



COUNCIL MEETING MINUTES
GARDINER CITY COUNCIL
WEDNESDAY, July 21, 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 (joined at 6:27 p.m.), Councilor Berry, Councilor Frey, and Councilor Rines.

City Council Absent: Councilor Sergeant

Also present: Acting City Manager Anne Davis, City Clerk Alisha Ballard, City Solicitor Jon Pottle, Chair Debby Willis, Dan Marks and Wastewater Director Douglas Clark.

2. PUBLIC COMMENT

None

3. PETITIONS/PUBLIC HEARINGS

a) Public Hearing for liquor license for Johnson Hall

Mayor Hart opened the public hearing at 6:04 p.m. and asked for any comments from the public. Hearing none, Mayor Hart closed the public hearing at 6:04 p.m.

4. NEW BUSINESS

a) Consideration of a public meeting policy

Jon Pottle spoke briefly and presented a draft policy.

Councilor Berry thanked Jon and asked if different boards and committees are doing different things.

Jon stated that Council could provide a direction for the City of Gardiner boards and committees.

Councilor Berry asked if one of these possibilities could be that they miss every meeting.

Jon stated it depends, he provided a scenario.

Councilor Berry stated that he wishes that everyone would attend but sometimes one or two may be excused. Councilor Berry stated he feels like they are going back to the way things were.

Councilor Frey asked about the list of events that could trigger a member from a meeting.

Jon stated that these are examples and this was drafted for the City Managers discretion.

Mayor Hart stated they do not need to take any action and Councilors will attend meetings when they can so they may participate or not take any action and go back to the rules before Covid.

Councilor Cusick asked if we did not take action, it would go back to the way it was before covid. Councilor Cusick stated it is better to be in person.

Councilor Frey stated we do need to adopt a policy due to some members who have some health concerns that prevent them from gathering. Councilor Frey stated everyone is eager to gather back into Chambers but we need to look into the future. Remote and Zoom are not going anywhere but we should integrate it into what we are doing.

Councilor Rines thanked Councilor Frey and stated this platform is not going away and will not go away. Councilor Rines asked to integrate a policy for people to be able to attend remotely if needed.

Acting City Manager Davis asked Jon if you need to have an in-person public meeting place in order to have some members be able to use zoom.

Jon stated that is correct.

Acting City Manager Davis stated that in this policy a person couldn't use this platform for convenience or ease.

Councilor Frey thanked Acting City Manager Davis and said his hope coming out of the pandemic that more people would be more accepting this change.

Jon stated during the pandemic most meetings were done fully remote.

Councilor Rines stated if they did a hybrid and went fully remote, what would the cost be and how hard would it be?

Acting City Manager Davis stated she started to research this, the new technology is called CHAMP and would cost \$25,000 to be able to do fully offer hybrid meetings.

Mayor Hart stated she has heard concerns from people wishing to come into the City Chambers.

Councilor White stated the hybrid system will be very difficult for one person to manage the people in the room and the ones attending virtually.

Councilor Rees joined at 6:27 p.m.

Councilor Berry stated if they adopt this type of policy, it would need to be all boards abiding by the same rules.

Action: Councilor Frey moved to allow remote and public meetings in Gardiner. Councilor Rines seconded. Mayor Hart asked for any discussion.

Councilor Berry stated this is sounding premature.

Acting City Manager stated that at this current time we can have people call in via the telephone.

Mayor Hart asked if there is any requirement that we stream a meeting at this time.

Jon stated some hybrid formats work very well and others not so well.

Mayor Hart stated that board members would be using the same phone line as the public unless we had a separate phone line.

Councilor Frey stated we made the remote meetings work and think these hurdles are not hard. Councilor Frey stated we have people who participate and who will want to continue to participate and if we don't do something then we are telling these people; "come in or else." This is not right, and the simple thing to do is to allow the remote participation.

Councilor Rees stated she came from a meeting that has a screen for people to be able to zoom into.

Mayor Hart stated she spoke with Representative Harnett. Mayor Hart stated she would like to offer something to the people who like to attend remotely. Mayor Hart stated she is worried people are going to abuse this policy so she would like to add something to the policy to prevent this.

Councilor Cusick stated he agrees there should be something put in place and there is a lot of unknowns and what is to not stop people from coming in.

Councilor Rines asked if this could be moved forward that we would start with phone calls and move to other options down the road. Councilor Rines stated we have had uncertainty currently and does not think people are going to abuse the new policy.

Councilor Berry stated he has been on many committees and attendance has always been a major problem.

Mayor Hart stated this is a discussion and then we adopt a policy.

Councilor White asked if we have until the end of the month to write the policy.

Jon stated there is no deadline but come August 1, 2021 meetings have to be in person and the only way to have remote participation we will need to have policy in place.

Mayor Hart stated they could also come up with a policy that would blanket all boards and committees.

Mr. Pottle stated that each board and committee should meet to adopt their own policy. Jon stated the council can do a blanket policy but each board and committee needs to agree to the policy.

Mayor Hart asked a clarifying question.

Mr. Pottle explained each board and committee should adopt the policy, the policy could be temporary.

Acting City Manager Davis stated they are talking about two different audiences.

Mayor Hart asked Debby Willis to come forward to speak briefly on her insight with the many boards and committees she is a part of which.

Chair Debby Willis stated she has some members who are very concerned about returning to City Chambers due to different health reasons.

Councilor Rees stated she will support this and we can fix it later down the road.

All those in favor. 5 yes, 2 no.

Mayor Hart asked Council if the current for a template is the policy is what Council would like to move forward with or would we like to make changes.

Councilor Berry asked if he is allowed to comment even though he was not supportive of the policy. Councilor Berry stated it should be the same policy across all boards and committees.

Mayor Hart asked Mr. Pottle a clarifying question, “each board and committee needs to adopt the rules for participation?”

Jon stated council could motion and direct the City Manager to verify the boards and committees to adopt the same policy.

Councilor Rines stated he agrees with what Jon stated.

Councilor Berry asked is this would need to happen once a year.

Mr. Pottle stated this would be a standing policy that could be amended. Jon stated if you accept this, you would get feedback with what is working and what does not.

Mayor Hart said the state might improves\ the statue so it is easier for the municipalities. Mayor Hart read aloud a motion she wrote down.

Councilor Rees asked if it specified these boards and committees that are city related.

Action: Councilor Frey moved to council resolves that all board and committees will be allowed to participate remotely consistent with state statue and this policy here by referenced and direct City Manager and the City solicitor to work with each committee and board to enact each policy.

Councilor Rines seconded.

Mayor Hart asked for any discussion. All those in favor. 5 yes, 2 no.

Jon suggested another vote to see if this council adopts this policy.

Action: Councilor Frey moved to adopt the City of Gardiner remote participation policy for the council.

Councilor Rines seconded.

Mayor Hart asked for any discussion. All those in favor. 5 yes, 2 no.

b) Consideration of Johnson Hall liquor license application

Action: Councilor Rines moved to approve a liquor license renewal for Johnson Hall located at 280 Water Street, Gardiner, Maine.

Councilor White seconded.

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

c.) Consideration of awarding contract for real estate bid

Acting City Manager Davis spoke briefly.

Councilor Rines asked if there was a requirement for applying for the contract.

Councilor Berry stated they asked people to provide a proposal to sell following all state guidelines for the listed properties.

Councilor White stated that Shelly Everett provided the proposal but did not have the presentation.

Councilor Rees stated that a big part of selling a property is marketing and leans towards The Gilbert Group because of the presentation that has a lot of attention into it.

Action: Councilor Cusick moved to award a contract to The Gilbert Group for real estate services as described above.

Councilor Rees seconded.

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

d.) Update on Wastewater Treatment Plant project

Wastewater Director Douglas Clark spoke briefly.

Dan Marks gave a small presentation.

Councilor Berry asked what the life expectations for the new tanks we are replacing.

Dan stated twenty or twenty- five years.

Wastewater Director Clark spoke briefly.

Mayor Hart thanked Wastewater Director Clark for all his hard work.

e.) Acceptance of At- Large Councilor Maryann White's resignation

Councilor White spoke briefly.

The following Councilors spoke briefly:

Councilor Rees, Councilor Frey, Councilor Cusick, Councilor Rines, Councilor Berry and Mayor Hart.

Action: Councilor Cusick moved to accept the resignation of At-Large Councilor Maryann White and thank her for her years of service on Gardiner City Council. Councilor Rines seconded.

Mayor Hart asked for any discussion. None. All those in favor. 6 Yes, 1 abstention.

5. CITY MANAGER REPORT

Acting City Manager Davis stated that there are the following job openings, City Manager, Library Director, Police Officer, Buildings and Grounds Foreman, Mechanic at Public Works and Truck Driver at Public Works.

Acting City Manager Davis stated the Truck Driver position is open due to John Cameron accepting the position as Public Works Foreperson.

Acting City Manager Davis is holding an open house on Friday July 30th from 3-5 p.m. to celebrate Scott's departure from the Library.

Acting City Manager Davis stated that Denise Brown will be the staff liaison for the next meeting on August 4th.

Acting City Manager Davis stated that Public Works has started ditch work on Libby Hill Road.

Acting City Manager Davis stated she asked Chief Toman and Chief Sieberg to take over as Chair of the safety committee.

Acting City Manager Davis clarified that Councilor Sergent has had access to Zoom and had had access to Zoom since the beginning.

6. CITY COUNCIL REPORT

Councilor Cusick thanked Acting City Manager Davis for the report on Brunswick Hill, where are we with this project, are we moving forward?

Acting City Manager Davis stated the project is moving forward and that Reed and Reed is almost done. Acting City Manager Davis stated she will provide more information.

Councilor Cusick asked if the bids will go out this year.

Acting City Manager Davis stated they have not done the bid process as of yet.

Councilor Cusick asked Acting City Manager if the plan is for the bids to go out this year.

Acting City Manager said she believes, yes.

Councilor Cusick mentioned to Mayor Hart that this should be brought to a council meeting so they can discuss something being done to Brunswick Hill before winter.

Acting City Manager stated that all Department Heads will be available the first meeting of August for the Council to be able to ask any questions.

Councilor White spoke about her time on Council and stated her grandmother told her, “you should always leave something better than you found it.” She hopes she has done this. Councilor White hopes there is a revision to the City Charter due to it being so out dated.

Mayor Hart stated the Gardiner Common is on the National Historic Register.

Mayor Hart welcomed new businesses to downtown Gardiner; There is a ribbon cutting for Herbal Pathways.

Mayor Hart stated Johnson Hall is going to start building April 2022 and they have helped raised 85% of the money.

7. EXECUTIVE SESSION:

Action: Councilor Cusick motioned to move into Executive Session for Pursuant to M.R.S. §405 (6) (e): Consultation between a body or agency and its attorney at 7:53 p.m.

Councilor Frey seconded.

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

a.) Pursuant to M.R.S. §405 (6) (e): Consultation between a body or agency and its attorney

Councilor Berry left the Executive Session.

Code Enforcement Officer Kris McNeil and City Solicitor Jon Pottle joined.

Action: Councilor Cusick motioned by direction of the City Council regarding 235 Water St, the condition of the building be referred to the City Solicitors office a final attempt to resolve before legal action is taken.

Councilor White seconded.

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

8. ADJOURN

Action: Councilor White motioned to exit Executive Session adjourn the meeting at 8:57 p.m.

Councilor Cusick seconded.

Mayor Hart asked for any discussion. Seeing none, a roll call was conducted. Unanimous. The City Council adjourned the meeting at 8:57 p.m.

Respectfully Submitted:



Alisha Ballard

City Clerk