



COUNCIL MEETING MINUTES
GARDINER CITY COUNCIL
WEDNESDAY, September 1, 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 Berry, Councilor Rees, and Councilor Frey, and Councilor Rines.

City Council Absent: Councilor Sergeant.

Also present: Acting City Manager Anne Davis, City Clerk Alisha Ballard, Robert Duplisea, Chair Debby Willis, Yen John Wu, Code Enforcement Officer Kris McNeill, Melissa Lindley, Peter Fowler, and Jessica Lowell.

2. PUBLIC COMMENT

None

3. PETITIONS/PUBLIC HEARINGS

a.) Public Hearing on a remote participation policy

Mayor Hart opened the public hearing at 6:03 p.m. and asked for any comments from the public. Hearing none, Mayor Hart closed the public hearing at 6:03 p.m.

b.) Public Hearing and First Read for a medical marijuana cultivation license (Yen Wu)

Yen Wu spoke briefly.

Mayor Hart opened the public hearing at 6:03 p.m. and asked for any comments from the public. Hearing none, Mayor Hart closed the public hearing at 6:04 p.m.

c.) Public Hearing and First Read for a medical marijuana cultivation license (Peter Fowler)

Peter Fowler spoke briefly.

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 6:06 p.m.

4. NEW BUSINESS

a.) Consideration of accepting Remote Participation Policy

Action: Councilor Frey moved to accept the Remote Participation Policy as written.

Councilor Rines seconded.

Mayor Hart asked for any discussion. None. All those in favor. 6 yes, 1 abstention (Councilor Greenleaf).

b.) Update on Tax Acquired Properties

Acting City Manager Anne Davis spoke briefly regarding the tax acquired properties.

Councilor Rees asked Acting City Manager Davis in the situation with 36 Oak Street, if we cannot locate the previous owner what will happen to the remaining profit the City collects from the sale of the property?

Acting City Manager Davis stated they will release the extra funds will be released to the state's unclaimed property. Tax Collector Kathleen Cutler is still trying to locate the previous owner.

Mayor Hart thanked Acting City Manager Davis and Tax Collector Cutler for their time working on this project.

Acting City Manager Davis reminded everyone that with the sale of the properties, once the City is made whole with back taxes and all other fees the extra money will be given back to the previous owners. The extra funds will be unencumbered.

c.) Consideration of extending an agreement - 38 Partridge Drive

Rob Duplisea spoke briefly.

Action: Councilor Rees moved to instruct city staff to execute a new quick claim deed of an extension of two years from today's date.

Councilor Greenleaf seconded.

Mayor Hart asked for any discussion.

Councilor Berry stated he would hope that the City Council would be consistent from one City Council to the next. This lot has been before Council two other times. Councilor Berry went through the history of 38 Partridge Drive sales. Councilor Berry stated he is not sure he can support this motion.

Councilor Rees thanked Councilor Berry and stated she was not aware of the history of the lot.

Rob Duplisea stated there are other lots in the development that have not been built on for 4 years.

Councilor Berry spoke in regards to the sales of the other lots in the development.

Rob Duplisea stated that he read the deed on the lot within the development and the deed states the same restrictions that he has and they have not followed the deed as written.

Mayor Hart stated the restrictions were removed by council during a meeting.

Councilor Rines stated he is in favor of the motion but also feels strongly the Council stands by consistency and asked to move to a further date so the Council can review the documents.

Mayor Hart asked how Council feels about moving this item to another agenda.

Councilor Greenleaf stated that having all the documents will be helpful.

Councilor Cusick asked if this lot and house is currently up for sale.

Rob stated the house has been sold, the lot is currently up for sale.

Councilor Rines stated having all the information for this lot and surrounding lots who have been involved would be good for a decision.

Councilor Berry stated this development goes back a long way.

Mayor Hart asked Acting City Manager Davis to research this lot and Mr. Adams lot.

Councilor Rees and Greenleaf withdrew their motions.

Mayor Hart stated they will do their research and move this agenda to another set meeting.

d.) Consideration to approve a major event application - Swine and Stein Brewfest

Melissa Lindley spoke briefly.

Councilor Rines asked Melissa if they would supplying masks to the public if they ask. Councilor Rines asked Melissa if they are the basic paper masks.

Melissa Lindley stated that would be the blue paper masks.

Action: Councilor Cusick moved to approve the major event application for Swine and Stein Brewfest limited to one block of Water St. Further, he moved to partially waive the overtime costs from the police department fully waive the costs from the Public Works/Buildings and Grounds Departments and to fully waive the application fee.

Councilor Frey seconded.

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

e.) Consideration of approving a license for a medical marijuana cultivation for Johnny Wu Organic/Yen Wu

Action: Councilor Cusick moved to approve the license application for Johnny Wu Organic owned by Yen Wu and located at 563 Brunswick Avenue, Gardiner, Maine.

Councilor Greenleaf seconded.

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

f.) Consideration of approving a license for a medical marijuana cultivation for Headspace Medical/Peter Fowler

Action: Councilor Cusick moved to approve the license application submitted by Peter Fowler for Headspace Medical located at 25 ABJ Drive, Gardiner, Maine.

Councilor Frey seconded.

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

g.) Consideration of extending a lease for the gravel parking lot located at 129 Water Street – the old Bailey Lot (Gardiner Maine Street)

Melissa Lindley spoke briefly.

Action: Councilor Berry moved to extend the lease for 129 Water Street (parking lot) with Gardiner Main Street for the lease amount of \$60.00 per month.

Furthermore the City agrees to assume the responsibility of maintenance and repairs so the lot may remain a public parking lot.

Councilor Greenleaf seconded.

Mayor Hart asked for any discussion.

Councilor Rees stated Melissa mentioned the agreement would be for one year, she suggested we should add that to the motion.

Mayor Hart asked Councilor Berry to amend his motion.

Councilor Berry amended his motion to say one year.

Councilor Greenleaf amended his second to reflect the change.

All those in favor. Unanimous.

h.) Consideration of an off-premise catering license where liquor is served

Acting City Manager Davis stated she spoke with Wastewater Director Douglas Clark about the weight limit on the deck.

Councilor Rines mentioned the application states liquor will be served by Bateau Brewing, is there separate statements for liquor and wine.

Acting City Manager Davis stated he is correct but our license wording is liquor and that Bateau will be serving what they brew.

Action: Councilor Rines moved to approve the application from Johnson Hall for an off-premise catering license where liquor is served by Bateau Brewing LLC.

Councilor Frey seconded.

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

i.) Consider Sending to Planning Board: Fence permits & Medical Marijuana

Code Enforcement Officer Kris McNeill spoke briefly.

Action: Councilor Cusick moved to ask the Planning Board to hold a public hearing and make a recommendation to Council on the following changes to the land use ordinances: requiring permits for property fences and removing medical marijuana Tier I and Tier II.

Councilor Greenleaf seconded.

Mayor Hart asked for any discussion.

Mayor Hart asked Code Enforcement Officer McNeill about the term property fence and if they could change the wording to say all fences.

Code Enforcement Officer McNeill stated it will be all fences.

Councilor Frey stated he is confused with the wording of the motion.

Mayor Hart asked for the wording to be added to the motion.

Councilor Cusick and Greenleaf amended the motion to change the wording.

All those in favor. Unanimous.

j.) Consider Sending to Ordinance Review Committee: Multi-family Housing Open Space, Fence Rules & Marijuana Manufacturing

Code Enforcement Officer Kris McNeill spoke briefly.

Planning Board Chair Debby Willis spoke briefly.

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: Multi-Family Housing Open Space Requirements, and allowing some Marijuana Manufacturing activities.

Councilor Cusick seconded.

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

k.) Consideration of renewing an annual Victualer's license for Cumberland Farms #5591

Action: Councilor Cusick moved to renew the annual Victualer's License for Cumberland Farms located at 148 Bridge Street in Gardiner, Maine.

Councilor Greenleaf seconded.

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

l.) Consideration for renewing an Outside Consumption Permit for Bateau Brewing LLC

Action: Councilor Frey moved to renew the outside consumption permit for Bateau Brewing LLC located at 149 Water street, Gardiner Maine. Councilor Cusick seconded. Mayor Hart asked for any discussion. None. All those in favor. Unanimous.

m.) Advise and consent to the Mayor's appointment to the Planning Board

Action: Councilor Greenleaf moved to advise and consent the Mayor to appoint Matthew Murphy to the Planning Board. Councilor Frey seconded. Mayor Hart asked for any discussion. None. All those in favor. Unanimous.

5. CITY MANAGER REPORT

Acting City Manager Davis stated she appreciates our city staff during our Tax Acquired Properties, there are real people behind these, they are incredibly professional even during the most trying times.

Acting City Manager Davis stated she has decided to not and the Department Heads sit through the meetings due to the uptick in Covid cases.

Acting City Manager Davis stated Clayton Snelling has passed all of his tests and is now a paramedic, if you see him congratulate him.

Acting City Manager Davis stated the Police Department is happy to announce Scott Getchell has been hired a new full time police officer.

Acting City Manager Davis stated that Tucker Fitzmaurice has been promoted to be the Building and Grounds Foreman.

Acting City Manager Davis stated she is sad to report that Officer Amanda Reed has handed in her resignation.

Acting City Manager Davis stated on September 20th McGee will start to mill out Brunswick Hill and once that is done the PW department will pave those troubled areas for the winter. Next year the hill will be paved. The extra cost for this work to be done is about \$1000. Acting City Manager Davis spoke on behalf of Public Works Director Douglass background at DOT and that he used to work for a paving company.

Acting City Manager Davis mentioned on September 22, the engineer of the retaining wall project will be coming before council to talk on behalf of the project.

Councilor Cusick asked Acting City Manager Davis how much work they are doing on Brunswick Hill, for a \$1000 there can not be a lot of work being done.

Acting City Manager Davis stated they are milling out the ruts and then paving. Once the other project is done they will be paving Brunswick Hill in full.

Councilor Cusick stated that both sides of the street from Mechanic St. to Staples Funeral Home are a mess, he asked what they are planning to mill out on the hill.

Acting City Manager Davis stated they will mill out what is needed to be done for the winter.

Councilor Cusick asked Acting City Manager Davis if they received a price to shim part of the street. He mentioned \$1000 will not do much.

Acting City Manager Davis stated that price does not include the milling of the road. She reminded council that this would just be a temporary fix before winter to get them by until the whole road can be paved.

Councilor Cusick stated the road will continue to get worse unless we do something about the hill.

Acting City Manager Davis stated this was the recommendation of the Public Works Director.

Councilor Cusick explained what shimming is.

Mayor Hart asked if the City shimmed Central Street.

Councilor Cusick stated yes.

Mayor Hart asked if Councilor Cusick is looking for a quote.

Councilor Cusick stated yes.

Acting City Manager Davis stated they can get the quote for Council but will need to pull McGee off of milling the road.

Mayor Hart asked Council what they would like to do.

Acting City Manager Davis reminded Council there is a cost difference.

Council Cusick stated to shim the hill would cost about \$20,000 rough guess.

Acting City Manager Davis stated they might be too late in the year and for the cost, it would need to go to bid.

Councilor Cusick stated we could due a quick bid.

Acting City Manager Davis stated she will take a look at the policy.

Mayor Hart asked Council if they would like to know what the quote would be.

Councilor Rees said she would defer to Councilor Cusick's expertise.

Councilor Frey would like to look at all the options.
Councilor Greenleaf agrees.

Acting City Manager Davis will gather the information and return to Council.

Acting City Manager Davis mentioned Johan Brown came before Council last minute for the Four Leaf Glover Club looking for funding. She asked Council if they would like to wait until next budget season.

Councilor Rees stated she would like to see this during budget season.

Acting City Manager Davis stated she will relay this information.

Acting City Manager Davis stated the Kennebec County grants has been released.

Mayor Hart stated that past practice would be for any grant submission is made, it comes before Council.

Acting City Manager stated they have begun facility studies coming in the City.

Acting City Manager stated Hatch Hill has mentioned they are going vertical. She believes the City should discuss options.

Acting City Manager Davis mentioned Mayor Hart talked about adding council meetings. September 15th, November 10th and December 15th.

Mayor Hart stated they will place these dates as place holders.

6. CITY COUNCIL REPORT

Councilor Berry asked Acting City Manager Davis if the county funds are being divided in two portions.

Acting City Manager Davis stated yes they are.

Councilor Berry asked Acting City Manager Davis to look into receiving funds to work with Triano.

Acting City Manager Davis stated she can look further into this.

Councilor Berry mentioned we could reach out to area towns.

Acting City Manager Davis stated that KVCOG is also looking into this money.

Councilor Berry wanted to thank Public Works for taking care of brush that was hanging over a stop sign, a citizen was very pleased.

Mayor Hart thanked City Clerk Alisha Ballard for all her work with making sure the election will be open and fair.

Mayor Hart stated the nomination papers are due Tuesday by 4:00 p.m.

Mayor Hart thanked Tax Collector Kathy Cutler for her work with the Tax Acquired Properties.

Mayor Hart stated that Swein and Stein is a go and will be Covid safe.

Mayor Hart stated the Grateful Dead Tribute Concert will be wonderful and it sponsored by Johnson Hall.

Mayor Hart reminded everyone the virus is very transmittable and there is a vaccination clinic at the Fire Department.

7. EXECUTIVE SESSION:

Action: Councilor Cusick motioned to move into executive session Per M.R.S. §405 (6)(c): Discussion or consideration of the condition, acquisition or the use of real or personal property and Per M.R.S. §405 (6)(d): Discussion of labor contracts and proposals.

Councilor Greenleaf seconded.

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

Unanimous.

The City Council moved into executive session at 7:26 p.m.

a.) Per M.R.S. §405 (6)(c): Discussion or consideration of the condition, acquisition or the use of real or personal property

No follow up.

b.) Per M.R.S. §405 (6)(d): Discussion of labor contracts and proposals

Councilor Frey moved to direct staff to sign the contract with Teamsters Local 340 with a 9 weeks retro pay.

Councilor Cusick 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 Greenleaf seconded.

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

The City Council adjourned the meeting at 8:11 p.m.

Respectfully Submitted:



Alisha Ballard

City Clerk