



COUNCIL MEETING MINUTES
GARDINER CITY COUNCIL
Wednesday, March 3, 2021
6:00 PM

The meeting was called to order by Mayor Hart at 6:00 p.m.

1. ROLL CALL/PLEDGE OF ALLEGIANCE

City Council Present: Mayor Hart, Councilor Sergent, Councilor Cusick, Councilor White, Councilor Berry, Councilor Rees, Councilor Frey, and Councilor Rines.

City Council Absent: Councilor Sergent

Also present: Library Director Anne Davis, City Clerk Alisha Ballard, Economic Developer Director Tracey, Fire Chief Rick Sieberg, Code Enforcement Officer Kris McNeill, Planning Board Chair Debby Willis, Police Chief James Toman, Finance Director Denise Brown.

2. PUBLIC COMMENT

None

3. PETITIONS/PUBLIC HEARINGS

a) Land Use Changes Dealing with Dogs and Kennels

Mayor Hart opened the public hearing at 6:06 p.m. and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:07 p.m.

b) Gardiner City Code of Ordinances, Section 1762 Dealing with Dogs and Kennels

Mayor Hart opened the public hearing at 6:07 p.m. and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:07 p.m.

4. NEW BUSINESS

a) Second Read and Possible Approval of Land Use Changes Dealing with Dogs and Kennels

Planning Board Chair Debby Willis spoke briefly.

Councilor Rines asked Planning Board Chair Willis in regards to safety. Councilor Rines asked if a resident has a pool in the front yard, are they able to erect a six-foot fence.

Planning Board Chair Willis answered by reading from the ordinance.

Code Enforcement officer stated that fencing is required around a swimming pool. The ordinance also states it must be in the side or rear yard.

Action: Councilor Cusick moved to adopt the proposed land use changes dealing with dogs and kennels as presented.

Councilor White seconded.

Mayor Hart asked for any discussion. None. All those in favor. Unanimous for those present.

b) Second Read and Possible Approval of Gardiner City Code of Ordinances Section 1762 Changes Dealing with Dogs and Kennels

Ordinance Review Chair Debby Willis spoke briefly.

Action: Councilor Cusick moved to adopt the proposed Gardiner City Code of Ordinance Section 1762 changes dealing with dogs and kennels as presented.

Councilor White seconded.

Mayor Hart asked for any discussion. None. All those in favor. Unanimous for those present.

c) Update from CEO Kris McNeill Regarding the Central Street Property

Code Enforcement Officer McNeill spoke briefly.

Councilor White asked Code Enforcement Officer about taxes.

Code Enforcement Officer McNeill stated he checked before the meeting and they are current on taxes and sewer.

Councilor White stated she is still concerned with the condition of the property, it does not look safe. Councilor White asked Code Enforcement Officer McNeill if we are able to give a time line.

Code Enforcement Officer McNeill stated it is the home owners intention. He stated there are violations according to the property maintainace ordinance and if Council wants to go in that direction CEO McNeill can draft a notice of violation and request rectification.

Councilor Rees asked what the violations are.

Code Enforcement Officer stated the overgrown grass, debris around the property, anything that attract vermin, holes in the shed, broken windows and access to under the property.

Councilor Rines asked if the property owner is a resident of Maine.

Code Enforcement Officer stated he is a resident of Maine but he is not local. Councilor Rines asked if CEO McNeill could meet with him again to advise him we need him here to take care of these issues without having to site him. Code Enforcement officer stated if City Council give direction he could give a verbal/written warning and then if the violations are not addressed they will move on to a notice of violation. Councilor Cusick asked if we have not given him enough verbal warning. He mentioned this is an ongoing problem. Mayor Hart stated this has been going on since Barb was the Code enforcement officer. Councilor Cusick stated he is beyond the point of issuing another verbal warning and that they should draft up a notice of violation. Councilor Cusick stated the homeowner has had plenty of time to correct the violations and is not complying. Mayor Hart asked Code Enforcement Officer McNeill if there were notes on file from when Barb was the CEO. Code Enforcement Officer McNeill stated the current violations are similar to what Barb had on file from 2018. Councilor Rees stated she recalls the house being empty and has been for a very long time. Councilor Berry asked Code Enforcement Officer McNeill what is the approach is and if there is a fine. Code Enforcement Officer McNeill stated there is a property maintainace ordinance does allow a per day fine. He stated if we give the homeowner a notice of violation it will give them 30 days to clean up the violations or else we are pursuing legal action. This gives them a solid deadline to make the necessary changes or legal action is to follow. Councilor Berry asked what the fine is. Code Enforcement officer McNeill stated up to \$25 a day. Director Davis stated this was an ongoing problem when she was Interim Manager when Barb was the CEO. At that time we did not take it to the final steps during that time. Director Davis mentioned that she is hearing that council would like to take this to the final steps we are aloud under the law. Mayor Hart stated that in the past couple of months we enacted the new ordinance. Code Enforcement officer McNeill stated that there is direct violation to site on the notice of violation.

Council directed Code Enforcement Officer McNeill to issue a Notice of Violation to the home owner located at 78 Central Street.

d) Acceptance of Criminal Forfeiture Funds from District Attorney, In Rem

Police Chief James Toman spoke briefly. Councilor Berry asked Chief Toman what percentage of funds that would be given. Police Chief Toman stated it would be for the amount that is in the letter. Councilor Berry asked how often does that actually happen. Police Chief James Toman stated at least 75% of the time if not higher.

Action: Councilor Berry moved to accept criminal forfeiture funds pursuant to 15 M.R.S.A. § 5824(3) and § 5826(6) in the amount of \$4,800.00 or such amount ordered by the court, in rem, on the grounds that the Gardiner Police Department did make a substantial contribution to the investigation of this or a related criminal case.

Councilor Frey seconded.

Mayor Hart asked for any discussion. None. All those in favor. Unanimous for those present.

e) Consider Sending to Ordinance Review Committee: Demolition Permits, Calculating Solar Array Building Permit Fees and Solar Arrays in Residential Areas

Ordinance Review Chair Willis spoke briefly.

Code Enforcement Officer McNeill spoke briefly.

Councilor Berry stated that there is a difference between a building being taken down on Capen road and downtown Gardiner for city expense. Councilor Berry stated this should be divided out more.

Code Enforcement Officer McNeill stated that is a good point. It is more time consuming within the city but in the rural areas you still need inspections to check for hazardous material. CEO McNeill stated at the minimum there needs to be a base fee across the board.

Action: Councilor Rines moved to ask the Ordinance Review Committee to review the following topics and come back to the City Council with a recommendation: demolition permits, calculating solar array building permit fees, and solar arrays in residential area.

Councilor Frey seconded.

Mayor Hart asked for any discussion. None. All those in favor. Unanimous for those present.

f) Step II Discontinuance of Portion of Commerce Drive (aka Enterprise Avenue) in Libby Hill Business Park

Economic Development Director Tracey Desjardins spoke briefly.

Action: A: Councilor Berry moved that the City Council issue an order to discontinue a section of Commerce Street (also known as Enterprise Avenue). Specifically, the section of Commerce Street that would be discontinued lies entirely within the property identified as Gardiner Tax Map 18A, Lot 15, and more specifically, the portion of Commerce Street depicted on the drawings numbered

Sheet 2 of plans entitled "Amended Subdivision Plan, Libby Hill Business Park" prepared by OEST Associates, Inc., dated August 1998 and last revised September 3, 1999, signed by the Gardiner Planning Board September 16, 1999, and recorded at the Kennebec County Registry of Deeds on September 27, 1999 in Book E99, Page 176 and Page 177 (the "Plan") which lies easterly of the following described line: beginning at the most southerly corner of Commerce Street depicted on Sheet 2 of the Plan, being S 67° 51' 37" E sixty feet from the intersection of the most easterly corner of the Pump Station Easement and a southerly corner of Commerce Street, both as depicted on said Sheet 2; thence running N 22° 08' 23" E to a point of curvature of a curve to the right having a radius of 351.97 feet.

Councilor Rees Seconded.

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

C: Councilor Rees moved that the City Council issue and file with the City Clerk an Order of Discontinuance that accurately reflects the action taken by the City Council to discontinue a section of Commerce Street, and that the City Council send abutting property owners best practicable notice of this action without delay. Councilor White seconded.

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

D: Councilor Berry moved that the City Council set a public hearing date on March 17, 2021 to Discontinue a section of Commerce Street. Councilor Cusick seconded.

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

g) Discussion with Chief Sieberg Regarding the SAFER Grant/Staffing Information

Interim City Manager Anne Davis spoke briefly.

Fire Chief Sieberg spoke briefly.

Councilor Berry thanked Fire Chief Sieberg for thinking outside the box. Councilor Berry asked if we would have staffing staying in Richmond.

Chief Sieberg explained that they would be staying the weekend in Richmond. Richmond has showers, sleeping area and a kitchen.

Councilor Berry asked if there is an extra cost.

Fire Chief Sieberg stated there is a cost of \$83,000 for two staff members for 48 hours using overtime. Chief Sieberg stated this is a project with no obligation, if things don't go as planned we can stop at any time.

Councilor Berry asked if we were trying to be on the same path as regionalization.

Chief Sieberg stated his goal is to have six members per shift so we can staff three trucks.

Councilor Cusick thanked Chief Sieberg and asked Chief Sieberg if we would have trouble staffing this.

Chief Sieberg stated he spoke with the crews. He stated the team is very excited to get this moving and doesn't think there will be a problem being covered.

Councilor Cusick stated he likes the idea and this is an aggressive out of the box idea.
Councilor Cusick thanked Chief Sieberg.
Councilor White 'Hear' "Hear"
Councilor Rees asked Chief Sieberg if most of the crewmembers work part time for other departments and asked if this would help keep them with us more.
Chief Sieberg stated yes it would make a difference.
Councilor Rees thanked Chief Sieberg and stated this is a great idea.
Director Davis mentioned that we lost Dresden due to the lag time.
Mayor Hart asked how would this work. She asked if they would come back with numbers or would it end up in the budget.
Director Davis stated they did not want to take the time to put it in the budget and be surprised by it. Director Davis stated this was just a discussion and they are going to drop it in the budget, we can give options at that time as well.
Finance Director Denise Brown stated she is favor of this, there are options and would like to put this in the budget for further discussion.
Councilor Berry stated we have wrestled with the budget over the years and want to think about how many other communities we want to be a part of. Sometimes if you take on more than you can handle there will be problems.
Chief Sieberg stated that was part of the conversations we have had and looking to crawl, walk then run.

h) Consideration and Possible Adoption of 2021 Goals and Meeting Guidelines from February 6, 2021 Council Workshop

Mayor Hart spoke briefly.

Action: Councilor Frey moved to approve the 2021 Council goals and meeting guidelines, as described in the attached document.

Councilor Cusick seconded.

Mayor Hart asked for any discussion. None. All those in favor. Unanimous for those present.

i) Review and Accept Meeting Minutes from February 17, 2021 and February 24, 2021

Action: Councilor Rees moved to approve the minutes of February 17, 2021 and February 24, 2021, as presented.

Councilor Frey seconded.

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

j) Advise and Consent to the Mayor Appointment(s): Jerry Douglass/Kennebec River Rail Trail Board of Supervisors

Mayor Hart spoke briefly.

Action: Councilor Frey moved to advise and consent to the Mayor's appointment of Jerry Douglass, Public Works Director, to the Kennebec River Rail Trail Board of Supervisors.
Councilor White seconded.
Mayor Hart asked for any discussion. None. All those in favor. Unanimous for those present.

5. CITY MANAGER REPORT

City Clerk Ballard provided an updated for the election. There has been 448 absentee ballot requests and 315 returned and accepted.

Mayor Hart asked if people are able to walk into City hall to vote.

Director Davis asked Clerk Ballard to answer questions.

Clerk Ballard stated that you are able to go into City Hall to vote in person or to take an absentee out of the building during normal business hours. Friday March 5th the city clerk will be available until 5 p.m. to vote in person. The last day to vote absentee would be March 5th. Clerk Ballard stated that you could vote absentee on Monday March 8th only in special circumstances.

Mayor Hart asked what the cut off time is to drop their ballots off.

Clerk Ballard stated by 8 p.m. election day.

Councilor Berry stated that when you walk into City Hall they have the booths set up.

6. CITY COUNCIL REPORT

Councilor White thanked Chief Sieberg for his presentation.

Councilor Berry stated this marks one year and thanked Mayor Hart for her guidance.

Councilor Berry stated this has not been easy and that he is very proud of his fellow councilors.

Mayor Hart 'Hear' 'Hear'

Councilor Frey 'Hear' 'Hear'

Councilor White 'Hear' 'Hear'

Councilor Rees 'Hear' 'Hear'

Councilor Rines ‘Hear’ ‘Hear’

Councilor Hart thanked everyone and shares Councilor Berry’s appreciation. Mayor Hart stated it has been a great honor to serve with everyone. Mayor Hart reminded people to vote and there is a volunteer training coming up on March 15th please look for your material in the mail. Mayor Hart reminded council to keep the executive meeting on March 10th.

7. ADJOURN

Action: Councilor White motioned to adjourn the meeting.

Councilor Frey seconded.

Mayor Hart asked for any discussion. Seeing none, a roll call was conducted. Unanimous for those present.

The City Council adjourned the meeting at 7:31 p.m.

Respectfully Submitted:



Alisha Ballard

City Clerk