

Mayor Hart called the meeting to order at 6:01 pm.

1. ROLL CALL

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

Also in attendance: City Manager, Christine Landes; City Clerk, Kelly Gooldrup; Thom Harnett, Doug Clark, Barb Skelton, Debby Willis, Denise Brown, Kerry Hughes, Helen Stevens, Dennis Meehan III, Tracy Meehan, Dennis Meehan Jr, Tony LaPlante, Jessica Lowell, Dennis Wheelock, Jeremy 'Hank' Farrah

2. PUBLIC COMMENT (anything not on the Agenda)

Kerry Hughes, residing at 22 Cedar Street, since 2017, explained that he had a sewer issue last fall that backed up into his basement. His property is on city sewer and he paid for the repairs and cleaning. It was determined that the blockage was within the City Sewer lines and should not be his responsibility. He was told that a letter had been sent out in 2012 to the then property owner and two neighbors explaining that the City would not be responsible for those mentioned properties. The residents in 2012 signed off on the letter accepting it. However, no letter could presently be found. Now his neighbor also has a leakage in the back of his house. Kerry Hughes has contacted his lawyer, whom reached out to the Code Enforcement Officer, and he is now appealing to the Council for some help with this issue.

Mayor Hart asked if he is seeking damages from the City.

Kerry Hughes said he doesn't understand why the sewer line goes from his house, across the street and down a twenty-five-foot embankment on his neighbor's property.

Mayor Hart said she is not sure what he is requesting from the Council, but that it could be put on a future agenda and until then he could work with the City Manager to get information to better understand what he was seeking.

Kerry Hughes said that City Manager Landes looked in the property folder. The house was built in 2006 and there is no record of it being checked by the Code Enforcement Officer when it was built. He noted that he felt nobody checked when the sewer was installed.

Mayor Hart explained again that going forward Mr. Hughes should proceed to work with the City Manager and also Doug Clark, Wastewater Director, to collect information in resolving this matter. She thanked him for coming.

3. PETITIONS/PUBLIC HEARINGS

a) Public Hearing of a Liquor License Renewal for The Depot Pub

Mayor Hart opened the public hearing at 6:15PM and asked for any comment from the public. Seeing none. Mayor Hart closed the public hearing 6:15PM.

Councilor Cusick moved to approve a liquor license renewal for The Depot Pub.
Councilor Berry seconded.

Mayor Hart asked for any discussion from the Councilors. Seeing none. All those in favor. Unanimous.

b) Public Hearing and Second Read of Proposed Amendments to Chapter 9/Snow Removal in Title 13 Health and Safety/New Section 1403 Snow or Ice Threatening Use of Public Streets or Sidewalks

Mayor Hart opened the public hearing at 6:16PM.

Code Enforcement Officer, Barb Skelton and Public Works Director, Tony LaPlante explained that there had been an issue in the past with icicles forming on buildings and posing a threat to the public. CEO Skelton presented pictures of a current issue on water street. Public Works has put out some cones to help keep the public safe.

Councilor Berry asked if the amendment makes any changes to the sidewalks. Will the sidewalk in front of the property be the owner's responsibility?

CEO Skelton replied no. The changes we have made pertain to the icicles coming off the buildings that pose a hazard to the general public.

Mayor Hart asked about the back of the buildings? There is a lot of snow that builds up in the back.

CEO Skelton the changes indicate the sidewalks and streets. Some of the buildings abut the property lines of the sidewalks and streets.

Dennis Meehan, residing at 38 Autumn Street, commented that last year a huge icicle fell and almost hit someone. They could have been hurt really bad.

Mayor Hart asked for any further comment from the public. Seeing none. Mayor Hart closed the public hearing at 6:18PM.

c) Public Hearing and Second Read of Proposed Amendments to the Sewer Ordinance

CEO Skelton explained that during the last reading, they discussed the four proposed changes.

Mayor Hart asked if anyone has received any comment since the last meeting.

Doug Clark replied no.

Councilor Berry asked why the tenant or occupant or person in charge of any building or premises acting in the owner's behalf would have the authorization to make decisions. (Page 41. Section Y)

Doug Clark responded that it states anyone who may be legally responsible acting on the owner's behalf. Like a property manager.

CEO Skelton said if they would like the ordinance to be reviewed she could look into that, but that is how the current ordinance reads.

Councilor Berry commented that being an owner of many properties, he would hate to think that one of his tenants could speak for him.

Doug Clark replied that you would have to give legal authorization for that to happen.

Mayor Hart opened the public hearing at 6:23PM and asked for any comment from the public. Seeing none. Mayor Hart closed the public hearing at 6:23PM.

d) Public Hearing and Second Read of a Bond Proposal not to exceed \$295,000 for LED Streetlight Conversion

Mayor Hart explained that as you will recall from previous discussions about the conversion, the City of Gardiner will be asked to pay, up front, Affinity Lighting for the LED Streetlight Conversion. This conversion will allow all of the current 500 +/- lights in the City with cobra heads, not the green downtown lights to be converted to LED and to be 'networked'. Using the proposal, the City of Gardiner is set to save approximately \$1.2 million over 20 years. This proposal has been offered to the City at the same price that surrounding municipalities have been offered.

City Manager Landes commented that the City will save approximately seventy-six thousand dollars a year from reduced electricity costs. The bond payment will be approximately eighty-one thousand and in four years the bond will be paid off.

Councilor Berry asked if there was any consideration in extending the bond to get a savings in the second, third or fourth year.

City Manager Landes responded that if you do the leased purchased option, you would see the savings up front, but it wasn't recommended at this point.

Councilor Berry stated that we talk about the elderly population and that they may not see the savings and recognize an advantage if the City does the four-year option.

Mayor Hart opened the public hearing at 6:27PM and asked for any comment from the public. Seeing none. Mayor Hart closed the public hearing at 6:27PM

e) Public Hearing and Second Read of a Continuation of Medical Marijuana Retail Storefront Moratorium (retroactive to 1/5/2019)

CEO Skelton stated that the recommendation is to extend the moratorium until the State completes their process.

Debby Willis, Chair of the Planning Board and Ordinance Review Committee, said we are asking for a continuation so we don't do a lot of work only to find out we've done it incorrectly.

CEO Skelton stated that the request for proposal that the State put out had a low bidder announced and the second bidder has filed legal actions, so this may be stuck in the court system for a while. We may not have regulations until December instead of the projected February.

Mayor Hart asked if that means in one year.

CEO Skelton replied yes.

Mayor Hart stated that this continuation will be effective January 5th to 180 days later.

Councilor Ault asked for clarity. Are we talking about recreational or adult use marijuana?

CEO Skelton replied that the committee wants to review all the marijuana regulations at one time and package them together in one ordinance.

Mayor Hart opened the public hearing at 6:32PM.

Dennis Meehan, resides at 38 Autumn Street, also has a store called Nature's Summit Downtown in Gardiner. He explained he was more educated than most people about this subject. Every day he has people come in to his shop for help. He himself had a stroke and the only relief he has found is through cannabis. He continued to explain his passion for marijuana and helping people. He is now very limited due to the laws changing his business. CEO Skelton commented that Dennis is very passionate about this subject.

Mayor Hart asked if he is speaking against the moratorium.

CEO Skelton stated that Dennis is more than welcome to attend the Ordinance Review Committee meetings when they start reviewing the ordinance.

Mayor Hart asked if Dennis has anything else to add about the moratorium.

Dennis Meehan said he has literature and articles about the benefits of marijuana. The Council is welcome to read through them.

CEO Skelton said the City is not in the position to give licenses at this point. However, there are two businesses already in the City. Dennis is one of them and the other is down at the other end of the Street. They don't have licenses but because they were operating before this moratorium went into effect, they are allowed to continue operating until the regulations are clear through State. The City is not in position to take any action to put them out of business. Mayor Hart commented that we are supporting the two businesses and we know that you are speaking against the moratorium, so when we vote on this moratorium, we will take that into consideration.

Mayor Hart asked for any further comment from the public. Seeing none. Mayor Hart closed the public hearing at 6:46PM.

f) Public Hearing and Second Read of Title 26 Trees/Chapter 1 Oversight of Trees and Chapter 2 Protection of Public Trees

CEO Skelton gave an overview that the ordinance was brought to the Councils attention regarding the safety, maintenance and protection of the public trees. A citizen with tree experience as member of the board was added to the ordinance.

Mayor Hart opened the public hearing at 6:48PM and asked for any comment from the public. Seeing none. Mayor Hart closed the public hearing at 6:49PM.

4. NEW BUSINESS

a) Resolution Honoring Former Mayor Thom Harnett

Mayor Hart read the resolution aloud and had a presentation for Thom Harnett with a plaque displaying a gavel to take home.

Thom Harnett thanked everyone and spoke briefly about his six years as the Gardiner City Mayor. He spoke about some upcoming goals as a Maine State Representative.

b) Helen Stevens/Inaugural Poem

Helen Stevens read the poem aloud.

c) Possibly Adopt Amendments to Chapter 9/Snow Removal in Title 13 Health and Safety/New Section 1403 Snow or Ice Threatening Use of Public Street or Sidewalks

Councilor Ault moved to approve and adopt the proposed amendments as presented and waived the publication of the amendments in the newspaper as allowed in the City Charter Article 11, Section 9.

Councilor Cusick seconded.

Mayor Hart asked for any discussion from the Councilors. Seeing none. All those in favor. Unanimous.

d) Possibly Adopt Amendments to the Sewer Ordinance

Councilor Cusick moved to approve and adopt the proposed amendments as presented and waived the publication of the amendments in the newspaper as allowed in the City Charter Article 11, Section 9.

Councilor Berry seconded.

Mayor Hart asked for any discussion from the Councilors. Seeing none. All those in favor. Unanimous.

e) Possibly Approve Bond Proposal not to exceed \$295,000 for LED Streetlight Conversion

Councilor Dolley moved to approve a four-year Bond not to exceed \$295,000 at four percent for LED Streetlight Conversion; approved the proposal with Affinity Lighting and to have the City Manager sign the contract.

Councilor Rees seconded.

Councilor Berry said he doesn't see the value in rushing to get it paid off so quickly.

Councilor Rees said she would be interested to see what the interest saved would be over time.

City Manager Landes commented that she usually doesn't like to see the City borrow money and that the City could have paid for this up front. She recommended to take the loan out for four years. She stated that the loan payment versus CMP bill difference of approximately five thousand is pennies on a tax bill. Mayor Hart asked for clarity regarding the savings. It doesn't include the maintenance?

City Manager Landes replied that is correct. A separate contract will have to be executed possibly with Coutts Brothers. They will be installing the lights. We do not know the cost yet.

Councilor Ault said he hadn't considered the idea of extending the contract. There may be merit in the idea of an extension.

Councilor Berry asked if this bond is prohibitive of paying off early.

City Manager Landes replied no.

Councilor Berry commented that if we did look at a six, seven, eight or ten-year bond, then if we have a windfall, we could pay it off in four years.

City Manager Landes commented that you could amend the motion to extend the term and allow Finance Director Brown and myself to seek out the best deal for the City.

Councilor Cusick said he would like to see the numbers before voting on anything.

Councilor Berry said that you are going to have a larger interest over period of time. But if we approve a ten year, then we get to the budget process, if we can afford to pay more in our monthly payments it could be paid off early.

Councilor Dolley said so based on example we have it looks like a short cost. Is there something we can come up with to show the revenue neutral scenario?

City Manager Landes said that Finance Director Brown can run the numbers in a couple minutes to show you different scenarios.

Councilor Berry said he is looking for a savings starting in the first year.

City Manager Landes said as financial steward for the City, she felt this was the best option for the City to go with the four-year bond.

Councilor Rees asked for clarity. Is the savings that we are receiving that is making the payback in the first 3.9 years?

City Manager Landes replied yes, with an increase of \$5,000.

Mayor Hart said the maintenance is in addition as it is separate.

Denise Brown explained the amortization spreadsheet. It was kept it at the 4%.

4 years: the annual payment is \$81,000 you pay just under \$30,000 in interest over the life of the loan.

6 years: the annual payment is \$56,000 with an additional amount of interest \$12,500, total interest is \$42,500 over the life of the loan

8 years: the annual payment is \$43,678 with an additional amount of interest \$25,368, total interest is \$55,351 over the life of the loan

10 years: the annual payment is \$36,256 with an additional amount of interest \$38,509, total interest is \$68,492 over the life of the loan

Councilor Berry said he wants the motion amended to read 8 or 10 years.

Councilor Ault said he is supportive of Councilor Berry's recommendation.

Councilor Berry said we can pay it off early.

Councilor Rees removed the second to the original motion.

Councilor Dolley asked for a general consensus of the table before moving forward with this amendment.

Mayor Hart said she would be supportive.

City Manager Landes commented to the Council, when it comes to budget time, if we look to pay it off, she would probably recommend paying off other Bonds or loans that may be closer to ending first or have a higher interest rate.

Mayor Hart replied that the Council has always looked to the City Manager to find the best way to use the budget for paying off certain items.

Councilor Rines supports the possible amendment.

Councilor Rees supports the possible amendment.

Councilor White supports the possible amendment.

Councilor Dolley commented that he is not against the amendment, but finds it unlikely that later on we would pay it if early. If we have the money in the budget, we will say let's spend it on something else. I think the idea of paying it off early is a bit of a fantasy. Also how much do we really want the tax payers paying toward interest?

Councilor Dolley added an amendment to the motion: to approve a ten-year bond not to exceed \$295,000 with an option to pay it off early.

Councilor Rees seconded.

Councilor White asked if the motion should be up to ten years.

Councilor Rees removed her second.

Councilor Dolley amended his motion to read: I move to approve a ten-year Bond not to exceed \$295,000 at four percent with the option to pay it off early for LED Streetlight Conversion; approved the proposal with Affinity Lighting and to have the City Manager sign the contract.

Councilor Rees seconded.

Mayor Hart asked for any further discussion from the Councilors. Seeing none. All those in favor. Unanimous.

f) Possibly Adopt the Continuation of Medical Marijuana Retail Storefront Moratorium (retroactive to 1/5/2019)

Councilor Berry moved to approve the continuation of the Medical Marijuana Storefront Moratorium, retroactive to January 5, 2019 and waived the publication of the moratorium in the newspaper as allowed in the City Charter Article 11, Section 9.

Councilor Ault seconded.

Councilor Rines thanked Mr. Meehan for his time here. He explained that his ears are wide open and he should contact him if he ever wanted to talk.

Mayor Hart asked for any further discussion from the Councilors. Seeing none. All those in favor. Unanimous.

g) Possibly Adopt Amendments to Title 26 Trees/Chapter 1 Oversight of Trees and Chapter 2 Protection of Public Trees

Councilor Ault moved to approve and adopt the amendments as presented and waived the publication of the amendments in the newspaper as allowed in the City Charter Article 11, Section 9.

Councilor Cusick seconded.

Mayor Hart asked for any discussion from the Councilors. Seeing none. All those in favor. Unanimous.

h) Audit Presentation with Runyon, Kersteen, Ouelette (RKO)

Denise Brown and Hank Farrah presented the FY18 audit presentation by PowerPoint. Minor discussion followed. No action needed or taken.

i) Resolution for Membership and Appointment of Voting Delegate Representative and Alternate for Maine Service Center Coalition

City Manager Landes is currently the treasurer for the Coalition and is asking for an alternate in her absence.

Councilor Dolley volunteered to be the alternate.

Councilor Cusick moved to appoint City Manager Landes as the MSCC delegate and Councilor Dolley as the alternate.
Councilor White seconded.
Mayor Hart asked for any discussion from the Councilors. Seeing none. All those in favor.
Unanimous.

j) Confirm Appointment of EDD/Planner, Thomas Fiorelli

City Manager Landes explained that after interviewing numerous candidates and it was narrowed down to two people. The committee then brought them in to interview and meet the City. There was a seven-member panel for interviewing. City Manager Landes chose Thomas Fiorelli for the position.

Councilor Berry asked if there will be a contract.

City Manager Landes replied no. He is an employee at will.

Councilor Dolley commented that after being on the committee, the process went very well. He was very impressed with City Manager Landes in her ability to keep things organized.

City Manager Landes commented that he will start no later than February 19, 2019. He will be arriving February 4, 2019 and is already looking for housing within the City of Gardiner.

Councilor Dolley moved to accept the City Managers recommendation of Thomas Fiorelli as the Planner EDD at a salary of \$65,343.20

Councilor Rines seconded.

Mayor Hart asked for any discussion from the Councilors. Seeing none. All those in favor.
Unanimous.

k) Renew Listing of the Libby Hill Business Park with Magnusson Balfour

Dennis Wheelock is asking for a one-year renewal from the council.

Councilor Rees commented that she did not see the listing on the MLS. It looked like it has expired and why was that allowed to happen.

Dennis Wheelock replied that it should still be searchable. We did send it out.

Councilor Rees said it is not searchable.

Dennis Wheelock said he would check into that. It is on the Magnusson Balfour site. He explained that the company had also just made a change and are now under the Keller-Williams. They are one of the largest real estate companies in the world.

Councilor Berry moved to extend the listing agreement with Magnusson Balfour until 12/31/2019 and allow the City Manager to sign the authorization.

Councilor Cusick seconded.

Councilor Rees commented that in reading the job description for the new EDD, it includes selling real-estate in the Business Park. She wondered if we should be entering into a yearlong contract before the new EDD has a chance to meet Mr. Wheelock and also to see what other options are out there for listing agents. Perhaps six months would be better for now.

City Manager Landes recommended extending the contract until December, which will give Thomas time to get used to the position and area. Then towards the end of the year, we can bring Mr. Wheelock back in to meet Thomas and see how things stand.

Mayor Hart asked if it were necessary, is there a way to end the contract early.

Dennis Wheelock replied that he will have to check with Keller-Williams. You could fire me anytime, but I can't speak for the designated broker.

Councilor Cusick said he agrees with the City Manager.

Mayor Hart also agrees with City Manager and Councilor Cusick.

Mayor Hart asked for any further discussion from the Councilors. Seeing none. All those in favor. Unanimous.

5. CITY MANAGER REPORT

- The City Manager found a Tax Acquired Property Policy that the Council adopted in 2016. She has not had a chance to review it yet, but she will and then bring it back to Council for discussion.
- It is budget season and she is asking the Council if the non-profit organizations should speak to the Council.
Mayor Hart said any that are over \$1000, such as the cemetery.
Councilor Cusick said yes. The top three should. Gardiner Main Street, Boys & Girls Club and Johnson Hall.
Councilor Berry said he would like to see all of them.
City Manager Landes said the budget workshops are on March 27 & April 17.
- County and School budgets are separate from our budget. Please attend those meeting. She polled the Council if they are looking for decreased or steady mil rate?
Mayor Hart asked if that should be on a future agenda.
Councilor Ault asked if we could discuss it at our goal setting session.
- Saturday, February 2 is our goal setting session. Please be prompt. It will be at the Library.
- The previous meeting minutes were not on agenda today. Unfortunately, Kelly was out a couple days due to illness. Our apologies on that, as we know you like them to get them promptly. They will be on the next meeting agenda.
- February 12, Councilor Rees will go around and meet all of the Department Heads along with Mayor Hart. If anyone else would like to join us, please feel free and let me know.

6. CITY COUNCIL REPORT

- Councilor Ault: Welcome back Kelly, glad you are feeling better. We have brought the School Board members to have a discussion with us. He found it useful and we should encourage them an invitation. He saw about a month ago that Gardiner did not make the cut with the Bond agency the State uses, that does the financing for workforce housing. He knew the last time we had the Developer's Collaborative was here, was in the fall of 2018.

Mayor Hart asked if we should put them on an agenda to hear from them. She would like to add the Senior Housing Bonds as well.

Councilor Ault replied yes he would like an update from them.

City Manager Landes said that Developer's Collaborative has been working with Dennis Wheelock.

Councilor Ault commented that the Council has been pretty active with Economic Development. He thinks some businesses have disappeared and had they reached out to the City Council, with a vision and plan, things may have been different. He would like to know what happened in those instances and how he can plan and judge better.

Mayor Hart asked if he had a follow up would he be looking for or a future agenda item.

Councilor Ault said he would like updates from those businesses.

- Councilor Cusick: He agreed with Councilor Ault. He felt it was disheartening. Shout out to Denise Brown, City Manager Landes and other staff for the audit. Great job to Tony and his staff.
- Councilor White: She echoed Councilor Ault and Councilor Cusick regarding the audit. Welcome to Gardiner City Manager Landes. She is officially a Gardiner resident. She would have loved to be the alternate, unfortunately it is during the day when she is teaching, so congrats Councilor Dolley.
- Councilor Berry: He highly encouraged the City Manager to put the light bond into 4 years in the budget and let us chew on it.
- Councilor Rees: Thank you to Tony and his crew. Thank you for your patience as she learns how this operates. She has postcards ready to mail out to District 2 to introduce herself with contact information.
- Councilor Dolley: Offered some encouragement to Councilor Rees and that she has hit the ground running quicker than a lot of us. Thank you to City staff.
- Councilor Rines: Everyone said it for me. Thank you.
- Mayor Hart: Looking forward to the goal setting session. We welcomed 98 plus people to the KV Chamber of Commerce tonight at Johnson Hall. We have some wonderful businesses being honored Friday night through the KV Chamber of Commerce. The Duct Tape Committee is stepping forward to spearhead the bridge communications and celebrate what Heart & Soul set out to accomplish. There are a lot of Committee vacancies. I will be reaching out see who can serve on them. Congrats to all. Congratulations on hiring our new EDD. Welcome to our newest councilor.

7. ADJOURN

Councilor Cusick moved to adjourn.

Councilor Berry seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous 8:32PM

(Minutes were approved as presented during the February 06, 2019 Council Meeting)