

SPECIAL COUNCIL MEETING  
GARDINER CITY COUNCIL  
Wednesday, March 19, 2008  
City Council Room

6 p.m. Workshop – Discussion of extending the Professional/Residential Zoning District

7 p.m. Business Meeting

1. CALL TO ORDER- Meeting called to order at 7:15pm.
- 2.
3. ROLL CALL- Councilor LeBlanc, Councilor Blanchard, Councilor Hart, Councilor Nickless, Councilor Rambo and Mayor MacLean  
Councilor Mentall and Councilor Giberson absent.
4. PETITIONS, COMMUNICATIONS, RESOLUTIONS, & PUBLIC HEARINGS
  - 4.1. Consideration of Comments from the Public on Issues that Do Not Appear Elsewhere on the Agenda (Please limit comments to five minutes.) No comment.
  - 4.2. Public Hearing on Liquor License Renewal for Steve Casey, dba, Depot Sports Bar Closed at 7:17
5. CONSENT AGENDA
  - 4.1 Consideration of Warrants and Councilor Nickless signing.

Ck# 14028-14134	\$409,469.90
Ck# 14135-14136	\$7,537.75
  - 4.2 Consideration of Minutes for 11/28/07, 12/05/07, 01/02/08, 01/23/08, 02/06/08.

Motion: Councilor Hart , Second by Councilor Rambo,  
Vote: Unanimous
  - 4.3 Consideration of Liquor License Renewal for Steve Casey, dba, Depot Sports Bar  
Motion: Councilor Hart, Second by Councilor Nickless,  
Vote: Unanimous
  - 4.4 Consideration of Appointment of Health Officer  

Motion to Appoint Jeffrey Lewis by Councilor Hart, Second by Councilor Blanchard,  
Vote: Unanimous

## 5 NEW BUSINESS

### 5.1 Consideration of Farmer's Market Proposal

Linda Edgerton proposed to allow a farmers market on the Common from May through September. The waterfront is not available this year but the group would prefer it for next year. The Downtown Business meeting recently rated the farmers market #1 on a list of things they feel would be beneficial to Gardiner Downtown business. Linda said they currently have eight farmers committed to the market, offering a variety of meats, vegetables, flowers, seedlings, honey etc. All participate in other markets and are excited about the prospect of coming to Gardiner. They operate out of the back of their trucks. They would be responsible for their own insurance and for leaving the grounds as they find them. They would elect a market manager. The group is not asking council for money. They are excited about being able to offer fresh produce to area residents. Council Blanchard asked if Saturdays and Sundays were already spoken for and yes they are. They are not trying to compete with other towns close by. The group is very comfortable with Wednesdays. Councilor Hart is concerned about the ground with the trucks being on the actual Common and doesn't want to end up with a park full of gravel. Councilor Nickless asked if Linda had approached people who live in the neighborhood and she said yes she raised the issue at a public workshop involving the Common and people were excited. Council Leblanc asked same thing, how were those who will be affected by it feeling about it. Councilor Nickless expressed some concern. There were some citizens who live near the Common at the meeting and they were in support of it.

Motion to accept: Councilor Nickless, Second by Councilor LeBlanc  
Vote: Unanimous.

Mayor MacLean returned the signed liquor license to the City Manager.

### 5.2 Consideration of Accepting the Sidewalk Committee Report

Councilor Leblanc proposed that we accept the report as written. Seconded by Councilor Nickless. Councilor Blanchard asked if they were done or would there be any more amendments to it. Acceptance of the report is not endorsing removal of the sidewalks. The discussion is about refurbishing a maintenance contract. Councilor Rambo said part of the report was about criteria that should be used and if we accept the report are we accepting the criteria as ours? No. The report is a basis of what we have gone out to bid on. Jeff said we look at the report to guide us on what to do with the sidewalks. Councilor Hart thinks that the report should not designate that certain sidewalks be removed but should give staff guidelines to follow and then staff would bring back recommendation to the council. Councilor Hart feels it leaves you hanging in the future. Jeff says there are two components to it. The part that is ready for implementation is the prioritized list of what is ready for removal or rehabilitation. It really is a paving model and it changes year to year. We look at the list each year and fund it as we can. The concern is that it is too specific right now and we don't want to

pigeon hole ourselves. Councilor Rambo said he is hesitant to vote to approve right now because part of the criteria says staff can run with it as written. He is thinking about safety, cost benefit ratio, etc. He questions where is the threshold? Chuck said you would look at it each year. Councilor Rambo says we need to discuss further before accepting it totally. Councilor Blanchard proposes accepting it as guidance but not make it our action statement. Councilor Nickless agreed about removal of any sidewalks. Mayor MacLean said he was excluding the removal from the bidding part of the process. He asked Chuck how comfortable are you that the removals could be seeded and landscaped to make it ok with the citizens. He also thinks it is a good idea to hold a public hearing prior to any removals. Chuck said yes he is aware that we may not be able to please some of our residents with our current capabilities and he said some residents have already taken matters into their own hands and planted seed in areas where the sidewalks have eroded. Jeff said the inverse of all this is if the sidewalks don't get repaired then what happens. Chuck said that is why they went and formed a committee was to address some of these issues. Councilor Hart suggested setting criteria so that we have guidelines with regards to why a sidewalk would need to be removed. Mayor MacLean said he assumed the staff would come up with a plan and present it to the council. All of the Councilors are in agreement that they feel ok with the report but not the list of sidewalks recommended for removal. Mayor MacLean asked if some sort of modification to the report would make the Council feel more comfortable. Councilor Blanchard said to accept the report as a guideline for City management. Councilor Hart said he is more comfortable accepting it as is. Jeff said we need to think of it like we do the paving list which works very well. We never take a road from the bottom of the list and moved it to the top. Jeff said it is not a problem to come up with a set of guidelines for removal of sidewalks. Councilor Leblanc said there should be list. Councilor Nickless likes the report and all the recommendations but is concerned about removal. Dennis Doiron spoke and said the group has a good handle on the issue. It is clear that the sidewalks that were identified are a high priority due to deterioration. Committee was not sure what the response would be. Councilor Rambo asked how necessary are sidewalks in some areas? There are a number of streets in town with high foot traffic but low vehicle traffic. Councilor Hart reiterated the importance of a criteria.

Motion by Councilor Blanchard to accept the report as a guide only. Second by Councilor LeBlanc,  
Vote: Unanimous

5.3 Consideration of Resolution 08-05 Authorizing Financing of Sidewalk Project  
There were not sufficient members present to conduct a vote so this item was passed over.

5.4 Consideration of Agreement for Services with Maine Turnpike Authority  
Jeff reminded everyone what the agreement is about. The question was raised about limiting flows. It was discussed and has been clarified that we have limited the flow and that we have sufficient controls in place to manage appropriately.

Motion to accept by Councilor Hart, Second by Councilor Rambo,  
Vote: Unanimous

5.5 Consideration of Agreement for Services with Town of Randolph  
Jeff said this is a wonderful opportunity that we have been trying to coordinate for years. Chuck says he doesn't think it will mean any more work than is currently being done but it would bring in more revenue. Councilor Hart asked how much time will be involved? Chuck estimates it will take about 20 hours of time. Gardiner will still be a priority. Councilor Hart supports it and sees it as a step towards consolidation with other communities and commends Jeff and Chuck for doing this. Jeff does not expect it to take more time at all and said it gives us more control over how we respond to the needs of both communities. It allows us to be proactive.

Motion to accept by Councilor Nickless, Second by Councilor Rambo,  
Vote: Unanimous

5.6 Consideration of Sewer Abatements  
Chuck brought the quarterly sewer abatement lists for approval and said they are all routine abatements.  
Motion to accept: Councilor Nickless, Second by Councilor Hart  
Vote: Unanimous

5.7 Consideration of 2008 Interest Rate  
Jeff would like to set the interest rate as high as legally allowed which is 11 %.  
Motion to accept: Councilor Leblanc, Second by Councilor Nickless. Councilor Rambo spoke about the economy and what is on everyone's mind. He feels it is hard for people who have fallen on hard times. Jeff said the theory in the past is that people use us like a credit card which is not fair to the rest of the citizens who do pay their taxes. Discussion about the rates that banks charge when you don't pay your loans etc. It is hard to make a comparison because banks base it on your credit rating. Councilor Rambo suggested that this is just additional thought, some states offer a discount if you pay ahead or upfront. Councilor Blanchard asked if there was any other way of addressing the issue and Jeff said we have some leeway to offer a discount. Dee said Pittston offers a 2% discount. Councilor Blanchard asked when would it be effective and Dee said August. Councilor Blanchard asked do we have to vote on it now or can we talk about a discount. Dee explained about lien process and what we took in this year compared to last year. Dee said we look good due to people refinancing.

Motion to accept: Councilor LeBlanc, Second by Councilor Rambo , Vote:  
Unanimous

## 6 CITY MANAGER REPORT

Gardiner Board of Trade meeting is April and any who want to attend are welcome and need to contact Jeff. We have a resident with a sewer back up that has been calling Councilor Nickless and Chuck. We are trying to take care of it as quickly as possible and

are following protocol. Jeff shared a message from MDOT which showed traffic patterns for the time period that they are thinking of for the closure of I295. MDOT reiterated the safety concerns and timeframe constraints. Councilor Blanchard said again that he thinks they should not do it at this time of year but rather should change the school year and make the kids go a summer session. The timeframe they have chosen impacts tourism all over the area.

## 7 COUNCIL DISCUSSION

Councilor Blanchard apologized for not turning off cell phone. He wanted to know about the Coast Guard cutters because he would like to see them. Councilor Leblanc had no issues. Councilor Nickless said he is convinced that we are doing everything we can in regards to the sewer issue, as we should be. Councilor Rambo is happy about the zoning workshop and just wants to know what we do to follow up. He doesn't want to see it not go anywhere. Mayor MacLean said we will put it on an agenda for further discussion. Councilor Hart reminded Jeff the reason we originally changed the zoning on Brunswick Ave. in the first place. Jeff said his recollection was that the council had two workshops about it and then dropped it. There would not be any minutes to reflect back on just peoples recollections. It was so clearly rejected that they dropped it. The community did not want any commercial zoning just residential. Mayor MacLean had no issues.

Motion to go into Executive Session: Councilor Nickless, Second by Councilor Rambo, Vote: Unanimous

- 8 EXECUTIVE SESSION per MRSA, Title 1, Chapter 13, Section 405 (6) (D). Labor Negotiations
- 9 EXECUTIVE SESSION per MRSA, Title 1, Chapter 13, Section 405 (6) (A). Personnel

10 ADJOURNMENT- Meeting adjourned at 10:10pm

Respectfully submitted,  
Kathy Cutler  
Council Clerk