



**GARDINER CITY COUNCIL  
AGENDA ITEM INFORMATION SHEET**



<b>Meeting Date</b>	12/04/2019	<b>Department</b>	Buildings & Grounds
<b>Agenda Item</b>	4.7 Consider Designation Johnson Hall/Dearborn Park as a Smoke-Free and Tobacco- Free Areas		
<b>Est. Cost</b>	n/a		

**Background Information**

This agenda item is a consideration of the Council to designate Johnson Hall and Dearborn Park as a 'smoke-free and tobacco-free' areas.

Attached is the recommendation from the Parks and Rec Committee to make both of these areas tobacco free. However, due to the development of new electronic devices it is the recommendation of the City Manager to move to a 'smoke-free' zone in these areas.

Attached is a proposed policy for the Council's consideration.

<b>Requested Action</b>	'I move to designate Johnson Hall and Dearborn Park as smoke-free and tobacco-free areas.
<b>City Manager and/or Finance Review</b>	The City Manager recommends the above action.
<b>Council Vote/ Action Taken</b>	
<b>Departmental Follow-Up</b>	

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



**Policy Establishing a ‘Tobacco-Free’ and ‘Smoke-Free’ Area in the City of Gardiner**

The Gardiner City Council members are committed to providing a safe and healthy environment for all residents and visitors. The Council recognizes that the use of tobacco, chewing tobacco, vapors, e-cigarettes, recreational marijuana, and electronic delivery devices represents a danger to both the user and those exposed to second hand smoke from those mentioned above.

Therefore, in order to reduce this danger of exposure, the City Council hereby establishes a tobacco, vapor, e-cigarette, recreational marijuana, and electronic delivery device free-zone of 50 feet at the following locations: Johnson Hall Park and Dearborn Park.

Signs will be posted in order to make the public aware of this policy.

Gardiner City Council

Signed this 4<sup>th</sup> Day of December 2019.

\_\_\_\_\_  
Mayor Patricia Hart

\_\_\_\_\_  
Maryann White

\_\_\_\_\_  
Jon Ault

\_\_\_\_\_  
Timothy Cusick

\_\_\_\_\_  
Terry Berry

\_\_\_\_\_  
Amy Rees

\_\_\_\_\_  
Shawn Dolley

\_\_\_\_\_  
Marco Rines

**Minutes: Gardiner Parks and Rec Committee Meeting**  
**Tuesday Nov. 5, 2019 5:30 - 6:30 pm City Hall**

Present: Tony LaPlant, Jack Fles

Absent: Marc Rines, Jerry Maschino, Jess Clark, Jeannine Lhureux, Cindy Reiter

Guests: Robert Abbey, Dottie Washburne from Streetscape

**OLD BUSINESS**

**I. Approval of Minutes August 6, 2019 –**

Carried with no changes

**II. Palmer Fountain on the Common**

Robert Abbey

A. Tito Masonry coming to evaluate the fountain

**III. Things to Communicate to City Council**

Robert Abbey

A. City Common -

1. Park and Rec recommend to city council that the city common be added to our Historic Register properties. Once added, Gardiner will be eligible to receive grant monies. Motion Carried.

B. Down Town Smoking -

1. Motion: Park Rec recommends to city council that Johnson Hall/Dearborn Park be designated Tobacco Free Area. Motion Carried

C. Johnson Hall

1. JH has received grant which will include new stairs to JH/Dearborn Park

2. Retaining walls leaning steeply and will eventually fall. This is a long term concern to watch.

D. McKay Park:

1. The park is sliding apart, needs aggressive fix. Streetscape has worked on park last month, but it needs more attention than volunteers can provide.

E. Why do our trees keep dying? Evaluation of soil, salt and depth of plantings

1. Robert Abbey will contact Arborist at Augusta Arboretum to begin a professional examination this spring.

**IV. Dog Park**

A. Eagle Scout project – A young man is making bench and picnic table for the park.

**V. Waterfront**

A. Buoys removed and stored at Treatment Plant

B. Gardens look good – Jack F. will send thank you notes. Robert A. will send Jack addresses

**VI. Kiosk and Public safety rules for pet owners at the Waterfront –**

Tony LaPlante

A. The goal of the Kiosk post dog rules and business/pleasure opportunities in Gardiner.

B. Project appears to be on long term hold.

**VII. Striper Tournament – June 2020**

A. Jack F. and Jay S. will meet with a tackle shop that has had sponsored events in the past.

**VIII. Park and Rec membership**

A. Jack F. will encourage members to participate or resign.

**XIII. Next meeting - Tuesday December 3, 2019 5:30-6:30 City Hall**

**IV. Adjourned at 6:20 pm.**

Respectfully Submitted,  
Jack Fles

## Title 22: HEALTH AND WELFARE

## Subtitle 2: HEALTH

## Part 3: PUBLIC HEALTH

## Chapter 262: SMOKING

**§1550. Smoking in outdoor eating areas**

1. Definition. As used in this section, "outdoor eating area" means a patio, deck or other property that is partially enclosed or open to the sky that is permitted for outdoor eating or drinking under the control of an eating establishment, as defined in section 2491, subsection 7, as long as food or drink is served by the eating establishment to the public for consumption on the premises.

[ 2009, c. 140, §2 (NEW) .]

2. Smoking prohibited. Smoking is prohibited in an outdoor eating area if the outdoor eating area or any portion thereof is open and available for dining and beverage service.

[ 2009, c. 140, §2 (NEW) .]

3. Notification; request for compliance. An eating establishment with an outdoor eating area shall post signs in accordance with section 1543, notify its patrons of the prohibition on smoking in outdoor eating areas and request that all persons within an outdoor eating area comply with this section.

[ 2009, c. 140, §2 (NEW) .]

## SECTION HISTORY

2009, c. 140, §2 (NEW) .

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.

If you need legal advice, please consult a qualified attorney.

[Office of the Revisor of Statutes \(mailto:webmaster\\_ros@legislature.maine.gov\)](mailto:webmaster_ros@legislature.maine.gov) · 7 State House Station · State House Room 108 · Augusta, Maine 04333-0007

Data for this page extracted on 12/11/2018 05:21:41.