



**CITY COUNCIL MEETING MINUTES  
WEDNESDAY, October 14th, 2020  
6:00 PM**

Mayor Hart called the meeting to order at 6:12 pm.

**1. ROLL CALL & PLEDGE OF ALLEGIANCE**

Patricia Hart, Mayor at large; Councilors: Colin Frey, District 3; Tim Cusick, At large; Amy Rees, District 2; Marc Rines, District 4; Maryann White, At large; Jon Ault, At large.

Terry Berry, District 1 had difficulty logging into zoom.

Also in attendance: Christine Landes, City Manager; Alisha Ballard, City Clerk; Jerry Douglass, Public Works Director; Debby Willis, Planning Board Chair; Tracey Desjardins, Economic Development Director; Kris McNeil, Code Enforcement Officer; Patrick Adams; Doug Clark, Wastewater Director.

**2. PUBLIC COMMENT (anything not on the Agenda) (ALL PUBLIC COMMENT MUST BE SENT VIA EMAIL TO CLANDES@GARDINERMAINE.COM, REGULAR MAIL: 6 CHURCH STREET GARDINER ME 04345 OR CALL 207-582-4200 DURING REGULAR BUSINESS HOURS)**

None

**3. PETITIONS/PUBLIC HEARINGS**

**a) Proposed Amendments to the City Code: Title 17 Chapter 5 Property Maintenance**

Chair Willis spoke briefly.

Mayor Hart opened the public hearing at 6:16 pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:18 pm.

**b) Proposed Amendments to the Land Use Code: Multifamily Density for the Shoreland (SL) District**

Chair Willis spoke briefly.  
Councilor Berry joined 6:20 pm

Mayor Hart opened the public hearing at 6:19pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:21 pm.

**c) Proposed Moratorium: Adult Use Retail Marijuana and Medical Use Retail Marijuana**

Chair Willis spoke briefly.

Mayor Hart opened the public hearing at 6:21pm and asked for any comments from the public.

Alex McMahan and Joe Couture spoke briefly about adult use and shared Lewiston's wording within their land use code; City Manager Landes read aloud a letter from Carrie Arsenault; Ed DuGay spoke briefly.

Mayor Hart closed the public hearing at 6:36 pm.

**d) Community Development Block Grant Funds/McKay Park**

EDD Tracey Desjardins spoke briefly about the Block Grant.

Mayor Hart opened the public hearing at 6:36pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:37pm.

- e)** Renewal of Liquor License/Expansion: Brandi's Pub DBA The Blind Pig Tavern

Mayor Hart opened the public hearing at 6:37 pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:38 pm.

- f)** Medical Retail Marijuana/Dispensary/Retail Adult Use Marijuana Establishment: The Healing Community MEDCo LLC

Mayor Hart opened the public hearing at 6:38 pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:39 pm.

- g)** Retail Adult Use Marijuana Establishment: Gardiner 4twenty

Mayor Hart opened the public hearing at 6:39 pm and asked for any comments from the public.  
Ed DuGay raised his hand to speak about his letter that he had sent in. Mayor Hart said he would be able to speak on this matter during finding and facts.  
Mayor Hart closed the public hearing at 6:40 pm.

#### 4. NEW BUSINESS

- a)** Introduction of New Team Members: Jerry Douglass, Public Works Director; Kaleb Marston, Gardiner Police Officer; Robert Pekins, Gardiner Police Safety Officer; Brianna Theriault, Front Counter Clerk; Andrew Williams, Gardiner Fire Department; Damon Ross, Gardiner Fire Department; Ariel Kinchen, Buildings and Grounds

Public Works Director Jerry Douglass introduced himself.  
Mayor Hart Welcomed Jerry to the team. City Manager Landes stated the other new team members Bio's are in the packet for them to review and to stop by to say hello.

- b)** Discussion with Patrick Adams, Active Regional Transportation Planner at Maine Department of Transportation Regarding the Cobbossee Trail Project

Patrick Adams, Active Regional Transportation Planner at MeDOT Regarding the Cobbossee Trail Project will be present to discuss the cost increases for the project.

Patrick Adams gave a presentation on the Cobbossee Trail Projects Summary.  
Mayor Hart asked Patrick about the changes in the bid packages. Patrick explained the right away for MaineDOT. Mayor Hart asked why this was information left out. Patrick explained that was going to be part of Phase II. Mayor Hart defers to other Councilors about being notified. Patrick spoke and said it was not in the original paperwork and was going to do a bid.  
Patrick went on to explain the drive for the cost increase for the project. Patrick states that if the City of Gardiner was to put this out to bid they may receive a better estimate than MaineDOT would receive.  
Patrick finished his presentation.

Councilor Rees asked Patrick asked if we were to delay the project a couple of years does he think the cost would go down. Patrick does not have the answer but thinks the prices will go up and not down.  
Councilor Cusick spoke about the bid price and they do not want to do the job. He went on to say that, we could look into Public Works doing or back out to bid. Patrick said that federal dollars are involved.  
Councilor Berry wanted to clarify about the Trail length and the budget. Patrick explained more into depth.

Moved to push discussion to October 28 meeting.

**Mayor Hart called a 5-minute break started 7:43pm**  
**Mayor Hart called meeting back at 7:49pm**

- c)** Second Read and Possible Approval of Proposed Amendments to the City Code: Title 17  
Chapter 5 Property Maintenance

As the city's Comprehensive Plan was prepared, there was a lot of discussion regarding the need to give the City an avenue to work with property owners on property maintenance. The Comprehensive Plan recommended that the City adopt such an ordinance.

Councilor Cusick I move to adopt the proposed amendments to the City Code: Title 17 Chapter 5 Property Maintenance and to waive publication of the ordinance in the newspaper as allowed by City Charter Article II, Section 9.

Councilor White Seconded.

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

- d)** Second Read and Possible Approval of Proposed Amendments to the Land Use Code:  
Multifamily Density for the Shoreland (SL) District

The Table of Land Use allows multifamily housing in the Shoreland District but in the Dimensional Table there is no multifamily density requirement just an 'n/a'. If this is an allowed use then there needs to be a density requirement. The Ordinance Review Committee proposed inserting a requirement of 60,000 sq. ft. per dwelling unit.

Councilor Ault I moved to adopt the proposed amendment to the Land Use Code: Multifamily Density for the Shoreland (SL) District and to waive publication of the ordinance in the newspaper as allowed by City Charter Article II, Section 9.

Councilor Cusick Seconded.

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

- e)** Second Read and Possible Approval of a Moratorium: Adult Use Retail Marijuana and Medical Use Retail Marijuana

Implementation of this moratorium will allow in the Ordinance Review Committee a chance to review the currently adopted ordinance.

It is recommended that a moratorium ordinance should not be applied to a date earlier than when it was proposed (in this case 9/2/2020). As with all moratoriums that are enacted, they will be in place for 180 days, unless repealed by the legislative body (Council), and may be extended an additional 180 days by the Council, if sufficient progress on addressing the concerns of these establishments as it applies to the Ordinance are not met.

Councilor Rees moved to adopt the moratorium ordinance on Adult Use and Medical Use Retail Marijuana and waive publication of the ordinance in the newspaper as allowed by City Charter Article II, section 9.

Councilor Ault Seconded.

Mayor Hart asked for any discussion.

Councilor Berry asked if the Moratorium had to do with testing production. Mayor Hart explained it is on retail.

Councilor Ault said the feedback from the community was significant and should be put back for further review and the process worked very well. More information is always better.



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Here Here from Mayor Hart and Councilor White.  
Mayor Hart went back to review the information from the committee.

All those in favor. Unanimous.

**f) Consider Acceptance of CDBG Funds/McKay Park**

The City of Gardiner has received a Community Enterprise Grant through the Office of Community Development in the amount of \$25,000. This grant is earmarked for McKay Park.

As part of Phase II of the grant, City Council through a public hearing process must accept the grant funds.

The city is responsible for a 25% match that will include in-kind services to meet this requirement.

Councilor Ault moved to accept the CDBG Funds in the amount of \$25,000, earmarked for McKay Park.  
Councilor Frey Seconded.

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

**g) Consider Approval of a Liquor License Renewal/Expansion: Brandi's Pub DBA The Blind Pig Tavern**

This agenda item is the consideration to possibly approve a liquor license renewal/expansion for Brandi's Pub DBA The Blind Pig Tavern.

Councilor Cusick moved to approve the liquor license renewal/expansion for Brandi's Pub DBA The Blind Pig Tavern.

Councilor Berry Seconded.

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

**h) Findings of Fact and Consider Approval of Medical Retail Marijuana/Dispensary/Retail Adult Use Marijuana Establishment: The Healing Community MEDCo LLC**

The Land Use Code Addresses Marijuana Establishments:

It states-

10.28.5 An applicant that has received a conditional license from the State of Maine for a marijuana establishment may apply for City approval of that category of establishment. Any approval or license based upon a conditional state license shall be conditioned on the applicant receiving an active license from the state within one hundred eighty (180) days of the date of the City's approval. If the applicant fails to obtain an active license within that period, all City approvals, licenses and permits are void.

The Healing Community MEDCo LLC, owned by Joseph Couture and located at 189 Water Street, has been granted a state caregiver license that expires 12/26/2020. This business has received approval from the Planning Board.

The licensee acknowledges and affirms all information is true and complete and then will require local authorization. As part of the Marijuana Business License Application for the City of Gardiner, approvals must be given by Code Enforcement, Economic Development, City Manager, Gardiner Fire Department, Gardiner Police Department, Public Works, and City Council.

The City Council shall make findings of facts as to the application's conformance with the standards of approval. The Council may grant a conditional approval of a license for a period of less than one year.

Councilor Cusick moved to approve the Medical Retail Marijuana/Dispensary/Retail Adult Use Establishment license for MEDCo. LLC., as all approval standards have been met as noted in City of Gardiner Code Chapter 11, Section 5.2 for a term of one year so long as a valid caregiver's state license is maintained.

Councilor Ault Seconded.

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

- i) Findings of Fact and Consider Approval of Retail Adult Use Marijuana Establishment: Gardiner 4twenty

The Land Use Code Addresses Marijuana Establishments:

It states-

10.28.5 An applicant that has received a conditional license from the State of Maine for a marijuana establishment may apply for City approval of that category of establishment. Any approval or license based upon a conditional state license shall be conditioned on the applicant receiving an active license from the state within one hundred eighty (180) days of the date of the City's approval. If the applicant fails to obtain an active license within that period, all City approvals, licenses and permits are void.

Gardiner 4twenty, owned by Edward R. Dugay and located at 243 Water Street, has been granted a Maine Adult Use Marijuana Program ID Card, however, his caregiver's license expired 05/13/2020. Mr. Dugay is also requesting that he be allowed to submit a request for the City Councils consideration to allow both a Medical Caregiver Store and an Adult Use Marijuana Retail Store. (Please note the Public Hearing advertised was strictly for a Retail Adult Use Establishment.) Please see attached request from Mr. Dugay.

This business has received approval from the Planning Board (all standards are the same for any marijuana approval).

The licensee acknowledges and affirms all information is true and complete and then will require local authorization. As part of the Marijuana Business License Application for the City of Gardiner, approvals must be given by Code Enforcement, Economic Development, City Manager, Gardiner Fire Department, Gardiner Police Department, Public Works, and City Council.

The City Council shall make findings of facts as to the application's conformance with the standards of approval. The Council may grant a conditional approval of a license for a period of less than one year.

Councilor Ault move to approve the Retail Adult Use Establishment license for Gardiner 4twenty, as all approval standards have been met as noted in City of Gardiner Code Chapter 11, Section 5.2 for a term of one year so long as a valid caregiver's state license is renewed and maintained. (the Council has an opportunity to determine if they would like to grant a Medical Caregiver Store License also)

Councilor Cusick Seconded.

Mayor Hart asked for any discussion.

Manager Landes spoke about a letter that Ed DuGay submitted about also being a medical caregiver. However the City only advertised for Retail adult use.

CEO McNeil provided more information about the transition is taking longer than expected. Ed Dugay is asking if he can obtain both license through the City of Gardiner.

Mayor Hart reviewed the paperwork and they all state Adult Use and does not see any supporting paperwork that states Medical Use in the packet presented.

CEO McNeil explained that Mr. DuGay made a last minute decision.

Mayor Hart stated he is currently operating as a Medical Caregiver in Hallowell but he is awaiting approval for his Medical Caregiver in Gardiner. We do not have the supporting paperwork; he will need to come back if he would like to do Medical.

Mayor Hart asked Chair Willis spoke briefly.

Mayor Hart stated that Mr. DuGay will need to work with CEO McNeil now that we have the Moratorium.

Ed DuGay asked if he could still open as Adult Use.

Mayor Hart stated he has all the paperwork for Adult Use and they will vote.

All those in favor. Unanimous. Council Berry abstaining.

**j) Consider Adoption of Proposed Fee Schedule for Planning Department**

CEO McNeil spoke briefly about the Fee Schedule.

Councilor Cusick moved to adopt the proposed Planning Department Fee Schedule as presented.

Councilor White Seconded

Mayor Hart asked for any discussion.

Mayor Hart asked CEO if he had a chance to talk with other communities about the fees. Mayor stated she has heard our fees are very low.

CEO McNeil explained they are low, about half of them use the same scale we use, and we are about the same or lower.

All those in favor. Unanimous.

**k) Discuss, Evaluate and Possibly Approve 'List A' of Sewer Abatement Requests**

The City Council will discuss, evaluate, and possibly approve the 'A' list of sewer abatement requests. Sewer abatement requests are reported quarterly to the City Council. Requests over \$150.00 require Council approval. See attached list for more information.

List A: City Council consideration (over the \$150.00 threshold) This quarter's list are all outside water meter requests.

List B: City Council Special Consideration (outside water meter readings not given within the six (6) month ordinance window) None

List C: Internal City Staff Approval (under \$150.00 threshold) None

Councilor Frey moved to approve the Sewer Abatement Requests from List A, in the amount of \$1,689.97.

Councilor White Seconded.

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

Councilor Ault stated the water meters are awesome, they pay for themselves in no time, they are easy to use, the staff is friendly and years like this when you are watering everyday they do make a difference.

**l) Advise and Consent to the Mayor's Appointments/Board of Appeals Members**

The names include:

Russell Greenleaf

Carrie Arsenault

Glen Glazier

The Board of Appeals held a meeting on 10/7/2020. The Mayor appointed these individuals and also appointed Edward 'Ted' Potter as Chair of the Board.



Councilor Rees move to advise and consent to the Mayor the appointment of Russell Greenleaf, Carrie Arsenault and Glen Glazier to the Board of Appeals and to also advise and consent to the Mayors appointment of Edward 'Ted' Potter as Chair.

Councilor Rines Seconded.

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

**m) Consider Funding the Repair at City Hall/Fire Department**

The City Council was previously supplied a report regarding mold issues in City Hall (mostly in the Fire Department area). I have attached another copy hereto along with a building report from AE Hodson. This report detailed the need for some sort of remediation. In order to have that process successful the backside of the fire bay area needs to be redone prior to.

The City Manager reached out to Mushro in Waterville, Jewett Builders in Jefferson, John Conte in W Gardiner, and McGee Construction in W Gardiner. The only business interested in submitting a bid where work could occur in the near future was McGee Construction.

The bid submitted was \$62,500 and an additional \$4,000 to relocate the generator. There is a contingency of \$12,500 in the estimate for Rot and Mold. This estimate does include mold remediation although it is projected that B&G could handle that job as they have done such removal in the past.

This repair cost could be taken from the Undesignated Fund Balance or even possibly financed for a term. If the City Council chose to bond the project, it would be helpful to pay for the project up front and then bond after the Public Hearings and Readings (two of each) take place. Funding this project up front, if the Council chose to go the bond route, would alleviate the wait time for the project to get started as cold weather is imminent.

The City Manager and Finance Director recommend that funds be taken from the Undesignated Fund Balance. This will alleviate interest costs. The city's fund balance is a healthy one with the balance being approximately 20% of the budget. The auditing standard is 16.7% of an annual budget. (Total amount above recommended balance is \$400,395.)

City Manager Landes spoke briefly.

Councilor Berry moved to waive the bid process for the repair at city hall, award the bids to McGee Construction and McFarland Electric respectively, and to approve the expenditure of up to \$66,500 from the undesignated fund balance to repair City Hall.

Councilor Rees Seconded.

Mayor Hart asked for any discussion.

Councilor Cusick spoke briefly and stated they we need to form a committee or do something about these buildings being outdated and they will become more and more money, they are falling apart.

Councilor Berry spoke off Councilor Cusick's comment and that the buildings do not fit the City Staff.

Councilor Ault supports this.

All those in favor. Unanimous.

Mayor Hart wanted to recognize Interim Fire Chief and Finance Director for their example of just how hard working all our employees are. Finance Director Denise Brown was acting Building and Grounds Supervisor for a while and the Interim Fire Chief Rick Sieberg stepped up to serve as the Chief. Also to City Manager Landes who took on Public works and the Library.

**n) Consider Approval of a Policy Adoption: Department Shared Laptop and Pool Vehicle**

The first policy is a department shared laptop policy. This policy was developed to cover the use of a general laptop that is available for employees use when they are conducting meetings off site. The need for such a computer came about when it was realized that some employees do not have speaker/camera availability on their own personal computers located off site.

The second policy is for a pool vehicle. The pool vehicle was recently placed in service to help alleviate the requirement to pay for mileage when employees are required to attend functions outside of the city. The majority of use will be conducted by the Code Enforcement Officer as he performs inspections on a daily basis.

City Manager Landes spoke briefly about the policy.

Councilor Berry asked who was going to be overseeing these.

Manager Landes explained that the Finance Director Denise Brown would be.

Mayor Hart asked if the City has I-Pads that circulate.

Manager Landes stated that we do not.

Mayor Hart stated to change the wording from just saying laptop to laptop/tablet.

Councilor Berry asked what is the protocol when Councilors trade there I-Pads in.

Manager Landes stated the culture of the City Council to allow the Councilor to purchase the I-Pad when they are upgraded.

Councilor Berry expressed that he was not informed of this.

Manager Landes will follow up with Anne.

Councilor Berry asked if we would be able to recycle the I-Pads or if they are over the edge.

Manager Landes explained that the technology is so outdated and there is not enough memory.

Councilor Rees moved to adopt the Department Shared Laptop/tablet and Pool Vehicle Use Policies as presented.

Councilor White Seconded

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

**o) Consideration of Annual Victualer's License: Niche, Inc.**

Councilor Ault moved to approve the victualer's license for Niche, Inc.

Councilor Frey Seconded.

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

**5. CITY MANAGER REPORT**

- If you are down town, make sure to check out Mckay park. We worked with owners that is surrounding that area.
- Behind Reny's the paving is done. Approximant 3 ½ inches of pavement placed. Thankful that some of the owners contributed to some of that cost.
- Apologize there are not minutes. City Clerk been very busy with Elections. As of this afternoon, she has sent out 1,357 ballots and received back 687.
- On the City's website, they posted a picture of the new drop box outside which is filling up quickly with absentee ballots.
- Reminder to everyone to stop by to sign all of the forms.
- Councilor Frey, Councilor Berry and Mayor Hart is needed to report to Denise to sign warrents.



6. CITY COUNCIL REPORT

Councilor Ault

- None

Councilor Cusick

- Thank you to City Manager and Public Works Director Jerry for all the paving.

Councilor White

- None

Councilor Berry

- Process with the bridges has been handled very well.
- Winter Hill Stop Lights are hung up with bags on them.
- Gardiner is doing well because we Love Gardiner; We work to make it better.

Councilor Rees

- Thank you City Manager Landes and Chief Toman for making changes for Halloween. There was many concerns about doing this safely.
- Feels like the Council needs to talk about the issues speeding in the town.

Councilor Frey

- None

Councilor Rines

- Encourage everyone to get out and vote.

Mayor Hart

- Many new businesses has opened down town. Jokers and Rouges received the go ahead for phase 4 they will open November 2<sup>nd</sup> to the public. They are allowed to fill the growlers from the Swine and Stine. Swine and Stine is happening now and they are selling the bags now which you get the growler and other swag.
- Alan Claude's studio is open Channel 8 was here interviewing him. He is the face of Maine.
- El Oso is in the spot where Frosty's was, Ribbon cutting is on Thursday at 1.
- Blind Big soft opening tomorrow.
- New store, Gardiner Hardware is in the spot where the health agency was.
- Young Rotarians will be managing the Halloween Trick-or-Treating that will occur on October 24<sup>th</sup> in the EJP parking lot. Will confirm the time and post. They are looking for donations you can get them to Kathy Culter.
- New funding that is coming from National Maine Street program going to Gardiner Maine Street.

7. ADJOURN

Councilor Cusick moved to adjourn.

Councilor Berry seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. Councilor White computer died unable to vote.

This document was reviewed and approved during the October 28, 2020 City Council Meeting.