when needed. He has been on the Gardiner Baseball Board for four years, has been on the Gardiner Football Board for the last seven years and will probably be taking over as President of the Gardiner Baseball Board for next year.

Councilor Berry asked who will become the owner of Quimby Field if the Trust dissolves.

Corey Gero replied that the way he reads it, if the Trust is dissolved, it would be turned over to the City of Gardiner.

Councilor Berry commented that we have a Parks & Recreation Committee. Wouldn't it make sense to move it in that direction?

City Manager Landes commented that the City has that property assessed as the City of Gardiner on our tax roll. The Trust does read that the Council will appoint a member, which we have Stacy Blair who works for our police department. He has been on the Trust for a number of years. Also a school board representative and a student are supposed to be members of the Trust. Neither of those positions is filled. When speaking with Superintendent Hopkins, she had no knowledge of the Trust. Stacy Blair said that no one calls him about the Trust; they just schedule things amongst themselves. At this point, they are asking for the Ordinance Review Committee to have the opportunity to review the Trust and ordinance for possible changes. It will be a multi-step process.

Councilor Berry asked if the Trust is past its life, shouldn't it be dissolved first, and then wouldn't it be the City that should be looking at the next steps.

City Manager Landes replied that she cautions against dissolving the Trust. There are controls in place using the Trust such as not being open on Sundays. She recommends leaving the Trust intact and research it, use by use with an attorney.

Councilor Berry replied that he would like some guidance as to where it is going.

Corey Gero stated that we maintain the field, mow it, get sponsors, concessions, etc. He does not want to dissolve the Trust until a better plan is in place.

Councilor Berry asked where the neighborhood participation come in to this for their input. Would it be during the Ordinance Review?

City Manager Landes replied yes. They are not asking for approval at this time. They are looking for guidance and review.

Councilor Berry commented that we have one person here asking for this. Shouldn't there be a whole bank of Trustees?

City Manager Landes replied that she can ask Superintendent Hopkins to have someone appointed. There is not a lot of student interest in serving on this trust. They would have to be brought up to speed very quickly.

Councilor Berry

Mayor Hart commented that she is hearing two issues. One is the Trust is not being managed the way it should be. It should be corrected so we can move on to the next piece.

Councilor Cusick asked who uses the field.

Corey Gero replied that it started with Gardiner Little League, and then went to Gardiner Cal Ripken and now Gardiner Youth Baseball. Gardiner Youth Football also uses it.

Councilor Cusick are you allowed to play on any other fields in Gardiner?

Corey Gero replied yes. We have to sign permission slips.

Councilor Cusick asked if the City is doing any maintenance on the field.

Corey Gero replied with no disrespect, he took over all maintenance due to wanting it mowed more frequent then the City could provide. West Gardiner gave the funding to help purchase a lawn mower. We volunteer our time to mow it.

Councilor Cusick thanked Corey and all the volunteers for their dedication. The Trust has outlived its day and he is not sure it is the correct entity to be managing the field.

Corey Gero replied that we have lots of volunteers maintaining the fields.

Councilor Ault thanked Corey and the volunteers for all they do. He agrees with Councilor Berry's concern with the neighborhood knowledge and involvement. For clarification, he asked if the Council is only being asked to send a recommendation to the Ordinance Review Committee to start the process of going through the Trust based on the Ordinance and make possible recommendations for changes in that district.

City Manager Landes replied that if this is sent to the Ordinance Review Committee, the Code Enforcement Officer said it would not be top priority as they are trying to finish up other items, one of them being marijuana. We are probably talking early summer to early fall.

Councilor Ault commented that he would be in favor of it and is prepared to make the motion.

Councilor Berry stated that the Trust has stipulations. So if the Ordinance Review Committee changes the ordinance and says you can do this and that, isn't that violating the Trust.

Wouldn't the Trust take precedence over the Ordinance?

Councilor Rees asked if they are looking for expansion.

City Manager Landes replied possibly. There are several plans that are being looked at. Councilor Rees asked if expansion of the field is allowed under the Trust.

City Manager Landes replied that the Trust is silent on expansion. The ordinance says that no recreation fields are allowed. That field has been there so it is grandfathered in.

Councilor Rees asked if they are looking for Sundays.

City Manager Landes replied no.

Mayor Hart reminded the Council that the Ordinance Review Committee is just a technical review without authority to change anything. Council makes the final decision. As a member of the Ordinance Review Committee, this looks like a policy issue of the Trust, not an ordinance issue. As a Council, we need to see and review the Trust.

Councilor Ault asked if it would be a good idea to put the Trust in front of our City Solicitor and have a presentation brought to the Council of the Trust in a future agenda.

Councilor Berry agreed with Councilor Ault.

Mayor Hart asked if we need a motion or can we just direct the City Manager.

City Manager Landes replied that you do not need a motion. Just give direction to have the City Solicitor look at it. With the Council's blessing, Corey Gero had solicited an attorney who is willing to review the Trust free of charge. It would save the City some money.

Councilor Berry replied that you get what you pay for and that we need to come up with a format to move forward to dissolve a Trust.

Mayor Hart commented that our City Solicitor is very familiar with our City Ordinance and codes. That could be a benefit and make things go faster. We would probably have to bring them in anyway. Should we recommend the Parks & Rec Committee start looking at this Trust or should we wait?

City Manager Landes said she could invite Corey Gero to the next Parks & Rec meeting just at a formality and introduce him.

Mayor Hart asked that when we receive the information from the City Solicitor, could we invite the Superintendent and the Trustees so they are all present at the meeting.

City Manager Landes replied that she could certainly reach out to them.

Mayor Hart thanked Corey Gero for coming and all the time invested in the field.

## **2. Presentation by Johnson Halls' Mike Miclon**

Johnson Hall Executive Director Mike Miclon will be present to brief the City Council on activities and events that have occurred over the past year.

Johnson Hall, along with other major non-profits, have been asked to present to the City Council as part of the upcoming review of the FY20 budget.

Mike Miclon thanked the Council for the opportunity to come and share Johnson Hall updates and for the continued partnership with the City of Gardiner over the years. The last six years have been a good boost of growth. When he took the job back in 2013, the Board was very clear that Johnson Hall needed to grow. In 2013, we presented about twelve shows a year and only had about four hundred fifty people annually coming to our events. This year will present over fifty shows with a recent average of three thousand three hundred to three thousand five hundred people annually. We added the Waterfront Concerts in earnest three years ago. Last year those concerts brought in about three thousand five hundred people with four hundred of them being under seventeen years of age. Four years ago we created our Artist and Schools program which is free of charge to the Schools. Last year we received funding from Newman's Own, the King Foundation and EJP. We also have a week long

summer spark program which provides high quality arts training for two hundred per child. We have about fifteen to twenty scholarships at fifty percent off offered through the Evergreen Fund. We are hoping to offer up to thirty full scholarships. Through all the programs, we are serving around ten thousand people. Once we do the expansion, there will be two theaters running at once. The average amount that is spent outside of the ticket price is thirty dollars around the community so it is helping the local economy. City support has been essential. We employ three full-time and two part-time which all live in Gardiner. We have over eighty local businesses that sponsor our performances. We do a lot of special events with three major events such as the golf tournament, the Festival of Trees Murder and the Murder Mystery Night. We raised about thirty five thousand last year with those events. We have raised our attendance by over 500%. That was our goal and now we are ready to expand further.

Mayor Hart thanked Mike Miclon and congratulated him.

Councilor Rees commented that she doesn't think Mike Miclon is giving himself enough credit.

Councilor Ault stated that Johnson Hall is a great organization, a great neighbor, you are doing amazing things with the historic building and he feels that Johnson Hal is a critical component to Downtown revitalization and Water Street redevelopment. He is happy to be a partner and congratulations. When budget season comes around, he will be in support of Johnson Hall and says it will be money well spent.

Councilor White commented that she agrees with Councilor Ault and added that Johnson Hall is a lot of fun.

Mayor Hart thanked Mike Miclon and all of the volunteers backing them and for partnering so well with the other non-profits. She addressed Corey Gero and pointed out that while he was at the podium, Mike Miclon was nodding enthusiastically every time you mentioned supporting the kids. Thanks to you both for all of your investment and time in our future.

### **3. Consideration to collaborate with Johnson Hall to apply for a Northern Border Regional Commission Grant**

Johnson Hall volunteers and directors have asked the City of Gardiner to collaborate with them in applying for a Northern Border Regional Commission Grant. The Northern Boarder Regional Commission is a Federal-State partnership for economic and community development. This commission provides federal funds for development that can lead to new jobs and possible private sector investments. Since 2010 the NBRC program has invested almost \$8.1M in Maine with most recent projects including infrastructure upgrades, business block upgrades, and buildings.

Johnson Hall is asking the city to partner with them to apply for a grant. The proposed project would be the redevelopment of the backside of Johnson Hall for a ramp to allow performance groups easier access, Mechanic Street upgrades, and some restructuring of the sidewalk area at the top of the steps on Mechanic Street.

The grant requires a 20% match, however, the City can use the 20% match requirement as actual labor costs should we undertake the project upgrades on our portion ourselves. Tony LaPlante, Public Works Director, was asked to estimate a cost for the City's portion of this project. Hiring a contractor was estimated at a cost of \$17,500. This would include tree removal, granite curbing reset, concrete sidewalk measuring 5'x66', HC tip downs, and replacement of the light (a catch basin may also be required).

Johnson Hall is prepared to hire the grant writer for this project.

City Manager Landes stated that Logan Johnson came to her a few months ago to speak about the Northern Border Regional Commission Grant. Along with an employee from Johnson Hall and Mayor Hart, we decided it would be best to wait until an Economic Development Director had been hired before moving forward. We are looking for the City to partner with Johnson Hall to do some updates on Mechanic Street.

Logan Johnson is seeking a placeholder from the Council. There is a preliminary application that is due the end of next week. That basically creates a pool that the commission can then look at to see how much money is being asked for throughout the region. The actual grant will be written and due in May.

Councilor Berry asked if the width of sixty six feet is the width of Johnson Hall.

Logan Johnson replied yes.

Councilor Berry asked if the grant is allowed only for what is front or behind Johnson Hall.

Logan Johnson replied no. It is very broad.

Councilor Berry asked if we could extend the width to include more of the sidewalk down the street.

Logan Johnson replied that there is definitely room for more. We would need to know from the City how much you would want to put in.

Logan Johnson commented that we are being required to bring the buildings handicap accessibility up to code.

Mayor Hart asked what the amount would be if we asked for the whole length of Mechanic Street. Would that mess up your grant timeline?

Logan Johnson replied no. We would just have to include it in the grant request.

Councilor Ault moved to partner with Johnson Hall in applying for a Northern Border Regional Commission Grant, to allow upgrades to occur at Johnson Hall and on Mechanic Street.

Councilor White seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous

#### **4. Presentation from Developer's Collaborative/Michael Lyne**

Michael Lyne from Developer's Collaborative will be present to brief the City Council on activities and events that have occurred over the past year.

The City Council has asked for updates as part of the upcoming review of the FY20 budget and future growth and progress within the city.

Mike Lyne gave an update for the Workforce Project on Summer Street. A few years ago, we respond to a RFQ to rehabilitate the T.W. Dick property. Maine General was looking to partner in a project. So we came to the City for that purpose. Things have changed a little and have evolved. Maine General realized that they needed more space so they moved to another location within the City. We do affordable housing and subdivided the properties for a senior housing project and a workforce project. The senior housing project did not score well and was not approved but the workforce project did get approved. So we have approval for a fifteen unit family housing project. We have received approval to start in May. It will be two

buildings with three-one bedroom units, three-three bedroom units and nine-two bedroom unit. Each will have two parking spaces. They will look like Townhouses. When the Summer Street lot was denied as senior housing, we received interest in a Kidney Care facility and have since been converted to house that. We have recently listed another lot with Dennis Wheelock and hope to get someone in there very soon.

Councilor Rees asked if the workforce housing is for rent or purchase.

Mike Lyne replied that it is for rent.

Councilor Ault commented that he is pleased that Gardiner is going to be part of the affordable housing that is so hard to find. Thank you for bringing that to our City.

Councilor White asked when they expect completion.

Mike Lyne replied that it will probably be around January.

Councilor White asked if he has blueprints.

Mike Lyne replied yes and he will get them to City Manager Landes for the Council.

Councilor Ault asked if there was any press release about the award for the affordable housing.

Mike Lyne replied that they do a release in November. A local press release but certainly could.

Mayor Hart thanked him and wished him good luck with the project.

#### **5. Awarding of Tax Acquired Property Bids**

a) **a. Map 038 Lot 011 Minimum Bid \$2,500 57 Mt Vernon Street**

b) **b. Map 036 Lot 021 Minimum Bid \$6,500 21 Adams Street**

c) **c. Map 009 Lot 003 Minimum Bid \$2,000 210 Costello Road (clean-up clause)**

Three city-owned properties were recently placed out to bid. Only one property received a bid and this is noted on the attached sheet.

The Council is being asked to review the bid and award the property to the bidder that they feel is appropriate.

City Manager Landes commented that there was only one bid received and it was on 57 Mt Vernon Street.

Councilor Ault asked if the other two properties would be resubmitted to bid.

City Manager Landes replied that they will be looked at again by the Tax Collector. The next meeting we will be bringing four more properties for review to send out to bid. She may come back with a recommendation and more information during the next meeting.

Councilor Berry stated that since the Council has final say over the bids, would it make sense to not put a minimum bid and just accept or reject any bids when they come to us.

City Manager Landes replied that she would not recommend a proposal bid as we would get a lot of low bids. We did have some interest in the 21 Adams Street the Monday after it closed.

Tax Collector Cutler asked if it would be okay to bring that proposal should they decide to bid because they missed the deadline. I said absolutely, but we didn't hear back from them.

Councilor White asked if 57 Mt Vernon Street was just a piece of land. Also, there are two names listed. Are they making the bid together?

City Manager Landes replied yes and yes.

Councilor Ault moved to approve the bid of \$3,500 on Map 038 Lot 011 to Paulette Newcomb and Louise Schimke.

Councilor Rees seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous

Mayor Hart thanked Tax Collector Cutler and the team for working on them.

## **6. Food Sovereignty Ordinance Samples**

Food sovereignty is the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems.

An Act to Recognize Local Control Regarding Food Systems, LD725, took effect on November 1, 2017. LD725 applies to sales conducted at farms and homes (i.e. where the food was produced) in towns that have formally declared food sovereignty. The law was amended in October to exclude meat and poultry processing, and to exclude sales at farmers' markets or other public venues. LD725 applies to sales that take place directly between the producer and consumer at the producer's farm/residence. LD725 only applies in towns that have declared food sovereignty, and exclusively applies to food produced and sold within food sovereign towns. Prior to taking effect on November 1, 2017, the law was amended to exclude meat and poultry processing. The amendment states that the law pertains to sales of food at the "site of production" within a food sovereign town. The intention of the committee was that the law only applies to sales of food at farms and homes; the law does not apply to food sold at farmers' markets. (According to Rep. Craig Hickman, "'At the site of production' is generally understood to mean on a premise controlled by the producer where the food or food products are produced, such as a farm, homestead, or in a home kitchen.")

City Manager Landes stated that Councilor Ault had asked at the last meeting for the Council to consider some food sovereignty ordinances. After some research from our planning assistant, you do have a couple of samples in your packets. I did receive an email from our Code Enforcement Officer providing language from MMA dated in 2017 highly suggesting that municipalities do not adopt their model ordinance at this point. They were afraid that it is not conforming to the revised Maine Statute and the Federal Government may raise other concerns about the Maine Law. It had to do with the meat and poultry. This is more of an informational item.

Councilor Ault commented that he would like to consider what roll a food sovereignty ordinance would play in Gardiner.

Councilor Berry commented that the way he understands it is that if he grows carrots, he can take them to a farmers market to sell them but cannot sell them at his home.

Councilor Ault replied that is the opposite of what it says and would allow.

Mayor Hart asked if this is going to be addressed anytime soon by MMA.

City Manager Landes replied that she has not heard that at all.

Councilor Ault moved to send the Food Sovereignty Ordinance to the Ordinance Review Committee for further review.

Councilor Berry seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous

## **7. Accept minutes of March 6, 2019**

Mayor Hart thanked the City Clerk, Kelly Gooldrup for getting the minutes to the Council so quickly.

Councilor Berry to accept the minutes of the March 6, 2019 meeting as presented.

Councilor Rees seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous

## ▪ **CITY MANAGER REPORT**

There is a Maine Bike Grant for \$15,000 with no matching funds required. The deadline for this grant is April 15 but we do need to submit a letter of interest by March 31. I am asking for the Council blessing to submit the letter of interest and then your formal approval will be at your next meeting prior to the April 15 deadline.

Mayor Hart gave approval with agreement nods from the Council.

Next year is our Statehood anniversary of 200 years. There will be a big celebration in Augusta. As part of our participation in the event, the City has been asked to commit to plant at least three eastern pines at least twenty feet tall. They will be provided to the City, but we have to commit to taking care of them. I am also asking the Council to start thinking about developing ideas of what you want in the next 100 years. Some communities are doing time capsules.

This evening concluded the non profits you asked to speak with. We do have First Park coming to your next meeting. Is there any other organization you would like to hear from?

Mayor Hart asked for KVCOG

I did give testimony today to revenue sharing. There were 46 people that spoke in favor of revenue sharing.

The Council received an email about next week's budget meeting. Is everyone okay with cancelling that and rescheduling for April 8 and April 17 or April 17 and April 22?

Councilor White replied that she will be available for April 17 and April 22

Mayor Hart commented that we should check with Councilor Dolley as well.

Councilor Rees asked if those meetings take place here, same time and place just like a regular Council meeting.

City Manager Landes replied that they are classified as budget workshops as there are no other items on the agenda.

Councilor Ault asked if that is when we will be getting our budget books.

City Manager Landes replied that we should have them in the next two weeks. There was a delay in shipment.

Councilor Berry asked if the revenue sharing bill is retroactive to January 1.

City Manager Landes responded that she doesn't believe that is what is being considered in this budget. It would become effective July 1.

Mayor Hart thanked City Manager Landes for representing us at the legislature and Washington D.C.

City Manager Landes commented that there were 21 of us from around the State that went to Washington D.C.

## ▪ **CITY COUNCIL REPORT**

Councilor Ault: Sad news with the tragedy on Fairview Street yesterday. Thanked the police. What is the status with the Mayors Coalition?

City Manager Landes replied that Mayor Rollins thought that the lobbyist was supposed to reach out to me which they have not yet. We are working on it now to get more information.

Councilor Ault: Pittston approved the Library funding.

Councilor Cusick: I participated in game night at Johnson Hall on Friday night. That was a fun time. It was a difficult day in the City. Thank you to Chief Toman, Chief Nelson and their crews for responding so quickly and everything you do. It is also nice to see all the Department Heads here tonight. In the past, we have had someone from the School District come to speak with us about the School Budget. I have not heard anything about an update yet.

Councilor White: Thanks to our first responders for the help yesterday. A tax acquired property that we sold on Spring Street a year ago has not been updated yet. The young man who purchased a tax acquired property from the City a year ago on Spring Street had high hopes with it but I don't see anything updated yet.

Tony LaPlante said the buyer backed out. It is now under a Brownfield assessment for lead and asbestos. So we have to wait for that before we can tear it down.

Councilor White: Thanked Tony and looks forward to the budget season.

Councilor Berry: Thanked Chief Toman and Chief Nelson.

Councilor Rees: Thank you first responders. City Manager Landes and Development Director Fiorelli met with one of the business owners on my list. It was a great meeting. I think he really appreciated it. Both City Manager Landes and Development Director Fiorelli really represent the City well.

Councilor Rines: Thank you first responders.

Mayor Hart: Thank you first responders. Glad the budgets were passed by partners.

▪ **ADJOURN**

Councilor Berry moved to adjourn.

Councilor Cusick seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous 7:54pm

*(Approved during the April 10, 2019 Council Meeting)*