



**COUNCIL MEETING MINUTES**  
**GARDINER CITY COUNCIL**  
**WEDNESDAY, July 7, 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 White, Councilor Rees, Councilor Berry, Councilor Frey, and Councilor Rines.

City Council Absent: Councilor Sergent.

Also present: Acting City Manager Anne Davis, City Clerk Alisha Ballard, Code Enforcement Officer Kris McNeill, Planning Board Chair Debby Willis and Economic Development Director Tracey Desjardins.

**2. PUBLIC COMMENT**

None

**3. PETITIONS/PUBLIC HEARINGS**

**a) Public Hearing for proposed amendments to the Land Use Ordinance**

Mayor Hart opened the public hearing at 7:02 p.m. and asked for any comments from the public. Hearing none, Mayor Hart closed the public hearing at 7:03 p.m.

**b) Public Hearing for a license for a medical marijuana cultivation business (Rancho Bufalo)**

Mayor Hart opened the public hearing at 7:03 p.m. and asked for any comments from the public. Hearing none, Mayor Hart closed the public hearing at 7:03 p.m.

**c) Public Hearing for a license for a medical marijuana cultivation business (Flying Fish LLC)**

Mayor Hart opened the public hearing at 7:04 p.m. and asked for any comments from the public. Hearing none, Mayor Hart closed the public hearing at 7:04 p.m.

**d) Public Hearing for a license for a marijuana testing facility business (MCR Labs ME)**

Mayor Hart opened the public hearing at 7:04 p.m. and asked for any comments from the public. Hearing none, Mayor Hart closed the public hearing at 7:04 p.m.

**e) Public Hearing for a liquor license renewal for Cobbossee Aerie #4330 F.O.E**

Mayor Hart opened the public hearing at 7:04 p.m. and asked for any comments from the public. Hearing none, Mayor Hart closed the public hearing at 7:05 p.m.

**Mayor Hart called a break at 7:05 p.m. Mayor Hart called meeting back to order at 7:07 p.m.**

**4. NEW BUSINESS**

**a) Consideration of a Mayoral Proclamation for Bill Harvey**

Mayor Hart read the Proclamation for Bill Harvey aloud.

Mark Harvey spoke briefly.

**Action:** Councilor Cusick moved to accept the proclamation honoring Bill Harvey and send along our best wishes to Mr. Harvey.

Councilor White seconded.

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

**b) First Reading of the proposed amendment to the Land Use Ordinance (demolition permit)**

Code Enforcement Officer Kris McNeill spoke briefly.

Planning Board Chair Debby Willis spoke briefly.

Councilor Berry asked if there was a difference between historic district and the rest of Gardiner.

Code Enforcement Officer McNeill stated not in the Ordinance.

**Action:** Councilor White moved to send the proposed amendment to the Land Use Ordinance on the issuance of a demolition permit to a Second Read scheduled for August 4, 2021.

Councilor Rines seconded.

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

**c.) Marijuana permit – First Read and consideration of a cultivation license for Rancho Bufalo**

Mayor Hart spoke briefly.

**Action:** Councilor Cusick moved to approve a license for the medical marijuana cultivation facility Rancho Bufalo, owned by Eduardo Buentello. This business is located at 378 Costello Road in Gardiner, Maine.

Councilor Frey seconded.

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

**d.) Consideration of rescinding the emergency powers of City Manager and Mayor in response to the COVID-19 pandemic**

**Action:** Councilor Cusick moved to rescind the mayoral emergency powers that were enacted on March 16, 2020.

Councilor Frey seconded.

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

**e.) Discussion of adopting a remote meeting policy for public meetings**

Mayor Hart spoke briefly about a remote meeting policy.

Councilor White stated this sounds like a hybrid situation.

Mayor Hart stated that Representative Harnett stated he believes there is an obligation there needs to be video.



Councilor Berry stated we have to allow remote participation but we can move into live participation.  
Acting City Manager Davis stated she will get a draft out to everyone so Council can make edits.

**f.) Discussion of updating the Gardiner City Charter**

Mayor Hart spoke briefly about updating the Gardiner City Charter.

Acting City Manager Davis stated this is a quicker process and should be done.

Councilor Rees stated she noticed the pronouns should be updated.

Mayor Hart read Jon Pottles suggestions aloud.

Councilor Berry asked when the last time this subject was brought up.

Mayor Hart stated the last major Charter change was in the early 2000s.

Councilor Berry stated he is in favor of trying to change these due to the things that are happening currently.

Mayor Hart explained what would be focused on for changes.

Councilor Berry expressed concern and would like to have the seats of council addressed.

Councilor Rees stated she believes it would be quick to fix the easy and housekeeping items.

Councilor White stated she agreed with Councilor Rees.

Mayor Hart stated having a short list would be better.

Acting City Manager Davis stated they asked the solicitor if past behavior would be looked at with a Charter change and the answer was no but current behavior would be.

Mayor Hart stated this be a part of another agenda to discuss further.

**g.) Consideration of suspending library fines indefinitely**

Library Director Anne Davis spoke briefly.

**Action:** Councilor Rines moved to suspend library late fines indefinitely with the exceptions stated above. (Borrowed computers, certain ephemera and passes to Maine State Parks)  
Councilor Cusick seconded.

Mayor Hart asked for any discussion. None. All those in favor. Six yes, one no (Councilor Berry).

**h.) Consider of adoption of proposed fee schedule for Planning Department**

**Action:** Councilor Frey moved to adopt the proposed fees for solar arrays as presented.

Councilor White seconded.

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

**i.) Consider renewing Cobbossee Aerie #4330 F.O.E - Victular's, Beano-Bingo-Games of Chance-Pinball, Liquor, Entertainment & Outside Consumption**

**Action:** Councilor Cusick moved to renew the Cobbossee Aerie #4330 F.O.E - Victualers, Beano-Bingo-Games of Chance-Pinball, Liquor, Entertainment & Outside Consumption.

Councilor Frey seconded.

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

**j.) Consider Renewing Gardiner Rotary - Victular's License**

**Action:** Councilor Rines moved to approve the Gardiner Rotary's Victualer's License.

Councilor Cusick seconded.

Mayor Hart asked for any discussion. None. All those in favor. Six yes, one abstention.

**k.) Consider Renewing Canton Village – Victular's License**

**Action:** Councilor Cusick moved to approve the Canton Village Victualer's License.

Councilor White seconded.

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

**l.) Consider Mandy's Cotton Candy - Roving, On Wheels, Lunch Wagon**

Mayor Hart spoke with Amanda Richards about some concerns.

Amanda Richards explained her schedule would not be consistent.  
Mayor Hart asked Amanda to work with Acting City Manager Davis and City Clerk Ballard.

**Action:** Councilor Rines moved to approve the application of Mandy's Cotton Candy for a Roving, On Wheels, Lunch Wagon permit for location to be worked out in the future.

Councilor Cusick seconded.

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

**m.) Consideration of a Wreaths Across America application for a Major Event**

Acting City Manager Davis spoke briefly.

**Action:** Councilor Berry moved to approve a Major Event permit to Wreaths Across America. Furthermore, I move to approve waiving the permitting fees associated with this event.

Councilor Cusick seconded.

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

**n.) Consideration of approving an annual entertainment/special amusement License for Jokers and Rogues LLC**

**Action:** Councilor Rines moved to approve an Entertainment/ Special Amusement License to Jokers and Rogues LLC.

Councilor Frey seconded.

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

**o.) Consideration of approving information to conduct a search for city manager**

Don Gerrish reviewed the City Manager advertisement draft.

Councilor White asked Mr. Gerrish to provide corrections and discussed some concerns with the advertisement.

Councilor Rees stated having a tax-paying manager is beneficial but should not be a requirement.

Councilor Berry stated the 5-year experience should be preferred.



Councilor Cusick stated he agrees with Councilor Berry, we should not require the applicant to relocate.

Don Gerrish stated how it is worded should stay.

Councilor Frey stated the way it is worded looks fine and that we should advertise the salary range.

Mayor Hart suggested a change to the school districts and to mention that the City has fire, police, and sewer.

Don Gerrish asked if these services included in the \$6.7 million dollar budget or is it separate.

Acting City Manager Davis stated she will get back to him with this information and that the City has six part time employees.

Don Gerrish asked Council what they would like to consider for a salary.

Acting City Manager Davis stated we could offer up to \$100,000.

Don Gerrish stated he had set a range of \$85,000 to \$100,000.

Councilor Berry stated he would like to see the range to show \$85,000 to \$95,000. Councilor Berry stated that \$100,000 would be stretching the budget.

Councilor Rees stated that some applicants might start their search at \$100,000.

Don Gerrish stated the range would be based on experience and qualifications. Don Gerrish reviewed the timeline for the city manager search.

Councilor White asked how would this be advertised to the public, it is only one week from tonight.

Mayor Hart stated the group that is working on the Downtown Master Plan has been doing lots of outreach to participate.

Don Gerrish stated we are good to publish.

Acting City Manager asked Don what he is looking for from the department heads.

Don Gerrish stated he would email her.

Acting City Manager stated she does not see any public meet and great within the timeline.

Don Gerrish stated we could have a meet and greet with the two finalist. We have not done them due to COVID.

Mayor Hart explained how they did meet and greets in the past.

Councilor Cusick stated it worked well in the past and informative.

Councilor White stated she agrees with that.

Councilor Frey asked how much the presentation factored into the overall decision. If it does not affect the decision we could not do the meet and greet due to the timeline.

Mayor Hart stated it made a difference for her.

Don Gerrish stated he has done a scenario in the past, non public ones, the Council would look at. If we were to do this, it would add another meeting.

Mayor Hart stated after the candidate would speak with the council they would walk to the Library and do a meet and greet.

Don Gerrish stated he has done very informal meetings.

Councilor Berry stated he did not receive a lot of value from the candidates answering questions.

Councilor Cusick stated he is not hung up with doing a presentation but to do the meet and greet to see how they interact with the community.

Don Gerrish stated he will add a meet and greet into the timeline, that will give the Council time to decide how they want to proceed.

Mayor Hart stated this time line should reflect the Council's vacation time.

Don Gerrish and Council worked to update the timeline.

Mayor Hart asked where are the announcements going to be.

Don Gerrish explained.

Councilor Berry stated to spend the extra money to expand the announcements to out of state. Councilor Berry stated that we should look further in the timeline and not push out the dates due to people being on vacation.

Councilor Rees stated it is important for the Mayor to be there for all the meetings.



Councilor White stated she agrees with Councilor Rees.

Don Gerrish stated he would like to have all Councilors involved with all of the interviews and meetings.

Mayor Hart agrees with Mr. Gerrish.

**p.) Marijuana permit – First Read and consideration of a cultivation license for Flying Fish LLC**

**Action:** Councilor Cusick moved to approve a license for the medical marijuana cultivation facility located at 8 ABJ Drive Unit #2, Gardiner, Maine.

Councilor Frey seconded.

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

**q.) Marijuana testing facility permit – First Read and consideration of a license for a marijuana testing facility**

**Action:** Councilor Frey moved to issue a license for a marijuana testing facility located at 11 Technology Drive, Gardiner to MCR Labs ME/ Michael Kahn.

Councilor Rines seconded.

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

**r.) Consider approval of Council Meeting Minutes**

**Action:** Councilor Cusick moved to accept the Council Minutes from 5/19/2021 and 5/26/2021.

Councilor Frey seconded.

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

**Councilor Berry lost connection with zoom.**

## **5. CITY MANAGER REPORT**

Acting City Manager Davis updated Council about the Brown Tail Moth, discussed at a future agenda, and gather costs to bring to Council.

Acting City Manager Davis stated there are new openings in the Library, Public Works Department, Building and Grounds and the Police Department. Acting City Manager Davis stated the City should look further into the recruitment plan.

Acting City Manager Davis stated that Kendall Cromwell is retiring as of August 3, 2021.

Acting City Manager Davis stated that Assistant Library Director Scott Handville is retiring on July 30, 2021 after 40 years.

## **6. CITY COUNCIL REPORT**

Councilor Cusick congratulated to Mr. Cromwell.

Councilor Cusick asked Acting City Manager Davis about the paving on Brunswick Hill.

Acting City Manager Davis stated she will gather the information and get back to Council with this answer.

Councilor White congratulations to both retirements. Councilor White asked about public events and notices for local businesses.

Acting City Manager Davis stated the local business owners could sign up for email blasts to be informed about all upcoming events.

Mayor Hart mentioned the first concert event this Friday, Johnson Hall has a big announcement. Gardiner Main Street has events coming up. Mayor Hart stated July 14, 2021 from 4 p.m. to 7 p.m. please join us for the downtown masterplan located at Johnson Hall.

## **7. EXECUTIVE SESSION:**

**Action:** Councilor Rees motioned to move into executive session Pursuant to M.R.S.A. § 405(6)(f): Discussion of a contract negotiation at 8:16 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 8:17 p.m.

### **a.) Pursuant to M.R.S.A. § 405(6)(f): Discussion of a contract negotiation**

Council gave City staff direction.

## **8. ADJOURN**

**Action:** Councilor Rees motioned to exit executive session adjourn the meeting at 8:33 p.m.  
Councilor White seconded.  
Mayor Hart asked for any discussion. Seeing none, a roll call was conducted. Unanimous.  
The City Council adjourned the meeting at 8:34 p.m.

Respectfully Submitted:

A handwritten signature in black ink that reads "Alisha Ballard". The signature is written in a cursive, flowing style.

Alisha Ballard  
City Clerk