

Mayor Harnett called the meeting to order at 6:02pm.

- **ROLL CALL**

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

Also in attendance: City Manager, Christine Landes; City Clerk, Kelly Gooldrup; Tony LaPlante, Barb Skelton, Darryl Brown, Amy Rees, Patricia McLaughlin, Barbara Pelletier, Anne Davis, Piper Panzeri, Debby Willis, Steve Marson, Nate Cotnoir

Councilor Cusick moved to adopt the agenda as amended.

Councilor Berry seconded.

Mayor Harnett asked for any further discussion. Seeing none. All those in favor. Unanimous.

- **PETITIONS, PUBLIC HEARINGS, PUBLIC COMMENT (anything not on the Agenda)**

Steve Marson wants the City's sign ordinance to be reviewed as not enough time is allowed for advertising and promoting events. Banners and signage should be posted for longer than two weeks before removal as with the current ordinance.

A. Public Hearing for a Junkyard Permit Renewal: Brown's Exit 27 Salvage, Inc.

Mayor Harnett opened the Public Hearing at 6:11pm and asked for any comments from the audience. Seeing none. Mayor Harnett closed the Public Hearing at 6:11pm.

B. Public Hearing for BPO Elks #1293 Liquor License Renewal

Mayor Harnett opened the Public Hearing at 6:12pm and asked for any comments from the audience. Seeing none. Mayor Harnett closed the Public Hearing at 6:12pm.

C. Public Hearing and Second Read City of Gardiner Second Moratorium Ordinance on Adult Use Marijuana Establishments

Mayor Harnett opened the Public Hearing at 6:13pm and asked for any comments from the audience. Seeing none. Mayor Harnett closed the Public Hearing at 6:13pm.

D. Public Hearing and First Read of proposed E911 Ordinance changes

CEO Skelton briefly described the proposed changes in the Ordinance.

Mayor Harnett opened the Public Hearing at 6:16pm and asked for any comments from the audience. Seeing none. Mayor Harnett closed the Public Hearing at 6:17pm.

Councilor Hart moved to send the proposed changes to the E911 ordinance to a public hearing and second read on December 19, 2018.

Councilor White seconded.

Councilor Ault asked who the E911 addressing officer will be.
CEO Skelton responded it is currently her, but could be assigned to another person at a later time.

Mayor Harnett asked for any further discussion. Seeing none. All those in favor. Unanimous.

- **NEW BUSINESS**

- 1. Possibly Approve Brown's Exit 27 Salvage, Inc. Junkyard Permit**

Councilor Cusick moved to approve the Junkyard permit for Brown's Exit 27 Salvage, Inc.

Councilor Ault seconded.

White asked about the applicants' signature.

City Manager Landes responded that Mr. Brown will sign the application when he picks up the permit. It was an overlook that it did not get signed.

Mayor Harnett asked for any further discussion. Seeing none. All those in favor. Unanimous

- 2. Possibly Approve BPO Elks #1293 Liquor License Renewal**

Councilor Ault moved to approve the liquor license for the BPO Elks #1293.

Councilor Hart seconded.

Mayor Harnett asked for any further discussion. Seeing none. All those in favor. Unanimous

- 3. Possibly Adopt the City of Gardiner Second Moratorium Ordinance on Adult Use Marijuana Establishments**

Councilor Berry moved to adopt the City of Gardiner Second Moratorium Ordinance on Adult Use Marijuana Establishments with an effective date of October 29, 2018.

Councilor Cusick seconded.

Councilor Hart thanked the City Manager for putting in the cheat sheets. They are very helpful. The cheat sheets are all the different Statutes related to marijuana enacted by the Maine Legislature.

Councilor Ault asked if we are still waiting for guidance from the Legislature.

City Manager Landes responded that we are waiting for the Legislature.

Mayor Harnett asked for any further discussion. Seeing none. All those in favor.
Unanimous

4. Recognize Election Clerks for their years of service: Patricia McLaughlin, Barbara Pelletier, Jerome 'Jerry' Maschino, and Cathy Pelletier

Barbara Pelletier served 15 years
Patricia McLaughlin served 15 years
Jerome Maschino served 14 years
Cathy Pelletier served 30 years

5. Recognize Gardiner Board of Trade as 2018 Spirit of America recipients

Gardiner Board of Trade was recognized by Kennebec County as the recipient for the 2018 Spirit of America. Anne Davis, Piper Panzeri, Debby Willis, Steve Marson and Nate Cotnoir were in attendance to accept the award.

6. Approve MDOT Construction Over-Limit Permit and allow the City Manager to sign permit

Councilor Hart asked why we are not requiring a Bond.
Tony LaPlante responded that it is a State road and MDOT would have to fix it anyway.
Councilor Cusick commented that the State will travel mostly over State roads. The biggest piece of equipment will probably be a crane. Usually the Bond is for damage to City roads. We can request the Bond, but it may affect the pricing.
City Manager Landes asked Councilor Cusick if any State project over \$100,000 is required to have a Bond anyway.
Councilor Cusick responded that he believed so. It would be an issue if the State was traveling over City roads consistently.
Tony LaPlante explained that the Bond that City Manager Landes asked about is a performance bond to make sure they don't walk away from the work.
Councilor Berry asked if we don't approve this permit now, could it affect when it goes out to bid.
City Manager Landes responded that the State would require an amendment to the contract.
Tony LaPlante Summer Street might be one you want to talk about as it will be a dedicated by-pass.
Councilor Hart commented that they will spend time on Arcade Street. I don't see a downside to the City requiring a bond.
Tony LaPlante commented that the State requested an easement for Arcade Street.

Councilor Hart moved to approve MDOT agreement for Over-limit loads during upcoming Bridge Projects. City Manager and Public Works Director will look into the

amount that we will require for a bond after consulting with DOT and give the City Manager to sign permit.
Councilor Berry seconded.

Councilor Ault will abstain since he was not present during most of the discussion. Councilor Cusick asked City Manager Landes if she was going to talk to DOT about the amount money before finalizing the permit.

City Manager Landes explained that the recommendation was \$14,000 per mile, so she will sit down with Tony and talk to DOT to determine the amount of miles and match the bond up with that amount.

Mayor Harnett asked for any further discussion. Seeing none. All those in favor. Unanimous with an abstain from Councilor Ault as he was not present during most of the discussion.

7. Discussion surrounding upgrading the City of Gardiner's street lights to 'networked' LED/Permission to send to Public Hearing for Bonding of project

City Manager Landes briefly described the two types of lights.

Networked: Would include a meter on top of each head that will alert sending a signal to a computer-based program that a light is out. It can be used to control certain times of day where you can dim the lights in certain areas. They are also Wi-Fi ready so at some point in the future there could be Wi-Fi across the City.

Smart ready: These are LED lights. We wouldn't have the ability on the computer to see when they are out.

One is a three year buy back, saving you about \$75,000 a year in CMP costs. The other one is a four year buy back still saving about \$75,000 a year in electricity costs. Infinity Light is extending the same offer they sent to Augusta for the contract.

Tony LaPlante stated we had discussions with another company, Realterm, who never sent us a proposal.

Councilor Hart asked if these lights are currently metered.

Tony LaPlante responded no. It's all calculated.

Councilor Berry asked if there would be a separate maintenance contract.

City Manager Landes replied yes. On-Target or Coutts Bros. would be mostly likely who we contract with.

Councilor Berry asked if that would impact the savings on electricity.

City Manager Landes said yes, but you wouldn't be paying the \$60,000 to CMP every year.

Tony LaPlante said the lights are a twenty-year light.

Councilor Cusick moved to approve sending the bond proposal of the Led light conversion to a first read on December 19, 2018.
Councilor Berry seconded.

Councilor Hart asked what other Towns are going in on this.

Tony LaPlante responded that the way the company made it sound was for the 'Lower Kennebec Valley Region' was invited to be part of the program.

Councilor Hart asked if Constellation Energy has been consulted about rates. She stated the supply rates change every hour so what you pay now is what the price was when the contract was set.

City Manager Landes said usually you have a contract with a certain number of years tied in at a certain kilowatt rate.

Councilor Hart asked about the mentioned Wi-Fi option.

City Manager Landes replied that the dome on the top of each light to hook up to Wi-Fi.

Mayor Harnett asked for any further discussion. Seeing none. All those in favor. Unanimous

8. Update from Tony LaPlante regarding road and sidewalk projects

1:02:53

City Manager Landes gave a report of the amount currently spent in sidewalks and paving. A multi-year bond was contracted out with \$434,000 spent in paving and \$99,000 in sidewalks. Approximately \$556,000 still left to spend.

Tony LaPlante gave an update on the sidewalk project. The Sidewalk Committee discussed where the priorities were. Some sidewalks were to be moved from one side of the street to the other, some were just going to replace curbing, some to be determined as we went along. The project went out to bid with focus on Washington Street, Spring Street and down in South Gardiner. The work started in September as bidding was in August. We had some rain days and then winter hit a little early. Councilor Cusick asked if we don't have enough money in the budget to do complete the project, should we just do a few sidewalks right and wait on others instead of partially completing sidewalks in the City.

Tony LaPlante state that if the Council wanted to re-visit the contract or change the scope of the work, they could do that.

Councilor Hart stated that as three members of the Sidewalk Committee were present, they were excited to have this opportunity to invest in sidewalks that hadn't been invested in forty or fifty years. The vision was for them to look good and be safer. We knew there wouldn't be enough money but we wanted to start somewhere. I know that Washington Street is under snow and construction, so I won't talk about that. Spring Street shows that whatever path we took and put in our plans was not the way to achieve our goal of improving the sidewalks. It is failing. Can we spend a little time this winter to come up with a plan for next year so we can have sidewalks that look good? If the solution is to only do one street and all the money goes in then we will figure it out. Tony LaPlante commented that due to the late start and the weather, we are not surface paving until next year.

Mayor Harnett asked if the Sidewalk Committee should meet during this winter down time to come up with a solution.

Councilor Ault stated that maybe we did pull out some of the project and maybe it was too hasty. Maybe we need to go back to the drawing board to match our vision with the realities on the ground.

Steve Marson stated that he has been listening to the discussion and is a little concerned as a tax payer.

Tony LaPlante gave an update on the paving project. We haven't done any surface, we have shimmed the streets. The reason we paved Spring Street and Washington Street is the horrible shape they were in. The purpose of the shim is to fill in the ruts, even out some spots, basically re-create the profile. The surface won't be done until next year. We have manholes that have to be raised. We are in the third year of the paving project. We have had three different companies so far doing the work. It will go out to bid again in January. Driveway entrances are the last piece we complete.

Mayor Harnett stated that in the last meeting, there were concerns about the timing of the shim coat.

Tony LaPlante responded that fifty degrees for the final coat. Forty degrees and rising for the shim coat.

Councilor Cusick asked if everything is shimmed right now. I think when we send out the next bid, there should be a deadline of September 15 or 30, no more paving. I don't think we got our monies worth this year out of the shim.

Tony LaPlante responded that he doesn't have any problem with the deadline. The State of Maine DOT has a timeline of either the week of October 15 or October 30.

Councilor Cusick commented that it is October 15 with fifty degrees and rising.

Councilor Ault voiced his concerns about the quality of the work and timing. The contractors in question and the people making decisions decided to just go ahead and do it regardless of the consequences and obligations.

Tony LaPlante stated that he made the decision and will take the responsibility.

Councilor Ault said he is willing to accept that explanation; there have been plenty of examples of quality work on the final day.

Tony LaPlante commented that he not proud of what the streets look like today but with a good deal of certainty that when we do the final paving. We haven't had to rip one up yet.

Councilor Ault responded that he is willing to trust and drive down the road on that hopefulness. He is hoping this process really underscored what the Council is after when we think about how we spend the City's finances.

Councilor Cusick asked if Pete Coughlin talked to the City about piggybacking with the States LCD program.

City Manager Landes replied yes he did. Tony and and the City Manager met with Pete Coughlin.

Councilor Hart requested a follow up on Central Street and understand what the plan is for the Street. It is shimmed and it is on the list to be rebuilt, but the shim is all coming up.

Tony LaPlante said they were shimming that and then doing maintenance overlay, curb to curb. I can go thicker on it. We are waiting on the Water District as they have a lot of work on that street as well.

Councilor White commented that she hasn't seen Central Street, but Spring Street is in her neighborhood and drives it daily and is concerned with the quality. It doesn't look good at all. I have heard several complaints about it.

Tony LaPlante stated that if you have any concerns, please call me.

9. Approve upcoming proposed meeting schedule for 2019

Councilor Berry moved to accept the 2019 Council Meeting schedule as presented.
Councilor Cusick seconded.

Councilor Hart mentioned the discussion in a previous meeting about possibly not having a Council Meeting the day after the Election.

City Manager Landes said the meeting could be changed from November 6, 2019 to November 13, 2019.

Amended motion by Councilor Berry moved to accept the 2019 Council Meeting schedule with the November 6, 2019 meeting changed to November 13, 2019.

Seconded by Councilor Cusick.

Mayor Harnett asked for any further discussion. Seeing none. All those in favor.
Unanimous

10. Waive Foreclosure of Map 026 Lot 009-001

City Manager Landes explained that late yesterday the City discovered that there was a pending foreclosure on a piece of a property that a gentleman had leased. It was a portion of a barn to store his stuff. He has not paid his taxes of \$156 for the year 2017. It is the suggestion of the Assessor's Agent and the Tax Collector that you waive foreclosure. When the gentleman passes away, the owner will assume the area back again and will be responsible for the taxes.

Councilor Berry asked if this will continue to accumulate until that day and time arrives. City Manager Landes replied yes.

Councilor Hart asked who owns the barn and land.

City Manager Landes responded that it is a different gentleman than who has deeded space in the barn.

Councilor Berry moved to waive foreclosure for Tax Year 2017 on Map 026 Lot 009-001 owned by Dale Abbott Gowen.

Councilor Cusick seconded.

Mayor Harnett asked for any further discussion. Seeing none. All those in favor.
Unanimous.

11. Approve Minutes of November 7, 2018

Councilor Rines: Marc Rines instead of Mark Rines (in the Roll Call)

Councilor Hart: #8 asked for a list of streets be included with the announcement. (It was more specific than asking for clarity. I believe that was included.)

City manager report it should read 'we look forward' instead of 'we look for'

Dispatch discussions are continuing 'dispute' should be 'despite'

Instead of saying 'absentees' it should be 'absentee ballots'

Councilor Hart said she would approve the minutes with thanks and with the changes suggested.

Councilor Hart moved to approve the November 7, 2018 minutes with corrections.

Councilor White seconded.

Mayor Harnett asked for any further discussion. Seeing none. All those in favor.

Unanimous.

- **CITY MANAGER REPORT**

-We have had two applicants submit statements of interest for the upcoming open Council seat. I will bring those to you at your next meeting in December in executive session and you can decide if you would like to interview them.

- We did start interviews this week for the Economic Development Director position. We had twenty-eight applications, we narrowed it down to six and of those six, we are asking four to move on to second interviews. Those interviews will be conducted on December 3 and December 14.

-I am waiting until after the Holidays to recruit those people that volunteered to be on the Dog Ordinance Committee.

-Councilor Ault had asked about the voting machines at the last meeting. Kelly and I did some more research on that. We rent two machines from ES&S at a total cost of \$3,780 a year, rather than a per Election cost of \$4,720. The State provides two at no cost and we rent two machines from the State. So we don't actually own any machines anymore.

-Don't forget to turn in your Holiday Party RSVP by Friday.

-Chief Nelson, Chief Toman and I went to Waterville today to continue with dispatch discussions. Lisbon also reached out to us with the possibility of taking us on as well.

- **CITY COUNCIL REPORT**

Councilor Hart: I just wanted to follow-up on the last meeting about adding someone from the Planning Board or the Ordinance Review Committee to the review panel for the Economic Development Director position.

City Manager Landes responded that Debby Willis wears two hats and is on the Gardiner Board of Trade and the Planning Board.

Councilor Hart: Suggested everyone go buy tickets at the Festival of Lights and put them in the Rotary Tree bucket. The Rotary is also selling trees next week.

Councilor Ault: All set

Councilor White: Very exciting meeting. Lots of new stuff happening. Urge everyone to come this weekend to the Parade of Lights. Don't forget to get an ugly sweater for the party.

Councilor Rines: Nothing to report.

Councilor Cusick: All set. Thank you.

Councilor Berry: Coming up next week or the week after, we will become the owners on the building on Adams Street and Northern Avenue. The liens mature? Are we planning on doing the removal or is it going out to bid and when?

Tony LaPlante responded that it is on December 8, 2018 and we will probably be calling for quotes sooner rather than later.

Mayor Harnett: Thanked the Council for discussion on roads and sidewalks. Thank you Tony LaPlante for answering some difficult questions, Steve Marson for his input and expertise. As Councilor Hart pointed out, you should plan to be in Gardiner all weekend starting with the Festival of Trees Thursday through Saturday, the Parade of Lights with live music, look at the Gardiner Main Street website for upcoming events.

- ***EXECUTIVE SESSION: Pursuant to 1 M.R.S.A. § 405(6)(E). Concerning a Code Enforcement Matter and possible litigation.**

Councilor Cusick moved to go into executive session at 8:20pm.

Councilor Berry seconded.

Mayor Harnett asked for any further discussion. Seeing none. All those in favor. Unanimous.

Councilor Hart moved to come out of executive session at 9:02pm.

Councilor Cusick seconded.

Mayor Harnett asked for any further discussion. Seeing none. All those in favor. Unanimous

Mayor Harnett moved to allow City Manager Landes, Public Works Director and CEO Skelton to follow through on steps discussed in Executive Session by the City Council. All those in favor. Unanimous.

- **ADJOURN**

Councilor Ault moved to adjourn.

Councilor Rines seconded.

Mayor Harnett asked for any further discussion. Seeing none. All those in favor. Unanimous

9:04pm

(Approved during the December 19, 2018 Council Meeting)