



**GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET**



Meeting Date	01/23/2019	Department	City Council
Agenda Item	4.5 Accept Minutes of January 9, 2019 and January 23, 2019		
Est. Cost	n/a		

Background Information	Attached are the minutes from the January 9th and January 23rd meeting.
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Requested Action	'I move to accept the minutes of the January 9, 2019 and January 23, 2019 meeting 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 6:01pm.

1. ROLL CALL

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

Also in attendance: City Manager, Christine Landes; City Clerk, Kelly Gooldrup; Al Nelson, Anne Davis, Tony LaPlante, Doug Clark, Barb Skelton, Amy Rees, Debby Willis, Neil Anderson, Michael Giberson, Shenna Bellows, Abbey Mayer, Helen Stevens

2. PUBLIC COMMENT (anything not on the Agenda)

Mayor Hart asked for any comment from the public. Hearing none, we will move on to the next item on the agenda.

Council agreed to move the resolution Honoring A1 Diner Owners Mike Giberson and Neil Anderson above the Petitions/Public Hearings.

Resolution Honoring A1 Diner and Owners Mike Giberson and Neil Anderson

Mayor Hart presented the resolution to Mike Giberson and Neil Anderson and read the resolution aloud.

Maine State Senator, Shenna Bellows, representing on behalf of Representative Thom Harnett, presented Mike Giberson and Neil Anderson with a recognition from the Maine Legislature and read it aloud.

3. PETITIONS/PUBLIC HEARINGS

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

Debby Willis explained the proposed amendment. Property owners will have a duty to remove any ice or snow accumulation that poses a threat to the public and they will have 24 to do so. If they fail to remove it within 24 hours, the CEO may place a barrier around the threatening area and send notice to the property owner. City Manager may delay the process if deemed necessary. If any property owner does this three times within 18 months, there are further penalties that may be enforced. If the City does have to remove the ice or snow, there is a penalty fee of \$250.00 plus the cost of removing the ice or snow. A lien could also be placed on the property.

CEO Skelton added that she works closely with the Public Works Department, Buildings & Grounds and the Police Department in these types of situations.

Mayor Hart asked how it would work for Landlords that are out of state, out of Town or just cannot reach.

CEO Skelton responded that we would just proceed to take care of it and notify the property owner in writing by certified mail.

Councilor Dolley asked if there would have to be a complaint or would there just be inspections done to determine if there are sidewalks not cleared.

CEO Skelton responded that she gets frequent updates from Buildings & Grounds that there are icicles hanging off buildings, so I do not think I would have to do proactive inspections. There are people out there looking.

Councilor Cusick asked if this is just what's hanging off the buildings.

CEO Skelton responded yes. We have had two buildings in the past that we have had issues with every winter.

Councilor Cusick asked if it will be the property owners responsibility to clear the stuff off the building and then clean the sidewalk.

CEO Skelton responded yes and to keep the public safe in the process as it can be dangerous.

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

b) Public Hearing and First Read of Proposed Amendments to the Sewer Ordinance

Doug Clark, Wastewater Director presented the proposed changes. Over the past six months to a year, he with input from the Sewer Billing Clerk, Code Enforcement Officer and the Public Works Director have been working on the ordinance where areas need to be clarified and tightened up. Through the Wastewater Advisory Committee, we have come up with the proposed changes. There are four changes proposed that have been recommended by the Wastewater Advisory Committee. On page 44, there is an exemption from our mandatory sewer system. If there is new construction or someone's system has failed and the property is within 100 feet of the City sewer lines, they would have appeal to the Wastewater Advisory Committee and then we would bring it to the City Council for final approval.

CEO Skelton explained that we had a property last year that had a failed system and because it was within 100 feet of the City sewer lines, they needed to be hooked up.

Councilor Berry asked if we also have an ordinance for new subdivisions within 1000 feet of the Municipal Sewer pipe that you have to hook on to it.

CEO Skelton replied absolutely.

Councilor Berry asked if they contradict each other.

CEO Skelton responded that this is if they are required to hook up because of failure.

Paragraph D in the existing ordinance explains that all new construction within 100 feet of the sewer lines are required to hook in and Section E in 2873 is where it indicates if you have a malfunctioning system that is not operable and with 100 feet, you are required to hook in. The Land Use Ordinance states 1000 feet for subdivisions and 100 feet for individual properties.

City Manger Landes noted that on page 43, a word is spelled nto and should be not. The change will be made before the Public Hearing.

Doug Clark continued on page 47, currently there is a policy that if a sewer blockage occurs in someone's home and causes damage and has cleanup costs. If it is determined to be caused by the City and is on the City side of the right of way, the City will pay for the cleanup cost. If it is on edge of the City right of way to the house, it is the property owner's responsibility to pay for the cost.

Councilor Berry asked if the City is covered by liability insurance in this situation.

City Manager Landes will do research on the insurance.

Councilor Dolley asked how the determination is made regarding who is liable.

Doug Clark responded that he involves the Public Works Department and have a private plumber evaluate. Camera lines with transmitters are used after the cleanup to determine where the issue has taken place.

City Manager Landes announced that the Finance Director and past interim City manager informed her that we do have insurance to take care of these situations.

Doug Clark continued that one change is to update the title of Welfare Director to General Assistance Administrator. The fourth change is to redefine the procedure for submitting the outside meter request. On the current sewer bills, there is a line to input the reading and it puts the responsibility on the user. We are going to do a registered letter to all City Sewer users with signature required, that will outline this clearly.

It was asked if there is an online place to submit the reading.

Doug Clark responded no, but they can email Sherry. Some people take a picture with their phone and send it to Sherry.

Councilor Ault asked if those methods could be relayed in the letter so folks will be aware.

Doug Clark replied yes we can.

Mayor Hart opened the public hearing at 6:33pm and asked for any comments from the public.

Amy Rees asked if the exemption for properties within 100 feet is for residential only or for businesses as well.

Doug Clark responded both providing it isn't a significant user like a manufacturing facility.

Mayor Hart asked for anyone else to speak. Hearing none. Mayor Hart closed the public hearing at 6:33pm.

c) Public Hearing and First Read of Bond Proposal not to exceed \$295,000.00 for LED Streetlight Conversion

Mayor Hart explained that from previous discussions surrounding the conversion, the City of Gardiner will be asked to pay, up front, Affinity Lighting for the LED Streetlight Conversion. This conversion will allow all of the current 500 +/- lights in the City to be converted to LED and to also be 'networked'. Using the proposal, the City of Gardiner is set to save approximately \$1.2M over 20 years. This proposal has been offered at the same price that surrounding municipalities have been offered. For clarification, these will not include the green lights downtown and by Hannaford. It is just the ones on the aluminum poles.

Mayor Hart opened the public hearing at 6:35pm and asked for and comments from the public.

City Manager Landes explained that with Affinity Lightings proposal, it was to be paid off in 3.87 years and with the bond it will be paid off in 4 years.

Councilor Dolley asked if we after we pay it off in four years, everything after that will be a gain.

City Manager Landes replied yes. It will be about \$75,000 yearly gain every year after the first four years.

Mayor Hart asked for any further comments. Hearing none. Mayor Hart closed the public hearing at 6:36pm.

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

Mayor Hart explained that this moratorium was effective immediately (emergency) retroactive to July 9, 2018 on September 5, 2018. As the State of Maine is still finalizing details, and new proposed rules for the City of Gardiner will be forthcoming, the City Council is being asked to extend this moratorium for another 180 days.

City Manager Landes explained that we missed the 180-day window so we are asking for it to be retroactive to January 5, 2019. Fortunately, we have not had any applications at this point. The State is still formulating all their rules.

CEO Skelton added that we also have a moratorium on the Adult Use Recreational Marijuana regulations and the Ordinance Review Committee has started looking at that and will be perusing this as one ordinance change rather than doing it piece meal.

Councilor Ault asked even though the State rulemaking isn't finalized yet, you are already engaged in the Ordinance Review process.

CEO Skelton replied yes because we were asked to do so from the City Council after the Task Force report was received.

Councilor Ault asked if you have any contingency if the work you are doing now is in conflict with the State laws.

CEO Skelton responded that right now we are not doing any work, because we are waiting to get the State guidelines. The expectation is to start work in February. The State did put out a request for quotes.

Mayor Hart opened the public hearing at 6:39pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:39pm.

e) Public Hearing and First Read of Title 26 Trees/Chapter 1 Oversight of Trees and Chapter 2 Protection of Public Trees

Mayor Hart explained that the City Council reviewed this proposal and recommended the Ordinance go to a first/second read. There were a couple of changes noted when the City Council reviewed the proposal at the last meeting. Those recommendations have been added to the proposal.

CEO Skelton commented that the only change we made after City Council looked at it during the last meeting was to add on page 2 at the very top, in the Tree Oversight Committee, we added a citizen member with tree expertise.

Mayor Hart opened the public hearing at 6:41pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:41pm.

4. NEW BUSINESS

1. Discuss, Evaluate, and Possibly Approve 'List B & C' of Sewer Abatement Requests

The City Council will discuss, evaluate, and possibly approve the 'B & C' list of sewer abatement requests. Sewer abatement requests are reported quarterly to the City Council. Requests over \$150.00 require Council approval. See attached lists for more information.
List A: City Staff approved list (under the \$150.00 threshold)
List B: City Council consideration (over the \$150.00 threshold)
List C: City Council Special Consideration (outside water meter readings not given within the six (6) month ordinance window)

Councilor Ault will abstain from voting due to conflict.

Doug Clark explained that anything under \$150.00 can be abated without Council approval. List 'B' is anything over \$150.00 and must be approved by Council. List 'C' are the abatement requests the Wastewater Director has denied. There are two on List 'C'. The first individual is Mr. Glesener, who has since bought a meter and is plugged in to the program. The second individual shut off the sprayer but not the hose and the sprayer blew off without anyone noticing for a significant amount of time.

Councilor Berry asked if there is a way to give Mr. Glesener some kind of compensation since he believes he didn't know how to get a meter.

Doug Clark responded that he has heard of a one-time educational abatement of fifty percent.

Councilor Berry said he is definitely leaning in that direction.

Councilor Berry made a motion to accept the list with an amendment for an abatement of a fifty percent reduction for James Glesener at 113 Brunswick Avenue.

Councilor White seconded.

Councilor Dolley asked what the fifty percent reduction is compared to the typically sewer bill for this customer.

Councilor Berry responded that the current bill is \$378.00 versus two previous bills for \$87.00.

Councilor Rines asked if with respect to James Glesener, should we also consider Bonnie Dixon

Councilor Berry replied that he doesn't know her situation.

Doug Clark responded that she is the customer with the blown off sprayer and the hose still on.

Councilor Berry said she has not reach out that he knows of, to talk about it.

Doug Clark responded that she did not reach out to Sherry or himself.
Councilor Rines asked why we don't wrap them all together for a reduction.
Doug Clark reminded the Council that word travels fast and we do encourage people to reach out to us. They can come sit in a meeting and ask questions.

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

2. **Gardiner Library Board of Trustees Proposed Library Fees**

Mayor Hart explained the proposed library fee schedule and memo from Librarian Anne Davis. This fee structure is one that the Gardiner Library Board of Trustees approved at their meeting on 1/3/2019.

Anne Davis explained that the charge for the towns within MSAD11 would be ten percent per capita and the towns outside of the district, Farmingdale and Litchfield, would be seven and a half percent per capita since they do not have the busing system to transport them to the library. Farmingdale and Litchfield will be receiving a big jump in price and she has heard from one of those towns that it is too big of a jump. We will probably lose that town. She would like to phase this increase in place.

Mayor Hart said she attended a meeting recently and they seem relieved to have a clear number for their town.

Councilor Ault commented that he is in support of this proposal. He likes the tiered schedule.

Anne Davis commented that this schedule is understandable.

Councilor Berry said the way he read the proposal, it will add \$22,978 to Gardiner's portion.

Denise Brown replied that it is a deduction.

Mayor Hart commented that the four-year phase in as noted in the proposal is to inch the towns up to the per capita fee structure and the Library budget will increase over that time. It will be an initial drop to Gardiner, but if the phasing continues as planned, the City budget will make up that drop over the four years.

Anne Davis reminded the Council that in 2020, the Census will update and to expect change.

Councilor Berry moved to approve the proposed Library fee schedule as approved by the Gardiner Library Board of Trustees on January 3, 2019 and outlined in the memo from Librarian Anne Davis.

Councilor Dolley seconded.

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

3. **Appointment of Sealer of Weights and Measures**

Mayor Hart explained that this is a proposal for the City to appoint a Sealer of Weights and Measures. This appointment will not cost the City financially, as all costs associated with his services are paid by the customer. This is an optional appointment at the state level. There is a letter of interest from Bryan Bachelder with qualifications.

City Manager Landes added that she met with Mr. Bachelder a couple times. He was a previous Maine State Trooper who did commercial vehicle weight. Councilor Berry asked who determines the cost. City Manager Landes replied that she believes it is set by the State.

Councilor Ault moved to appoint Bryan Bachelder as Sealer of Weights and Measures for the City of Gardiner.

Councilor White seconded.

Mayor Hart asked all those in favor.

Unanimous without Councilor Dolley (left the room)

4. **Interview candidates for vacant Council Seat District 2**

Mayor Hart explained that the Council has been presented with Statements of Interest from three candidates willing to serve in the newly vacant Council Seat for District 2. The order of interview will be alphabetical. This interview process will be unscripted along with questions being generated by the existing Councilors starting with Councilor Rines.

City Manager Landes asked if Karen Tucker could speak first as she has something to tell the Council.

1. Councilor Candidate Karen Tucker spoke to the Council and withdrew her letter of interest.
2. Councilor Candidate Kerstin Gilg – He is very interested in serving the City of Gardiner and being in public service. He has been serving on the State level for ten years with the Maine Arts Commission.
Councilor Rines asked what he thought he could bring to Council and the City of Gardiner.
Kerstin Gilg responded that he brings a lot of years of public service within the City. His background is in Arts and Culture.
Councilor Dolley asked him to talk about one of his experiences on a committee or in culture or in arts where he has been challenged by a group of people or individual. How did he handle it and grow from it.
Kerstin Gilg responded that he has a lot of experience working with people and navigating how to work with them and make sure they are heard even if we don't agree with them.
Councilor Berry had no question.
Councilor White asked what goals he saw for our Council in the next twelve months. An example: Mayor Harnett brought up changing the celebration of Columbus Day to

the Celebration of Indigenous Peoples Day. A lot of people were into this idea but it was never brought up again until the fall. This is something he would like to revisit. Kerstin Gilg responded that he sees a lot of bridge construction coming up and trying to figure out how to make that a positive for businesses, residents and anyone passing through instead of a deterrent.

Councilor Cusick had no questions. Thank you for your interest.

Councilor Ault had no questions. Thank you for your interest.

Mayor Hart had no questions. Thank you. We will speak with the two candidates, we will do a secret ballot, Kelly will tally them and we will announce the winner.

3. Councilor Candidate Amy Rees – She explained she is married with two grown children and two little grandchildren who live in Vermont with my daughter. She has lived in Maine since 1976 and in Gardiner since 2006. She, along with her husband bought the old Central Street School and renovated that into their home and his sculpture studio. In 2007, she started European Auto Service with another business partner. They employ 5 local people with really good paying jobs and have a successful business and she likes to think that they contribute quite a bit to the local economy. She was on the Board of Directors for Gardiner Main Street Program and many other area Committees and Boards. She wants to be on the Council because she believes she can make a real difference in being involved in local government. She adores Gardiner and it would be her privilege to serve in this capacity.

Councilor Ault asked where do feel Gardiner is and where would you like to see us go in the next year or so.

Amy Rees responded we have an opportunity to grow business. We need to do it carefully to preserve the historical value of the Town. She would like to take City Manager Landes around and introduce her to the bigger employers in the City. On a more personal level, She thinks more can be address to help the residents with hunger and make sure they are not falling between the cracks.

Councilor Cusick had no questions. Thank you for your interest.

Amy Rees responded my pleasure.

Councilor White asked how she handled a challenging experience she may have had.

Amy Rees responded most often her challenges come from being a business owner. She listens to their concerns and asked them what they think is fair.

Councilor Berry had no questions.

Councilor Dolley commented that Amy Rees has sat in the audience during many Council meetings. He is struck by her dedication. What is that process has uplifted her and on the other side what does she see as a challenge.

Amy Rees responded that sitting in the meetings and watching the Council work together. It is the people around this table that have convinced me that this is what she wants to do. She is passionate about Gardiner. She loves community service, but it is important to her to work with people that she can communicate with.

Councilor Rines said her opening statement answered everything he would have asked. Thank you.

Mayor Hart said thank you very much. Our next step will be to cast our ballots.

5. Secret Ballot Vote conducted by Kelly Gooldrup, City Clerk/Results announced

After the interview session with the interested candidates for the vacant Council Seat District 2, Kelly Gooldrup, City Clerk, will conduct a secret ballot (for City Council only) election. After all ballots are cast, the City Clerk will announce the results and swear in the newly elected Councilor.

Tally results: Amy Rees received five votes. Kerstin Gilg received one vote.

6. Swearing in of newly elected Councilor for District 2

Once the secret ballot election is conducted, City Clerk Kelly Gooldrup will swear in the newly elected Councilor for District 2.

Kelly Gooldrup swore in Amy Rees as City Councilor representing District 2 for a term 01/09/2019-12/31/2019.

7. Accept minutes of December 19, 2018

Councilor Berry moved to accept the minutes of December 19, 2018 as presented.

Councilor Cusick seconded.

Mayor Hart asked all those in favor. Unanimous.

● **CITY MANAGER REPORT**

-The City currently has 23 tax acquired properties either due to sewer or real estate taxes. Six of those properties, the Tax Collector is working with to try and resolve. We would like to send four properties out to bid with the Council's approval. 20 Bartlett Street, 1 Sawyer Street, 13 Old Brunswick Ave and 33 Capen Road. KathyCutler, the Tax Collector, has figured out the minimum bid which includes property tax, sewer and any costs the City has incurred. The totals are then rounded up to the nearest thousand. Bids will be accepted by sealed bid with a deadline of January 25 when they will be opened at 2:00pm. Then during the February 6 Council meeting, the Council will award them. These would be advertised via Facebook, website and a KJ ad.

Councilor Dolley asked if Craigslist will be used.

City Manager Landes said no but we can certainly look into that.

Councilor Berry asked if any of these properties have a value to the city to retain for other use.

City Manager Landes responded that due to the minimum bids on each property, they are probably not worth much anyway.

Councilor Berry stated that a while back, we sold some houses and one of them has sort of broken my heart. When someone buys a property, they should do something with it. Can we put some restrictions on the properties?

City Manager Landes said she would check with legal counsel, but not really sure that legal restrictions can be placed because that tells the new property owner what they can do with it and that is against their freedoms.

Council Berry replied that we have done that before.

Mayor Hart said we have put requirements on different properties.

Councilor Ault said we did it on 728 River Ave and required a builder's certificate for rehab.

City Manager Landes said there may be a policy that has to be implemented for the future.

Councilor Ault said that he is glad we are moving forward on these properties. We have twenty three properties presently. What is the process to making the four happen?

City Manager Landes replied that the Tax Collector documents every time a notice is sent, when the tax bills, what day the commitments were. There is quite a legal process for dates that you need to follow. Usually contact is made with the property owner to try to get an agreement to pay before it goes out to bid.

Councilor Ault said so it is not really reflective of the condition of the property. It's more of when we can legally process them?

City Manager Landes said through the process, it would be probably six months after the foreclosure date before they would go out to bid anyway.

Councilor Rines commented that he agrees with Councilor Berry and we should work hard to help improve the look of the City.

Council agreed to allow Tax Collector to send the four properties out to bid.

-We have a boiler issue at public works. The boiler has shutdown. It is \$27,000 each to replace them. We received \$44,000 in FEMA money and would like to use it to pay for the boilers. We would need to generate \$10,000 and of that, we would receive \$6,500 in a grant from Summit Gas. So \$3,500 would come from the budget.

Councilor Ault said so we didn't approve any budget on the boilers because it was an informational without action requested. There was a catastrophic failure and then pellets were not available. Could Tony LaPlante elaborate on it further?

Tony LaPlante, Public Works Director, commented that when he spoke with Denise about the funding, we could not find any vote or approval. We had ordered the boilers for the City a month ago. We will have gas and propane out at the garage.

Councilor Rees asked if these are replacing the pellet boilers with propane and natural gas. Where there two different companies? If it had been one company could have possible said we will give you both bids for a discount.

Tony LaPlante said the company that got the job for City Hall was just under five thousand dollars higher on the public works garage.

Councilor Berry said with the money that came from FEMA for damage, has the damage been taken care of?

Tony LaPlante replied that the money was basically manpower. We were back up to normal within three weeks.

Councilor Dolley asked what the age of the boilers we are replacing is.

Tony LaPlante said he believes it was back 2009-2010.

Mayor Hart said she was on the Council for the second one that went in City Hall. That was in 2011.

Councilor Dolley commented that if you put a boiler in a building, you wouldn't expect to replace it for probably twenty years.

Tony LaPlante replied that we weren't expecting it. The company that sold us the boilers went out of business. The mechanics went out of business.

City Manager Landes said in her previous municipality before her arrival, they switched out from oil when the oil prices were high to pellet boilers. While working in Bethel, we had constant problems with them.

Councilor Dolley what is the process for spending a large sum of money? Do we need to vote?

City Manager Landes answered that the way I saw this was a dire situation and we had the FEMA money. I made the decision to use the money for this purpose.

Councilor White asked what is happening to the boilers that we are replacing. Do they have any value to anyone?

Tony LaPlante replied that one of the bidders asked about them. We are hoping there is a market for selling them.

City Manager Landes commented that someone will eventually want them.

Councilor Ault asked if there any benefit to holding on to them.

Tony LaPlante responded that has also been part of the thought process.

Councilor Rines suggested that instead of putting them out to bid, that maybe we could reach out and see if there is another community or City that could use them and we donate them.

Mayor Hart said she remembers when the boilers were replaced last time that Rusty Greenleaf said keep the oil boilers as a backup, so I am glad you are considering that.

Tony LaPlante said the new boilers will be hung in the boiler room. So we don't have to remove or unhook the old ones.

-Asked for a Poll from the Council for March 27 & April 17 for Budget Workshops.

Mayor Hart asked to get back to her as she didn't have her calendar with her.

City Manager Landes said she would include it in her email summary and the Councilors can respond.

● CITY COUNCIL REPORT

Councilor Ault: Thank you to our newest councilor. Thank you Kerstin for your interest.

Christine, I really enjoyed the inauguration ceremony. Congrats on your recent election to MMA. Phil Hart gave me an Atari that doesn't work, but I will work on it.

Councilor Cusick: Welcome to Councilor Rees. Congratulations to City Manager Landes on being Vice President. Congrats to Tony and the crew. We really need to do something in the fire department with staffing. We need to protect our own City. We depend on neighboring towns to assist us. It takes 15-20 minutes for response. We had a chimney fire recently where both ambulances were out.

Mayor Hart asked Councilor Cusick if he would like to see on a future agenda.

Councilor Cusick replied yes.

The bridge Bids were opened today. There were two contractors. Reed & Reed was the lowest bid at a little over \$12 million dollars, which is about a million dollars over what was budgeted.

Councilor White: Congrats Mayor Hart on your first meeting. Congrats to Councilor Rees. Congratulate Chief Nelson on his upcoming tower ribbon cutting ceremony. Congratulations to City Manager Landes on your Vice Presidency. I had fun at the inauguration.

Councilor Berry: Congratulations to Christine, Pat and Amy. Thank you Kerstin very much. I encourage you to run. Thanked City staff, particularly Tony and Barb for getting the mess on Adams Street cleaned up. I think the pile of lumber on Northern Avenue is still in process.

City Manager Landes responded that the property owner ordered a dumpster and had it filled, and then didn't realize that he had to pay for the dumpster. They are working on it.

Councilor Berry asked if any of it could be burned.

Fire Chief Al Nelson said there are rules around that.

City Manager Landes responded that the property owner did not want it burned because he left the first floor and will build on top of it.

Councilor Berry asked about the bill that Thom Harnett entered to make revenue sharing. Is there anything that the City should do to make this process go smoother?

City Manager Landes said we should just support Representative Harnett and word of mouth.

Councilor Berry stated that Gardiner lost around \$2.5 million.

City Manager Landes replied that you wouldn't get that much back. Rough estimate may be around one million.

Councilor Rees: Congrats City Manger Landes. Thank you for voting me in. I am planning to send out a postcard at my own expense to the second district. I would like to sit down individually with Councilors & the Mayor.

Councilor Dolley: Welcome aboard Councilor Rees and congratulations to New Mayor Pat Hart and also to City Manager Landes.

Councilor Rines: Welcome and congratulations Vice President Landes. Congrats Councilor Rees. Thanked the public for braving the weather. Thank Michael Giberson and Neil Anderson. Happy New Year to everyone.

Mayor Hart: Thanked the firefighters for their hard work and all departments for keeping everybody safe. I have a letter from the property owner, Jon Shaw, were there was a chimney fire, to read aloud. There will be a fundraiser event to build up the fire relief fund on Valentine's Day. The Inauguration was great. Congrats to Amy Rees and the councilors who were sworn in. Mayor Rollins, City Manage Landes and I met before Christmas regarding the Mayors coalition. Gardiner Main Street has sold the buildings they were occupying. There will be a coffee shop across from the library. Also, possibly a restaurant, gallery and antique store.

- **ADJOURN**

Councilor Rees moved to adjourn.

Councilor Rines seconded.

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

Unanimous.8:26pm

(Draft minutes until approved during the February 06, 2019 Council Meeting)

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

1. ROLL CALL

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

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

2. PUBLIC COMMENT (anything not on the Agenda)

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

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

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

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

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

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

3. PETITIONS/PUBLIC HEARINGS

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

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

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

Councilor Berry seconded.

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

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

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

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

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

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

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

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

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

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

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

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

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

Doug Clark replied no.

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

Doug Clark responded that it states anyone who may be legally responsible acting on the owners behalf. Like a property management.

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

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

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

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

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

Mayor Hart explained that as you will recall from previous discussions surrounding the conversion, the City of Gardiner will be asked to pay, up front, Affinity Lighting for the LED Streetlight Conversion. This conversion will allow all of the current 500 +/- lights in the City to be converted to LED and to also be 'networked'. Using the proposal, the City of Gardiner is set to save approximately \$1.2 million over 20 years. This proposal has been offered to the City at the same price that surrounding municipalities have been offered.

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

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

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

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

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

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

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

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

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

Mayor Hart asked if that means year.

CEO Skelton replied yes.

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

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

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

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

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

CEO Skelton commented that Dennis is very passionate about this subject.

Mayor Hart asked if he is speaking against the moratorium.

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

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

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

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

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

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

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

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

4. NEW BUSINESS

a) Resolution Honoring Former Mayor Thom Harnett

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

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

b) Helen Stevens/Inaugural Poem

Helen Stevens read the poem aloud.

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

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

Councilor Cusick seconded.

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

d) Possibly Adopt Amendments to the Sewer Ordinance

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

Councilor Berry seconded.

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

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

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

Councilor Rees seconded.

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

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

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

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

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

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

City Manager Landes replied no.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilor Berry said we can pay it off early.

Councilor Rees removed the second to the original motion.

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

Mayor Hart said she would be supportive.

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

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

Councilor Rines supports the possible amendment.

Councilor Rees supports the possible amendment.

Councilor White supports the possible amendment.

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

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

Councilor Rees seconded.

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

Councilor Rees removed her second.

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

Councilor Rees seconded.

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

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

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

Councilor Ault seconded.

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

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

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

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

Councilor Cusick seconded.

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

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

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

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

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

Councilor Dolley volunteered to be the alternate.

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

j) Confirm Appointment of EDD/Planner, Thomas Fiorelli

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

Councilor Berry asked if there will be a contract.

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

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

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

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

Councilor Rines seconded.

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

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

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

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

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

Councilor Rees said it is not searchable.

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

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

Councilor Cusick seconded.

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

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

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

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

Councilor Cusick said he agrees with the City Manager.

Mayor Hart also agrees with City Manager and Councilor Cusick.

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

5. CITY MANAGER REPORT

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

6. CITY COUNCIL REPORT

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

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

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

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

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

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

Councilor Ault said he would like updates from those businesses.

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

7. ADJOURN

Councilor Cusick moved to adjourn.

Councilor Berry seconded.

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

(Draft minutes until approved during the February 06, 2019 Council Meeting)