

**City Council Regular Meeting Minutes  
Wednesday, August 15, 2018 @ 6:00 PM  
City Hall Council Chambers**

1. Mayor Harnett called the meeting to order at 6:49pm

2. ROLL CALL

Thom Harnett, Mayor at large; Councilors: Terry Berry, District 1; Tim Cusick, At large; Shawn Dolley, District 3; Mark Rines, District 4; Maryann White, At large; Jon Ault, At large; Patricia Hart, District 2;

Also in attendance: Christine Landes, City Manager; Kelly Gooldrup, City Clerk; Anne Davis, Librarian; Billie Ellis; Tony LaPlante, Public Works Director; Jim Toman, Police Chief; Doug Clark, Waste Water Director; Camille Desoto, City Resident; Joan Sargent; Tim Merritt, Stantec Engineering Consultant; Leanne Timberlake, MDOT Project Manager; Lee Arnott, City Resident; Jeaninne L'Heureux, City Resident; MaryAnn Johnson, City Resident; Jessica Clark, Barks in the Park Coordinator

3. CONSIDERATION OF CITY CLERK APPOINTMENT.

*Council is being asked to approve the appointment of Kelly Gooldrup as City Clerk.*

Accepted

4. CONSIDERATION OF CITY MANAGER APPOINTMENT.

*Council is being asked to approve the appointment of Christine Landes as City Manager.*

Accepted

5. EXECUTIVE SESSION PER 1 M.R.S. §405 (6)(C): DISCUSSION OF OFFERING A CEA TO AN OWNER IN THE LIBBY HILL BUSINESS PARK.

*Council will meet in Executive Session regarding a real estate matter. Council will also receive a confidential memo via a separate email before the meeting.*

6. VOTE TO OFFER A CEA TO AN OWNER IN THE LIBBY HILL BUSINESS PARK.

*Council will meet in Executive Session regarding a real estate matter. Once they come back into open session, they may vote on a negotiated CEA in the LHBP.*

Mayor Harnett stated that no decisions made other than to provide direction to staff about moving forward. That item should be on the regular agenda perhaps an executive session as well on the September 5th.

7. PETITIONS, PUBLIC HEARINGS (Public comment for anything not on agenda)

- Billie Ellis (THE WALL THAT HEALS) wanted to thank the City of Gardiner and presented the City with a certificate of appreciation and read it out loud. Mayor Harnett thanked her as well.
- Camille Desoto – discussed the growing tick issue. Orono has a tick research center and testing lab. She is asking the Council to be proactive and meet with Griffin Dill for a tick management strategy. Possibly have tick testing kits available at City Hall. Also discussed possible housing for low income families. Single family homes not rentals/apartments. John Eden (Coastal Enterprises 504-5900). She is asking for the City's support and assistance for the project. Mayor Harnett commented that both items should be agenda items, not public comment items. I will have staff reach out to both contacts and check guidelines to determine the next steps.
- Joan Sargent speaking on behalf of parents. Their water bill was \$225.00 last quarter and their sewer bill was \$707.00. They are hoping for an abatement. They are looking at timers for sinks, etc. Doug Clark, Wastewater Director also spoke. He explained that the City Ordinance does have a hardship abatement. Mayor Harnett recommends Doug Clark should work with the family to put something in place so it can be an agenda item for the September 5 meeting. Also thanked Joan Sargent for caring so much for her parents and recommended an outside meter. Councilor Hart says there is a senior program to look into as well. Joan Sargent says they tried, but are over income.

8. PRESENTATION FROM THE MAINE DEPARTMENT OF TRANSPORTATION REGARDING THE BRIDGE REPLACEMENT PLANS.

*(Staff members from the MDOT and the engineer involved with the bridge replacements projects will be at the meeting to discuss the updates of these projects. Discussions will include the potential for 15 consecutive days of 24-hour construction. Though the department is exempt from local ordinances, they try to work within them.)*

Tim Merritt, Engineering Consultant with Stantec working for Maine DOT  
Leanne Timberlake, MaineDOT Project Manager for the Bridge Project  
Tim Merritt spoke in detail narrating through the PowerPoint Presentation.  
Councilor Berry said during construction on Water St in Hallowell showed road closed according to google maps. Can that be addressed to show an alternate route?  
Leanne Timberlake said she could pass the information along.  
Councilor Berry asked if there will be a MaineDOT office open to walk in for any questions or concerns.  
Yes, we will have a contact person available. Primary contact will be Candice Thompson.  
Councilor Hart said there is a meeting on Monday at 6:00pm at the High School. Open for the public but geared to the businesses. Invitations need to be sent out.  
Mayor Harnett asked how the notification was distributed.  
Leanne Timberlake said they had a list of email addresses of about forty businesses and did a search for local businesses.  
Councilor Hart asked for the email to be sent to the City so we can notify people.  
Tim Merritt said he sent it to Piper Panzeri and Anne Davis.  
Anne Davis said she would get it on the City website page.  
Mayor Harnett asked since this is not an action item on the agenda, what are you seeking from the Council?  
Tim Merritt said we are looking for any concerns from the Council and public. Hoping for support and understanding as it will be short lived project and hoping for minimal impact on the community.  
Mayor Harnett asked for public comment. Thank you and we will see you on Monday.

9. DISCUSSION OF THE CURRENT DOG CONTROL PROVISIONS IN THE CITY OF GARDINER CODE.

*(In Section 1761: "Dogs Running at Large" of the City Code there is a bit of ambiguity in the definitions. Simply put, there is no clear language that "voice command" constitutes being under the control of the owner. We have anecdotal evidence that a dog under voice command has been able to attack a dog on a leash. There is also an incident of an unleashed dog biting someone on Water Street. Both the dog and the owner were located quickly, but this raises enough concerns that Council should update this particular ordinance. One course of action is to instruct staff to research this subject and make future recommendations to Council that may result in an ordinance change. Since the Ordinance Review Committee has been dealing mostly with Land Use Ordinance, this may not be under their purview.)*

Anne Davis said that Councilor Hart came to her with concerns with the current Ordinance. Everyone assumed that the term ‘voice command’ was ‘under control’. There have been a few recent dog incidents. We are a dog friendly community and even putting in a dog park. Mayor Harnett asked for question from the Council.

Councilor Hart says people have reached out to her about the increase of dogs in public unleashed. The current ordinances are vague. I recommend the ordinance being tightened up. Ordinance Review Committee recommended the Council address it.

Mayor says it will go on an agenda item after the staff has reviewed it.

Councilor Dolley asked if the ordinance changes, how do we notify and enforce it?

Chief Toman discussed the law side of the language. We use local and state law. We can change the local language and use signs, but we still need to be called.

Councilor Hart asked about prevention through the waterfront by driving through.

Chief Toman says we are very busy. Animal control Officer has been cut from forty hours a week down to twenty-five hours.

Councilor Ault asked what the state law says

Chief Toman read it as follows: It is unlawful for any licensed or unlicensed to be at large except when used for hunting. The owner or keeper of any dog found at large is subject to penalties provided in this chapter. Then when you look at the definition of at large, it says off leash and/or voice command.

Councilor Ault asked if the ordinance would need to be changed if the State Law is already stringent.

Chief Toman we would first try to educate the dog owner, then may summons at officer’s discretion.

Councilor Ault says that he supports the tightening of the ordinance given that I bore witness to the dog attack on one of our residents and I was very shocked at that and there is certainly an issue with voice control dogs not respecting the personal space of other dogs that are on leashes.

Mayor Harnett asked Chief Toman what the Statute was that he read. Chief Toman responded, Title 7: Agriculture and Animals Section; Part 9 Animal Welfare; Chapter 719: Uncontrolled Dogs; 7§3911: Dogs at large

Mayor Harnett opened the meeting for public comment at 8:04pm.

Resident Jeannine L’Heureux – Central Street expressed concerns of the voice command law. They should be leashed. It would protect the dog as well. I strongly support the leash law.

Chief Toman said perhaps the language should include specified areas within the City.

Lee Arnott – Water Street states that there are a lot more dogs lately. At least once a week a dog will charge at me. There are dog aggressive dogs unleashed. I think there should be a penalty for unleashed. There is one for picking up after dogs.

Mayor Harnett asked council what they suggest. Members say they will work with staff and do more research.

**10. PUBLIC HEARING AND FIRST READING OF A MORATORIUM ON MEDICAL MARIJUANA RETAIL SHOPS.**

*(During the most recent legislative session, there was some clarification of the Medical Marijuana Act. Municipalities are now experiencing new business applications to open up medical marijuana retail shops. Until the updated changes become law, some municipalities are placing moratoriums on these specific businesses so that they may manage the growth through zoning and ordinances. The new law will also have an “opt in” clause and if municipalities do not do this, these particular businesses are automatically restricted. If City Council votes to accept this moratorium, medical marijuana retail shops cannot open for 6 months. Please also note that Gardiner currently has 2 medical marijuana shops located on Water Street. They will not be impacted by this moratorium and can continue operating.)*

Mayor Harnett opened the public hearing 8:16pm.

Maryann Johnson residing at 92 School Street asked can a request be flagged when someone wants to open a business.

Mayor Harnett says there is no Moratorium in place at this time. If a six month Moratorium is put in place, we can then review and see what the best way to regulate that.

Maryann Johnson says I am in support of not having more of these operations open in Downtown. It is not community friendly to have them.

Mayor Harnett asked if any other members of the public would like to be heard. Seeing none, I will close the public hearing at 8:18pm and ask the Council if anyone would like to present a motion or has comments before the motion.

Councilor Cusick asked if the two current shops be affected by the Moritorium. Mayor Harnett says no.

Councilor Berry moved to send the proposed Moratorium on Medical Marijuana Retail Shops to a second reading on September 5 during Council Meeting.

Councilor Rines seconded.

Mayor Harnett asked for any discussion. Seeing none, I will call the vote. All those in favor. Vote is unanimous. So moved.

**11. SPECIAL EVENT – BARKS IN THE PARK.**

*(Attached you will find a Special Event Permit from Jessica Clark who would like to host “Barks in the Park” at the Gardiner Waterfront on September 8<sup>th</sup> from 8am to 2pm. I have also attached the approvals from the required department heads.)*

Jessica Clark is asking for a waiver on vendor fees for the exhibitors. I have been doing this for 9 years.

Mayor Harnett asked if this has been approved by all Department Heads that are necessary.

Yes. Okay. I will ask for a motion.

Councilor Cusick moved to approve the Special Event Permit for Barks in the Park scheduled for September 8, 2018 from 8:00AM to 2:00PM at the Gardiner Waterfront Park.

Councilor Dolley seconded.

Mayor Harnett asked for any discussion. Seeing none, I will call the vote. All those in favor. Vote is unanimous. So moved.

## 12. CONSIDERATION OF LIQUOR LICENSE – THE BENCH.

*(Attached you will find a Liquor License Renewal for The Bench which is located at 418 Water Street in Gardiner; the business is owned by Michael Blanche who also resides in Gardiner. Mr. Blanche did not submit this license on time for it to be included on the July 18<sup>th</sup> City Council Meeting, which was also the day their liquor license expired. Attached you will also find a letter that was submitted to the Bureau of Alcoholic Beverages and Lottery Operations, which states their liquor license is scheduled for the City Council Meeting on August 15, 2018, (with both Anne and I out of the office that day the letter was prepared by the Assistant Clerk); based on our letter The Bench was granted a temporary license by the State.)*

Mayor Harnett asked if the issue he raised this afternoon been cleared up.

City Manager Landes said there was a question raised on whether Mr. Blanche did in fact own the property or the business anymore. My understanding is that he is the primary owner and also the Mortgage holder until at least June of next year.

Mayor Harnett said so the fact that it states under new ownership does not affect it.

City Manager Landes said they are a minor owner.

Mayor Harnett asked if this has been approved by all Department Heads that are necessary.

Yes. Okay. This was a result of not getting it in on time at first. Do I have a motion?

Councilor Berry moved to approve the liquor license renewal for The Bench which is located at 418 Water Street in Gardiner. Councilor White seconded. Mayor Harnett asked for any discussion.

Councilor Hart asked for clarification on the timing of the license. The local license expired in July so they had four weeks with a local license. They have a State license but not a local license.

City Manager Landes answered that it doesn't matter if the Council approves them or not.

The State can still grant them and supersede local.

Mayor Harnett asked for any other questions or comments. Seeing none, I will call the vote. All those in favor. Vote is unanimous. So moved.

13. VOTE TO ACCEPT A \$5,000 GRANT FROM THE AARP LIVABLE COMMUNITIES TEAM.

*Gardiner's AARP Committee worked with Public Works Director Tony LaPlante to write a grant that will be used for sidewalk improvement in front of the Gardiner Public Library. Over time, the bricks in front of the library have become dislodged and uneven. They are now a walking hazard and need some work. Mr. LaPlante hopes to put more stable sidewalks in that mimic the brick ones but that do not heave up during the winter months. Depending upon the data collected in a future survey, city staff may also recommend the same treatment in other parts of the downtown area.*

Mayor Harnett asked if we already approved this previously.

Anne Davis said we were waiting on the formal letter.

Mayor Harnett said we need a formal vote.

Councilor Hart moved to accept the five thousand dollar grant from the AARP Livable Communities Committee and extend our congratulations to the hardworking committee that secured this grant.

Councilor Berry seconded.

Mayor Harnett asked for any discussion. Seeing none I will call the vote. All those in favor. Vote is unanimous. So moved.

14. CONSIDERATION OF COUNCIL MEETING MINUTES.

*Attached are copies of the City Council Meeting Minutes from the meetings of May 16, 2018 and July 18, 2018.*

Mayor Harnett stated that the minutes were circulated with the agenda. Has everybody had a chance to review them? Do I have a motion and at that point we can entertain if there are any needed corrections?

Councilor Ault moved to approve the City Council minutes dated May 16, 2018 and July 18, 2018.

Tim Cusick seconded.

Mayor Harnett asked for any comments or corrections.

Councilor White referred to the July 18 minutes, page 10 of 10. The very last sentence on Councilor Berry's update it just says I. Mayor Harnett says to remove the sentence from the minutes.

Mayor Harnett said on the first page of the May 16 meeting, under executive session, it said where we were discussing the Developers Collaborative, Mayor Harnett said that no motions were made during the executive session. We should delete the line that no motions were made and that what Councilors did was provide direction to City Staff. Are you comfortable with that amendment to the motion?

Councilor Ault said yes. Councilor Cusick said yes on the second. If there are no other comments, I would call vote. All those in favor. Vote is unanimous. So moved.

#### 15. CITY MANAGER REPORT

- First of all, I would like to thank the Mayor and the Councilors the opportunity to serve Gardiner. The past three days have been full of education and the Department Heads have been bringing me up to speed very quickly.
- Some updates from Department Heads, due to a very generous grant from the J. Walter Robinson Welfare Trust work is continuing on the library to fix the foundation. Waste Water will fix a crushed pipe in the sidewalk to help drain the water away from the foundation.
- Gardiner Public Safety thanks Gardiner Main Street for the feast on Friday, August 3<sup>rd</sup> for all their help during the Day in the Downtown (River fest) and Great Race.
- The Police Department is holding their School supply fundraiser that will go through the first week of September. It will go to the local schools within MSAD#11.
- Fire Department received and put into service new body armor for all the firefighters and paramedics. Each person has their own armor and will wear it on any calls that may be possibly hostile. The Coombs Trust provided the ten thousand dollar grant towards the purchase.
- Waste Water Treatment has recently hired two new operators Chris Miller and Ben Dice and they graduated from the fourteen-week basic plant operations class.

#### 16. CITY COUNCIL REPORT

- Councilor Hart - Welcomed Christine Landes. I am happy to help spread the word for the meeting on Monday.
- Councilor Ault – It is red letter week for the residents of the City of Gardiner. Taxes came out. Taxes went down sixty cents on the MIL rate and that is both the result of some hard work on this Council but also you have to extend a lot of thanks and gratitude to our partners on the School Board. Homestead exemption really does help and really does matter. In my case, I saw a reduction of about twenty percent. Need to spread the

word about the savings possibility. It's been a good summer. Christine, we look forward to working with you through the fall.

- Councilor White - Says lots of events and activities going on in Gardiner. I encourage people to join. I will not be attending the September 5 meeting as it is a required open house at my school.
- Councilor Rines - Welcome Christine to the City.
- Councilor Dolley - Welcome Christine and also send out a welcome to Kelly.
- Councilor Cusick – Congratulations Kelly and welcome, also Christine. I wonder if the next meeting, we can get an update out on dangerous buildings. Something needs to be done. Maybe an update from Barb Skelton, Code Enforcement Officer. I received a pothole complaint on Spring Street. Can you check that out? Where are we on the upcoming paving? Tony gave an update on road paving.
- Councilor Berry - Thanked Anne Davis. Welcome Christine and Kelly. I have a letter from Mark Warren about catch basin on Water Street.
- Mayor Harnett - Welcome Christine, welcome Kelly. We will do great things together. We did great things with Anne Davis and we very much appreciate your last eighteen months. The Wall That Heals was an amazing experience. Thanks to Billie and all the volunteers, but the City employees were just remarkable during that time. The Police Department, Fire Department, Public Works, everybody was out there lending a hand. We had Twelve thousand people come through and if you went there an hour after they picked up, you would not have known that it had even been there. City staff did great.

## 17. ADJOURN

Mayor Harnett asked for a motion to adjourn.

Councilor Berry made a motion to adjourn. Councilor Cusick seconded.

All those in favor. Vote is unanimous. 8:42pm