



**GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET**



Meeting Date	04/07/2021	Department	City Clerk
Agenda Item	4j) Review and Accept Meeting Minutes from March 3, 2021, March 10, 2021, March 17, 2021 and March 24,2021		
Est. Cost	NA		

Background Information	<p>City Clerk Ballard will be available to discuss the minutes of March 3, 2021, March 10, 2021, March 17, 2021 and March 24,2021.</p>
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Requested Action	"I move to accept the Gardiner City Council minutes of March 3, 2021, March 10, 2021, March 17, 2021 and March 24,2021as presented"
City Manager and/or Finance Review	Interim City Manager recommends the above action.
Council Vote/ Action Taken	
Departmental Follow-Up	

City Clerk Use Only	1 st Reading _____	Advertised _____	EFFECTIVE DATE _____
	2 nd Reading _____	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____



COUNCIL MEETING MINUTES
GARDINER CITY COUNCIL
Wednesday, March 3, 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 Sergent, Councilor Cusick, Councilor White, Councilor Berry, Councilor Rees, Councilor Frey, and Councilor Rines.

City Council Absent: Councilor Sergent

Also present: Library Director Anne Davis, City Clerk Alisha Ballard, Economic Development Director Tracey Desjardins, Fire Chief Rick Sieberg, Code Enforcement Officer Kris McNeill, Planning Board Chair Debby Willis, Police Chief James Toman, Finance Director Denise Brown.

2. PUBLIC COMMENT

None

3. PETITIONS/PUBLIC HEARINGS

a) Land Use Changes Dealing with Dogs and Kennels

Mayor Hart opened the public hearing at 6:06 p.m. and asked for any comments from the public. Hearing none, Mayor Hart closed the public hearing at 6:07 p.m.

b) Gardiner City Code of Ordinances, Section 1762 Dealing with Dogs and Kennels

Mayor Hart opened the public hearing at 6:07 p.m. and asked for any comments from the public. Hearing none, Mayor Hart closed the public hearing at 6:07 p.m.

4. NEW BUSINESS

a) **Second Read and Possible Approval of Land Use Changes Dealing with Dogs and Kennels**

Planning Board Chair Debby Willis spoke briefly.

Councilor Rines asked Planning Board Chair Willis about pool safety. Councilor Rines asked if a resident has a pool in the front yard, are they able to erect a six-foot fence.

Planning Board Chair Willis answered by reading from the ordinance.

Code Enforcement Officer stated that fencing is required around a swimming pool. The ordinance also states it must be in the side or rear yard.

Action: Councilor Cusick moved to adopt the proposed land use changes dealing with dogs and kennels as presented.

Councilor White seconded.

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

b) **Second Read and Possible Approval of Gardiner City Code of Ordinances Section 1762 Changes Dealing with Dogs and Kennels**

Ordinance Review Chair Debby Willis spoke briefly.

Action: Councilor Cusick moved to adopt the proposed Gardiner City Code of Ordinance Section 1762 changes with dogs and kennels as presented.

Councilor White seconded.

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

c) **Update from CEO Kris McNeill Regarding the Central Street Property**

Code Enforcement Officer McNeill spoke briefly.

Councilor White asked Code Enforcement Officer about taxes.

Code Enforcement Officer McNeill stated he checked before the meeting and they are current on taxes and sewer.

Councilor White stated she is still concerned with the condition of the property, it does not look safe. Councilor White asked Code Enforcement Officer McNeill if we are able to give a time line to the resident.

Code Enforcement Officer McNeill stated it is the intention of the homeowners to clean the property. He stated there are violations according to the property maintainance ordinance and if Council wants to go in that direction CEO McNeill can draft a notice of violation and request rectification.

Councilor Rees asked what are the violations.

Code Enforcement Officer stated the grass is overgrown, there is debris around the property that attracts vermin, holes in the shed, broken windows and access to under the property.

Councilor Rines asked if the property owner is a resident of Maine.

Code Enforcement Officer stated he is a resident of Maine but he is not local.

Councilor Rines asked if CEO McNeill could meet with him again to advise him we need him here to take care of these issues without having to cite him.

Code Enforcement officer stated if City Council gives direction he could give a verbal/written warning and then if the violations are not addressed they will move on to a notice of violation.

Councilor Cusick asked if we have given him enough verbal warnings. He mentioned this is an ongoing problem.

Mayor Hart stated this has been going on since Barb was the Code Enforcement Officer.

Councilor Cusick stated he is beyond the point of issuing another verbal warning and that they should draft up a notice of violation. Councilor Cusick stated the homeowner has had plenty of time to correct the violations and is not complying.

Mayor Hart asked Code Enforcement Officer McNeill if there were notes on file from when Barb was the CEO.

Code Enforcement Officer McNeill stated the current violations are similar to what Barb had on file from 2018.

Councilor Rees stated she recalls the house being empty and has been for a very long time.

Councilor Berry asked Code Enforcement Officer McNeill what is the approach is and if there is a fine.

Code Enforcement Officer McNeill stated there is a property maintainance ordinance that does allow a per day fine. He stated if we give the homeowner a notice of violation it will

give them 30 days to clean up the violations or else we are pursuing legal action. This gives them a solid deadline to make the necessary changes or legal action is to follow.

Councilor Berry asked what is the fine.

Code Enforcement officer McNeill stated up to \$25 a day.

Director Davis stated that was an ongoing problem when she was Interim Manager when Barb was the CEO. At that time we did not take it to the final steps. Director Davis mentioned that she understands that council would like to take this to the final steps we are allowed under the law.

Mayor Hart stated that in the past couple of months we enacted the new ordinance.

Code Enforcement Officer McNeill stated that there is direct violation to cite on the notice of violation.

Council directed Code Enforcement Officer McNeill to issue a Notice of Violation to the homeowner located at 78 Central Street.

d) Acceptance of Criminal Forfeiture Funds from District Attorney, In Rem

Police Chief James Toman spoke briefly.

Councilor Berry asked Chief Toman what was the percentage of funds that we would receive.

Police Chief Toman stated it would be for the amount that is in the letter.

Councilor Berry asked how often does that actually happen.

Police Chief James Toman stated at least 75% of the time if not higher.

Action: Councilor Berry moved to accept criminal forfeiture funds pursuant to 15 M.R.S.A. § 5824(3) and § 5826(6) in the amount of \$4,800.00 or such amount ordered by the court, in rem, on the grounds that the Gardiner Police Department did make a substantial contribution to the investigation of this or of related criminal case.

Councilor Frey seconded.

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

e) **Consider Sending to Ordinance Review Committee: Demolition Permits, Calculating Solar Array Building Permit Fees and Solar Arrays in Residential Areas**

Ordinance Review Chair Willis spoke briefly.
Code Enforcement Officer McNeill spoke briefly.

Councilor Berry stated that there is a difference between a building being taken down on Capen Road and one in downtown Gardiner for city expense. Councilor Berry stated this should be divided out more.

Code Enforcement Officer McNeill stated that is a good point. It is more time consuming within the city but in the rural areas you still need inspections to check for hazardous material. CEO McNeill stated that at a minimum there needs to be a base fee across the board.

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: demolition permits, calculating solar array building permit fees, and solar arrays in residential area.

Councilor Frey seconded.

Mayor Hart asked for any discussion. Seeing none, all those in favor? Unanimous for those present.

f) **Step II Discontinuance of Portion of Commerce Drive (aka Enterprise Avenue) in Libby Hill Business Park**

Economic Development Director Tracey Desjardins spoke briefly.

Action: A: Councilor Berry moved that the City Council issue an order to discontinue a section of Commerce Street (also known as Enterprise Avenue). Specifically, the section of Commerce Street that would be discontinued lies entirely within the property identified as Gardiner Tax Map 18A, Lot 15, and more specifically, the portion of Commerce Street depicted on the drawings numbered Sheet 2 of plans entitled "Amended Subdivision Plan, Libby Hill Business Park" prepared by OEST Associates, Inc., dated August 1998 and last revised September 3, 1999, signed by the Gardiner Planning Board September 16, 1999, and recorded at the Kennebec County Registry of Deeds on September 27, 1999 in Book E99, Page 176 and Page 177 (the "Plan") which lies easterly of the following described line: beginning at the most southerly corner of Commerce Street depicted on Sheet 2 of the Plan, being S 67° 51' 37" E sixty feet from the intersection of the most easterly corner of the Pump Station Easement and a southerly corner of Commerce Street, both as depicted on said Sheet 2; thence running N 22° 08' 23" E to a point of curvature of a curve to the right having a radius of 351.97 feet.

Councilor Rees Seconded.

Mayor Hart asked for any discussion. Seeing none, all those in favor? Unanimous for those present.

C: Councilor Rees moved that the City Council issue and file with the City Clerk an Order of Discontinuance that accurately reflects the action taken by the City Council to discontinue a section of Commerce Street, and that the City Council send abutting property owners best practicable notice of this action without delay. Councilor White seconded.

Mayor Hart asked for any discussion. Seeing none, all those in favor? Unanimous for those present.

D: Councilor Berry moved that the City Council set a public hearing date on March 17, 2021 to Discontinue a section of Commerce Street.

Councilor Cusick seconded.

Mayor Hart asked for any discussion. Seeing none, all those in favor? Unanimous for those present.

g) Discussion with Chief Sieberg Regarding the SAFER Grant/Staffing Information

Interim City Manager Anne Davis spoke briefly.

Fire Chief Sieberg spoke briefly.

Councilor Berry thanked Fire Chief Sieberg for thinking outside the box. Councilor Berry asked if we would have staff stay in Richmond.

Chief Sieberg explained that they would be staying the weekend in Richmond. Richmond has showers, sleeping area and a kitchen.

Councilor Berry asked if there is an extra cost.

Fire Chief Sieberg stated there is a cost of \$83,000 for two staff members for 48 hours using overtime. Chief Sieberg stated this is a project with no obligation. If things don't go as planned we can stop at any time.

Councilor Berry asked if we were trying to be on the same path as regionalization.

Chief Sieberg stated his goal is to have six members per shift so we can staff three trucks.

Councilor Cusick thanked Chief Sieberg and asked Chief Sieberg if we would have trouble staffing this.

Chief Sieberg stated he spoke with the crews. He stated the team is very excited to get this moving and doesn't think there will be a problem with coverage.

Councilor Cusick stated he likes the idea and this is an aggressive out of the box idea. Councilor Cusick thanked Chief Sieberg.

Councilor White, 'Hear' "Hear'

Councilor Rees asked Chief Sieberg if most of the crew members work part time for other departments and asked if this would help keep them with us more. Chief Sieberg stated yes it would make a difference.

Councilor Rees thanked Chief Sieberg and stated this is a great idea.

Director Davis mentioned that we lost Dresden due to the lag time.

Mayor Hart asked how this would work. She asked if they would come back with numbers or would it end up in the budget.

Director Davis stated she did not want to take the time to put it in the budget and have council surprised by it. Director Davis stated this was just a discussion and she is going to drop it in the budget, we can give options at that time as well.

Finance Director Denise Brown stated she is favor of this, there are options and would like to put this in the budget for further discussion.

Councilor Berry stated we have wrestled with the budget over the years and wants to think about how many other communities we can reserve. Sometimes if you take on more than you can handle there will be problems.

Chief Sieberg stated that was part of the conversations he has had and he is working to crawl, walk then run.

h) Consideration and Possible Adoption of 2021 Goals and Meeting Guidelines from February 6, 2021 Council Workshop

Mayor Hart spoke briefly.

Action: Councilor Frey moved to approve the 2021 Council goals and meeting guidelines, as described in the attached document.

Councilor Cusick seconded.

Mayor Hart asked for any discussion. Seeing none, all those in favor? Unanimous for those present.

i) Review and Accept Meeting Minutes from February 17, 2021 and February 24, 2021

Action: Councilor Rees moved to approve the minutes of February 17, 2021 and February 24, 2021, as presented.

Councilor Frey seconded.

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

j) Advise and Consent to the Mayor Appointment(s): Jerry Douglass/Kennebec River Rail Trail Board of Supervisors

Mayor Hart spoke briefly.

Action: Councilor Frey moved to advise and consent to the Mayor's appointment of Jerry Douglass, Public Works Director, to the Kennebec River Rail Trail Board of Supervisors.

Councilor White seconded.

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

5. CITY MANAGER REPORT

City Clerk Ballard provided an update of the election. There has been 448 absentee ballot requests and 315 returned and accepted.

Mayor Hart asked if people are able to walk into City Hall to vote.

Director Davis asked Clerk Ballard to answer questions.

Clerk Ballard stated that you are able to go into City Hall to vote in person or to take an absentee ballot out of the building during normal business hours. Friday March 5th the City Clerk will be available until 5 p.m. to vote in person. The last day to vote absentee would be March 5th. Clerk Ballard stated that you could vote absentee on Monday March 8th only in special circumstances.

Mayor Hart asked what the cut off time is to drop their ballots off.

Clerk Ballard stated by 8 p.m. election day.

Councilor Berry stated that when you walk into City Hall they have the booths set up.

6. CITY COUNCIL REPORT

Councilor White thanked Chief Sieberg for his presentation.

Councilor Berry stated this marks the one year anniversary of the pandemic and thanked Mayor Hart for her guidance. Councilor Berry stated this has not been easy and that he is very proud of his fellow councilors.

Mayor Hart, 'Hear' 'Hear'

Councilor Frey, 'Hear' 'Hear'

Councilor White, 'Hear' 'Hear'

Councilor Rees, 'Hear' 'Hear'

Councilor Rines, 'Hear' 'Hear'

Mayor Hart thanked everyone and shares Councilor Berry's appreciation. Mayor Hart stated it has been a great honor to serve with everyone. Mayor Hart reminded people to vote and there is a volunteer training coming up on March 15th please look for your material in the mail. Mayor Hart reminded council to keep the executive meeting on March 10th.

7. ADJOURN

Action: Councilor White motioned to adjourn the meeting.

Councilor Frey seconded.

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

The City Council adjourned the meeting at 7:31 p.m.

Respectfully Submitted:



Alisha Ballard

City Clerk



COUNCIL MEETING MINUTES
GARDINER CITY COUNCIL
EXECUTIVE SESSION
MONDAY, MARCH 10, 2021

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 Sergent, Councilor White, Councilor Berry, Councilor Rees, Councilor Frey (arrived 6:14 p.m.), and Councilor Rines

City Council Absent: None

Also present: Anne Davis and Sarah Newell

2. NEW BUSINESS

a) EXECUTIVE SESSION

- **Pursuant to M.R.S.A. § 405(6)(E): Consultations with City Solicitor Regarding Legal Rights and Duties of the Council**

Action: Councilor Berry motioned to enter into executive session pursuant to M.R.S.A. § 405(6)(E): Consultations with City Solicitor Regarding Legal Rights and Duties of the Council.

Councilor Cusick seconded

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

The City Council entered executive session at 6:13 p.m.

Action: Councilor Berry motioned to exit the executive session pursuant to M.R.S.A. § 405(6)(E): Consultations with City Solicitor Regarding Legal Rights and Duties of the Council.

Councilor White seconded

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

The City Council exited the executive session at 6:23 p.m.

- **Potential Action Following Executive Session**

Action: Councilor Berry motioned to accept current City Manager Christine Landes', resignation effective immediately.

Councilor White seconded

Mayor Hart asked for any discussion.

Mayor Hart wanted to thank City Manager Landes for her work over the last two in half years. Mayor Hart stated the City has accomplished many important projects under her guidance.

A roll call was conducted. 7 affirmed, 1 abstention at 6:27 p.m.

Action: Councilor Cusick motioned to have the City Council appoint Anne Davis as Interim City Manager and Treasurer until the City Manager position is filled.

Councilor Rees seconded

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

3. CITY MANAGER REPORT- None

4. CITY COUNCIL REPORT- None

5. ADJOURN

Action: Councilor Berry motioned to adjourn the meeting.

Councilor Sergent seconded

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

The City Council adjourned the meeting at 6:28 p.m.

Respectfully Submitted:

A handwritten signature in black ink that reads "Alisha Ballard". The signature is written in a cursive, flowing style.

Alisha Ballard

City Clerk



COUNCIL MEETING MINUTES
GARDINER CITY COUNCIL
WEDNESDAY, March 17, 2021
6:00 PM

Mayor Hart called the meeting to order at 6:00 p.m.

1. ROLL CALL/PLEDGE OF ALLEGIANCE

City Council Present: Mayor Hart, Councilor Sergent, Councilor Cusick, Councilor White, Councilor Berry, Councilor Rees, Councilor Frey, and Councilor Rines

City Council Absent: None

Also present: Interim City Manager Davis, City Clerk Alisha Ballard, Economic Development Director Tracey Desjardins, Finance Director Denise Brown, Code Enforcement Officer Kris McNeill and Ingrid Stanchfield

2. PUBLIC COMMENT

None

3. PETITIONS/PUBLIC HEARINGS

a) Public Hearing on the Step 3 Discontinuance of a Section of Commerce Street

Mayor Hart opened the public hearing at 6:05 p.m. and asked for any comments from the public. Hearing none, Mayor Hart closed the public hearing at 6:06 p.m.

b) Public Hearing for an Annual Liquor/Bottle Club License from Gardiner Sportsmen's Club

Mayor Hart opened the public hearing at 6:06 p.m. and asked for any comments from the public. Hearing none, Mayor Hart closed the public hearing at 6:07 p.m.

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4. NEW BUSINESS

a) Discussion of a donation request from the Boys and Girls Clubs of Kennebec Valley

Ingrid Stanchfield spoke briefly.

Mayor Hart asked Ingrid questions from the public:

Q: Did you ask any of the other MSAD #11 communities for support?

A: Ingrid stated that the club did not up to this point.

Q: Would you do that in the future?

A: It would be considered, yes.

Q: It is a brand new building that is a wonderful investment. Have you planned on how you will support the new building?

A: We have. The club put together a five-year sustainability plan.

Q: Some operations have an endowment does the club have one?

A: The club has a small endowment right now. Ingrid stated in the beginning the plan was to renovate 14 Pray Street and include an endowment in the capital campaign but as they got deeper into the analysis of the building they realized to renovate the building they would be spending almost as much money in the old wooden frame building as it cost to build something new. At this point, the full amount of ten (10) million is fully allocated to the property and we will begin to work on endowment funds once we hit this goal.

Mayor Hart states she spoke with Peter Prescott about them working on an endowment. Ingrid stated that is correct.

Q: How many early education slot and programs will you be adding with the new building?

A: Currently right now during this year of Covid we have had to limit the number spaces we could offer. Prior to Covid, we had eighteen hundred (1800) registered kids a year that was not counting Girl Scouts, Basketball and baseball. With the new building, we are looking at being back at full capacity plus 25% more.

Mayor Hart stated the person who asked that question was wondering more about the childcare piece.

Ingrid stated the club would be licensed for two hundred (200) children. That will include early childhood through grade five. Prior to covid children shared spots.

Q: How long have you been fundraising?

A: Ingrid states they have been fundraising for seven years. That is when they rehabbed the teen center and realized the condition of the building. The early fundraiser stated in early 2017.

Action: Councilor Rees moved to donate \$500,000 to the Boys and Girls Clubs of Kennebec Valley. She also moved that this donation amount to be paid with the following funds: Generally TIF funds and FUN Balance.

Councilor White seconded.

Mayor Hart asked for any discussion.

Councilor Berry stated he does not agree with the money coming out of the FUND Balance. It is his understanding that there is fair amount of money that will be coming to the City for COVID relief. Councilor Berry mentioned he would like to see \$150,000 come from the COVID relief and the remaining balance from a TIF district that will be spread over multiple years. Councilor Berry stated he would like to make sure the funds are not available until full fundraising campaign is completed by the Boys and Girls Clubs, we did the same thing with Johnson Hall. Councilor Berry stated that this is what the TIF funds were designed for. He mentioned that childcare is a significant problem so if we can ramp this up it can only be beneficial to any business in Gardiner.

Mayor Hart clarified what Councilor Berry stated.

Mayor Hart read aloud a letter from Logan Johnston.

Finance Director Denise Brown spoke in regards to the COVID relief fund.

Councilor Berry thanked Finance Director Brown. Councilor Berry explains he is trying to stay away from the FUN balance.

Councilor Rees stated she has received many emails both for and against the Boys and Girls Club. Councilor Rees explained why she supports the Boys and Girls Clubs.

Mayor Hart thanked Councilor Rees and stated, 'Hear' 'Hear'

Councilor Cusick stated he agrees with Councilor Berry. Councilor Cusick explained there should be a limit on how much we spend at once and spread the amount over a period. Councilor Cusick states he is not up to spending a lot of money because we do not know where we are for upcoming budget expenses. Councilor Cusick stated he is in support of the Boys and Girls Clubs as long as the City can figure out a way. Councilor Cusick expressed his concerns that the City does not know where are we with this upcoming budget cycle.

Councilor Sergent spoke briefly.

Finance Director Brown spoke in depth about the financial standpoint. Finance Director Brown proposed that in FY22 use \$150,000 in FUND Balance, \$150,000 in Libby Hill TIF funds and in FY23 and FY24 use another \$100,000 each year from the Libby Hill TIF fund. This will leave \$300,000 above the recommended high amount in FUND Balance which can be used to offset any potential increases

in the FY22 budget and still allow the Libby Hill TIF fund to be about \$500,000 by the end of FY24 and \$1,000,000 by the end of FY26.

Mayor Hart explained the TIF funds.

Finance Director Brown stated that childcare is a covered allowable project within all/most of our TIF funds.

Mayor Hart wondered that if the City used the Libby Hill TIF money it will not impact anything in the general fund, so it would not raise taxes.

Finance Director Brown stated that is correct.

Councilor Frey thanked the Mayor for clarifying the TIF fund, he has heard from many people, most are in support but there are also some concerns. Councilor Frey thanked Councilor Rees for her earlier statement.

Councilor White echoed Councilor Frey's support and thanked Councilor Rees. Councilor White asked Finance Director Brown in FY22 would you take \$150,000 from both Fund Balance and the Libby Hill TIF fund. Councilor White asked Finance Director Brown for her professional opinion that this would not hurt the Fund Balance.

Finance Director Brown answered, yes, the City will still be approximately \$300,000 above the high level this recommendation is two months operating expenses.

Councilor White asked if we use the TIF money if would not affect the taxes.

Finance Director Brown answered, yes.

Councilor White asked Ingrid if the City spread the donation over a three-year span how would it affect the building being built.

Ingrid stated it would not negatively impact the project, we have other pledges that are scheduled over time. The Boys and Girls Club has enough money to continue as planned until February and working on an application for a potential bridge loan which is common with big projects.

Councilor White stated that she is in support with using the Libby Hill TIF fund and spreading the donation over multi years.

Councilor Rines echoed all comments for support for the Boys and Girls Club. Councilor Rines stated he is in favor of staggering the donation over a period of time, he thanked Finance Director Brown for putting in the time.

Councilor Berry asked Finance Director Brown if she found it unwise to do \$50,000 from the Fund Balance \$150,000 from Libby Hill TIF fund in FY22 and then \$100,000 in FY23, FY24 and FY25 out of the Libby Hill TIF fund.

Finance Director Brown clarified with Councilor Berry and stated this would also work. Finance Director Brown mentioned that the Libby Hill TIF fund is very healthy to support this.

Councilor White asked for a friendly amendment to Councilor Berry's suggestion.

Mayor Hart read aloud the comment in the chat from Ingrid expressing interest for council looking towards the three years.

Action: Councilor Rees amended her motion to state the donated amount will be paid; \$50,000 from Fund Balance FY22; \$150,000 from Libby Hill TIF fund in FY22; and in FY23 and FY24 \$150,000 each from Libby Hill TIF fund.

Councilor White seconded.

Mayor Hart asked for any discussion.

Interim City Manager Anne Davis mentioned to Mayor Hart that we would want to put a parameter to pay this through as we have done for Johnson Hall.

Action: Councilor Rees amended her motion to state the donated amount will be paid at the point when the fundraising is at \$9.5 million from other sources; \$50,000 from Fund Balance FY22, \$150,000 from Libby Hill TIF fund in FY22 and in FY23 and FY24 \$150,000 each from Libby Hill TIF fund.

Councilor White seconded.

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

Mayor Hart thanked Ingrid and her whole team for all that she does and Finance Director Denise Brown.

Councilor Rees, 'Hear' 'Hear'

Councilor White thanked Finance Director Brown

b) Discussion of Dangerous Building/ 235 Water Street

Code Enforcement Officer Kris McNeill spoke briefly.

Mayor Hart disclosed that Councilor Berry owns a building abutting this property and the other business owners were invited to this meeting.

Councilor Rees asked Code Enforcement Officer McNeill to explain if they declared this an unsafe building and the owner does not want to take care of the issue, what is the recourse.

Code Enforcement Officer McNeill stated from his understanding the City will take possession of the building and will take it down at our costs.

Mayor Hart stated the options to take are; take a vote and deem it a dangerous building and go to the court system in order to have the owner fix it; take possession or try one more time to work with the owner with a time line to fix the building.

Code Enforcement Officer McNeill stated he could issue a notice of violation and to advise the owner to have the problems corrected by a certain date and if at that point the problems were not corrected, we would take him to court. CEO McNeill said the other option would be to deem it a dangerous building, which is skipping the notice of violation step.

Mayor Hart stated she would like to have CEO McNeill issue the notice of violation and have all the abutting business owners meet and discuss this problem. Mayor Hart asked Terry Berry for his opinion.

Terry Berry spoke briefly as a citizen in regards to the building in question. Terry states, as an abutter is more than happy to discuss how to work this out with time lines. Terry spoke as a City Councilor and states the City has responsibility, there is a building that is absolute eye sore it is compromised in structure and the City has to protect the public.

Councilor Sergent states she does not want anyone to get hurt.

Councilor Cusick asked Code Enforcement Officer McNeill what is the overall condition of the building.

Code Enforcement Officer McNeill explained the condition of the building. CEO McNeill mentioned to Councilor Berry that he is not pushing to have the building be torn down and is willing to work with everyone involved to come to a solution.

Councilor Cusick stated that he agrees with Code Enforcement Officer McNeill's statement. Councilor Cusick asked who would be responsible for stabilizing the bricks; we cannot have bricks falling off the building into the outside patio at Gerards or onto the sidewalk.

Code Enforcement Officer McNeill stated that when the issue first arose David Coulombe sent someone in to remove any loose bricks and secure the building the best they could. CEO McNeill stated the bricks are not the concern currently; it is the building integratory over all.

Councilor Cusick stated he is in favor to have everyone get together and try to work this issue out.

Interim City Manager Davis spoke briefly about having this come back to council soon once she gathered more information.

Councilor Berry stated he spoke with his attorney to find out who owns the wall.

Mayor Hart states she is hearing council leaning towards taking the Notice of Violation step but first meet with the parties and see what actions need to be prioritized.

Interim City Manager Davis stated they will try to come up with a plan of action.

Mayor Hart asked Code Enforcement Officer McNeill if he is concerned with people's safety in the outdoor seating.

Code Enforcement Officer stated he might not be comfortable answering that question, he does not think anymore bricks will fall from the wall, the bricks have been secured.

Mayor Hart asked the council if they would like to ask Code Enforcement Officer McNeill to issue a Notice of Violation now to get started with things. Non-formal vote of action with council agreement.

c) Acceptance of Certified Votes Cast

Action: Councilor Rines moved to accept the certified votes cast on the March 9, 2021 election.

Councilor Sergent seconded.

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

d) Petition for a Victualer's License from Gardiner Elks #1923

Action: Councilor White moved to approve the victualer's license from Gardiner Elks #1923.

Councilor Cusick seconded.

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

e) Consider Approval of a Liquor License Renewal for Gardiner Sportsmen's Club

Action: Councilor Cusick moved to approve the liquor license renewal application and an outdoor consumption permit for Gardiner Sportsmen's Club.

Councilor Frey seconded.

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

f) Board and Committees Update from Mayor and City Councilors

Councilor Rines has a request to know where we are with the dog leash order ordinance.

Councilor Berry stated Gardiner Board of Trade announcement was made that Camden National had property in town that they will be putting up on the market for sale. First Park has been working on their budget for the upcoming year. Was not able to join the last KVCOG meeting. Economic Development is trying to figure out what we are there for, who is going to be the chair.

Mayor Hart states the Ordinance Review committee will meet on Monday and continue to work on the Marijuana ordinances and tiny houses. Gardiner Main Street is going to host a mixer on Zoom with jokers and rogue. Trainings for tips and tricks for Zoom.

g) Review and Accept Meeting Minutes from March 1, 2021

Action: Councilor Berry moved to accept the Gardiner City Council minutes of 3/1/2021 as presented.

Councilor Frey seconded.

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

h) Discussion to begin search for a Gardiner City Manager

Mayor Hart would like to hear from Council about a time line to hire a new City Manager. Last time Council hired MMA to help search for a new City Manager.

Councilor Berry asked what the options are and stated that two years is too long a span between City Managers.

Mayor Hart stated that Hallowell is also looking for a new City Manager. We could go that route and do a RFP. We lost City Manager Scott Morelli because Eaton Peabody was hired to recruit.

Councilor Rees stated she is in support for hiring a recruiter.

Councilor Cusick stated he agrees with Councilor Berry, he was part of the last process and would like to move this forward sooner the better.

Mayor Hart stated she gather the next steps to take. Mayor Hart stated Councilor Frey was a recruiter and asked if he would be willing to work with her. Mayor Hart mentioned the City Manager job description needs to be updated so we are very clear on what we are looking for.

Councilor Berry asked if our current law firm handle recruiting.

Mayor Hart stated that is how we lost Scott.

Councilor Berry stated they did a great job recruiting him maybe they could help us.

Mayor Hart mentioned she has looked into the cost of recruiting, Hallowell was quoted a little above \$6,000, and the City typically put these big price items out to bid.

5. CITY MANAGER REPORT

Interim City Manager Davis thanked the Council for their confidence in her.

Interim City Manager Davis apologized for not having the department head reports ready for this meeting and noted she will start the Employee of the Month back up.

Interim City Manager Davis advised council she did forward information to them in regards to the TAPs and reminded the council of the upcoming executive meeting.

6. CITY COUNCIL REPORT

Councilor Cusick thanked Interim City Manager Davis for stepping up again and to Finance Director Denise Brown for her insightful reports on the Boys and Girls club. Councilor Cusick mentioned adding a capital improvement plan to the City buildings to an upcoming agenda.

Mayor Hart stated we do have federal money coming in, she asked for this item to be added to an upcoming agenda so we are ready for when the money comes.

Councilor Sergent mentioned the Chrysalis place is still open and the food bank is open and delivering. She stated they are still doing the community suppers at 5:30 p.m. every Sunday.

Councilor Rees thanked Interim City Manager Anne Davis and Finance Director Denise Brown for the work they are doing. She also wanted to thank the Council and the Mayor for working through the Boys and Girls Club agenda. Councilor Rees mentioned she received an email in regards to cigarette butts accumulating on Water St.

Mayor Hart stated to Interim City Manager Davis that this issue is very bad, she shares this concern.

Interim City Manager stated the State and City does have smoking ordinances; she told Councilor Rees she will investigate this problem and bring this back to Council.

Mayor Hart mentioned the Interim City Manager that the Healthy Communities of the Capital Area have good material.

Councilor Frey asked about the finishing work that needs to be done with spring surrounding the bridgework, he was questioning the time frame for when this will be done.

Interim City Manager Davis stated she was unsure but does know that Public Work Director Jerry Douglas is working on this.

Mayor Hart stated they were projected to be done by June of this year.

Councilor White thanked Interim City Manager Anne Davis for taking the lead again and kudos to our Finance Director Denise Brown. Councilor White thanked Interim City Manager Davis for the TAP update and hopes to have this on an upcoming April agenda.

Mayor Hart thanked Interim City Manager Anne Davis for stepping up and thanked the Council for all the respectful conversation surrounding the Boys and Girls Club. Mayor Hart wanted to remind everyone that it has been one year since the City decided to declare state of emergency. The virus is still out there and to remember to be vigilant and if you can get your vaccine.

7. ADJOURN

Action: Councilor Cusick motioned to adjourn the meeting.

Councilor White seconded.

Mayor Hart asked for any discussion. Seeing none, a roll call was conducted. Unanimous. The City Council adjourned the meeting at 8:00 p.m.

Respectfully Submitted:



Alisha Ballard

City Clerk



COUNCIL MEETING MINUTES
GARDINER CITY COUNCIL
EXECUTIVE SESSION
MONDAY, MARCH 24, 2021

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 Sergent, Councilor White, Councilor Berry, Councilor Rees (arrived 6:15 p.m.), Councilor Frey, and Councilor Rines.

City Council Absent: None

Also present: Interim City Manager Anne Davis

2. Public Comment: None

3. NEW BUSINESS

a) EXECUTIVE SESSION

Action: Councilor Cusick motioned to move into executive session at 6:02 p.m.

Councilor White seconded.

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

The City Council moved into executive session at 6:02 p.m.

- **Pursuant to 1 M.R.S.A. § 405(6)(C): Economic Development at Libby Hill Business Park**

Action: Councilor Rees Motioned to give Interim City Manager Anne Davis direction and permission to sign the contract.

Councilor Cusick seconded.

Mayor Hart asked for any discussion. Seeing none, a roll call was conducted. Unanimous at 8:19 p.m.

- **Pursuant to 1 M.R.S.A. § 405(6)(D): Discussion of Union Labor Negotiations**

Councilor Berry motioned to give guidance city staff to move forward with union negotiations.

Councilor Sergent seconded.

Mayor Hart asked for any discussion. Seeing none, a roll call was conducted. Unanimous at 8:20 p.m.

- **Pursuant to 1 M.R.S.A. § 405(6)(C): Economic Development - Credit Enhancement Agreement**

No action taken.

- **Pursuant to 1 M.R.S.A. § 405(6)(C): Economic Development at Libby Hill Business Park**

Councilor Berry motioned to direct Interim City Manager to sign an extension for a purchase and sale agreement at Libby Hill Business Park.

Councilor Frey seconded.

Mayor Hart asked for any discussion. Seeing none, a roll call was conducted. 7 affirmative and 1 abstained at 8:22 p.m.

- **Pursuant to 1 M.R.S.A. § 405(6)(A): Discussion or Consideration of Employment**

Councilor Rees motioned to title Anne Davis as acting City Manager and to approve the pay and MOU as presented.

Councilor White seconded.

Mayor Hart asked for any discussion. Seeing none, a roll call was conducted. Unanimous at 8:24 p.m.

4. CITY MANAGER REPORT- None

5. CITY COUNCIL REPORT- None

6. ADJOURN

Action: Councilor Berry motioned to adjourn the meeting.

Councilor Cusick seconded.

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

The City Council adjourned the meeting at 8:26 p.m.

Respectfully Submitted:



Alisha Ballard

City Clerk