

Mayor Hart called the meeting to order at 6:00pm.

1. ROLL CALL

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

Absent: Amy Rees, District 2;

Also in attendance: City Manager, Christine Landes; City Clerk, Kelly Gooldrup; Finance Director, Denise Brown; Librarian, Anne Davis; Public Works Director, Tony LaPlante; Economic Development Director, Tracey Desjardins; Police Chief, James Toman; Fire Chief, Al Nelson; Shay Flanagan, Jim Wentworth, Candace Thompson, Louise Roy, Molly King, Mary Ann Johnson, Peter Johnson, Robert Abbey, Thom Harnett, Rusty Greenleaf, Sam Sheperd, Dawn McKenna Frey, Richard Rambo, Nancy Rines, Debby Willis

2. PUBLIC COMMENT (anything not on the Agenda)

Mayor Hart asked for any comment from the public.

Shay Flanagan, a resident of 85 Central Street, expressed concerns with speed on Central Street. Police Chief James Toman encouraged residents to contact the Police Department to create a record and history. We could also activate the portable message board on the Street encouraging people to slow down.

Mayor Hart asked for any further comment. Hearing none, we will move on to the next item on the agenda.

3. PETITIONS/PUBLIC HEARINGS

- a) Public Hearing on Proposed Amendments to Chapter 9/Snow Removal in Title 13 Health and Safety

This is a Public Hearing regarding Proposed Amendments to Chapter 9/Snow Removal in Title 13 Health and Safety. Mark Eyerman, Contracted Planner for the City of Gardiner worked with the Ordinance Review Committee to propose an amendment to Chapter 9 that would include parking lots (specifically municipal parking lots that are owned or maintained by the city).

Board Chairwoman Debby Willis gave a brief description of the proposed changes.

Mayor Hart opened the public hearing at 6:10pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:10pm.

4. NEW BUSINESS

Councilor Ault recommended that item #4 be moved to item #1. Council agreed unanimously.

1. Presentation from the Gardiner Democratic Committee/Donation to the Gardiner Fire Relief Fund

The Gardiner Democratic Committee would like to present \$1,512.15 to the Gardiner Fire Relief Fund. The Gardiner Democratic Committee raised these funds from an annual yard sale. Each year this committee chooses an organization to donate to. The City Council extended their thanks and appreciation to the Gardiner Democratic Committee for this donation that will ultimately help those affected by fire.

2. Update from DOT/Reed & Reed surrounding bridge project

Previously the City Council had asked to have representatives from Maine Department of Transportation and Reed & Reed attend a meeting for an update on the bridge project and the excavation of materials at the former Chapman Fuel site. At this meeting, those representatives will be present with a brief synopsis of the progress and upcoming notable events/dates.

Tony LaPlante introduced Jim Wentworth, Project Manager for Reed & Reed working on the Bridge Projects.

Jim Wentworth stated that starting on October 18, the Maine Avenue Bridge and road will be shut down for fifteen days. The pedestrian bridge will be open during that time. The Maine Avenue Bridge should be complete by December 1.

Jim Wentworth, Tony LaPlante & the Council briefly discussed the on-going bridge project. Louise Roy, a Hydro Geologist with MaineDEP and Molly King, a Senior Geologist for MaineDEP gave an update on the 'big dig' in Gardiner. 5,400 tons of contaminated soil has been removed. Over 2,300 gallons of free oil and almost 7,000 gallons of contaminated water have been pumped out of the hole by Chapman's.

3. Update from Tony LaPlante regarding city wide paving

Previously the City Council had asked to have Public Works Director Tony LaPlante provide an update on the city wide paving.

Tony LaPlante gave an update on the Marston Road to Capen Road paving project. Work has been done on Washington, Central Street, Spring Street, Hillcrest Street, Adams Street and West Hill Road. We haven't done Church Street yet due to the sidewalk project taking place presently.

4. Palmer Fountain Restoration Preliminary Plan

Recently there has been a committee of interested persons working towards the restoration of the Palmer Fountain/Lady and the Birds at the Common. This committee has recruited several companies and individuals (plumbing, fountain design, local businesses, trusts, etc.) to work

together towards the restoration of this fountain. It is estimated that the initial cost will be approximately \$40k with some of that being in-kind donations.

Robert Abbey was present and updated the City Council on the progress and asked for the council's support of placing the Common (Brunswick Square) area on the Historic Register District for the State of Maine. This placement does not require a vote of the city council, however, it is recognized that the council's support of such a registration, will provide an opportunity for more funding sources.

Mayor Hart asked for the item to be put on a future meeting with a public hearing.

5. First Read on Proposed Amendments to Chapter 9/Snow Removal in Title 13 Health and Safety

This is the first read regarding Proposed Amendments to Chapter 9/Snow Removal in Title 13 Health and Safety. Mark Eyerman, Contracted Planner for the City of Gardiner worked with the Ordinance Review Committee to propose an amendment to Chapter 9 that would include parking lots (specifically municipal parking lots that are owned or maintained by the city). The proposed changes are attached under Item 3.a. in the Agenda packet.

Councilor Cusick moved to send the proposed amendments to Chapter 9 Snow Removal in Title 13 Health and Safety to a Second Read on October 30, 2019.

Councilor White seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous (Councilor Ault was not present for the vote)

6. Consider the adoption of FY20 Business/License fees schedule

The City Clerk has been conducting some research regarding the fees that the city has changed for business licenses and what is actually a minimum fee required by state statute.

Attached is a spreadsheet documenting the current fees for such licenses in the city, what is being proposed, the difference, how many of that particular license are issued, the proposed revenue and the difference of revenue in such changes. The business licenses marked with *** are set by state statute and must be adopted.

Also attached are the statutes that reference the type of license and fees. The City Council is also being asked to note Section 60: Additional Areas of Potential Municipal Licensing/Permitting- Under Home Rule Authority. As the proposed list results in a decrease of \$170 of revenue.

Councilor Cusick moved to adopt the FY20 Business/License Fees Schedule as presented.

Councilor White seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous (Councilor Ault was not present for the vote)

7. Consider the new law for motor vehicle agent fees

The 129th Legislature- First Session, approved and adopted new public laws and resolves affecting motor vehicles. LD917 Allows municipal agents to charge higher service fees for

registrations from \$3 to \$5 for renewals and \$4 to \$6 for new registrations. LD1528 allows an out of rotation plate fee to increase from \$15 to \$25, increase the transfer registration fee for a trailer under 2,000 pounds from \$5 to \$8, and increase the duplicate registration fee from \$2 to \$5. The City Council is being asked to consider the approval of these fees as permitted by state statute.

Councilor Berry moved to approve the increase of motor vehicle fees as noted by the passage of LD917 and LD1528 by the 129th Legislature.

Councilor Dolley seconded.

Mayor Hart asked for any discussion.

Councilor Ault voted in favor, but expressed concerns for residents having to pay more when times are already tough for some.

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

8. Confirm the City Manager's Request for a Substitute Manager in times of need

The City Manager requested the City Council to consider appointing a substitute manager that may be used in times of need should the City Manager be absent. The current City Manager is available via phone, email, or text, however, there is occasionally an issue that requires immediate attention and decision making. As Librarian Anne Davis and Police Chief Toman have tenure with the city and are well versed in each department, the City Manager is asking for their appointment as substitute managers in times of need. The City Charter addresses this by stating the following: The following officers and boards, except as herein otherwise provided, shall be appointed by the Mayor with the advice and consent of the City Council in regular session, provided however, that in the event that a vacancy occurs among the following officers and boards and no appointment by the Mayor is approved by the City Council within 45 days of the creation of such vacancy, then any member of the City Council may thereupon appoint a person to fill said vacancy, with the advice and consent of the City Council in regular session. 1. City Manager 2. City Clerk 3. Trustees of the Gardiner Public Library 4. Trustees of the Gardiner Water District 5. Superintendent of Cemeteries 6. Superintendent of Parks and Recreation 7. Director of Civil Emergency Preparedness 9. All officers and boards whose appointments or elections are not otherwise specifically provided for in this charter.

Councilor Cusick moved to advise and consent to the Mayor the appointment of Librarian Anne Davis and Police Chief James Toman as substitute managers in times of need due to the absence of the present City Manager.

Councilor White seconded.

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

9. Consideration of multiple Victualers licenses: Sweet Carolynn's, Gardiner Area Youth Football, Able Body Functional Fitness, Frosty's Donuts

Victualer licenses are required to be approved annually.

Councilor Berry moved to approve a Virtualers license for Sweet Carolynn's, Gardiner Area Youth Football, Able Body Functional Fitness, and Frosty's Donuts.

Councilor Cusick seconded.

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

10. Accept minutes of September 18, 2019

Councilor Dolley moved to approve the minutes of September 18, 2019 as presented.

Councilor White seconded.

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

- **CITY MANAGER REPORT**

- Reminder that the next bill for sewer use will increase by 4%
- Reminder that next week is the TIF work session

- **CITY COUNCIL REPORT**

Councilor Ault

- All set

Councilor Cusick

- Asked Tony LaPlante if Brunswick Hill be paved in the near future.

Tony LaPlante responded that he has had discussion with MDOT and are looking negotiations.

Councilor White

- All set

Councilor Berry

- All set

Councilor Dolley

- All set

Councilor Rines

- All set

Mayor Hart

- Congrats to City Manager Landes on her Presidency of Maine Municipal Association.
- Congrats to Economic Development Director, Tracey Desjardins on her Presidency of the Maine Community Development Association.
- Congrats to the City Tax Collector, Kathy Cutler on her Presidency of the Northeast Region Tax Collectors and Treasurers Association
- There was a ground breaking for Maine General Medical Offices
- There was a ribbon cutting with Bateau Brewing/Bintliff
- There was an City employee appreciation gathering last week
- Extended an invite for Swine & Stein this weekend

- **EXECUTIVE SESSION**

1. Pursuant to M.R.S.A. § 405 (6)(A) Annual Review of the City Manager

Councilor Berry moved to enter into executive session pursuant to M.R.S.A. § 405 (6)(A) regarding the Annual Review of the City Manager.

Councilor White seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous 7:10pm.

Councilor Berry moved to exit out of executive session pursuant to M.R.S.A. § 405 (6)(A) regarding the Annual Review of the City Manager.

Councilor Rines seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous 8:25pm.

Mayor will finalize review decisions as directed by Council.

• **ADJOURN**

Councilor Dolley moved to adjourn.

Councilor Ault seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous 8:27pm.

(Minutes approved during the October 30, 2019 Council Meeting)