

**REGULAR COUNCIL MEETING  
GARDINER CITY COUNCIL  
Wednesday, August 11, 2010  
City Council Chambers**

**CALL TO ORDER**

**EXECUTIVE SESSIONS**

In at 5:08 PM, 5:09 Motion to enter Executive Session Discussion per MRSA, Title 1, Chapter 13, Section 405 (6) (A) Regarding Personnel Matter/Pending Litigation by Councilor Holmes; Second by Councilor Johnston. Vote – Unanimous. Received advice of counsel on this matter.

Motion by Councilor Johnston, second by Councilor Thompson to enter Executive Session to discussion regarding Real Estate per MRSA, Title 1, Chapter 13, Section 405 (6) (C)

Motion to hold Executive Session to discuss Code Enforcement Issue per MRSA, Title 1, Chapter 13, Section 405 (6)

By Councilor Johnston, Second – Councilor Trask, Vote Unanimous

Motion to discuss discuss regarding Potential Real Estate Transactions at Libby Hill Business Park per MRSA, Title 1, Chapter 13, Section 405 (6) (C) ,  
Councilor Thompson, Second -Councilor Hart, Vote Unanimous

Motion by Councilor Thompson, Second Councilor Liberatore, to hold executive session regarding building on Gary St.. Vote: Unanimous

**ROLL CALL 7:32 PM All Councilors present**

**PETITIONS, COMMUNICATIONS, RESOLUTIONS, & PUBLIC HEARINGS**

**Consideration of Comments from the Public on Issues that Do Not Appear Elsewhere on the Agenda (Please limit comments to five minutes.)**

Chris West, Gardiner Maine Street, Go Go Gardiner over 500 people, 50 Cars was very successful. September 1<sup>st</sup> will be submitting application for Swine and Stein. The Depot will be applying for one day permit for that day.

Ava Gross 115 Brunswick Ave, suggested bags to dispose of dog waste in and around the common.

**Public Hearing on Amendment to Land Use Ordinance – Transient Vendors. Item requires further work so it is being tabled.**

**Motion to Approve Consent Agenda** by Councilor Johnston, Second by Councilor Thompson, Vote Unanimous

Consideration of June and July Warrants

Consideration of Order 10-57, Various Business Licenses

**Consideration of Road Opening Permit for Mansini**

Motion by Councilor Thompson, Second Councilor Trask, Vote Unanimous

**Consideration of Road Opening Permit for M. Firlotte**

Motion to approve by Councilor Trask, Second Councilor Leake, Vote Unanimous

**Consideration of 10-58, Dangerous Building**

**OLD BUSINESS**

**Consideration of Order 10-44, Adopting amendments to the Land Use Ordinance concerning Crematoria**

Mayor MacLean explained that item 10-44 had been tabled at the last meeting until this meeting and were hoping to have an update from Oak Grove Association on the pending application with the Planning Board.

**Motion to remove from the table and moving approval of 10-44 by Councilor Thompson, Second – Councilor Trask.**

Mayor MacLean asked Rusty Greenleaf to speak on behalf of the Oak Grove Cemetery Association. Rusty explained that they did everything required by the City and would request that the Council does not change the Land Use Chart tonight. They feel that our Legislature would have more luck if this stays as a live issue and understand that it may take some time to resolve in Augusta. The Association would like to cooperate with the City, but ask that it can stay a pending item.

Councilor Trask does not want Gardiner to be an example in the Legislature and does not want to table this anymore; it is time to vote.

Councilor Johnston thought that the Legislature would have no incentive to help unless this was a pending issue in Gardiner. If we are trying to get Gardiner exempt from the provisions of the statute for location of Crematorium somewhere other than Cemetery, our best chance in changing the statue is to keep the issue alive. The applicant has stated they would be more than willing to establish the crematorium somewhere else in the City if allowed by State statute.

Mayor MacLean asked for public comment:

Joe Donahue, 74 Lincoln Ave, feels that the Legislature would push this back to the City.

Lynn Gerard would help Lobby in Augusta to help change the law.

Ted Potter has worked for the Legislature and would also support Ms. Gerard lobbying for a law change.

Vote: 5 – 3, Councilor Trask, Councilor Thompson, Councilor Hart, Councilor Holmes and Mayor MacLean in the affirmative. Councilor Johnston, Councilor Liberatore and Councilor Leake in the negative.

Mayor MacLean called a recess.

**Discussion of City Stormwater Drainage and Private Basement Flooding**

Scott Morelli explained that Mr. Fred Thibeau, Fountain Street, complied with City Code and put in a hook up to storm drains during the Harrison Ave project and now has a problem with flooding in his basement that he never had before. Chuck Applebee said that the hook up was not done properly

by the contractor and that there is a fix that can be done, however, Scott and Chuck did not feel the City was responsible to help.

**Consideration of 10-45, Terminating the Order 09-58, Moratorium on Crematoria -**

**Discussion of Libby Hill Long-term Plan**

Jason Simcock updated the Council on the plan to market Libby Hill including a new web site for the business park, and assisting potential customers with any grants or partnerships. They have also replaced business directory signs, ariel photography to show the park along 295. He also attends Conferences to promote the business park.

**Consideration of Order 10-52 Amendment Land Use Ordinance – Transient Vendors**

Motion to table by Councilor Johnston, Second Councilor Liberatore, Vote Unanimous

**Consideration of Order 10-54, FY10 Carry Forward Requests**

Finance Director, Denise Brown, explained that the general fund carryovers include voting machines, technology, GIS project support, comprehensive plan update, totaling \$76,600; Development and Planning, TIF funds, Conservation Committee, Grant, Wastewater Fund. Total Carry forward request \$ 355,882.

Motion to approve 10-54 by Councilor Holmes, Second by Councilor Hart; Vote Unanimous

**Discussion of City Technology**

Anne Davis informed the Council of network issues and that we need to re-cable City Hall and purchase a new server and upgrade software for the City totally \$44,000.

**Consideration of Resolution 10-55, Constitution Week (DAR)**

Motion to approve Resolution 10-55 by Councilor Thompson, second by Councilor Trask. Vote: Unanimous

**CITY MANAGER REPORT**

Gardiner Youth Football requested the City to sponsor a team. Council feels the City supports it by mowing, etc. Councilor Trask had asked about time tracking of PW crew tracking vehicle use during job, not just to and from the job site.

**COUNCIL DISCUSSION**

Councilor Trask asked about a mobile home that the CEO made an issue of and it has got worse.

**ADJOURNMENT**

Respectfully submitted,  
Joyce Tillson