



**GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET**



Meeting Date	05/05/2021	Department	City Clerk
Agenda Item	4.j) Approval of 4/07/21 and 4/21/21 Council minutes		
Est. Cost	NA		

Background Information	
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Requested Action	"I move to accept the Gardiner City Council minutes of 4/07/21 and 4/21/21."
City Manager and/or Finance Review	Acting City Manager recommends the above motion.
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, April 7, 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 Cusick, Councilor White, Councilor Berry, Councilor Rees and Councilor Frey.

City Council Absent: Councilor Sergent and Councilor Rines.

Also present: Acting City Manager Anne Davis, City Clerk Alisha Ballard, Logan Johnston, Planning Board Chair Debby Willis, Economic Development Director Tracey Desjardins, Tax Collector Kathleen Cutler, Police Chief James Toman, Waste Water Director Douglas Clark, Public Works Director Jerry Douglass, Fire Chief Rick Sieberg and Finance Director Denise Brown.

2. PUBLIC COMMENT

Phil Garwood asked to speak; stated he has been on the Board of Supervisors for the Kennebec River Rail Trail for many years. Chair Andy Hendrickson retired from the board and Phil has taken the role of Chair of the Board of Supervisors of the Rail Trail.

3. PETITIONS/PUBLIC HEARINGS

a) Public Hearing for a New Liquor (51-100 Seats) License from El Oso Taqueria & Giftshop LLC

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 6:05 p.m.

4. NEW BUSINESS

Mayor Hart asked the Council if they would take item 4.k and make it 4.a so our invited guest will be able to share his information.

Council approved of this action.

a) Consider Approval to Apply for Congressional Community Project Funding (CPF)

Mayor Hart spoke briefly.

Logan Johnston spoke about Congressional Community Project Funding.

Councilor Berry thanked whoever took the “bull by the horn” and got this going. He asked Logan Johnston if there will be ten awarded in the state or the second district.

Logan stated ten projects would be forwarded to Washington from Congressman Golden’s district and ten projects will be forwarded to Washington from Congresswoman Pingree district. The process after this gets into the varies committees. This is a long process and anything out of the House will need to be voted on by the Senate.

Councilor Berry asked Logan if there is a deadline date.

Logan stated yes; they are all for federal fiscal year 2022.

Action: Councilor Cusick motioned to apply for the Congressional Community Project Funding.

Councilor White seconded

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

b) Consider Setting a Public Hearing for a Land Use Amendment/Tiny Homes

Planning Board Chair Debby Willis spoke briefly.

Action: Councilor White motioned to send the proposed changes to the Land Use Ordinance and City of Gardiner Code to Public Hearings and First and Second Reads on April 21, 2021 and May 5, 2021 respectfully.

Councilor Frey seconded.

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

c) Consider Setting a Public Hearing for a Proposed Cemetery Rules Ordinance/Code Changes

Planning Board Chair Debby Willis spoke briefly.

Action: Councilor Frey moved to send the proposed changes to the City of Gardiner Code to Public Hearings and First and Second Reads on April 21, 2021 and May 5, 2021 respectfully.

Councilor Cusick seconded.

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

d) Consider Approval of the discontinuance of a Section of Commerce Street – Final Step

Economic Development Director Tracey Desjardins spoke briefly

Action: Councilor Berry moved to discontinue a section of Commerce Drive (aka Enterprise Avenue).

Councilor White seconded.

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

e) Consider a Request From a Resident for a Refund of Interest Paid on Real Estate Taxes

Acting City Manager Anne Davis spoke briefly.

Councilor Berry stated he has dealt with real estate taxes but has never had an issue with Gardiner.

Councilor Rees mentioned that the Tax Collector does not need to mail out a bill; it is up to the tax payers to pay their taxes.

Acting City Manager Anne Davis stated, “That is correct.”

Action: Councilor Berry moved to not waive the interest paid in the amount of \$38.53.

Councilor Cusick seconded.

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

f) Update of Tax Acquired Property

Tax Collector Kathleen Cutler spoke briefly.

Mayor Hart confirmed the two properties, had been removed from the list- 504 Water Street and 9 River Ave.

Mayor Hart asked Tax Collector Cutler if they have been asked to leave the home.

Tax Collector Cutler stated, yes, they have been legally serviced notice that we are asking them to vacate the premises and that they have 45 days to do so.

Councilor White thanked Tax Collector Cutler and asked about the four notice to quit process.

Tax Collector Cutler explained the notice to quit process.

Acting City Manager Anne Davis spoke briefly.

Mayor Hart thanked Tax Collector Cutler for this update and her work.

Councilor White; ‘Hear’ ‘Hear”

g) Consider Approval of Bids for Tax Acquired Property (3 properties)

Acting City Manager Anne Davis spoke briefly.

Councilor Rees asked if 0 Harley Rd was just land.

Tax Collector Cutler stated, “Yes.”

Action: Councilor Berry moved to authorize city staff to put 0 Harley Rd for \$3,500.00, 28 Spring St for \$6,000.00 and 56 Marks Lane for \$6669.42 as minimum bids.

Councilor Cusick seconded.

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

h) Consider Approval of a new Liquor License for El Oso Taqueria & Giftshop LLC

Action: Councilor Frey moved to approve a new liquor license for El Oso Taqueria & Giftshop LLC.

Councilor White seconded.

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

i) Consider Approval of a Victualer’s License for The Bench

Action: Councilor Berry moved to approve a Victualer’s License for The Bench.

Councilor Frey seconded.

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

j) Review and Accept Monthly Reports from Department Heads/February 2021

Action: Councilor Cusick moved to accept the February 2021 monthly reports from the City Manager and Department Heads.

Councilor Rees seconded.

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

k) Review and Accept Meeting Minutes from March 3, 2021, March 10, 2021 March 17, 2021 and March 24, 2021.

Action: Councilor Frey moved to accept the Gardiner City Council minutes of March 3, 2021, March 10, 2021, March 17, 2021 and March 24,2021 as presented. Councilor Cusick seconded.
Mayor Hart asked for any discussion. None. All those in favor. Unanimous.

5. EXECUTIVE SESSION *(City Council will exit public meeting and enter into a separate Zoom meeting.)*

Action: Councilor Berry motioned to move into executive session at 7:20 p.m. Councilor Frey seconded.
Mayor Hart asked for any discussion. Seeing none, a roll call was conducted. Unanimous.
The City Council moved into executive session at 7:21 p.m.

a) Pursuant to 1 M.R.S.A. § 405(6)(H): Consultations between municipal officers and a code enforcement officer representing the municipality

No discussion.

Action: Councilor Berry motioned to exit executive session at 8:17 p.m. Councilor Frey seconded.
Mayor Hart asked for any discussion. Seeing none, a roll call was conducted. Unanimous.

6. CITY MANAGER REPORT

Acting City Manager Anne Davis stated that she facilitated a meeting earlier this week with all interested parties regarding the building at 235 Water Street. She stated she would transcribe the notes from the meeting and make them available to anyone attending the meeting and to council.

Acting City Manager Davis drove around with Code Enforcement Officer Kris McNeill to look into dangerous buildings.

Acting City Manager Davis mentioned they are moving along with the union negotiations. The City has made appointments with all four unions and negotiations will begin next week.

Acting City Manager Davis was advised by Economic Development Director Tracey Desjardins that there will be added Executive Sessions to speak about CEAs for a few of the TIFs.

Acting City Manager Davis stated that the engineering contract was awarded to Wright Pierce in the amount of \$29,641 for the Brunswick Ave retaining wall project; the City will be happy to have this finished.

Acting City Manager Davis mentioned to the Council that budget season has begun. Finance Director Denise Brown will have the budget books ready for Council shortly.

Mayor Hart stated that we normally build in a step for the public early on. Mayor Hart also asked if the department heads were interested in giving a presentation on their budget. Mayor Hart asked about adding a council meeting on May 12, 2021.

Acting City Manager Davis stated she had already planned on the department heads giving their own presentations.

Mayor Hart asked if Economic Development Director Desjardins would be adding all Executive Sessions together or separately.

Economic Development Director Desjardins stated they are ready now.

Mayor Hart asked the Councilors if they were willing to add an Executive Session on April 28, 2021.

Councilor Berry asked Economic Development Director Desjardins if he could receive a copy of the proposal before the meeting.

Economic Development Director Desjardins stated, "absolutely."

7. CITY COUNCIL REPORT

Councilor Cusick thanked Tax Collector Kathleen Cutler for her very informative presentation tonight and City Clerk Alisha Ballard for putting the minutes together. Councilor Cusick stated he heard that people are sad about Gardiner Main Street canceling one celebration week.

Acting City Manager Anne Davis stated that there is a lot of planning that begins very early in the year. Gardiner Main Street stated they are working on something later in the year.

Councilor Cusick thanked Acting City Manager Anne Davis for her explanation.

Mayor Hart stated she serves on the board in an Ex-Officio capacity; the vendors need to be contacted months in advance. Johnson Hall is working hard to try and bring back the summer concerts.

Councilor White asked about the Thursday Night Antique Car Show.

Acting City Manager Anne Davis stated nothing official has been requested at this time.

Councilor White thanked Acting City Manager Anne Davis for her answer; thanks to Tax Collector Cutler and City Clerk Ballard. Councilor White stated a resident contacted her with an issue; Public Works Director Jerry Douglas was able to follow up right away.

Councilor Berry stated that it was nice to see Reed & Reed delivering equipment and supplies down town.

Mayor Hart stated there are several groups in town that are starting to think about spring and spring cleanup. Mayor Hart stated there would be a spring cleanup event this Saturday, April 10 with Rotary Interact Club. Mayor Hart stated Upstream and others are leading clean up events downtown and on the Stream / River on April 17 in honor of Earth Day. More details can be found on Gardiner Main Street's Facebook page. Mayor Hart stated she has been serving on two committees with the United Way; Southern Kennebec Goal setting committee, with a focus to establish how all the non-profits want

to focus their efforts and what are the big goals. They are in the public outreach phase and have asked to do an in-person meeting in April or May. Mayor Hart asked the council if they would be willing to meet on a Sunday.

Councilor White stated that a Sunday would work for her schedule.

Mayor Hart stated she will ask around and see what dates would work best with everyone. Mayor Hart stated the McKay Park Committee and Age Friendly Committee are meeting and have approval to spend the state dollars they were awarded. Mayor Hart wanted to thank Public Works, Building and Grounds and Jerry Douglas for fixing the wall in Dearborn Park.

8. ADJOURN

Action: Councilor Cusick motioned to adjourn the meeting.

Councilor Frey seconded.

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

The City Council adjourned the meeting at 8:14 p.m.

Respectfully Submitted:



Alisha Ballard

City Clerk



COUNCIL MEETING MINUTES
GARDINER CITY COUNCIL
WEDNESDAY, April 21, 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: None.

Also present: Acting City Manager Anne Davis, City Clerk Alisha Ballard, WasteWater Director Douglass Clark, Finance Director Denise Brown, Public Works Director Jerry Douglass, Economic Development Director Tracey Desjardins, Meghan Jellison, Mike and Linda Adams, Fire Chief Rick Sieberg, Stephanie Bouchard, Brandi Kennerson and Debby Willis.

2. PUBLIC COMMENT

None

3. PETITIONS/PUBLIC HEARINGS

None

4. NEW BUSINESS

a.) The Blind Pig Tavern application for outside consumption and special entertainment

Acting City Manager Anne Davis spoke briefly.

Brandi Kennerson spoke briefly.

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www.GardinerMaine.com

Mayor Hart asked Brandi questions:

Mayor Hart asked to clarify the hours of operation listed on the application. Brandi clarified the hours they are requesting.

Mayor Hart talked about the park and noise ordinance. There is a 10 p.m. curfew. Would this work for the Blind Pig to limit the hours to 10 p.m.? Brandi stated that is not an issue, last year we did not let any entertainment go past 9:00 p.m.

Mayor Hart mentioned that in the application, the seating outside would be roped right up the staircase. Last year we had asked for this to be 6 feet from the staircase.

Brandi stated that it would also be 6 feet away this year as well.

Councilor Rees stated there is no smoking allowed in the park. Councilor Rees asked Brandi if she would have signage in place to prevent outside smoking while dining.

Brandi stated there is no smoking allowed in an eating area but there are signs outside that do state there is no smoking.

Brandi asked Council if she could place an extra picnic table on the other side of the park for extra seating.

Mayor Hart stated she would need to speak with the Public Works Director and get back to her with a decision.

Councilor Berry asked if there has been any complaints or comments for the outdoor use of Johnson Park last year.

Acting City Manager Davis stated she does not believe so.

Councilor Cusick mentioned this is a very nice feature for downtown Gardiner and a beautiful place to sit and enjoy to evening.

Action: Councilor Berry moved approve the Blind Pig's Tavern application for outside consumption and special events with a 10 p.m. closing time and 6 a foot from the stairway off Mechanic Street.

Councilor Frey seconded.

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

b.) Victualer license renewal for Northeast Patients Group - DBA Wellness Connection of Maine.

Acting City Manager spoke briefly.

Action: Councilor Berry moved to renew a victualer license for Northeast Patients Group - DBA Wellness Connection of Maine.

Councilor Rines seconded.

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

c.) Consider Resending Proposed Tiny Homes & Cemetery Rules Ordinance/Code Changes to a Public Hearing

Mayor Hart spoke briefly.

Action: Councilor Cusick moved to resend the proposed changes to the Land Use Ordinance and City of Gardiner Code for Tiny Homes and Cemetery Rules to Public Hearings and First and Second Reads on May 5, 2021 and May 19, 2021 respectfully.

Councilor Sergent seconded.

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

d.) Advise and Consent to the Mayor's Appointment(s)

Mayor Hart spoke briefly.

Action: Councilor Rees moved to advise and consent to the Mayor's appointments of; Scott Klinger - Board of Assessment Review, Ingrid Stanchfield - Quimby Trust, Meghan Jellison - Age Friendly Committee and Kristen Poremby - Housing and Age Friendly Committees.

Councilor White seconded.

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

e.) Overview of FY22 Budget

Acting City Manager Anne Davis gave an overview on the FY22 Budget.

Councilor Berry thanked Acting City Manager Anne Davis and asked what percentage of the income increase is contributed to labor costs.

Finance Director Denise Brown stated wages and benefits are 50% of our proposed increase to the budget.

Acting City Manager Davis continued her overview on the FY22 Budget.

Councilor Berry asked Acting City Manager Davis how much we are paying API a year.

Acting City Manager Davis stated we buy that bulk hours and we budget 23,000.

Acting City Manager Davis continued the FY22 overview.

Councilor Rees stated the past Public Works Director put in a request for a street sweeper and her understanding is that is no longer needed because we are using a lot less sand so the streets can be swept with the current street sweepers. Councilor Rees asked if the flail mower will be used at Libby Hill often. Is it possible to have this taken out of the TIF fund.

Finance Director Denise Brown stated that in this proposed budget it is not but a portion of it could be paid for out of the TIF funds. The mower will be used Gardiner wide not just in Libby Hill Business Park.

Acting City Manager Davis continued the FY22 overview.

Councilor White stated it looks like there is a proposed change of \$55,000 dollars in revenue for licenses and permits.

Acting City Manager Davis stated that is correct the city's licensing and permits have skyrocketed because of the marijuana businesses starting up.

Acting City Manager Davis continued the FY22 overview.

Councilor Berry asked for clarification on the school budget mentioned on page 2 of the budget book.

Finance Director Brown explained the MSAD 11 is still working on their budget.

Mayor Hart asked if we are receiving a one-time revenue of \$350,000? We have \$250,000 coming from FUND balance, where is the other \$100,000 coming from?

Acting City Manager Davis stated the other \$100,000 is coming from lot sales at Libby Hill.

Acting City Manager Davis continued the FY22 overview.

Councilor Berry asked if part of the cost to put the ambulance in Richmond would partially be paid by other communities.

Acting City Manager Davis stated that for this year it was too late to have a shared piece with the other towns.

Councilor Cusick stated that City of Gardiner would bear the cost this year to see if it works out. It was too late for the other towns to absorb the cost in their budgets.

Acting City Manager Davis finished the FY22 overview.

Councilor Berry asked for something to be prepared from Finance Director Brown, a comparison from the last couple of years of the CPI compared to that of our City budgets.

Finance Director Brown stated she would draft this together for Council.

Acting City Manager Davis asked Council if there was anything else they would like put together before next meeting.

Mayor Hart stated it would be good to see what we did last year compared to this year.

Acting City Manager Davis provided her contact information for any questions.

Councilor Cusick asked about saving money on sweeping, are we no longer sweeping streets in Gardiner anymore?

Councilor Rees stated the previous Public Works Director hoped to purchase a new street sweeper but when she spoke with new Public Works Director Douglass he said if they use more salt and less sand there will be a lot less sand being put on the roads and Public Works Director Douglass does not anticipate needing the new big sweeper.

Councilor Cusick stated he knows the sweeper is old and we still need to sweep sand.

Acting City Manager Davis stated the City will still be street sweeping.

f.) Consider accepting a bid for 0 Harley Rd M010 L 010 B

Acting City Manager Anne Davis spoke briefly.

Action: Councilor Berry moved to accept the bid of \$9,500 from Maine Real Property Service, LLC for 0 Harley Rd.

Councilor Cusick seconded.

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

g.) Consider accepting a bid for 56 Marks Lane M015 Lot005 H

Acting City Manager Anne Davis spoke briefly.

Action: Councilor Cusick moved to accept the bid of \$16,150 from Pine Tree Real Estate LLC for 56 Marks Lane.

Councilor Frey seconded.

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

h.) City Manager search update

Mayor Hart spoke briefly.

Councilor Berry stated he believes the last search the City single-sourced. Councilor Berry stated we are a member of MMA and asked if the service they provide is part of the membership or an additional cost.

Mayor Hart stated it is an additional cost.

Councilor Berry stated that he was not impressed with the process with MMA. Councilor Berry stated he is interested in sending out an RFP and wait to see what we receive for responses.

Mayor Hart thanked Councilor Frey and stated that if we all agree we could get this out by Friday.

5. CITY MANAGER REPORT

Acting City Manager Davis apologized to Councilor Rines for not getting down to S. Gardiner to look at the playground but did speak with Public Works Director Douglass and we will be maintaining the playground.

City of Gardiner has a Brown Tail Moth infestation, we are going to be inoculating a tree downtown, and it costs \$425.00 dollars.

We did not put any money into the budget this year for the buildings, with the transitions that will be happening within management. For FY23 we asked the Public Safety Chiefs and Public Works Director to do a white paper, they know what their needs are.

Reopening of the Children's Room will begin on Monday, 4/26/2021. She opened a job search internally for an Assistant Librarian Director.

Tax Collector Kathleen Cutler and Acting City Manager Davis will identify three new TAPs they we can put out to bid, Tax Collector Cutler is finishing up the paperwork on Spring Street.

6. CITY COUNCIL REPORT

Councilor Sergent mentioned happy Earth Day to all tomorrow. The American Legion is having their swearing ceremony in of their officers Sunday.

Councilor White wanted to thank Acting City Manager Davis and Finance Director Brown for the budget presentation. Councilor White stated she will be doing a virtual 5K.

Councilor Berry thanked Acting City Manager Davis and Finance Director Brown for the budget presentation. Councilor Berry stated he is on the Economic Development Committee, they would like a name change to Economic Development and Community.

Mayor Hart stated this would need to go before council; the Economic Development Committee is set up in a City ordinance. Mayor Hart is learning more about the American Rescue package, this is the first time that relief money is going to municipalities. The good news is that Congress voted that municipalities will get the money and guidance will come out in early May. We will know how we can and cannot spend the money. We may offset any revenue that we have lost. Gardiner did not have such a loss but can invest in the future in the economic growth in the community. Mayor Hart stated she believes this would be something good for the Economic Development Committee to take a look at and figure out what we need.

Councilor Berry stated that this will need to come on as an agenda item. Councilor Berry stated he is interested in getting something going for the City buildings and City needs.

Councilor Rees updated everyone that the Gardiner Downtown Master Plan Committee is currently working on a website.

Mayor Hart mentioned this past weekend was a very big cleanup day, they were able to clean up about 600 lbs. of trash.

Mayor Hart stated the funding for the Cobbossee Corridor Project that had been proposed had changed; they had to separate them into three different submissions.

Mayor Hart mentioned that last night was a Gardiner Main Street Board meeting; fifteen minutes of the meeting was to praise Public Works and Buildings and Grounds crew. There are a couple of meetings and ribbon cuttings coming up, April 29th at 5:30 p.m. in McKay Park to talk about your vision for McKay Park. May 10th 6:00 p.m. in the Gardiner Fire Bay sponsored by Union Way. Ribbon cutting this Saturday at noon time for a bungee jumping business.

Councilor Berry stated that First Park is having their annual meeting and voting tomorrow night. This is the last year of their debt service and there is some discussion of ways to getting out of First Park so he would like to look into having this as an agenda item. Where would like to go with this going forward?

Mayor Hart asked Councilor Berry since they paid off the debt does that mean the municipalities will get more revenue because this income isn't going to the debt?

Councilor Berry stated that is the question. They want to hire a redesigning engineer to redesign the park.

Acting City Manager Davis reminded the Mayor and Council of the upcoming executive meeting.

7. **EXECUTIVE SESSION** (*City Council will exit public meeting and enter into a separate Zoom meeting.*)

Action: Councilor White motioned to move into executive session at 8:02 p.m. Councilor Frey seconded.

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

The City Council moved into executive session at 8:02 p.m.

a.) **Pursuant to 1 M.R.S.A. § 405(6)(C): Discussion or consideration of the condition, acquisition or the use of real or personal property**

Action: Councilor Rees motioned to exit executive session at 8:22 p.m. Councilor Sergent seconded.

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

8. **ADJOURN**

Action: Councilor Rees 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 8:25 p.m.

Respectfully Submitted:

A handwritten signature in cursive script that reads "Alisha Ballard".

Alisha Ballard
City Clerk