



**GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET**



Meeting Date	12/09/2020	Department	City Council
Agenda Item	4.I Review and Accept Minutes from October 28, November 5 and November 18, 2020		
Est. Cost	n/a		

Background Information	Attached are the minutes from October 28, 2020; November 5, 2020; and November 18, 2020.
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Requested Action	'I move to approve the minutes of October 28, November 5 and November 18, 2020 as presented.'
City Manager and/or Finance Review	The 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 _____

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

1. ROLL CALL/PLEDGE OF ALLEGIANCE

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

Also in attendance: Christine Landes, City Manager; Alisha Ballard, City Clerk; Dan Marks; Douglas Clark Wastewater Director ; Denise Brown, Finance Director ; Tracey Desjardins Economic Development Director ; Patrick Adams; Shenna Bellows; Thomas Harnett; Tina wood; Jerry Douglas ; Melissa Lindly; Debby Willis, Planning Board Chair; Kris McNeill, Code Enforcement Officer; Charlie Langton.

2. PUBLIC COMMENT (anything not on the Agenda)

Curtis Ayotte asked to speak within the Q&A. Curtis stated the mask task is not on the agenda tonight even after spending a great deal of time in the last meeting discussing it. He states that many questions were not answered. He feels like we are not looking for what is best for Gardiner but we are doing what our neighbors are doing.

Mayor Hart spoke and stated that it was unfortunate timing when they launched the task force. The day after they met the Governor placed orders and placed us in Stage 4, which included the mandatory wearing of masks.

Curtis stated that we had no clear direction and that we followed what was trending. He encourages that going forward that we look to see if this is what Gardiner needs.

Mayor Hart stated that our Representatives would like to hear from you, Senator Bellows and Harnett.

3. PETITIONS/PUBLIC HEARINGS

- a) 2020 Wastewater Treatment Plant Upgrade/General Obligation Bond Anticipation Note (BAN) and General Obligation Bond

Manager Landes spoke briefly.

Mayor Hart opened the public hearing at 6:10 pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:12 pm.

- b) Retail Adult Use Marijuana Establishment/Manufacturing Facility: Wellness Connection

Charlie Langston asked to speak briefly.

Mayor Hart opened the public hearing at 6:12 pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:16 pm.

4. NEW BUSINESS

- a) Discussion with Patrick Adams, Active Regional Transportation Planner at Maine Department of Transportation Regarding the Cobbossee Trail Project

Manager Landes spoke briefly.

Tina Wood from upstream spoke in regards to upstream holding meetings for the last two years in the hopes for fish passage for the three downtown dams.

Senator Bellows thanked Patrick for coming back for this meeting. The community collaboration and it has real momentum. With Covid she would like to push this to May 2021 and is willing to write a letter of support.

Representative Harnett thanked Patrick for coming back. He stated the Cobbossee Corridor is Gardiner, it is what fueled the mills and the development of our City. He supports the request from the City to extend the deadline to May 2021 and he pledges to work as hard as I can for the City to make sure this project, which is critical, can move forward.

Patrick Adams spoke briefly about the trail. He stated the May date is currently when the Bridge project should be wrapping up. He is feeling comfortable as long as there is municipal leadership support. Maine DOT wants to be assured there is a commitment to move this forward. What would be helpful is if we moved forward with the design, which will incur cost for the department and the city.

Councilor Ault asked Manager Landes is there an appropriation in the current budget for continued work on this project.

Manager Landes stated in 2016 to expend \$418,410 that was about \$333,000 towards the project its self and about \$85,400 in interest.

Councilor Ault moved City council is committed to continuing its full support in the development of the Cobbossee Trail Project and direct City Manager Landes to draft a letter MEDOT explaining the Councils commitment to convening a task force to develop a revised plan for the completion of phase 2 By May 31st 2021.

Councilor Rees seconded.

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

Councilor Rees wanted to thank Senator Bellow, Harnett and Patrick for joining.

Hear, Hear from Councilor White.

- b) Findings of Fact and Consider Approval of Retail Adult Use Marijuana Establishment/Manufacturing Facility: Wellness Connection**

The Land Use Code Addresses Marijuana Establishments:

It states-

10.28.5 An applicant that has received a conditional license from the State of Maine for a marijuana establishment may apply for City approval of that category of establishment. Any approval or license based upon a conditional state license shall be conditioned on the applicant receiving an active license from the state within one hundred eighty (180) days of the date of the City's approval. If the applicant fails to obtain an active license within that period, all City approvals, licenses and permits are void.

Wellness Connection, managed by Charlie Langston, and located at 31 Maine Venue, has been granted a state adult use marijuana program that expires 07/16/2021. This business has received approval from the Planning Board.

The licensee acknowledges and affirms all information is true and complete and then will require local authorization. As part of the Marijuana Business License Application for the City of Gardiner, approvals must be given by Code Enforcement, Economic Development, City Manager, Gardiner Fire Department, Gardiner Police Department, Public Works, and City Council.

The City Council shall make findings of facts as to the application's conformance with the standards of approval. The Council may grant a conditional approval of a license for a period of less than one year.

Councilor Berry asked about the moratorium.

Mayor Hart explain this application was received before the moratorium was in place.

Councilor Ault moved to approve the Retail adult Use Marijuana Establishment/Manufacturing Facility as all approval standards have been met as noted in City of Gardiner Code Chapter 11, Section 5.2 for a term of one year so long as a valid state license is maintained.

Councilor Cusick seconded.

Mayor Hart asked for any discussion.

Councilor Berry asked if they were planning to do both.

Charlie Langston stated it is illegal to run both in the same facility and they are going to transition to Retail Adult use.

Councilor Ault wanted to say thank you for being a good corporate citizen of Gardiner.

All those in favor. Unanimous.

Mayor Hart reminded the councilors to go into City Hall to sign the paperwork.

- c) Consideration of First Read for a General Obligation Bond Anticipation Note (BAN) and a General Obligation Bond for the Wastewater Treatment Plant Upgrade

Dan Marks spoke briefly.

The General Obligation Bond Anticipation Note (BAN) will be in the amount of \$3,532,000 and will be used during the construction phase of the project. The final funding will require a General Obligation Bond in the amount of \$3,032,000, issued to the United State Department of Agriculture, acting through its Rural Utilities Service, and will be distributed in conjunction with a \$500,000 grant from USDA.

These bonds will be used to finance the city's 2020 Wastewater Treatment Plant Upgrades and will be for a term of thirty (30) years. The City Council approved this project on June 24, 2020.

Councilor Berry moved to send the acquisition of the General Obligation Bond Anticipation Note (BAN) and General Obligation Bond - Order number 2020-04 for the Wastewater Treatment Plant Upgrades to a second reading on November 18, 2020.

Councilor Rines seconded.

Mayor Hart asked for any discussion.

Councilor Rees asked Denise Brown about the issuance.

Denise Brown the final bond amount through our will be \$3 million. As they have given us a \$500,000 grant, But the interim financing we will be doing it for \$3,532,000. It will be a very short interim finance. Hopefully the project will be done within a year give or take a little.

Councilor Rees asked if we get all the money first then after the project is done they give us the grant?

Finance Director states that we are required to spend the loan money and that is it similar to a construction loan.

Councilor Berry spoke stated that we need to spend the money in order to receive the money.

This money is coming from an enterprise account and this will not affect the tax payers.

Mayor Hart asked if we were going to accept the bids on November 18th or does this process take a little while longer.

Dan marks replied and stated they will be opening bids that afternoon but we will go through a due diligence process.

All those in favor. Unanimous.

- d) Set Steering Committee for Coastal Communities Grant/Downtown Master Plan

EDD Desjardins spoke briefly about how City Manager Landes spoke with Dorothy Washborn earlier today who would like to be appointed as well. She wanted to let the council that the RFP's have gone out. Our goal is to come back to the November meeting with a new downtown masterplan.

Councilor Rees asked that the E on her last name be taken off.

Please see the following names of people interested in volunteering on the Downtown Master Plan Steering Committee.

Carrie Arsenault
Tamara Whitmore
Janet Slade
Jean Cleaveau
Jacob Coan
Faustine Reny
John Bobrowiecki

Melissa Lindley - GMS
Amy Rees - Council Rep
Tracey Desjardins - City Rep

Councilor Berry moved to approve the proposed Steering Committee list of volunteers to work on the Downtown Master Plan and would like to add Dorothy Washborn.

Councilor White seconded.

Mayor Hart asked for any discussion.

Mayor Hart would like to thank everyone.

All those in favor. Unanimous.

e) Gardiner Gateway Sign Options

EDD Desjardins spoke briefly.

Melissa Lindley spoke briefly. She states she brought this up to the street scape. Some of the discussion was about how the tag line that currently stands is not the best and that it should mention heart and soul or if there is not a good tag line to not use one at all. Some people thought that using a sturgeon would be a good symbol.

Councilor Rees asked if Melissa knew if the business friendly designation still a thing.

Melissa stated she does not a lot about that but Tracey may.

EDD Desjardins states they were looking at doing a revamp and doing it a little bit differently. The person in charge of that has now moved on to a new position and now Covid hit and this hasn't been a priority.

With Heather Johnson the new commissioner has been so busy with other things.

Councilor Ault states he is agnostic on the business friendly labeling and we did go through the process.

With business collaborative and the senior care we got an extra point in our scoring for being business friendly and made a difference in our funding.

EDD Desjardins states Councilor Ault is correct.

The city's gateway is the welcome center for all visitors. When they see the welcome sign, what is the image the City Council wants to portray for Gardiner? The current gateway signs are outdated and are in need of much repair.

Gardiner Maine Street and EDD Desjardins are pleased to present the following options for consideration. These drafts have been presented to the Gardiner Main Street Streetscape Committee for comment and GMS Director Melissa Lindley will be present to share their thoughts.

The city will replace four (4) gateway signs and has a sign account set aside to cover the cost of replacing the signs.

Councilor Ault moved to accept the first presented Gardiner Gateway Sign as presented.

Councilor Berry seconded.

Mayor Hart asked for any discussion.

Councilor White states she was trying to tell Councilor Ault number two. I like number two better because of the explanation point.

Councilor Ault states he is anti- explanation points.

Councilor Rees states what she likes about the first one is how the gazebo is presented. It is a little bit bigger and easier to see.

Councilor Frey asked the Mayor is she described the first one being green.

Mayor Hart states it's blue with a little bit of green shading behind. He states he likes the arch in the first one but does like the explanation point in the second one.

Mayor Hart wanted to thank Melissa and states she does like the first one and she is not a fan of explanation points. She states she is in favor of the tag line stating something like Heart and Soul City but she would be happy with no tag lines too. She has been partial to Where history and progress meet. She asked Council if they wanted to discuss the tag line.

Melissa Lindley states the committee only comment was to use the year the City was founded.

EDD Desjardins states "Gardiner Welcomes You, Founded in --- "

Mayor Hart states that is perfect. She notes all heads were nodding.

All those in favor. Unanimous.

f) Set Public Hearing Date for November/Amendment to EJP TIF/Libby Hill TIF

EDD Desjardins spoke briefly.

Councilor Berry asked if there is a cost to change the TIF.

EDD Desjardins stated the cost is being board by Prescott.

Councilor Berry asked if we knew what the cost is.

EDD Desjardins states that working with legal the cap was set up to \$10,000.

The City Council is being asked to set a Public Hearing Date for a possible amendment to the EJP and Libby Hill TIF.

The purposes of these proposed amendments are to:

(1) alter the boundaries of the districts resulting from new parcel boundaries due to ownership changes and a new development project, and

2) add new project costs as permissible uses of TIF revenues by the City

No credit enhancement agreements are being proposed with these amendments.

The amendments are meant to better facilitate the City's economic development goals.

Councilor Frey moved to set November 18th as a Public Hearing for a possible amendment to the EJP and Libby Hill TIF.

Councilor White seconded.

Mayor Hart asked for any discussion.

Councilor Berry asked if there was other changes.

EDD Desjardins answered.

All those in favor. Unanimous.

g) Consideration to Allow ORC Review of Allowed Uses in the PD Zone/Marijuana Cultivation and Manufacturing

Chair Willis spoke briefly.

Mayor Hart asked Chair Willis if this is a good use of the ORC time given all the other things that we need to look at to revisit now.

Chair Willis states the thing is she certainly doesn't mind but the reason is she wants to look at the fact they allowed this in mixed use. She states that if we were to change the motion that can look at all the zones and not just one singular zone.

As the current marijuana ordinance was drafted, marijuana cultivation was allowed in most zones heading out Brunswick Avenue, but not in the Planned Development (PD) Zone.

Attached are letters from the city's CEO McNeill, Commercial Broke Dennis Wheelock and two marijuana business people.

The request before the City Council is to consider allowing the Ordinance Review Committee to review, as they review the current marijuana ordinance, possible allowed uses in the Planned Development Zone on Brunswick Avenue.

Councilor Rees moved direct the ORC to review possible allowed uses in Gardiner specifically marijuana cultivation and manufacturing, as part of the marijuana ordinance review.

Councilor Cusick seconded.

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

h) Consideration of Road Name Change: Irving Way to Troiano Way

Manager Landes spoke briefly about the request.

Kris McNeill, CEO, is asking the City Council to consider a road name change. This road, Irving Way and located in Libby Hill Industrial Park, was named by the first property owners.

Since that time, Troiano Waste Services Inc has also purchased land along this road. It appears that the first piece of property is now up for sale so Troiano is asking if the City Council would consider a road name change to Troiano Way.

The E911 Addressing Committee has reviewed this change and there were no noted concerns.

Councilor Berry moved to approve a changing the street name of Irving Way to Troiano Way.

Councilor Cusick seconded.

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

i) Consideration of Surplus Items Being Sent to Bid: Retaining Wall Blocks and Cement Slabs

Manager Landes spoke briefly.

Councilor Berry asked if we will ever need to use these in the future.

Manager Landes states that we do not have future use for them.

PWD Douglas states they came out of Mckay park. It is such a nice pit and resource. When they start to dump debris and get into the habit. He does not think they are worth a whole lot and they are not hurting anything being there but he's afraid it will turn into a dumping ground.

Councilor Berry said there is a new committee that is doing a new design for Mckay Park is it out of the realm that the blocks won't be put back?

Manager Landes said we can put this aside until the committee is done with the design or we can wait till spring when people are seeking these items out.

Councilor Berry states he would hate to sell something for .10 cents and turn around in a year and half to spend \$1.20.

Councilor Cusick agrees with PWD that the pits a mess and needs to be cleaned up. Reusing the material isn't always good because it never goes back together the way that it should. If we are getting a grant, we are not going to want to use old blocks.

Mayor Hart asked if we accept it now and it doesn't preclude until spring.

Manager Landes asked that the motion include putting it to bid in spring 2021

Councilor White asked what we would do if no one took them

PWD Douglas explained we would need to remove them ourselves.

Councilor White agrees with Councilor Cusick to clean up the pit.

Public Works Director Douglass is working on cleaning up the pit.

He has prepared a couple of bids sheets for items that he would like to see disposed of. The first item is retaining wall blocks and the second item is 4'x4'x4" cement slabs.

Councilor Cusick moved to send the proposed items out to bid in the most economical manner and in the best interest of the city process by May 2021.

Councilor Frey seconded.

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

j) Appoint Election Workers for 2020 General Election

Manager Landes spoke briefly.

Councilor White asked if it is supposed to be 50/50 between the parties.

Manager Landes states they do need to be 50/50 working the polls but they can proceed the party by one should you need to. Alisha will make sure the parties are equal during the election.

Mayor Hart states she was in the council chambers earlier and they were busy at work counting the absentee's.

With the November 3, 2020 election fast approaching, and the outbreak of COVID-19, many municipalities are working to secure election workers to work the polls and perform all the requirements of a successful election.

The City Clerk has prepared a list of election clerks that are willing to serve the City of Gardiner at least through the end of the year.

Normally this appointment is performed by City Council by May 1st of each year, however, due to the extenuating circumstances the City Council is being asked to consider this list of clerks. The City Clerk is also asking that these appointments also be until the 31st of December 2020. At that point, the political parties can prepare possible nominees for the position.

Councilor Rines moved to appoint the list of election clerks as presented in order to facilitate/staff the November 3, 2020 election. This appointment will expire on 12/31/2020.

Councilor Berry seconded.

Mayor Hart asked for any discussion.

Councilor Frey asked how the list compares in numbers to the list we normally see.

Manager Landes states that some people are very hesitant to working the polls with the pandemic.

All those in favor. Unanimous.

k) Consider Request to Close City Hall for Christmas Eve and New Year's Eve

Manager Landes wanted to clarify this if for all City employees.

It has been past practice in state government, that the Governor has allowed employees to have Christmas Eve and New Years Eve off as a state office shutdown has usually occurred.

The City Manager, after surveying several municipalities and finding they are doing the same, is asking the City Council to consider closing city hall on Christmas Eve and New Years Eve.

These two days off would be classified as employee appreciation days, especially for all of them serving this past year during the state of emergency while in the midst of the pandemic. One could say that the New Years Eve holiday would be a recognition of bidding farewell to this year.

For those individuals that are required to work on those days (possible PW and B&G (due to snow), Police and Fire) they would be allotted eight (8) hours of compensated time with no cash value.

Councilor Ault moved to allow the closure of City Hall on Christmas Eve and New Years Eve as a paid day off and for those required to work they would be allotted eight (8) hours of compensated time with no cash value.

Councilor Cusick seconded.

Mayor Hart asked for any discussion.

Councilor Berry asked what has been done in the past.

Manager Landes states in past practice we would close at noon time.

All those in favor. Unanimous.

- I) Review and Accept Meeting Minutes from September 16th, September 23rd, and October 14, 2020

Councilor Cusick moved to approve the minutes of September 16, September 23, and October 14, 2020 as presented.

Councilor Rines seconded.

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

5. CITY MANAGER REPORT

- New Fire Chief Rick Sieberg – Would like to extend public Congratulations
 - Rick asked to speak about the simulcast being up and running. He states when Chief Nelson was on the council approved the purchase of a simulcast upgrade for the fire department. The new system is up and working very well, much safer.
- Did not receive the grant for a new Fire Truck or the Grant for new employees.
- First quarter Covid expenses from March to the end of June we submitted \$24,500 in expenses but received \$18,275 back in funding.
- If council would like to stop by City Hall masks are available.
- Candy from Reed & Reed did provide a bridge update; They are getting ready to slide the bridge piece over.

6. CITY COUNCIL REPORT

Councilor Ault

- Congratulations to Chief Sieberg
- Don't forget to vote; I already voted early, easy and simple with very talented and great staff
- Support your local Business in down town Gardiner
- Asked Mayor Hart about the neighborhood discussion West Hill road solar project. Will this be a zoom call?
 - EDD Desjardins states the meeting will not be zoom. They are meeting on site.
 - Councilor Ault confirmed October 31st at 10am gathering at the south side of the school.

- EDD Desjardins states the information is correct and that there has been some responses.

Councilor Cusick

- He asked for some clarification
 - Mayor Hart provided details
 - He asked where the site was
 - Mayor Hart explained
 - He states he would like to be made aware before complaints come in so they are aware of what is going on
- Congratulations to Chief Sieberg
- Thank you to Christine and PWD Douglas up to Marston road

Councilor White

- Congratulations to Chief Sieberg
- Does the school being shut down due to Covid impact the election
 - Manager Landes stated the election is still on. They are prepared to have the school cleaned prior to our arrival Monday to set up and polling Tuesday. The City has payed for a cleaner to go in after us to clean.
- A complaint about some of the new businesses that have opened. She is hoping the Ordinance Committee could consider an odor ordinance because there is some odor coming from those businesses on Water St.
 - Mayor Hart states she will pass things along to Chair Willis

Councilor Berry

- Congratulations to Chief Sieberg
- Asked if they get any feedback from the grants.
 - Manager Landes said it is a yes or no, they do not give explanations.
- Requesting a cost for sewer hole covering
 - Doug Clark said it is deep and our small excavators would not be able to do it. We had no choice but to contract this out.

Councilor Rees

- Happy Halloween
- Looking forward to election day. Hopefully everyone stays safe.

Councilor Frey

- Congratulations to Chief Sieberg and thank you.
- Thinking about technology and we are going to lose our technology director. Do we have a plan? What do we have in place now? How does it work?
 - Mayor Hart asked Manager Landes if there could be a task force to work with IT Director Davis
 - Manager Landes states Anne has a recession plan that she can send to the council.

Councilor Rines

- Congratulations to Chief Sieberg
- Offer or Say to the family's to the people who are effected by Covid a speedy recovery
- Don't forget to get out and vote before Tuesday or on Tuesday

Mayor Hart

- Congratulations to Chief Sieberg
- There were four ribbon cuttings, El Oso's; Gardiner Hardware; Hair Lab; Ruby's Place
- Big announcement funding opportunity to give out in two phases called the Communities Grant
- Some family's within our communities who have been effected by Covid. Do send my best wishes and for a speedy recovery.

7. ADJOURN

Councilor Ault moved to adjourn.

Councilor Cusick seconded.

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

This document is in draft form and will be reviewed and possibly approved during the December 9, 2020 City Council Meeting.

Respectfully submitted and attested on 12/3/2020 by,

Alisha Ballard,
Gardiner City Clerk

Meeting called to order at 6:02 pm

Roll Call: Councilor Amy Rees absent.

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

Councilor Cusick moved to enter into executive session Pursuant to M.R.S.A. § 405(6)(C): Economic Development at Libby Hill Business Park

Councilor Frey seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 6:04 pm.

Councilor Cusick moved to exit out of executive session Pursuant to M.R.S.A. § 405(6)(C): Economic Development at Libby Hill Business Park

Council White seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 6:32 pm.

Councilor Berry motioned to direct staff to engage Vaughn Smith and Coffin Engineering to perform a wetland study at a cost of \$10,000 using TIF funds and to waive the bid process. Councilor Cusick seconded. No Discussion. Unanimous.

- **Pursuant to M.R.S.A. § 405(6)(A): City Manager Annual Review**

Councilor Cusick moved to enter into executive session Pursuant to M.R.S.A. § 405(6)(A): City Manager Annual Review

Councilor Frey seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 6:34 pm.

Councilor Ault moved to exit out of executive session Pursuant to M.R.S.A. § 405(6)(A): City Manager Annual Review

Council Cusick seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 7:16 pm.

No Action Taken.

City Manager Report:

The City Manager asked the City Council to consider adjusting the city's hours for the day before Thanksgiving (Wednesday) to 8:00am to 4:00pm.

Councilor Frey motioned to change the hours on the Wednesday before Thanksgiving to 8:00am-4:00pm. Councilor White seconded. It was asked that advertising occur as soon as possible. All those in favor. Unanimous.

The City Manager asked if there would be any objection to a letter being submitted to each of the unions regarding switching individual jobs (in and out of separate unions) during this state of emergency. The City Council saw no issue with this.

City Council Report:

Councilor Ault congratulated all the new/returning Council members.

- **Pursuant to M.R.S.A. § 405(6)(A): City Manager Annual Review**

Councilor Frey moved to enter into executive session Pursuant to M.R.S.A. § 405(6)(A): City Manager Annual Review

Councilor Rines seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 7:24 pm.

Councilor White moved to exit out of executive session Pursuant to M.R.S.A. § 405(6)(A): City Manager Annual Review

Council Ault seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 7:46 pm.

No Action Taken.

ADJOURN

Councilor Berry moved to adjourn

Councilor Cusick seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 7:46 pm.

Meeting called to order at 7:20 pm

Roll Call: Everyone Present

- **Pursuant to M.R.S. § 405(6)(C): Discussion surrounding proposed consent agreement**

Councilor Berry moved to enter into executive session Pursuant to M.R.S. § 405(6)(C): Discussion surrounding proposed consent agreement.

Councilor Cusick seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 7:26 pm.

Councilor Berry was kicked out of Zoom during the meeting. He did not reenter the meeting.

Councilor Ault moved to exit out of executive session Pursuant to M.R.S. § 405(6)(C): Discussion surrounding proposed consent agreement

Councilor Frey seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 7:36 pm.

Councilor Rees moved to approve a consent agreement on the terms and conditions in the best interest of the city, and to authorize the City Manager to execute and sign the agreement.

Councilor Ault seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous (with exception of Councilor Berry).

- **ADJOURN**

Councilor Ault moved to adjourn.

Councilor Cusick seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor (with exception of Councilor Berry). Unanimous. 7:39 pm.

This document is in draft form and will be reviewed and possibly approved during the December 9, 2020 City Council Meeting.

Respectfully submitted and attested on 11/19/2020 by,

Alisha Ballard,
Gardiner City Clerk

Mayor Hart called the meeting to order at 6:00pm

1. ROLL CALL & PLEDGE OF ALLEGIANCE

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

Also in attendance: Christine Landes, City Manager; Alisha Ballard, City Clerk; Douglas Clark Wastewater Director ; Denise Brown, Finance Director; Tracey Desjardins Economic Development Director; Richard Sieberg, Fire Chief; Anne Davis, Director of Library and Information Services

2. PUBLIC COMMENT (anything not on the Agenda) (ALL PUBLIC COMMENT MUST BE SENT VIA EMAIL TO CLANDES@GARDINERMAINE.COM, REGULAR MAIL: 6 CHURCH STREET GARDINER ME 04345 OR CALL 207-582-4200 DURING REGULAR BUSINESS HOURS)

None

3. PETITIONS/PUBLIC HEARINGS

- a) 2020 Wastewater Treatment Plant Upgrades/General Obligation Bond Anticipation Note (BAN) and General Obligation Bond

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

- b) EJP Tax Increment Finance District Second Amendment

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

- c) Area Wide Libby Hill Tax Increment Finance District Second Amendment

Mayor Hart opened the public hearing at 6:07pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:08pm.

4. NEW BUSINESS

- a) Confirm Appointment of Fire Chief Richard Sieberg

The City Council is being asked to confirm the appointment of Richard Sieberg, Fire Chief.

The City Manager is pleased to announce the appointment of Richard Sieberg to the Fire Chief position.

Beginning his career with Gardiner in 1997, Rick worked his way through the ranks serving as Lieutenant, Captain and now Chief. Originally from Conway, NH, Rick moved to Gardiner just out of college after being hired as a Firefighter/EMT. Soon he was back in school, achieving his Paramedic License two years later. Rick attended NH Technical College receiving a degree in Fire Science.

Mr. Sieberg has been offered a salary of \$74,568, 27 vacation days a year, and 8 hours of sick time per month.

Mr. Sieberg assumed his position November 1, 2020.

Councilor Cusick moved to confirm the appointment of Rick Sieberg as Fire Chief.

Councilor White seconded.

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

b) Acceptance of November 3, 2020 Election Results

Councilor Rines moved to accept the November 3, 2020 Election Results as presented and give many thanks to all the individuals that made this election a success especially during these trying times.

Councilor Frey seconded.

Mayor Hart asked for any discussion.

Mayor Hart stated it went very smoothly and the number of absentee ballots was remarkable. Many Thanks to everyone and special thank you to MSAD#11 school board for allowing us to use the gym.

All those in favor. Unanimous

c) Second Read and Possible Approval of the General Obligation Bond Anticipation Note (BAN) and a General Obligation Bond for the WasteWater Treatment Plant Upgrades

The General Obligation Bond Anticipation Note (BAN) will be in the amount of \$3,532,000 and will be used during the construction phase of the project. The final funding will require a General Obligation Bond in the amount of \$3,032,000, issued to the United State Department of Agriculture, acting through its Rural Utilities Service, and will be distributed in conjunction with a \$500,000 grant from USDA.

These bonds will be used to finance the city's 2020 Wastewater Treatment Plant Upgrades and will be for a term of thirty (30) years. The City Council approved this project on June 24, 2020.

Councilor Berry moved to adopt Order number 2020-04 as written.

Councilor Cusick seconded.

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

d) Consider Approval of the EJP TIF Second Amendment

The City Council is being asked to amend the EJP TIF.

The purposes of these proposed amendments are to:

(1) alter the boundaries of the districts resulting from new parcel boundaries due to ownership changes and a new development project, and

2) add new project costs as permissible uses of TIF revenues by the City

No credit enhancement agreements are being proposed with these amendments.

The amendments are meant to better facilitate the City's economic development goals.

EDD Desjardins spoke briefly.

Mayor Hart asked if the Planning Board already approved the amendment to the subdivision.
EDD Desjardins stated that is correct.

Councilor Rees moved to approve the amendments to the EJP TIF as presented.

Councilor Ault seconded.

Mayor Hart asked for any discussion.

Councilor Berry asked about the addition of the broadband and the list she read and if it is exclusive to the new area or encompass entire TIF District of Libby Hill Park.

EDD Desjardins explained that this TIF is just for EJP. She answered you will notice it is area wide. However with the broadband you look at it as far as outside of the scope as a city as a whole to be able to use those funds as a broadband.

All those in favor. Unanimous

e) Consider Approval of Libby Hill Area Wide TIF Second Amendment

The City Council is being asked to amend the Libby Hill Area-Wide TIF.

The purposes of these proposed amendments are to:

(1) alter the boundaries of the districts resulting from new parcel boundaries due to ownership changes and a new development project, and

2) add new project costs as permissible uses of TIF revenues by the City

No credit enhancement agreements are being proposed with these amendments.

The amendments are meant to better facilitate the City's economic development goals.

EDD Desjardins spoke briefly. She went back to Councilor Berry's question regarding the other projects; Broadband is included in this, Public Safety is included due to it being an area wide one. Natural Gas infrastructure this has been something we wanted to do out in that area. Broadband infrastructure, streetscape; environmental improvements.

Councilor Cusick moved to approve the proposed amendments to the Libby Hill Area Wide TIF as presented.

Councilor Frey seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous Councilor Berry unable to vote.

f) Advise and Consent to the Mayor's Appointment of Economic Development Committee Members

With the new leadership of the Economic Development/Planning department, it is time to reactivate the Economic Development Committee.

Councilor Ault moved to advise and consent to the Mayor's appointment of Economic Development Committee members: Jean Claveau, Carrie Arsenault, Dennis Doiron, Tamara Whitmore, Stacy Caron, Terry Berry, and Tim Cusick.

Councilor Rines seconded.

Mayor Hart asked for any discussion.

Councilor Ault asked what the plan is to keep this vital and to have this continue.

EDD Desjardins answered with trying to keep things going with monthly meetings. Working with Gardiner Maine Street and how we can keep things viable. Discuss what we need to do whether it is with marketing purposes and having folks acting as liaison's when they are out and about.

Councilor Ault asked Desjardins if they would not consider the work of the committee to be redundant to her position.

EDD Desjardins stated that when she come to Gardiner she looked at the committees. Her department is involved in many things and things can get tricky when it comes to pulling community members. She states that when they first meet they can try to get a good since of the committee members and ask what they would like to see going forward. She states she will need to get guidance from council, the Mayor has been involved along with Councilor Berry and Councilor Cusick.

Councilor Ault states his recollection the committee was formed to fill the gap of the previous EDD departure.

Mayor Hart states this has been a very long-standing committee Councilor Berry has been a part of this for a long time. The committee worked closely with Nate Rudy and the other EDD in the past. When Patrick Bridge both the Gardiner Main St position and the City Position, the one thing he stopped doing was staffing the EDD committee because it was too much and he and the City Manager Morelli was doing the ED. This is in City Ordinance and this is one of the special committees were it is spelled out with whom needs to be on the committee. She states this is an important committee and there is a lot going on. EDD has stated it is important to have a standing committee that she can ideas too.

Councilor Ault said this is helpful and that in the past it has gone in and out. He is glad to see it coming back.

Councilor Berry asked about the two other appointments that need to be filled.

EDD Desjardins stated yes because there is a criteria to follow.

Councilor Berry asked if anyone has talked to Dennis Wheelock.

Mayor Hart Stated they have not. In the past they have not had the Real Estate contract with the City as a formal member. They can go and be a part of the meetings.

Councilor Berry said he isn't sure he agrees with that because that an addition to Tracey, front line response with what is going on with the real estate community. ED has to be 90% real estate at least.

Mayor Hart states he could be a member and not vote.

Councilor Berry states he wouldn't find it an issue if he could vote or not vote.

Mayor Hart states this is to approve the list of names and that there are two vacant spots. She asks if there is any other discussion to the motion.

All those in favor. Unanimous

Mayor Hart asked how Council wants to provide with the City's Real Estate Agent as a formal member. Councilor Rees states if Dennis wants to be involved as a non-voting member so there is no question of conflict of interest.

Councilor Ault Hear' Hear'

Councilor White Hear' Hear'

Mayor Hart asked council if would like to push this for discussion to a future meeting or keep it as it stands.

No response. Mayor Hart states this will be pushed to a future meeting to discuss.

- g) Advise and Consent to the Mayor's Appointment of CDBG Community Enterprise Advisory Committee Members**

The City of Gardiner received a \$25,000 CDBG Community Enterprise Grant for the purpose of renovating McKay Park. As part of the grant process, Council needs to appoint members to the CDBG Community Enterprise Grant Advisory Committee.

Councilor Rines moved to advise and consent to the Mayor's appointment of members to the CDBG Community Enterprise Grant Advisory Committee: Kala Ladenheim, Robert Abbey, John Callinan, Melissa Lindley, and Mariea Dixon.

Councilor Ault seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous; Councilor Berry unable to vote

h) Consider Purchase Offer for Marks Lane

Attached is an email from Brandon Bibber whom lives at 59 Marks Lane. He is offering the City of Gardiner \$8,000 for 56 Marks Lane (Map 15 Lot 005 H). This property was sent out to bid on March 6, 2019 (abutters were also notified) with a minimum bid of \$6,500. No bids were received.

The property, assessed for a total of \$44,800, and taxes owed totaling \$6,550.94 has been owned by the city since November 2014.

Previously, this property did include a clean-up clause in the first bid process.

City Manager Landes spoke briefly.

Councilor White asked if the lot in the packet was where the trailer was located and if that was the area that needs to be cleaned up.

City Manager Landes states there has been some abandoned cars located there that the fire department has used for training and even talked about using the trailer. The trailer is not livable and will need to be dismantled.

Councilor White asked where Marks LN was.

Councilor Berry explained.

Councilor Rees moved to accept Brandon Bibber's offer of \$8,000 for 56 Marks Lane, Map 015 Lot 005 H, and transfer the property with a quit claim deed and a clean-up clause that must be completed within six months.

Councilor Frey seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous Councilor Berry abstained.

i) Consider Internet Policy

There has been some discussion held previously on how to keep the city's internet and server safe during these times of virus/spam/ransomware attacks.

The outcome from that discussion resulted in our IT Director Davis preparing a proposed addendum to the employee handbook. This proposal is attached.

This proposal is intended to protect the city servers and computers and to allow a Department Head to work with the IT Director on technology needs if they fall within the budget. It also restricts any department to negotiate internet contracts with all outside vendors.

Councilor White moved to approve the proposed addendum to the employee handbook regarding internet use.

Councilor Ault seconded.

Mayor Hart asked for any discussion.

City Manager Landes spoke briefly.

Anne Davis spoke briefly.

Councilor Berry asked if we have a direction if we were to get hacked with a ransom like Augusta did.

Anne Davis states she would not like to discuss that during a public forum but do they do have a plan in place.

All those in favor. Unanimous

j) Consider Approval of a Victualer's License: Gerard's Pizza

The City Council is being asked to consider the approval of a Victualer License for Gerard's Pizza.

Councilor Rees moved to approve the Victualers License for Gerard's Pizza.

Councilor Cusick seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous Councilor Berry unable to vote.

k) Consider Approval of a Beano/Bingo License: Gardiner/Augusta Lions Club

This license is issued through the Department of Public Safety and requires a 5-year blanket authorization letter signed by the City Manager along with the state application to be signed by the City Council. If renewed this license will be effective from January 1, 2021 through December 31, 2025.

Councilor Cusick moved to approve the five-year Beano/Bingo license for the Gardiner/Augusta Lions Club.

Councilor Ault seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. Councilor Berry Unable to vote.

l) Discussion Regarding the Current Grant Agreement with Hoppy Days LLC/ John and Lynn Callinan

Hoppy Days LLC, John and Lynn Callinan, closed their business on Water Street in 2018, but have diligently been working on reopening Jokers & Rogues. In 2015, they made an Agreement with the City for a \$35,000 interest only loan. This loan had a five-year agreement with a fixed interest rate of 5.75%. There were chronological increments of forgiveness. Hoppy Days, LLC has passed the three-year time frame, so 25% of the loan should be forgiven.

In October 2018 the City Council unanimously agreed to allow a six month grace period and then start the time again on the agreement. In May 2019, the City Council unanimously approved to restart the five-year agreement with the closed time being added onto the agreement.

The City Council is being asked to extend this loan agreement for two-years (with an expiration of 11/18/2022) with the same terms and with the interest already being paid for year one. As we are all aware, COVID rules on tasting rooms has once again delayed his opening.

Manager Landes spoke briefly.

Councilor Ault moved to allow the loan agreement with Hoppy Days LLC to expire on November 18, 2022. All original terms of the agreement stand as previously agreed and interest has already been paid for year one.

Councilor Frey seconded.

Mayor Hart asked for any discussion.

Councilor Rees states she believes she was the president of Gardiner Maine when the loan came through and she is very familiar with the arrangements of the loan. The fact that Mr. Callinan has made a substantial investment in downtown. He is one of the most diligent building and business owner down there. He is incredibly committed to down town Gardiner. I whole heartily support extending this.

Councilor Ault Hear' Hear'. He could not agree more. He is still here and he needed to change his business. Even with the pandemic disrupting his plans despite all of his diligence. I give him all the applause in the world.

Councilor White states she feels the same way as Councilor Rees and Councilor Ault.

All those in favor. Unanimous

m) Review and Accept Monthly Reports from City Manager and Department Heads

Mayor Hart wants to extend her deep gratitude for doing this. She likes how to are in synced and informative it give the folks in the community can see all the good work everyone is doing. Councilor Cusick said Hear' Hear'

Councilor Cusick moved to accept the October 2020 monthly reports from the City Manager and Department Heads.

Councilor Frey seconded.

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

n) Review and Accept Meeting Minutes from October 21, 2020

Councilor Rines moved to approve the minutes of October 21, 2020 as presented.

Councilor Ault seconded.

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

5. CITY MANAGER REPORT

- Department head monthly reports will be a standing agenda item.
- City Mayor and I was able to meet and talk with new Council Member Sergent this week.
- Reminder I sent out an invitation for a Council informational session. Similar that what I did with Councilor Frey last year. Department heads will be meeting with soon to be Councilor Sergent and any of you that are interested via zoom on the morning of January 5th and in the afternoon we will take any interested to each individual department.
- Wastewater project out to bid twice and all the bids that came in were above budget and will wait until spring to send that out again.
- You all will receive in a day or two from Tracey or Chief Toman an invite to "Coffee with the Chief" this will allow businesses in and around Gardiner talk to the chief about how to handle the mask mandate in their business. There will be two sessions and that they will have the opportunity to attend. The first one will be Monday 23rd at 9am via zoom and the second December 7th at 9am via zoom. If you have any questions you can reach out to Chief Toman or EDD Desjardins or myself.

6. CITY COUNCIL REPORT

Councilor Ault

- None

Councilor Cusick

- Congratulate Chief Sieberg
- Thank you to all the department heads and the City Staff. Great job with the election

Councilor White

- Congratulate Chief Sieberg
- Happy Thanksgiving and keep your chin up. Stay Safe.

Councilor Berry

- Happy Thanksgiving everyone
- Bridge Project is looking great. I have found very little inconvenience. The police department has done great, Reed & Reed and McGee they have all done great.

Councilor Rees

- None

Councilor Frey

- Question about the speeding on Brunswick Ave and wondering if there has been any movement on that.
 - Chief Toman states they have done some research about purchasing speed signs that can be mounted on telephone poles. We can purchase those for the small price of \$6,500 apiece that is the DOT price. That would be one of the solutions for the council to consider. The other is more police presence on Brunswick ave and we are doing our best to do so with our staffing levels.
 - Councilor Frey states the department is doing a great job. A persistent issue happens coming into town near the school and all the way down the hill. I would support pushing this forward to having further talk about permanent signs.
 - Mayor Hart states this could be a budget discussion.
 - Councilor Rees would like to see the specks on speeding signs. What they look like, how do they look. Would like to talk about this during a budget discussion for Brunswick ave and 126.
 - Chief Toman states they can work on moving the sign they currently have on River View drive. We can start to gather same data from each road.
 - Councilor Rines states it's a great idea to move if from River view to Brunswick Ave. How any unit's do we have? He states he

notices on his street when you hit the speed limit, which is 25, it starts to flash. I think it might be better if it flashed with a warning at 26.

- Chief Toman states they only have 1 and your suggestion is noted.

- Happy Thanksgiving

Councilor Rines

- Have a happy and safe Thanksgiving

Mayor Hart

- Want to extend my congratulations to Councilor White and Councilor Cusick and Councilor Elect Sergent for a successful candidacy.
- Thank you to City Staff for running a smooth Election.
- Thanksgiving is coming up and the is community need. The high school national honor society is still collecting food for those in need. Gardiner Rotary club is doing a Turkey Trot on Thanksgiving morning at 10 and it will start at the common, they will keep people spaced apart and it is a fundraiser for the community. Any proceeds or money raised goes right back into Gardiner or the food pantry's, things that the students need and other charitable events.
- Gardiner Rotary will be selling Christmas Trees the first weekend in December. If you would like a fresh cut Christmas tree please get one from rotary.
- Shop Local day across America is Saturday after Thanksgiving. Go Big and Go Local.

7. ADJOURN

Councilor Ault moved to adjourn at 7:17pm

Councilor White seconded.

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

This document is in draft form and will be reviewed and possibly approved during the December 9, 2020 City Council Meeting.

Respectfully submitted and attested on 12/2/2020 by,

Alisha Ballard,
Gardiner City Clerk