

**SPECIAL COUNCIL MEETING  
GARDINER CITY COUNCIL**

**Wednesday, May 7, 2008**

**City Council Chambers**

**6 p.m. Business Meeting**

**1. CALL TO ORDER**

Meeting was called to order at 6:07pm

**2. ROLL CALL**

Mayor Andrew MacLean, Rich Nickless, Michael Giberson, Chuck LeBlanc, Rich Rambo, Phil Hart, Bryan Blanchard

Absent: Martha Mentall

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

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

No one had comments. Mayor MacLean closed this portion of the meeting at 6:12pm.

**3.2. Public Hearing for [MITF](#)**

Jason provided background about the city's Municipal Investment Trust Fund (MITF) grant application for the waterfront project. Gardiner is applying for \$380,000 to cover phase II project costs, which include parking lot improvements, such as a new stormwater drainage system, paving improvements, and upgrading existing restrooms. There are also plans to renovate the building where the restrooms are located, to function as a local and regional visitor information center, for those travelling up the River or by vehicle. Gardiner is working jointly with the City of Augusta on the grant application as Augusta is also looking at waterfront improvements, and both are tying into the Kennebec River Initiative Corridor Action Plan. He said that implementing improvements in Gardiner and Augusta supports the shared goal of creating a regional waterfront destination area.

Amanda from Kent Associates showed slides for the waterfront plans. Kent Associates held initial meetings with the task force and also public meetings to allow input into decisions about where to go with the plans. Over the years there have been a number of plans regarding the waterfront park. Jason said the waterfront project is an opportunity to enhance the community economically. Slides showed how they are planning to increase access to the waterfront area and the need for increased parking in the area. Amanda showed a design for an amphitheatre that is in keeping with the look of downtown. She showed the pump station and addressed the issues/disagreements concerning what to do to “dress up” the pump station. Façade improvements are the major decision and keep it “New England” style appears to be the consensus. They discussed the level of boat access. The question of whether the City would be able to maintain additional access areas will be an ongoing discussion. Granite benches are recommended as they are flood resistant and low maintenance. Low maintenance plantings are also recommended.

Councilor LeBlanc asked Amanda about Phase II and said he would like to see the issue of signage bumped up to Phase II. Councilor Nickless asked how much money is available if the project gets MITF funding. The City has already secured approximately \$320,000 in grant funding. Jason explained how the funding has to be for public not private use. Brian Kent explained that the issue is that the City of Gardiner should also not be competing with private marinas up and down the Kennebec and taking that business away from them. Councilor Hart says he is concerned about winter and big sheets of ice pulling stuff out of the area. He does not want to be looking at having to replace things on the taxpayer’s dollars and just wants to avoid some of the smaller shrubberies that could be a maintenance problem. Amanda said they are taking flooding into consideration and they are looking to the final design phase and Wright Pierce to address some of these issues. Phil Barter talked about some of the restrictions in the grant. Mr. Lincoln Luken spoke and said he was encouraged by the number of fisherman he has seen down at the waterfront and that they were doing business. Mary Maschino said she is curious about if there are rules about where you stand to fish. She feels it is a safety issue and she has seen people standing outside the rail. Father Jack Fles, Chairman from the Waterfront Task Force, wanted to thank the Rotary for the initial purchase of the waterfront property, and thanks to Chris Paszyc for starting the grant writing, as well as thanks Jason for his tireless work. He said he is excited. Public hearing closed 9:04pm

**3.3. Public Hearing on Applications for Catered Functions for White Flour Catering dated 5/30, 5/31, 6/28, 7/26**

Closed at 6:10

**3.4. Public Hearing on Liquor License Renewal for Smith Wiley Post #4 American Legion**

Closed at 6:10pm

**4. CONSENT AGENDA**

Mayor MacLean asked Council to consider the Consent Agenda as one issue with one vote.

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

Unanimous

**4.1. Consideration of April 2008 Warrants**

Week 40	75168-75247
Week 41	PR 75320-75392 AP 11450-14582
Week 42	PR 75467-75468
Week 44	PR 75481-75549 AP 273573.88

**4.2. Consideration of Councilor Blanchard to sign April 2008 Warrants**

**4.3. Consideration of City Council Minutes for [3/19](#), [4/2](#)**

**4.4. Consideration of Applications for Catered Functions for White Flour**

Catering dated [5/30](#), [5/31](#), [6/28](#), [7/26](#)

**4.5. Consideration of Liquor License Renewal and Permit for Outdoor Consumption of Alcoholic Beverages for Smith Wiley Post #4 American Legion**

**4.6 Consideration of Permit for Outdoor Consumption of Alcoholic Beverages for Gardiner Lodge No. 1293, BPO Elks**

**4.7 Consideration of Mayoral Appointment of Election [Workers](#)**

## 5. OLD BUSINESS

### 5.1. Consideration of Resolution 08-05 Authorizing Financing of Sidewalk Project Bundled item.

Need six affirmative votes without the mayor.

Jeff reminded council that this was a tabled item. Because we had pursued this project in the past we have had expenditures accrue already. Councilor Rambo asked what the \$30,000.00 was for. Jeff explained that it was part of the bundling project. Those are solid costs. Councilor Hart said he has been in support of it but wanted to remind everyone that this is a tough time to ask for money. He is unsure if he can support it moving forward. He feels this is going to impact the budget in a negative way. He feels he isn't sure where to go with this. It will depend on whether they cut the budget or not. Councilor Hart suggests not voting tonight to allow more time to look at this issue. Councilor Rambo said he was an early supporter of it but says he will not vote for it tonight. Looking back at the minutes of March 19 meeting he feels we did not revisit the issue and have not given it the time it needs. He feels there are too many question marks on the upcoming budget to make a decision on this right now. Councilor Blanchard feels it is going to be difficult to maintain the budget. The council has met with the school board. There is a huge deficit since last year. They are asking to increase tax. He said he agrees with Councilor Hart and Councilor Rambo that it needs to be set aside. Councilor Nickless said it is a question of priorities. If there was a way to phase this in he would support that. Councilor Rambo said he has been mulling this issue over since he got the packet. Road improvement unfortunately only covers repairs, not restructuring. He feels the sidewalks should be looked at and addressed like the Northwest Quad project. Councilor Nickless spoke about the roadways and said it seems like some of the streets could get by with a resurfacing. Mayor MacLean asked Dennis Doiron to speak about the sidewalk committee. Dennis said there were five people on the sidewalk committee. They have devised a debt payment plan with the final payment due in '09. He explained that the money is already in the budget. He understands that the council wants to save money but his fear is that the monies that have already been set aside will be used for city expense rather than capital improvements. He suggests cutting the \$600,000.00 investment in half. He feels we should focus on the worst sidewalks. He said he lives in Gardiner and has sidewalks all around where he lives and some of them are in pretty bad shape. He feels the City has to really think about fixing them as a show of hope and progress and also that if the City doesn't want to fix them then get rid of them for aesthetics. Councilor Rambo spoke and told Dennis that he knows that he put a lot of thought and work into the project, however he feels the City needs to wrap up

other projects first before looking at new ones. He asked Doiron where he walks. Dennis replied that a lot of time he ends up walking in the middle of the road. Councilor Blanchard asked that his remarks not be misinterpreted as being against the project. Councilor Nickless spoke about seeing people walking in the streets up by the high school and he hopes that the City can move forward and do something to remedy that. Councilor LeBlanc looking at the City motto “where history and progress meet” and said he feels this is equally as important as other projects. He feels we need to be pedestrian friendly. He does echo the concerns of the other councilors financially. He will be in support of this project. It would be nice to be able to access the neighborhoods better. Phil Barter said Council in the past have sort of passed the buck on these repairs. Twice in the last week he has called public works about a sink hole on the sidewalk that his elderly mother in law fell into. Liability is an issue. The sidewalk with the sinkhole is across the road from LER. Another area is in front of Johnson Hall where there is a brick missing. He walks around town a lot and said there are many areas that are dangerous. He wants to know how long the City is going to allow this to go on. He admits that he walks in the street a lot because it is safer, but says it is a problem driving down Brunswick Ave. trying to avoid pedestrians and people with wheelchairs. Paula Burke spoke about not being able to use her sidewalk about seven months out of the year. She said there is an ice pack all winter long, and would like to know if there is a policy for maintaining the walks and removing snow? She wondered if residents could be responsible for the walks in front of their home. Mayor MacLean said sidewalk maintenance has been a part of the discussion on an ongoing basis. Father Jack Fles thinks it is wise to be thinking about the future and money but feels it is very important to move forward on this project. Mayor MacLean asked what deferring the vote will do to the bids. Wright Pierce said bid period is 60 days which would give council till the end of June. Jeff asked about the paving priority list. Chuck thinks we can hold true if we pick side walked streets that we would address. Chuck says we need to finalize the paving priority list soon. We could defer till June.

## **6. NEW BUSINESS**

### **6.1. Consideration of Awarding Sidewalk Bid**

Motion to table the project Councilor LeBlanc, Second: Councilor Blanchard  
Vote: Unanimous

### **6.2. Johnson Hall Update**

John Shaw spoke and said they are not asking for any money tonight but wants to keep the City up to date on what they are doing. In 1998 he and his first wife

moved here. He remembers his tour of downtown and how he felt it really epitomized New England towns. He spoke about how supportive the city has been of Johnson Hall. They are looking at renovating Johnson Hall and look at a similar funding plan as what was used for Libby Hill. A task force has been put together to look at all aspects of the planning for this. John brought the executive summary for council who are interested in looking at it. He knows this is a big project and is asking the City to be a lending support. Over the past year they have had building maintenance issues. They had to borrow money from City to repair/replace the roof. They use a funding pie- Johnson Hall writes a lot of grants and has a capital campaign whereby they go out and visit people to ask for donations. A Johnson Hall Regional Advisor Group has been put together recently. Judy recently went to a conference in South Carolina where they have a dinner theatre. It was a town named Newbury, with a population of about 10,000 people. Most of that is due to the theatre. John is hopeful that they can draw tourists to Johnson Hall. Judy said it was exciting to go the conference. She quoted the City Manager and County Manager for Newbury as saying that because of the opera house they have grown other businesses as well. What was a ghost town is booming now. Historic tax credits are applicable and are included in the plan. Judy showed the artistic rendering of the vision of what Johnson Hall could be. She spoke about Johnson Hall being a community resource. Councilor Hart questioned the historic integrity of any changes. Judy said the drawing was done by a respected historic preservation architect and would be appropriate. John encouraged everyone to come by.

### **6.3. Discussion of Common Plan**

Jason Simcock showed a power point slide of the plans. Jason gave a brief background of the bundled projects. Bundled projects go back to the Council Goal Statement. The City came up with 13 different projects and decide to tackle them as group. Then they came up with an advisory committee which included Pat Hart, Chuck Applebee, Bill Barron, Charles Batchelder, Dennis Doiron and Jack Fles It is an ambitious list. The top three right projects right now are the waterfront project, the Common and Libby Hill Business Park.

Jason sent out press releases, posted notices on the City's website, sent out letters and made phone calls. He started the PR campaign in January and has kept it up since. There have been numerous articles in the paper. The meetings have been well attended. Outreach has been achieved as well. Monies will be funded through grant writing and fund raising projects.

Amanda Walker of Kent Associates spoke about the final plan for the Common. Goals are to resolve playground issues, maintenance plan, set funding priorities, and estimate costs. Process includes public meetings and individual interviews,

public presentation. She showed aerial photos of the Common. They looked at the original deed to avoid any restrictions. They also looked at historic images of the park. Overall assessment included looking into safety concerns, vandalism, the condition of the trees, crosswalks, lighting, and monuments. Amenities included picnic benches, trash receptacles. Recommendation includes trees being better maintained, adding lighting and utilities. The playground was a big discussion at the public meeting. The citizens really wanted to keep the playground. It needed to be replaced so that part of the process has already begun. Gazebo needs to be replaced at some point as well. They looked at historic images as well to see if there was interest in trying to get that same look, and looked at fencing too. They would like the benches to be similar to the downtown style but having the color be green as they are in parks currently. OC woodman site is considered for use as green space, maybe garden space. Security and vandalism are a big concern. Chief Toman came to a meeting and encouraged people who live in the neighborhood to develop a zero tolerance and to phone in immediately if they see things happening. There is talk of having cameras installed. A Farmers market will be good for the Common and the City should look at more event usage as well. The plan is broken out into phases for the project. Mayor MacLean thanked Amanda for her information. Councilor Blanchard expressed some confusion about the project. When he read the report he said he was expecting to see some reports to explain the analysis. He was looking for data to show the pros and cons. Brian Kent of Kent Associates spoke and said he did not feel the need for such data. Councilor Blanchard wanted to know if they looked at traffic reports for the area. Kent responded that traffic was not an issue. The issue/questions were whether or not there should be a playground or not. Councilor Blanchard wants to reach more people than just those who came to the meeting. Jason explained that they tried to reach as many people as possible. Amanda said there were a large number of residents who came to the meeting and it appeared that the goal was to utilize the playground on the Common. Councilor Hart agreed with Councilor Blanchard and asked about the people who live in outlying areas. They may have a different opinion than those who live right around the Common. He doesn't think you should make decisions based on just those who live in close proximity. Brian Rines spoke and said he has knocked on virtually every door in Gardiner while out campaigning. He says he is hearing that people would like to see this item be included as an item on the ballot as a referendum in June. The group will pay for it to be printed up. Brian also proposed including the "lighthouse idea" for the pump station as a referendum item. He did a crude drawing of what the ballot would look like. Phil Hart echoed getting a larger number of citizens to weigh in on it. Brian Kent asked people to keep in mind that these are master plans and that the plan to

keep the playground where it is had in mind attracting more people to the park as a whole. Barbara Oesterlin-Heath spoke about the planning process and how the whole thing came about. She said those that started the process do live in the area and were frustrated because of the safety issues and the vandalism issues. Jason spoke about how well publicized the meetings were. He feels the process worked well. He expressed his faith in Kent Associates and how they developed this master plan. He feels including the item as a referendum item would not work as well and would use tax dollars unwisely. Dorothy Washburne spoke about the cons of the referendum issue. People don't get to hear the pros and cons of all the information. She feels she has a better understanding of the whole process because she attended to the meetings. Councilor Blanchard wanted to quantify his comments and assure everyone that he didn't take a side one way or the other. He is looking for more information. Brian Rines warned about using the word referendum as it will be the council who makes the decision. It should be called a preference vote. He thinks involving the KJ more to promote the information would be helpful. Jean Dellart sat in on many meeting and said they also sent out flyers as well. She expressed concern about moving the playground over to the OC Woodman site. She is opposed to that idea because of the nighttime issues. Jeff said he will ask Brian and Amanda to beef up some of the source materials to better explain how they came to these conclusions and to include traffic pattern studies. These decisions were not reached lightly and they understand the seriousness of all of the concerns. They are very aware of the importance of these issues to the community. Jeff feels concern for both the Common and the Waterfront and they always include the public as much as possible. They are always trying to achieve an actionable plan and they always try to bring a finished product to the council. Councilor Rambo said he understands Councilor Blanchard's concern but feels they cannot hold up progress waiting for more input. Mayor MacLean does not want anyone to think that all the discussion takes away from the work that Kent Associates has done. He feels management understands that the Council is interested in more information. Mayor MacLean asked for agreement that they return to this issue later in the meeting.

10:20 pm Council discussion returned to the pump station issue. Councilor Giberson said he attended one of the meetings and the consensus is to just make the façade look like a New England exterior. Councilor Nickless spoke about the "referendum" and does not feel it is appropriate. Councilor Blanchard agrees but still feels like he would like more info. Mayor MacLean asked about what would happen under the charter if the suggestion of the referendum was not approved by council. Jeff said they would have to get a petition with 500 signatures etc.

#### **6.4. Consideration of Waterfront Plan**

Councilor LeBlanc made a motion to approve with the exception being the final design of the exterior of the pump station, All in Favor 0, Opposed: Unanimous Motion to approve plan as presented: Councilor Nickless, Seconded by: Councilor Leblanc, Vote: Unanimous

#### **6.5. Consideration of Resolution 08-10 MITF**

Motion: Councilor Hart, Second: Councilor Nickless, Vote: Unanimous

#### **6.6. Discussion of Libby Hill Business Plan**

Dick Stultz presented the business plan as part of bundled projects. He wanted to complete the plan timely so that they could look at financing issues, land acquisition etc. It has been a long haul but timing is appropriate. He met with the Libby Hill steering committee, and Economic Development Committee. Dick updated the information and fine tuned it as best as possible. Constance Greenleaf spoke about being on the committee. She feels it has been exciting being involved. She feels that Libby Hill and the business park is our future. She wants this to be passed as soon as possible so that the businesses that are coming have time to obtain their permits etc. Geri Doyle who is chair of the Economic Development Committee said she is confident in this project. Stultz said his company is nationally known and he has been involved on other projects in Gardiner. He said he has a good feel for the City and that we have some unique opportunities available at Libby Hill. Phase I included meeting with Jason and conducting interviews with people in both the private and public sector. They also spoke with vendors who are already at Libby Hill to find out why they chose to come to Gardiner, what they like and don't like about the park. They took all that information and were able to formulate a plan for phase II. He spoke about the pricing of the lots compared to Phase I. They are recommending a dollar per square foot. Northernmost lots will be the ones to logically be sold first. He suggests creating a TIF district to entice people to come to Gardiner. Percentage will vary depending on the size of building. Stultz gave all the finance figures and banking information. They have included marketing costs. He feels even in a worst case scenario the city stands to profit greatly. Stultz further recommended moving forward with big marketing for Phase II. He does not believe we will have difficulty selling the lots. We are centrally located for businesses that service Bangor and north and Portland and south and not many cities can do that. He recommended that we hire web experts so that when people Google Libby Hill it comes up more quickly/easily. He recommended new signage that addresses the

fact that we are in Phase II, but also include information on the businesses that are already in the park.

Jason reminded everyone that the grant has a time constraint attached to it and if we don't utilize it this year we might not be able to use it. Councilor Hart asked about signage that is exposed on I295. He feels the signage is only available to those in the area, and wanted to know if we sell lots at .75 per square would it pay for the project. Jason said yes. Councilor Hart asked what other people are selling for in this area and asked are we staying competitive. Councilor Hart feels that things are going to stall for awhile with the economy. Dick doesn't think the economy will negatively impact this project. Councilor Hart asked Jeff what happens if the economy does stall, are we set up to handle the financial issues that would arrive. Dick said they factored in a "pessimistic viewpoint" and still showed a profit. Councilor Rambo asked about costs. He feels it is conceivable that there could be a Phase III and thinks it is good to be flexible and move forward on the project as long as there is nothing in the grant that would lock us into the business plan. He also questioned deed clauses being looked at and the way the deeds are written. He feels it is critical that this be looked at. If an undesirable business goes in it would be a bad thing for the project. Councilor Blanchard said he is impressed with the overall plan, and Councilor Rambo agreed. Councilor Nickless agreed but wanted to know how they came up with the cushion. Dick said they looked at the history of each year's profit margin and made assumptions based on that information. Brian Kent asked about the Libby Hill TIF agreements that were tied to the downtown as they were 10 years ago. Jeff said he thinks that Brian may be confusing us with Augusta who has tied their TIF funds in a specific way to the direct link to Downtown. There was some discussion about the TIF funding with regards to the downtown area.

#### 6.7. **Consideration of Libby Hill Bid Award**

Jason explained that they had three bids, results were tabulated and McGee Construction won. Dave Bragg of Millone and MacBroom spoke about the bidding process. The low bid from McGee came in under what they estimated. They went and checked out McGee's references which all came in good. MacBroom has written a letter recommending that the council accept McGee's bid.

Councilor Blanchard asked about why there was such a variance in the bid amounts. Dave explained how the process works. Councilor Blanchard asked if there was any concern that at the low price McGee would be able to complete the project and Bragg said no. Councilor Nickless asked what is included in this price and if at the end of the project the buyer can go right in and start building. Yes they can. The project will include building the access road and all the sewer lines etc.

Councilor Hart asked about power. It is included. Councilor Hart asked is this a fixed cost project? Jeff said we can be relatively assured of that because it is a unit price contract, but you will always have some items go over and some that will go under. Bragg said the reasonable thing to do is to go with a unit price contract and a standard of the industry. Councilor Nickless asked if, based on the project, Bragg is comfortable with the contingency amount and he is. Councilor Rambo asked about the sanitary pump and Bragg said it will be submissable station.

Motion to accept: Councilor Rambo

Second: Councilor Nickless

Vote: Unanimous

## **7. CITY MANAGER REPORT**

Jeff followed up on last item and said we will come back very quickly with a bond authorization. They need to get started early as it is time consuming. Jeff spoke about an editorial regarding the regional communication center. Jeff could not remember which community wrote the editorial, but wanted to assure everyone that we don't have such concerns or issues. We will put an update on the action plan for the Boy's and Girl's Club separation as of July 1, 2008 into this weeks packet. They are right on track. In June we will have to take some more formal steps to separate recreation service. Councilor Hart concerned about the share of premium we pay to the Club compared to other communities. Jeff says he will have an opportunity to address those concerns very soon when the Boy's and Girl's Club comes before council to ask for budget approval. Jeff also shared with Council that the school will not be doing day of caring this year as they have in years past.

## **8. COUNCIL DISCUSSION**

Councilor Rambo asked what happened to our goal statements as it usually serves as a guide. Jeff responded that we will get back into it toward the end of May. We will absolutely look at it before the budget is finalized. Councilor Rambo asked if a councilor can call an executive session. Jeff said anyone can call and request to have an item put on the agenda. Jeff said it has to be on the agenda if it isn't on the agenda then they have to create an addendum and then approve it. They have to inform the press about it. Mayor MacLean explained that tonight's agenda was pretty heavy to begin with so that they didn't consider trying to include an executive session. Councilor Nickless passed. Councilor Hart asked if First Park took any action. Jeff said no. Jason said they didn't have enough in their bylaws. Councilor LeBlanc asked if anyone has looked at the pylons at the waterfront. Jeff said yes, the city is aware of the problems. Councilor Giberson asked about street sweeping on Water Street. He said it is a problem for the merchants and at times it is like a dust storm down there. Jeff said the problem is traffic and parking but that they may look at doing the sweeping on that street at night. Councilor Blanchard

complimented Jeff on handling a complicated and long meeting. He expressed disappointment in the school board and their budget decisions. He will be meeting with the superintendent and CFO and encourages others to join.

**9. ADJOURNMENT**

**Meeting adjourned at 10:39pm**

**Respectfully submitted,  
Kathy Cutler  
Council Clerk**

DRAFT