



COUNCIL MEETING MINUTES

GARDINER CITY COUNCIL

Wednesday, June 16, 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 Cusick, Councilor Rees, Councilor White, Councilor Berry, Councilor Frey, and Councilor Rines.

City Council Absent: Councilor Sergeant.

Also present: Acting City Manager Anne Davis, City Clerk Alisha Ballard, Don Gerrish, Chair of Cobbossee Corridor Committee Gay Grant.

2. PUBLIC COMMENT

None

3. PETITIONS/PUBLIC HEARINGS

a.) A Public Hearing to Consider a Liquor License Renewal for Canton Village Located at 428 Water St, Gardiner ME

Mayor Hart opened the public hearing at 6:05 p.m. and asked for any comments from the public. Hearing none, Mayor Hart closed the public hearing at 6:05p.m.

b.) Public Hearing - FY22 budget

Mayor Hart opened the public hearing at 6:05 p.m. and asked for any comments from the public.

Acting City Manager Anne Davis read aloud a letter from Penny Sergeant.

Mayor Hart closed the public hearing at 6:10 p.m.

4. NEW BUSINESS

a.) Discussion with Don Gerrish, Consultant on a City Manager Search

Don Gerrish thanked the Mayor and the Council for being able to work with them. Don spoke briefly and reviewed a time line. Don asked if it would be just the council to review the application.

Mayor Hart stated there would be an event seeking public input for the downtown master plan and people will already be there. Mayor Hart stated Don could attend to be a part of this to share with him their thoughts about the qualities for a City Manager.

Don stated that would work for him. Don stated he would like to meet with anyone who would like to have input for the City Manager. Don asked Council how they would like to advertise for this position.

Councilor Rees stated this was an interesting move to advertise in Massachusetts, we have seen many people moving to Maine and this might reach the right person.

Mayor Hart asked if the cost would be for each location.

Don stated ICMA is \$450.00, together New Hampshire and Massachusetts would be close to \$450.00 for one month.

Mayor Hart stated that the City would like to post in New Hampshire and Massachusetts.

Don stated he would gather a draft together and wait for approval before posting the advertisement. Don mentioned the information he would need before posting. Don stated he would be the one gathering the applications and put together a booklet for the Councilors to review.

Mayor Hart asked Don if the first meeting is a private meeting or public.

Don stated they are confidential meetings.

Mayor Hart stated he should move ahead with the advertisement, interviewing the Department Heads, and come back to July 7, 2021 to discuss the process in depth.

Don asked the Council to review the draft to discuss further on July 7, 2021.

Acting City Manager Davis stated that in an advertisement for employment you need a range of salary.

Don stated that is the next item on his list. Don stated the ball park range would be \$85,000 to \$100,000.

b.) Update on the Cobbossee Corridor Project

Gay Grant spoke briefly regarding to the Cobbossee Corridor Project.

Mayor Hart stated this is a fantastic committee and that they instantly looked at the trestle and mentioned we would need to maintain and fix.

Councilor Berry asked if the trestle ownership will be DOT.

Gay stated she believes so. Gay reviewed the time line for the Cobbossee Corridor Project.

Mayor Hart stated that Public Works Director Jerry Douglass would bring the Committee's choice for the design work before council for approval.

Councilor Rees mentioned that many birdwatchers use the area maybe there is some Audubon grants would be a possibility or educational grants.

Gay thanked Councilor Rees and that is something they will add to the list. Gay reviewed the Cobbossee Corridor Project.

Mayor Hart spoke briefly.

Action: Councilor Rees moved to accept the report as presented and also move to extend the expiration of this committee to June 30, 2024.

Councilor Berry seconded.

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

c.) Second Read and Possible Approval and Resolution of FY22 Budget Appropriations and Direct the Tax Levy of City Services to the City Manager

Action: Councilor Berry moved to approve the second and final read of the FY22 General Fund Budget and to authorize the City Manager to enter into any and all contracts necessary to implement this budget pursuant to the City's purchasing policy.

Councilor Cusick seconded.

Mayor Hart asked for any discussion.

Councilor Berry spoke regarding to the comment made during public comment. Councilor Berry stated he found Councilor Sergeant's comments inappropriate, she was elected and she has chosen to not participate in any of the processes. Councilor Berry asked the councilors and the general public to count the many times she has attended a meeting, he states he does not feel she has the right to criticize after the fact.

Councilor White 'Hear' 'Hear'

Councilor Rees 'Hear' 'Hear'

Mayor Hart thanked Councilor Berry for his comments and stated she agrees with his comment. Mayor Hart stated the school board agreed to reduce the assessment to a \$.30 cent increase versus a \$.60 and the county was a 6% increase in the budget.

Finance Director Denise Brown stated a little over \$.05 cents, so the mil rate is contingent on what the assessor finds.

Councilor White asked Finance Director Brown, we have a \$.30 cent increase from the school and a \$.10 cent increase from our own budget then a \$.05 cent increase from the county.

Finance Director Brown stated she does not have a lot of information from the school on how they intend to implement their reduction. Finance Director Brown stated her numbers are bases on before the adjustments, which was an \$.80 cent increase on the mil.

Councilor White asked if they know the mil rate as of yet.

Finance Director Brown stated not as of yet.

Mayor Hart asked Finance Director Brown when we would know what the mil rate would be.

Finance Director Brown stated we would probably have the assessor's evaluation around mid-July and again not sure how the school will make the reduction happen.

All those in favor? Unanimous.

d.) Consider Approval and Resolution to Establish FY22 Appropriations for the Enterprise Accounts and TIF Funds

Action: Councilor Cusick moved to approve the FY22 Ambulance, Wastewater, and TIF Budgets and to authorize the City Manager to enter into any and all contracts necessary to implement these budgets pursuant to the City's purchasing policy.

Councilor White seconded.

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

e.) Consideration of FY22 Tax Due Dates, Setting the Interest Rate, and Authorizing the Tax Club Program

Finance Director Brown spoke briefly.

Action: Councilor Berry moved to approve the tax due dates of September 15, 2021 and March 15, 2022 with a 6% interest rate on delinquent accounts, and allow residents to participate in the Property Tax Club Payment Plan for FY22,

and to also authorize the acceptance of prepayments for taxes not yet committed, with 0% interest accrued.

Councilor Frey seconded.

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

f.) Consideration of Carryforward Requests

Action: Councilor Rines moved to approve the City Manager's list of recommended carry-forward items from FY21 to FY22.

Councilor Frey seconded.

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

g.) Consideration of transferring funds from the General Fund to the Capital Projects Fund.

Finance Director Denise Brown spoke briefly.

Action: Councilor White moved to approve the transfer of \$44,000 from the General Fund to the Capital Projects Fund to be used towards the matching portion of the MDOT/MPI Project for the Mill and Fill on Route 201.

Councilor Frey seconded.

Mayor Hart asked for any discussion.

Councilor Cusick asked Finance Director Brown when is this going out to bid.

Finance Director Brown stated she is not certain if the bids have come back yet, but she thinks the project will not cost as much as they thought.

Councilor Cusick stated he wanted to know if this project would be done this year.

Finance Director Brown stated with talking with Public Works Director Douglass they are in hopes to doing this project this fall but if not they will be doing it by next spring.

All those in favor. Unanimous.

h.) Second Read and Possible Approval of the Land Use Ordinance/Codes dealing with Marijuana Establishments

Mayor Hart spoke briefly.

Action: Councilor Berry moved to accept the proposed amendments to the Land Use Ordinance and Codes dealing with marijuana establishments.

Councilor White seconded.

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

i.) Second Read and Possible Approval of a new application for a Marijuana Business Application

Mayor Hart spoke briefly.

Action: Councilor Frey moved to approve a new application for a marijuana business from Eric McMaster.

Councilor Cusick seconded.

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

j.) Second Read and Possible Approval for a renewal license for a Retail Recreation Marijuana Store

Mayor Hart spoke briefly.

Action: Councilor Rines moved to approve a renewal license for the retail recreation marijuana store, Herbal Pathways, owned by Kenneth Crowley. This business is located at 35 Bridge Street in Gardiner, Maine.

Councilor Frey seconded.

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

k.) Consideration of renewing a Liquor License for Canton Village

Action: Councilor White moved to renew a Liquor License for Canton Village located at 438 Water Street.

Councilor Cusick seconded.

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

l.) Consideration of renewing a Victular's License for Ainslie's Market

Action: Councilor Rines moved to approve a Victualer's License for Jay Ainslie, owner of Ainslie's Market, LLC.

Councilor Frey seconded.

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

m.) Consideration of renewing a Victular's License for Hannaford Supermarket and Pharmacy

Action: Councilor Cusick moved to renew a Victualer's License for Hannaford Supermarket and Pharmacy.

Councilor White seconded.

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

n.) Consideration of a new Victular's and DBA License for Waterfront Nutrition

Action: Councilor Rees moved to approve a DBA and Victular's license for Waterfront Nutrition.

Councilor Cusick seconded.

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

o.) Consideration of Accepting the April and May Department Head Reports

Action: Councilor Rines moved to accept the April and May reports from our Department Heads.

Councilor White seconded.

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

p.) Accept the MSAD#11 Budget Referendum Results

Action: Councilor White moved to accept the June 8, 2021 Election Results as presented and give many thanks to all the individuals that made this election a success especially during these trying times.

Councilor Frey seconded.

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

5. CITY MANAGER REPORT

Acting City Manager Davis stated the volunteers have been planting trees in the Common.

Acting City Manager Davis wanted to extend thanks to Marg Barter, Phil Barter, Ed Allen, Robert Abbey, Jack Fles, Peter Giampetruzzi, and the Interact Students lead by Rayeann Desoto, Yona Montell, Lilly Devery, Issy Danville, Gigi Grant, Kyla Shea, Liam Shea, Laine Biloudea, and Julie Newcourt.

Acting City Manager Davis stated after working for the City for more than 32 years Public Works Foreman Kendall Kromwell will be retiring in early August.

Acting City Manager Davis stated that Farmingdale and Richmond voted to continue as a partner with the Library and the Ambulance Service.

Acting City Manager Davis stated the Governor's Emergency orders end on June 30, 2021, the City has 30 days to abide by this.

Acting City Manager Davis thanked everyone for their feedback with the broadband information, there are two companies that are providing bad service to High Holborn street.

Acting City Manager Davis stated that Finance Director Brown was very busy with the auditors this week, they come twice a year. They reported the records are looking wonderful and we are very lucky to have Denise Brown being in charge of City Finance.

Acting City Manager Davis stated that the August 4, 2021 meeting she will be unavailable so Finance Director Denise Brown will be the Council's staff liaison for this meeting.

Acting City Manager Davis mentioned she read aloud a letter earlier this meeting from a resident and fellow councilor, in her opinion that was hurtful. Acting City Manager Davis stated that the emails she receives are most often public and if you would like to hear or see any other emails she has received over the course of these past two weeks she will be able to forward them along. Acting City Manager Davis stated she feels like Council should be aware of the type of emails the staff, mayor and Acting City Manager have been receiving.

Mayor Hart apologized for a fellow Councilor's emails to the Acting City Manager and staff.

Councilor White 'Hear' 'Hear'

6. CITY COUNCIL REPORT

Councilor White extended her thanks to Raye Anne Desoto for being named Kennebec County Teacher of the year. Councilor White stated she feels bad about the emails and asked if the City could take the City Ipad away if it is being used inappropriately.

Mayor Hart stated they can look further into it and come back with an answer. Mayor Hart said 'Hear' 'Hear' to Raye Anne.

Councilor Berry stated Zoom has served its purpose and they should be meeting back into Council Chambers sooner rather than later. Councilor Berry stated he would like to see all of the emails on a continuous basis.

Councilor Rees congratulated Raye Anne Desoto and thanked the Council that are present and the City Manager and Mayor who are always professional even when we disagree.

Councilor Rines echoed the congratulations to Raye Anne Desoto for her award. Councilor Rines asked Acting City Manager to forward the emails that have been received and all future emails.

Mayor Hart stated they voted April 8, 2020 to follow the State's Emergency Order and Governor Mills is going to rescind this order on June 30, 2021.

Acting City Manager Davis stated the equipment has not been used in over a year and starting to update all of the technology before the first meeting.

Mayor Hart asked Council if they are okay with awarding the Spirit of America award to Gardiner's Gardeners, they have been working hard for many years.

Mayor Hart stated she is preparing a proclamation for Bill Harvey on July 7, 2021.

Mayor Hart suggested that Council direct the Acting City Manager to develop a policies for emails and social media.

Mayor Hart thanked the City Clerk and her team for the Election.

Mayor Hart stated there was a ribbon cutting for the Harrom.

7. EXECUTIVE SESSION:

Action: Councilor Berry motioned to move into executive session at 7:47 p.m.
Councilor Cusick seconded.
Mayor Hart asked for any discussion. Seeing none, a roll call was conducted.
Unanimous.
The City Council moved into executive session at 7:54p.m.

a.) Pursuant to M.R.S.A. § 405(6)(c): Discussion or Consideration of the condition, acquisition or the use of real or personal property

Action: Councilor Rees motioned to accept the proposal from the property owner at 314 Libby Hill Road that she is able to purchase her property back from the City of Gardiner for \$2,000.

Councilor White seconded.

Mayor Hart asked for any discussion. Seeing none, a roll call was conducted. 6 yes, 1 abstention.

b.) Pursuant to M.R.S.A. §405 (6)(d): Discussion of labor contracts, proposals and meetings between a public agency and its negotiators

Council gave Acting City Manager direction.

c.) Pursuant to M.R.S.A. § 405(6)(a): Discussion or Consideration of Employment

Action: Councilor Berry motioned to accept the proposal that was presented to us and to work the details out with timing and direction.

Councilor Rees seconded.

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

8. ADJOURN

Action: Councilor Berry motioned to adjourn the meeting.

Councilor White seconded.

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

The City Council adjourned the meeting at 9:39 p.m.

Respectfully Submitted:



Alisha Ballard

City Clerk