

**Regular Meeting Minutes  
Gardiner City Council  
Wednesday, October 22, 2014  
Council Meeting 6:00 P.M.**

**Call to Order:** Mayor Thom Harnett calls the meeting to order.

**Roll Call:**

**Members Present:** Mayor Thomas Harnett, Council Member Terry Berry, Council Member Scott Williams, Council Member Richard Heath, Council Member Phil Hart, Council Member William Barron, Council Member Robert Johnston, and Council Member Patricia Hart.

**Pledge of Allegiance:** Completed.

**Petitions, Public Hearings:**

Mr. Burgess spoke in reference to the Ordinance Review Committee on Jack Skehan's behalf. Jack Skehan holds business property on Bridge Street and is asking the council to adjust his property so that it falls in the Fringe Area instead of the Cobbossee Corridor or the Commercial Business District (where it is now). Mr. Burgess feels that Jack Skehan's property as well as the TW Dick Property should be moved into the Fringe Area.

Mayor Thomas Harnett asks if what is really needed tonight is to request a sponsor from the council members to support this proposal in the Ordinance Review Committee.

Council Member Patricia Hart, who is a member of the Ordinance Review Committee, explains that this as well as other matters is in front of the Ordinance Review Committee and Mr. Burgess had promised to bring the matter to the attention of the Council. No action by the Council is needed at this time.

**Consideration of Special Events Permit for GMS Halloween Trick or Treating**

- Town Manager Scott Morelli recommends approval.
- Motion by Terry Berry to approve Special Events Permit.
- Seconded by William Barron.
- Unanimous vote.
- Motion approved.

**Consideration of approval of minutes from 8/27/14, 9/10/14 and 9/24/14**

- Motion by Robert Johnston to approve minutes as written.
- Seconded by Richard Heath.
- Unanimous vote.
- Motion approved.

**New Business:**

### **Presentation of UMA Resolution**

Resolution presentation to the University of Maine at Augusta's School of Architecture students, Rosie Curtis and other faculty members. The presentation is in appreciation for their participation in a capstone project creating an architectural vision for Downtown Gardiner.

### **Presentation of Spirit of America Award**

The Spirit of America Award for 2014 was presented to Deb Files for her community spirit and efforts such as "cash mobs" at area businesses.

### **Consideration of Appointment of elected official to Merrymeeting Trail Working Group**

- Mayor Harnett accepts Richard Heath's interest and nominates Mr. Heath for the Merrymeeting Trail Working Group.
- Motion by Robert Johnston to appoint Richard Heath to the Merrymeeting Trail Working Group.
- Seconded by Terry Berry.
- Unanimous vote with Richard Heath abstaining
- Motion approved

### **Consideration of Accepting Library Gift**

- Motion by Patricia Hart to accept bequest from the will of Eva Donnell to the Gardiner Library with the stipulation that the money is restricted to use in the renovations of the Gardiner Library Community Archives Room.
- Seconded by Robert Johnston.
- Unanimous vote.
- Motion approved.

### **Consideration of Accepting Cobbossee Corridor Gift**

Background Information –

The proposed \$1.2 million MDOT Cobbossee Corridor Trail match of \$200,000 required from the City has been the subject of public discussion and renewed interest as part of this summer's Cobbossee Corridor Visions Charrette and public meetings. Councilor Terry Berry has offered to donate \$1,000 to kick off this grant match fund raising effort for Council to approve. The City Council may also consider accepting a \$4,000 grant from Gardiner Main Street as part of the Healthy Main Streets program for community support in order to develop the Cobbossee Trail.

These foundation gifts will be part of the active phase of an on-going, community-driven fund raising effort. Lead partners for this fund raising effort have not been officially recognized at this time.

Present for comment: George Trask, resident of Gardiner

- Motion by Terry Berry to accept these gifts.
- Seconded by William Barron.
- Unanimous vote.
- Motion approved.

## **Consideration of Approving an Application for a Fire Engine Grant**

### Background-

The Fire Department would like to submit an application for Assistance to Firefighters grant through The Federal Emergency Management Agency in the amount of \$550,000 for a new fire engine. This new Engine would replace our 1987 Pierce Engine. The recommended replacement schedule for fire apparatus is 25 years, 20 years front line and 5 years as a reserve. While this fire engine is still in service as a front line piece Chief Al Nelson has concerns regarding its life expectancy. The match for the grant is 5% (\$27,500) and would come from existing budget resources and the sale of the existing engine:

|                     |                |
|---------------------|----------------|
| Sale of 1987 Pierce | \$15,000       |
| Benefits Savings    | \$9,000        |
| Operational Budget  | <u>\$3,500</u> |
| Total               | \$27,500       |

- Motion by Robert Johnston to approve grant application.
- Seconded by Scott Williams
- Unanimous vote
- Motion approved.

## **Discussion of Comprehensive Plan Implementation**

### Background –

Councilor Patricia Hart has requested that Council reactivate and charge the Comprehensive Plan Committee with the responsibility of creating an action plan for implementing the Comprehensive Plan, assuming the state "accepts" the plan (which is expected to happen by December). This action plan would then be brought before Council for approval.

- Motion by Robert Johnston to reactivate the Comprehensive Plan Committee to be a Comprehensive Plan Implementation Committee.
- Seconded by Richard Heath.
- Unanimous vote.
- Motion approved.

## **Consideration of Requesting an updated legal opinion from the City Solicitor in regarding First Park**

### Background-

Councilor Berry requested this item be added to the agenda so that Council can determine what steps, if any, it wishes to take in regards to the City's membership in the Kennebec Regional Development Authority (KDRA)/First Park. The City received an "unofficial" opinion in 2008 from then City Solicitor Erik Stumpfel in regards to the process of leaving KRDA and what might happen if it was found that a "procedural defect" occurred with the way Gardiner

joined. The law creating the authority seems to indicate a referendum by voters was needed. City records of a referendum vote cannot be found, only a vote by Council authorizing the City to join. According to KRDA's legal counsel, as a City with a City Council, Gardiner did not need to have a referendum vote and the 1999 vote by Council to join the KRDA was what was legally required. Only towns with a town meeting form of government were required to have a "referendum question" on their town meeting warrant. City Councils in 2008 and 2010 reviewed Stumfel's "unofficial" opinion and no action was taken.

City Council would instruct the City Manager to have legal counsel issue an official opinion on the following questions:

- Did the City of Gardiner follow proper protocol in joining KRDA/First Park?
- If the proper protocol was not followed, what are the City's options, what is the likelihood of success of each option, and what are the legal costs estimated for each option?
- If proper protocol was followed, how does the City revoke its membership with KRDA and what, if any, ongoing expenses would the City be responsible for?

The official opinion is estimated to cost \$1,000 and would come from the existing legal budget. If further action is then initiated as a result of this opinion additional costs (possibly substantial) would be incurred.

Present for comment: Brad Jackson, executive director for First Park, Harry Marks of Road King Technologies, LLC, George Trask, resident of Gardiner, Ralph Clark, resident of Gardiner

- Motion by Richard Heath to approve \$1,000 to engage legal counsel in for an opinion in regard to First Park.
- Seconded by Phil Hart.
- Unanimous vote.
- Motion approved.

## **Discussion of City Manager's Decision to Relocate Snow Dump**

Background-

Councilor Phil Hart has requested this item be placed on the agenda. Since 2010, the City has received complaints from a resident about the noise of city vehicles dumping snow late at night/early in the morning on a property on outer Brunswick Avenue, which is near the resident's home. After several discussion with the Public Works Director, Economic Development Director, and Maine Department of Environmental Protection (DEP), the City Manager instructed the PW Director to utilize a lot at the Libby Hill Business Park as the new snow dump, on a one year trial basis. Both the PW Director and Economic Development Director are supportive of this trial, as is the Maine DEP, who is not requiring the City to obtain any licensing for utilizing this site, based on their cursory review. The property owner of the lot previously used by the City for snow dump efforts has been informed of this change and that it may only be temporary. The Manager estimates that dumping snow at Libby Hill will result in a round trip that is approximately 3.5 miles longer, which results in an estimated 787.5 additional miles per truck (based on 15 storms per year). Although the Manager does

not believe this is a policy issue for Council to decide on, Councilor Hart has expressed concerns about the cost and environmental impact of this change.

Present for comments: Tony LaPlante, Gardiner Public Works Director, George Trask, resident of Gardiner

- Motion by Phil Hart to leave snow dump on Brunswick Avenue
- Seconded by Terry Berry

Robert Johnston will vote against the motion because does not want Council to micromanage Town Manager and Public Works Director.

- Motion amended by Phil Hart to direct City Manager to look at areas of the city and find a place that will have the least impact as far as noise and is practical, the City Manager does not have to return to the Council.
- Seconded as amended by Terry Berry.
- Unanimous vote.
- Motion approved.

### **City Manager Update**

### **City Council Update**

### **Adjourn**

- Motion by Robert Johnston to adjourn
- Seconded by Phil Hart
- Unanimous vote
- Motion approved

Respectfully submitted,

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Ruth S. Glaeser, Interim City Clerk