

**SPECIAL COUNCIL MEETING
GARDINER CITY COUNCIL
Wednesday, June 4, 2008
City Council Chambers**

**6 p.m. Executive Session
7 p.m. Business Meeting**

1. CALL TO ORDER

2. ROLL CALL

In attendance: Chuck LeBlanc, Martha Mentall, Michael Giberson, Richard Nickless, Richard Rambo, Phil Hart & Mayor Andrew MacLean.

Absent: Bryan Blanchard

**3. EXECUTIVE SESSION - per MRSA, Title 1, Chapter 13, Section 405 (6) (A)
Labor Negotiations**

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.)**

4.2 Public Hearing on Liquor License Application for Mill Stream Restaurant

Public meeting opened at 7:01pm. No members of the public had comments. Public Meeting closed at 7:02pm.

4.3 Public Hearing on Liquor License Renewal Cobbossee Aerie #4330 FOE

Public Meeting opened at 7:03pm. No members of the public had comments. Public Meeting closed at 7:04pm.

4.4 Public Hearing for [DECD Funding](#)

Mayor MacLean opened the Public Hearing, no public comment made.

5. CONSENT AGENDA

5.1. Consideration of May 2008 Warrants

Councilor Mentall made a motion to accept, seconded by Councilor Rambo, Vote was unanimous.

Week 45 PR 75616-75684 \$22,867.29

Week 46 PR75686-75752 \$20,833.96

AP14716-14876 \$740,415.09

Week 47 AP 14877, 14980-14984 \$93,159.70

PR 75753-75822 \$21,483.36

Week 48 PR 75823-75892 \$23,518.07

AP 14986-15073 \$100,103.30

5.2. Consideration of Councilor Giberson to sign May 2008 Warrant

Councilor Hart made a motion to accept, seconded by Councilor Rambo. Vote was unanimous.

5.3. Consideration of City Council Minutes for [4/30](#), [5/7](#), [5/14](#)

Councilor Hart made a motion to accept, seconded by Councilor Rambo. Vote was unanimous.

5.4 Consideration of Liquor License Application for Mill Stream Restaurant

Councilor Hart made a motion to accept, seconded by Councilor Mentall. Vote was unanimous.

5.5. Consideration of Liquor License Renewal and Permit for Outdoor Consumption of Alcoholic Beverages Consumption of Alcoholic Beverages for Cobbossee Aerie #4330 FOE

Councilor Nickless made a motion to accept, seconded by Councilor LeBlanc. Vote was unanimous.

5.6 An Order [08-17](#) Authorizing the Issuance of Certain Victualers License.

Motion to approve: Councilor Rambo, seconded by: Councilor LeBlanc. Vote was unanimous.

6. NEW BUSINESS

6.1. Consideration of Resolution [08-12](#)

Mayor MacLean acknowledged and thanked Sergeant William Ellis for his 23 years of dedicated service. The Mayor awarded him with a framed Resolution 08-12. Sergeant Ellis spoke about when he was a child and how the time has flown by. When asked by the Mayor how he would spend his retirement, Sergeant Ellis replied that his son had recently been accepted into Princeton University so he will be working full time in Hallowell.

6.2. Consideration of Resolution [08-13](#) DECD Funding

Jason Simcock spoke about the funding. The City received a CDBG grant. Among other things, it will help Gardiner Main Street, and the Maine Housing Hazardous Lead Program and the City will serve as a conduit for the program.

Motion to approve: Councilor Nickless, Seconded: Councilor Rambo Vote:
Unanimous

6.3. Consideration of First Reading of Resolution [08-14](#), Establishing Appropriations and Directing the Levy of Taxes for City Services

Jeff showed some updates which were relatively minor. He showed the ways and means budget. As proposed it shows an increase of 3% in taxes. The school figure has been updated since last weeks SAD11 meeting. On the capitol project funding Jeff thinks we can fund as proposed and be smart about what we charge as undesignated fund balance. No new items or amounts. Public Works boiler has fallen out of compliance. Surveillance cameras were discussed, as well as a possible match in funding for the Waterfront project. There is a need for a small improvement to the cold storage area, and a minor renovation in the Police Area to make it more useful. Jeff

would like to upgrade to track machine and bike racks in the downtown area. When we last looked at it Jeff was uncertain about what our obligations would be. Overall he feels the budget did not need to be altered.

Councilor LeBlanc said he was glad we didn't have too many more expenses added to the budget as compared to other cities and towns. Councilor Rambo said after last weeks meeting he wanted to be certain that the city has a new oil contract rate. Jeff said yes. They found they were off by a dollar on the bids. They went back through and made adjustments and it works. Councilor Rambo asked about the second reading of the budget. He said he had received his letter regarding the revaluation and was wondering when we could expect the rates and amounts. Jeff explained that there were still some variables involved in the whole process. He explained that we still have to go through the hearing part of the process before we know and can project the mil rate. It will depend on what problems arise as a result. Councilor Rambo said he read an article in the KJ about property values in the state dropping 11% in the last year. He understands the process won't be complete until July or better. Jeff said we have to look at a lengthy time for this before we have a clear picture. We started this early to allow time for the tax commitment. The idea is to avoid borrowing money as that costs us money. Councilor Rambo said his concern is the budget as it sits, he is not thrilled with it but understands. He is concerned about some of the unknowns. If we don't have a first reading until the 18th we need to allow 2 weeks between readings and then allow 10 days before it can take affect. What will be the impact on the taxpayers? Councilor Rambo wanted to make a motion to table the reading until the meeting on June 18th, however the Mayor reminded him that this time was for discussion of the budget not motions.

Councilor Mentall commented about the fixed rate for oil for the City. She feels that both the city and school department seem compelled to jump into a locked price for oil. She feels it might be better to take bids and maybe sit on it. She said if you read the paper everyday you will see that the price of a barrel of oil is dropping. Jeff explained that he felt compelled to take the fixed price bid. We had no other bids and we were told we would be lucky to get that price. Martha feels the oil companies recognize that this is a nice big account and we had more wiggle room /authority than we exercised. She feels we should have waited longer. She said we should have at least insisted on a cap.

Councilor Hart said he read an article where the oil companies are recommending that consumers wait and see for now. A lot of small businesses are going out of business. He is hopeful, but fearful, that we might get burned on this one. Councilor Mentall said to tell them that the City Councilors want you to insist on a cap. She said tell them if they don't give us a cap we won't do business with them. She says that is just her opinion.

Councilor Nickless had a quick question regarding signing a contract for the oil. Jeff explained we are locked in at the price we agreed on, \$ 4.31/per gallon. Councilor Nickless asked if that gives us any options. Jeff said no it is a fixed price. Councilor Hart asked if we can go elsewhere if we find it cheaper. Jeff explained that we can probably renegotiate if we see a significant drop in prices.

Councilor LeBlanc asked about the tax commitment for the City with regards to the county debt and the school board. He feels it is important that the taxpayers know where that money goes. He feels it would help them to understand better where their tax dollars go. Jeff said we can certainly look at that. We have more latitude now than we did in the past as far as the way the tax bills look.

The conversation returned to the connection between the revaluation and the budget. Jeff said he was concerned about not doing a first reading tonight. He said it would not be the end of the world but would not be best practice. He doesn't want us to be reacting to problems that we don't even know that we have yet. We can still make changes and will not have missed any opportunities by having a first reading tonight. Councilor Hart said what we can also do is vote next week on city services. He feels we will see everyone's taxes go up a little. He does not want to pass on the problem to the taxpayers. He doesn't feel the push to do a first reading tonight.

Feels there is still time to act on the issues and stay within the timeframe. He asked about the mil rate and which budget it is based on. Jeff explained that it is based on the current budget. Jeff said they were very conservative with this as they did not want to have to back peddle on the mil rate. Hart said he was surprised that the mil rate was not going up more. He thought it would have jumped more in the last ten years. Normally in a revaluation you get more help from commercial properties and we did not see that. You don't want to put a figure out there and have to exceed it. Councilor Rambo asked Jeff if when the letters go out is it not conceivable that Curt can provide info based on the percentage of property owner who will see an increase, no change, or decrease. Jeff said we have released the values to the public so the information is already out there. Councilor Rambo said he would like to wait till we have the next meeting and he understands the timeframe about the budget. Councilor Hart said it is important to him to stay within the timeframe so we don't stop the cash flow. He knows everyone is advocating within their comfort zone. Jeff said he appreciates that there are a lot of variables but feels we can achieve all of it at the same time. The budget can be amended. Councilor LeBlanc said we shouldn't assume that there are going to be any major issues because of the revaluation. The Mayor asked if there is some trend that we are not aware of that would preclude us passing the budget? No. There is due process in place to address individual concerns. Councilor Nickless said what he is hearing is that we would like to be a little bit more comfortable with the revaluation before they vote to accept the budget. He is thinking about seniors and those on fixed incomes who are scraping by as it is trying to pay their bills. He is not against tabling the budget and coming back to it later. He is against deciding quickly about an issue that will impact some worse than others. Councilor Mentall said this is likely her last year being a landlord. She said it is costing her money to keep other people warm. She thinks people are not going to be able to pay the increase. She thinks the houses are not going to be worth anything. She said she is fortunate to not have to pay a mortgage but she recognizes that others are not as fortunate. She said she has talked to many other landlords and she won't continue paying because "philanthropy" is not her middle name. Councilor Hart said there are a couple things in the budget he would like Jeff to look at. How we budget for fuel is one. Councilor Hart would like Jeff to sit with department heads and look at ways to reduce costs of fuel for the year. He does not want to just go with the status quo. He also asked that Jeff look at areas of overtime and do away with as much as possible. Are we using overtime in times that are not emergencies? Look at reducing it more. Look at restructuring it for next year. He mentioned that the Downtown Manager made a three year promise six years ago and wants to know where we stand. He feels that if the Downtown group feel this position is really merited maybe it should be reflected in their taxes. Jeff said we take that into account and those monies come out of development funds. Councilor Hart said he understands but couldn't we use those funds elsewhere? Hart said he isn't saying that Jeff and the staff are not doing a good job; he is just trying to find areas to save on the budget. Councilor Hart said he really looks at the City and will use the Boys and Girls club as an example. When they were just starting out on a shoestring budget, they knew the City would be there to make sure things got paid. Now they are going out on their own. He would like to see this apply more to other areas in the City as well. Jeff said that is exactly the evolution of Gardiner Main Street. The City supports it but it is its own entity. He is happy to talk about savings which he feels requires investment. The twenty thousand dollars in the budget to upgrade lighting is on a five year note but will save money in the long run. Overtime is used for emergencies and necessary services. With public safety we have to have the services. Councilor Hart said he was talking about keeping the temperatures down. He said in the old days where he works you could wear short sleeves in the winter months but now everyone wears sweaters and sweatshirts and the temperature is kept low to reduce costs. Jeff said he feels we have been very responsible. Councilor Rambo said he has issues about some items on the budget but is prepared to vote for it and support it. Rambo said he is troubled by the fact that the council still doesn't have the figures

for the revaluations. He doesn't want to just pass a budget based on "abouts". He would feel better if he had his own personal letter. He said would not be able to vote for the budget tonight. Councilor Nickless again said he is not opposed to holding off on the first reading. He said if council agrees that Jeff goes back in to look at certain items he would like Jeff to look at overtime. Councilor LeBlanc said we have talked about a couple of different issue here. He asked everyone to recall last week when we had ideas up on the screen. We didn't feel there were any areas to cut city services. He said Jeff did put some ideas up there with ways to save but no one wanted to do that. He feels we aren't really giving any direction to city staff or Jeff. He feels we need to be more specific at this point in the process. The Mayor said he interpreted the comments as being about next year's budget. He said if we proceed through the first reading tonight which would be in keeping with fiscal responsibility, if there is some glitch with regards to the revaluation we can then go in and address those concerns. He feels it is imperative to pass a budget by July 1. Jeff said yes, if he understands it what we want is to understand how the numbers impact residents/individuals. Jeff said we have two choices- proceed to a second reading and then amend the budget as needed or stop and make changes now. Councilor Hart asked if we passed the budget as is does that mean we table the sidewalk project. Jeff said essentially yes, the sidewalk project is not a part of the issue as far as this year's budget goes. Mayor MacLean asked if the most recent discussion is enough to make Councilor's Hart, Mentall and Rambo feel comfortable voting on the first reading. Councilor Hart said he would still feel more comfortable tabling the issue as he has been burned in the past during this process. Councilor LeBlanc said he feels the citizenry expects us to have a budget in place by the beginning of the fiscal year. The Mayor said he thinks the facts regarding the revaluation do not impact the passing of this budget or how it was written. He does not know what more we could ask for in regards to streamlining this budget. Councilor Mentall asked if Jeff had received Councilor Blanchard's letter about the school boards budget. She doesn't think we should act on this yet. Jeff explained that Councilor Blanchard had not written a letter due to personal reasons. He also explained that the school budget was not at issue tonight. Councilor Rambo recommended a first reading with a second reading on June 25. This would allow time to have for information about the distribution of values. Jeff said we can have those numbers next week if they meet. Councilor Rambo said he is becoming frustrated by this process and the push to be done with it tonight. He said it is no big deal to postpone it and then if necessary to pass an amendment to continue city services. Councilor Hart said they are told all year long that "budget time" is the time to voice your concerns or issues about things.

Motion to table the first reading of the budget: Councilor Rambo, Seconded by: Councilor Mentall, Vote: 5-2 motion passes. Councilor Giberson and Mayor MacLean in opposition.

6.4. Consideration of Order [08-15](#), Establishing Appropriations for the Enterprise Accounts & 6.5 Consideration of Order [08-16](#) Authorizing FY09 Lease Purchases

Motion to table: Councilor Rambo, Seconded by: Councilor Nickless, Vote:5-2 , motion passes with Councilor Giberson and Mayor MacLean in opposition.

6.6 Consideration of Order [08-18](#) Ordinance Amendment 07-20 Title 25, Chapter 5, Section 2605, A (55)

No Parking

Jeff spoke about the park and ride out at the business park which has become a safety issue. Jeff said we will limit the parking to increase the safety. Councilor LeBlanc said there is another park

and ride over by the other onramp that people can use. Part of the issue is that it is way over capacity.

Motion to approve: Councilor Hart Seconded by: Councilor Nickless, Vote: Unanimous

6.7 Consideration of Order [08-19](#) for Libby Hill Phase II General Obligation Bond

Jeff explained that this is the first of two readings on the borrowing for the Libby Hill expansion and that it is important that Councilors who vote in the affirmative, need to stay affirmative on the second reading. They are trying to combine and have one bond issue instead of two.

Councilor Hart asked if this is really a good idea. Couldn't we save money by not doing this? Jeff said no we will be receiving requisitions from the contractor very soon. Councilor Hart asked if they have started the project yet and it was explained that the Contractor would be ready to go after this vote.

Motion to approve: Councilor Rambo, Seconded by: Councilor Nickless Vote: Unanimous minus the Mayor

6.8 Discussion of School Budget

Mayor MacLean said this item was placed on the agenda as a response to a request from Councilor Blanchard and was not intended to be about this year's budget. Councilor Mentall said that isn't what Bryan told her. The Mayor said we don't have a draft for the council to consider. Councilor Mentall asked if anything was going in the newspaper discouraging people from voting for this item on the ballot on June 10. She asked if anyone had seen the article in the paper regarding the legislature adding to the budget. Councilor Mentall thinks we should place an ad explaining what the changes to the school budget will mean in regards to the mil rate. Councilor Hart thinks more education should be done to show how these changes will impact say 100,000 home and the taxes. Councilor Nickless recommended and would support sending a letter to the Gardiner reps on the school board. Councilor LeBlanc said we should come to a consensus within the council first and then move forward. Councilor Hart said he thinks it is late in the game to be trying to effect changes to the school board budget. Councilor Hart thinks we should send out a letter to every organization that the city deals with explaining how difficult it is when they increase their rates for us to stick to our budget. He thinks they need to understand how it impacts us when they hike there rates. Councilor Hart thinks they need to be told to be more responsible. He also said they buckle to the small percentage of people who show up. Councilor Rambo said it has only been the last few years that there has been a dialogue between the school board and council and to put up road blocks now will impede that. He believes education is key with regards to the citizens who will be voting on the issue. Councilor Giberson said this issue goes back to what percentage each town pays and how much it increases the taxes per person and they need to better understand what is at stake. Councilor Nickless agrees that it should have been separated on the ballot. Mayor MacLean said he is hearing that there is no consensus on this subject. Mayor MacLean said he recalled that Jeff worked quite hard to get this scheduled but he thinks they cannot move forward with this years process and any concerns won't be resolved. Councilor Rambo asked about a comment that Martha made about Brian Rines telling the school board that we were going to pay a flat amount no matter what. Jeff said no, the legal process has to be followed after the vote.

7. CITY MANAGER REPORT

Jeff said everyone had a letter in their packet from Johnson Hall requesting use of the water front during the week of July 1. Councilor Leblanc had a question about the bathroom issue and whether or not they are still functional and yes they are. Jeff said that Councilor Mentall had asked about the City of Auburn and their bid process. Jeff

explained that it really isn't working at this time. Jeff said there is a new law about Right to Know and that all government officials need to certify that they have been trained. By November 1 we all need to certify that we have been trained and there is an online training available that Jeff will be circulating to each Councilor.

8. COUNCIL DISCUSSION

Councilor Giberson said he met with Judy Dorsey about speeding issues on Washington and Central St. Chief Toman said there are several ways to look into this issue. We need to verify that it is an issue versus a perception. Mayor MacLean thinks the speed dolly should be looked at and maybe a stop sign. Councilor LeBlanc said he wanted to know when the new establishment would be opened. The Mad Dog. Councilor Giberson said he thought they might already be opened. Councilor Mentall wanted to know what it is and Councilor Giberson said it is an eating and drinking establishment. Councilor Nickless said he applauded the police for addressing the speeding issues on Pope St. Councilor Mentall had no issues, Councilor Rambo and Councilor Hart passed as well. Mayor MacLean thanked the Chiefs and Public Safety for the extra efforts with the parade. He was disappointed to see black spray paint on the granite benches on Steamboat Lane. He also wanted to say that while he disagreed with Council about the budget issues he feels it was handled in a respectful way. He feels he wasn't persuasive and he and Jeff will have to work harder. Councilor Hart said he feels the Mayor is always respectful as well

9. ADJOURNMENT

Meeting was adjourned at 9:45pm.

Respectfully submitted,
Kathy Cutler
Utility Clerk