

**GARDINER CITY COUNCIL MEETING**  
**Wednesday, June 28, 2017**  
**Gardiner City Hall**

Mayor Thomas Harnett called the regular Council Meeting to order at 6:00 p.m.

**Roll Call:**

Mayor Thomas Harnett; Councilors Terry Berry, Tim Cusick, Shawn Dolley, Phil Hart, Maryann White, Jon Ault & Patricia Hart. Also present were Interim City Manager Anne Davis and City Clerk Lisa Gilliam.

**Executive Session per 1 M.R.S. §405 (6)(f):**

Motion by Councilor Phil Hart to go into Executive Session per 1 M.R.S. §405 (6)(x) to discuss a poverty abatement request; motion seconded by Councilor Cusick. Motion carried by unanimous vote 8-0.

Motion by Patricia to direct city staff to proceed with tax matter as discussed; motion seconded by Councilor Cusick. Motion carried by unanimous vote 8-0.

**Executive Session per 1 M.R.S. §405 (6)(c):**

At 6:50 p.m., motion by Councilor Cusick to go into Executive Session per 1 M.R.S. §405 (6)(c) to discuss a real estate matter; motion seconded by Councilor Patricia Hart. Motion carried 8-0.

Motion by Councilor Patricia Hart to direct City Economic Development Coordinator to proceed with advice discussed during executive session; motion seconded by Councilor Ault. Motion carried by unanimous vote 8-0.

**PETITIONS, PUBLIC HEARINGS (Public comment for anything not on agenda):**

Mayor Harnett opened the meeting up to public comment. Resident George Trask spoke about fencing rails being in need of repair at the Gardiner Common. He also said there is gravel designated to be used in the Gardiner Common on the walking trail that hasn't been utilized and it should be taken care. Mr. Trask also expressed his concerns with the condition of the Daniels building that is located near the downtown on Brunswick Avenue and the building across from the snow dump is also not resolved. Mayor Harnett said these would be looked at and brought forward at the next Council meeting.

**Consent Agenda:**

**Discussion of the Harrison Avenue Trail:**

Interim City Manager Anne Davis introduced this item to the Council, she said that some neighbors living near this trail have expressed concerns about parking and litter.

- Barbara Jenner who lives on Harrison Avenue gave a photo presentation of her and her neighbors concerns regarding parking, walking and litter. Mayor Harnett thanked Ms. Jenner for bringing this matter to the Council's attention.
- Mr. Callahan from Cobbossee Avenue spoke about the dangers of walking in that area and the placement of the trail sign that he is suggesting to be relocated. A brief discussion regarding sidewalks followed. Councilor Phil Hart said the City would not be able to afford sidewalks being added to that area.
- Tom Hillman said his worry was also the area for pedestrian walking. He then expressed his concerns with young kids who like to go swimming in that area and said the city should consider placing a no swimming sign there.
- Karen Tucker said she was a part of this project through her affiliation with the Rotary Club. She confirmed that younger residents like to party and start bon fires at this location and said that needs to be monitored so that it won't deter residents from using the trail for walking. Ms. Tucker

also said that sidewalks would bring the needed safety to pedestrians who want to have access to the trail. Ms. Tucker then encouraged the city to place speed limit signs along with no swimming signs in that area.

Mayor Harnett suggested that neighborhood residents who have concerns should meet with Public Works Director Tony LaPlante to discuss these issues. Councilor Patricia Hart thanked the residents for bringing this matter before the Council.

- Cathy Sreaph said people mistaken the back side of her property as an exit from the trail and she would like to have a sign placed to stop walkers from crossing through her back yard to exit the trail.

Mayor Harnett thanked those in attendance for coming to tonight's meeting and sharing their concerns.

#### **Consideration of MSAD #11 School Board Vacancy:**

Mayor Harnett said that School Board Chair Rebecca Fles has informed the City that Kathy Chadwick (who represents the Gardiner seat on the board) resigned her position. Ms. Fles is requesting the City Council to appoint Tony Veit to the School Board until the next election in November 2017 when this seat can be on the ballot and voted on by the public. Mayor Harnett said the Council would like to hear from residents who would be interested in filling the vacancy and then they would determine by a vote of the Council who would be the next appointment to the School Board. He also asked those who are interested to apply by using the Committee Application which can be found on the city's website. George Trask spoke about his concerns with this process and then read an email from resident Matt Marshall that was sent to the City Clerk with his concerns about activity that took place outside of the polling place by School Board Chair Becky Fles on Election Day in November 2016. Mr. Trask noted that he came in 2<sup>nd</sup> place with write in votes at that election and that the conduct and behavior of Ms. Fles was unethical. Phil Hart said he agrees with the Mayors decision to make the School Board seat open to the public. School Chair Becky Fles spoke next. She said that Kathy Chadwick resigned due to her workload with her new job. Ms. Fles said that Mr. Veit is a suitable candidate and that is why he was selected, she also said that Mr. Veit had expressed his interest in filling this vacant seat on the School Board.

No motions were made or necessary.

#### **Setting a deadline for Sewer Discount Program Applications:**

Interim Manager Davis said staff and members of the Tax Assistance Program Committee suggest adding a deadline of October 15th to the application form; this matches the deadline for our Property Tax Assistance Program and should make it easier for residents and for staff members. A brief discussion followed.

Motion by Councilor Patricia Hart to add an application deadline of October 15th to the City's Sewer Discount Program application; motion seconded by Councilor Phil Hart. Motion carried by unanimous vote 8-0.

#### **A Vote to Enable the City to Accept the Conveyance of the Communications Tower:**

Interim Manager Davis said the City is working with FEMA to convey the tower on Libby Hill to the City. Staff needs to provide a copy of the governing legislation enabling applicant to receive or act on behalf of applicant for the purpose of receiving federal property.

Fire Chief Al Nelson said he is hopeful the city will obtain ownership and make it available to the public safety departments and other regional organizations working in public safety. Motion by Councilor Berry to allow Interim City Manager Anne Davis and/or Chief Al Nelson to act on behalf of the City of Gardiner in acquiring the communication tower located at 78 Libby Hill Road from FEMA; motion seconded by Councilor White. Discussion followed.

Chief Nelson said the annual cost for the tower would be less than \$2,000 per year; biannual inspection and cost of the lights would be approximately \$30/month and annual routine maintenance would be about \$1,000. Chief Nelson said he is also researching grants that would assist with expenses if the tower is acquired by the city.

Motion carried by unanimous vote 8-0.

**Consideration of Sewer Abatements:**

Sewer abatement requests are reported quarterly to Council; requests over \$150 require Council approval. Motion by Councilor Patricia Hart to approve the sewer abatements as presented on List B; motion seconded by Councilor Cusick. Motion carried by unanimous vote 8-0.

**City Permit to MDOT for "Construction Area":**

Interim Manager Davis said this permit would allow the Maine Department of Transportation to transport construction equipment that exceed legal weight limits over municipal roads. The agreement acknowledges the municipality's right to require a bond from the contractor. Motion by Councilor Berry to accept the agreement from MDOT and authorize municipal officers to sign the document as presented; motion seconded by Councilor Patricia Hart. Councilor Phil Hart asked to amend the motion to require the names of the city streets that will be used in this agreement; the Council agreed. Motion including amendment carried by unanimous vote 8-0.

**Discussion of allowing public use of a "Pump-a-head" portable vacuum pump:**

Interim Manager Davis said she would like the Council to give direction as to their preference on how to proceed or not to proceed with a pump out service for waste holding tanks in boats tied up at the waterfront dock area. Note there is no money budgeted in the WW FY 18 Budget for this project. Discussion followed. No motion was made, but the Council encouraged Wastewater Director Doug Clark and Manager Davis to research and apply for grants.

**Consideration of a Liquor License Renewal for The Bench, Inc.:**

Manager Davis said this was a renewal of a liquor license for The Bench, Inc. and that all required department heads had given their approval. Motion by Councilor Phil Hart to approve the renewal of a liquor license for The Bench, Inc.; motion seconded by Councilor Cusick. Motion carried by unanimous vote 8-0.

**Special Event Permit - Gardiner Business Community BBQ:**

Patrick Wright has submitted a Special Event Permit to host the Gardiner Business Community BBQ on July 20<sup>th</sup> at the Gardiner Common. Motion by Councilor Cusick to approve the Special Event Permit for the Gardiner Business Community BBQ; motion seconded by Councilor Ault. Motion carried by unanimous vote 8-0.

**INTERIM CITY MANAGER'S REPORT:**

- Dresden has chosen Wiscasset over Gardiner for their ambulance service.
- Litchfield chose to stay with Gardiner Ambulance and with the Gardiner Library.
- Farmingdale voted to keep the Gardiner Ambulance Service and voted against continuing with the Gardiner Library; the moratorium will kick in where Farmingdale has to buy a card elsewhere over the next 5 years.
- Staff will be presenting tax acquired property to the Council in the near future.
- Dot Morang is back to full time following surgery.
- Becky Sieberg has left the City after 15 years and we thank her for her years with the City. Applications for the position are currently being received.
- Committees are short on members and if you know of anyone who would be interested to please have them contact City Hall. Discussion followed. Councilor Shawn Dolley will replace Councilor Ault on Technology Committee.

- Waterfront restrooms are now open. Locks will be installed and the showers are almost ready to be opened for use as well.
- Municipality is preparing for a state shutdown; City Hall will continue to provide the best service to its residents and hopefully the shutdown will not occur.

### **Council Update**

- Councilor Patricia Hart – The Ordinance Review Committee is continuing to meet and move forward with the many issues they face. She also said she was pleased with the Harrison Avenue residents who showed up to speak their concerns about the trail. Heart and Soul work continues to grow in Gardiner.
- Councilor Ault – Waterfront bathrooms look great! On July 26<sup>th</sup> the Gardiner Duct Tape Council will be hosting a pot luck in the park from 6:30pm to 8:30pm at the Gardiner Common.
- Councilor White – Thanked Code Enforcement Officer Barb Skelton and Councilor Patricia Hart for meeting on her issue regarding rats in her neighborhood. Councilor White attended the June 17<sup>th</sup> River Fest and said it was a great time and well attended. She did hear complaints about people smoking at the waterfront that evening. She also attended the Car Show at the waterfront and said what a wonderful weekly event that is.
- Councilor Phil Hart – Waterfront Concerts have started and are a lot of fun to attend. He also requested that subjects on emails sent by the City need to be more specific.
- Councilor Dolley – First destination tours started in Gardiner last week. Apologized for stepping out several times during tonight's meeting, he was dealing with a water/plumbing issue at his business.
- Councilor Cusick – River Fest was a great time and lots of people were in attendance. The new Dominos is now open and they did a great job keeping the historic features of the building intact.
- Councilor Berry – Asked for updates on Adams Street and Northern Avenue buildings. Anne said CEO Barb Skelton is working with both properties in trying to clean those up.
- Mayor Harnett – Dominos looks really nice and it's been a positive addition to the community; they have hired many local people as workers and the building looks great! On June 20<sup>th</sup> at Monkey Tree they had an observation of World Refugee Day with artists who shared their work. There is a statue that is being given to the city that will be placed at the waterfront. Phyllis dropped off the Welcome to Gardiner booklet; and the Mayor thanked his wife who dedicated a lot of time to the updating of this booklet.

### **ADJOURN:**

Motion by Councilor Cusick to adjourn the meeting; motion seconded by Councilor White. Motion carried by unanimous vote 8-0.

Meeting adjourned at 9:30 p.m.

Respectfully submitted by,  
Lisa Gilliam, City Clerk