

**Special Council Meeting
Gardiner City Council
September 17, 2008
Minutes**

**6:00 p.m. Executive Session
7:00 p.m. Business Meeting**

Attendees: Mayor Andrew MacLean, City Manager Jeff Kobrock, Councilor Martha Mentall, Councilor Phil Hart, Councilor Richard Rambo, Councilor Mike Giberson, Councilor Brian Blanchard

1. CALL TO ORDER

Mayor Andrew MacLean called the meeting to order at 7:08 am. Mayor MacLean acknowledged William Esterline in the audience who will be a candidate for City Council

2. ROLL CALL

It was noted by the Mayor that Councilor Richard Nickless and Councilor Chuck Leblanc would not be attending this meeting.

3. EXECUTIVE SESSION – Labor Negotiations 1 M.R.S.A. § 405(6)(D)

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)

There were no members of the public that wanted to speak.

4.2 Public Hearing for Land & Water Conservation Fund Grant

Jason Simcock submitted grant application to state that requires public hearing. He asked folks to sign their name and acknowledge presence at public hearing. It is a \$25,000 grant to build new playground at the common. We are fortunate to have the opportunity to apply for the grant for the new playground. The 1989 playground was built with the same grant program. Andy asked if anyone would like to speak. No Public Comment.

4.3 Public Hearing for CBDG-Community Enterprise Grant

Jason Simcock spoke and said that one of the application required for this grant is to hold a public hearing which requires sign in sheet. He said that we have already been awarded the amount of \$150,000. The application requires there be three public hearings, and this is the second. This grant is to help with the completion of the waterfront project. Jason stated that he expects this project to be completed next year, which will be a significant impact to the waterfront and the community. He said that this agenda item is to accept the grant. He then asked if anyone would like to speak on this item. No one spoke, and Mayor McLean closed public hearing.

4.4 Public Hearing for Liquor License Renewal for Green Shark Billiards, LLC

Mayor MacLean opened the public hearing for Green Shark billiards. There were no comments and the Mayor closed the public hearing.

4.5 Public Hearing on Liquor License Renewal for Canton Village Restaurant

Mayor MacLean opened the public hearing for Canton Village Restaurant. There were no comments and the Mayor closed the public hearing

5. Consent Agenda

5.1 Consideration of appointing Councilor Mentall signing weeks 1-4 and Councilor Rambo signing weeks 5-9

Councilor Hart made a motion and Councilor Giberson made a second motion. There was a unanimous vote for Councilor Mentall and Councilor Rambo to sign the Warrants.

5.2 Consideration of Warrants

Councilor Blanchard made a first motion, and Councilor Mentall made a second motion. There was unanimous vote by all.

5.3 Consideration of minutes 6/25, 7/9, 7/16, 7/30

Councilor Mentall made a first motion, followed by Councilor Rambo with a second. There was a unanimous vote to approve the minutes.

5.4 Consideration of Renewal of Liquor Licenses for Green Shark Billiards, LLC

Councilor Mentall made a first motion followed by Councilor Hart with a second motion. There was a unanimous vote to approve the Liquor License.

5.5 Consideration of Renewal of Liquor Licenses for Canton Village

Councilor Mentall made a first motion followed by Councilor Hart with a second motion. There was a unanimous vote to approve the Liquor License.

5.6 Consideration of Qualified Catering Permit for White Flour Catering, LLC

Councilor Mentall made a first motion followed by Councilor Hart with a second motion. There was a unanimous vote to approve the Catering Permit

5.7 Consideration of Game of Chance License Smith Wiley Post 4

Councilor Mentall made a first motion followed by Councilor Hart with a second motion. There was a unanimous vote to approve the Game of Chance License

5.8 Consideration of Pool Hall, Pin Ball, and Juke Box Licenses for Green Shark Billiards

Councilor Mentall made a first motion followed by Councilor Hart with a second motion. There was a unanimous vote to approve the Liquor License
There was a unanimous vote to approve the Pool Hall, Pin Ball and Juke Box Licenses

5.9 Consideration of Live Entertainment License for Mad Dog Fine Wine & Ale House

Councilor Mentall made a first motion followed by Councilor Hart with a second motion.

Mayor MacLean asked if the Councilors if there was any discussion and Councilor Hart was concerned about noise on Water Street. Councilor Rambo asked if everything was approved by the Code Enforcement Officer. Dave Cichowski spoke and said that this was approved by the State Fire Marshall. Mayor MacLean stated that once a week one or two people will play soft music. Councilor Hart asked if they have to stick to the criteria in the original approval. City Manager Jeff Kobrock said that they will have an entertainment license and they could have any entertainment in the restaurant. The City Manager said that the city has always worked through things like this. Councilor Rambo asked if the state was actually responsible for fire codes and construction. Jeff said definitely construction, but asked Fire Chief Mark Kimball for input on fire code. Mark explained how this gets approved. He said that the plans have been submitted to the Fire Marshall's Office. He doesn't know exactly where they are in the process.

There was a unanimous vote to approve the entertainment license

5.10 Consideration of Gardiner Elks Beano/Bingo License Application

The Mayor also mentioned that the Elks has a victuals license as well. Councilor Rambo made a first motion followed by Councilor Mentall. There was a unanimous vote to approve the Beano/Bingo license.

5.11 Consideration of Victualer's License for Nights of Columbus

Councilor Mentall made a first motion followed by Councilor Rambo with a second. There was a unanimous vote to approve the Victualer's License.

5.12 Consideration of Appointment of Audit Committee

Jeff Kobrock said that Noreen Leathers has agreed to join the committees. She's the business manager at the school district. The city manager also mentioned that he will continue recruiting for the Audit Committee. Councilor Rambo made a first motion followed by Councilor Hart. There was a unanimous vote to appoint Noreen Leathers to the audit committee.

6.0 New Business - Addendum Agenda

Councilor Rambo made a first motion followed by Councilor Mentall with a second. There was a unanimous vote to approve the Addendum Agenda

1. Appointment to Conservation Committee – Dorothy Washburn spoke of the new member, Tamara Whitmore and gave her background. There was a first motion made by Councilor Rambo, followed by Councilor Mentall with a second motion. There was a unanimous vote to approve Tamara Whitmore to the Conservation Committee.

2. Appointment of board of assessment review – Jeff Kobrock spoke of Jim Murphy, and said that he was city assessor for 5 years and he’s an appraiser Jeff gave more background on him. Councilor Rambo asked how many members are on the Board of Assessment Review. Jeff Kobrock said there are four. Councilor Rambo made a first motion followed by Councilor Mentall. There was a unanimous vote.
3. Catering Maple Hill Farm – Synergy reception at Johnson Hall
There was a first motion by Councilor Mentall followed by a second by Councilor Hart. There was a unanimous vote by all.

6.1 Consideration of Riverfront Bond Grant Application

Councilor Mentall made a motion to accept Application for Riverfront Bond Grant, second by Councilor Hart
Unanimous Vote

6.2 Route 126 construction, middle school sidewalk

Jeff introduced Dan Stuart and Joel Kittridge from MDOT. Jeff spoke of the need for sidewalk by the Middle School, has been discussed for years. In August, MDOT, city staff, mayor got together to discuss this. Jeff thought it would be nice to hear from DOT. Dan Stuart introduced himself and Joel Kittridge. This project has had many years of discussion. There are a lot of needs. He will give an overview on where they are at, and what the timing will be. Not a typical project. Due to rising costs of asphalt and pricing, they need to get the deferred projects done. He said that they know this road needs attention and they are aware of the importance of sidewalks. The road needs to be reconstructed. DOT would pay 50% of this sidewalk; City pays 50%. He mentioned other locations that are in need all over the state. Gardiner should look at how much they can put in to get this project going. If we commit to the \$170,000 and it could be put into the next work plan. Other option is to put more money in to get this done more quickly. He asks Gardiner to work with them to get this project done. Jeff said that he put the numbers in the council package with the difference between an overlay and a construction project. An overlay will not provide a sidewalk. Jeff asked Council to look in packet and review different costs for construction the road and the sidewalk. Dan said the department is committed to move forward with the Gardiner Cobbossee Stream project also. Councilors questioned the numbers. Why does Gardiner have to kick in so much money to get this done, when this project has been on the list for so long? Rich said that the promises must not have reached the actual funding. Jeff spoke and said that we don’t hear about the process that MDOT actually goes through to get projects to the top of the list. Rich Rambo also asked what happened to the bridge project. Joel said that the design is being worked on, and he believes the project is on the docket in the next couple of years. Rambo asked if since they connect, couldn’t they tie this into the 126 project. Joel said that he doesn’t know if they want to hold one project hostage while they figure out the financing for the sister project. Hart said that he thought trying to bring these projects together is what has caused the delay. Heather Dunn of Cobbossee Ave spoke and mentioned her daughter being at the meeting to take notes on the project. She mentioned fundraising to help raise money for the project. She appreciates the

information given. There was further discussion about an overlay and the sidewalk situation. The overlay would have a better chance at getting funded rather than the total project. Is an overlay with a wider shoulder and option, Andy asked? Joel said that with an overlay, the width would be maintained. Mayor MacLean said that the width of the road has not been discussed. Councilor Hart spoke and said that he thinks this is the third time work has been put into this road. He doesn't think an overlay will solve the problem. Councilor Hart asked if the safety of the kids would put Gardiner as a priority. He said that he thinks the City, residents and the school have been very patient, and he doesn't understand why this isn't a priority. Dan said that there are a lot of things that come into play to get roads put on the priority list. There are many towns with the same issues. He said they are important issues. Dan said the 50% would really get this project to the top of the list. He will consider the sidewalk application active. Jeff committed to reply to MDOT sometime in October. Andy said this will be back on the agenda as an action item. He closed the public meeting.

6.3 Public Health Nuisance – Jeff gave some background on the malfunctioning septic system that has been a problem for about a year. Jeff said that through Council action, they have the authority to fix the situation, and add the amount to the taxpayer's bill. They will send the project out to bid. He said that they really don't know how else to fix the situation. The city has tried very hard to resolve this, and this is the only way he could see to get this fixed. There was further discussion. Andy asked if any members of the public that want to comment. Andy Neadeau spoke, and said that he built the building, and moved in 7 people to this property. He said that it smells very bad, and the sewer runs on his land. This really needs to be fixed. He has lived with this for a year. Craig Marston, also lives on the Costello road, and doesn't think he should have to tolerate this situation. He can't enjoy going outside because it smells so bad. Craig said that the guidelines to build this home were met. He said this is a health hazard.

Councilor Rambo made a motion to fix the septic system, Councilor Hart made a second. Adam Nickerson spoke and said that he is the owner of the property, and he was not aware of the problem. He is seeking legal action to get the money to have this fixed. He has been trying to resolve the issue for a year. He said that financially he just can't do it right now. He has three kids, and his parents live with him. Andy Nadeau spoke and said that that place has not been functioning for a long time. Adam spoke and found that this has been a problem for quite some time, and the city never followed through and had it fixed. Martha asked if he bought from a realtor, and Adam said the seller told him that she was a realtor. Unanimous vote.

6.4 Riverfront Bond Application – Jason Simcock walked everyone through some different scenarios for the waterfront project. He displayed a spreadsheet with a list of items of things to be completed with cost estimates and timing for projects to be done. The city can apply for up to \$750,000 dollars with a 2:1 match. He explained the breakdown. Jeff spoke and said that the long term perspective is that we really don't know where to go right away for more funding for the waterfront. What we do now, we need to be happy with. Don't believe we will be coming back to this

anytime soon. We have exhausted all funding resources at this point. The application needs to be in by next month. Councilor Rambo thinks we should go for the whole package and get this done. Councilor Mentall disagrees. She said we're in a depression. She's worried that people will not be able to pay their taxes. Martha said that she is opposed to the last scenario. Jeff said that scenario B does designate next year's downtown TIF revenue. We use TIFs because it makes sense. Councilor Hart asked for a breakdown if we cut TIFs what this would be. Jeff said yes, he can give Phil a breakdown. Jeff said a letter of intent needs to be submitted that is realistic as we can get it tonight. Then we will come back and ask council to authorize the grant application itself. Jeff said they haven't looked at funding any borrowing out of the TIF proceeds over time.

Councilor Rambo made motion to authorize letter of intent for the grant scenarios A & B, Councilor Blanchard seconded the motion. Unanimous vote.

Addendum item 4.3 Council resolution for CDBG Community Enterprise Grant

Martha made motion to accept, addendum, Councilor Rambo second, Unanimous vote to accept the addendum.

Councilor Mentall will make a motion to accept the resolution, Councilor Rambo seconded. Unanimous vote.

6.5 Funding Retiree Cost of Living

Jeff explained that in the 80's the city had a cost of living allowance for Retirees. At some point, our finance person didn't request authority for this, and it simply became a practice. We have funded a cost of living allowance without asking council to formally approve it. In the 80's it came to the council annually for approval. Mayor Rines remembers it happening annually at 5%. This needs to start happening again. He said it's happened for many years, so they have come to expect it. Councilor Blanchard asked if this a state system, and doesn't this have a COLA? Jeff said no, ours doesn't. Councilor Blanchard thinks this should be addressed by the MSRS and the legislature. Councilor Rambo said he would approve this at 2%.

Councilor Rambo made a motion to accept the funding of Retiree Cost of Living, Councilor Giberson seconded. Councilor Hart said he's uncomfortable doing this. He thinks it should be budgeted. He's not comfortable spending this money. Jeff said it came out of the retirement line that we were over budgeting. Jeff said that a lot of time was spent trying to find the authority for this, and there was none. Councilor Rambo withdrew his motion. No decision was made.

6.5 Consideration of Order 08-29 Constitution Week

Councilor Mentall made a motion to accept, Councilor Rambo seconded Unanimous vote.

6.6 Consideration of Partial Release of Writ of Execution

Jeff said this is a legal formality; clearing title of deceased person. It was a dispute with recycling company; we sued the company and named officers. The Officer had a lien on

property. Lien remained on property, and he passed. New owners still found the lien. Need to clear title.

Councilor Hart made a motion to accept, Councilor Rambo seconded
Unanimous vote

City Managers Report

Wlodylo building permit has expired, we are considering extension. In June, the 2 year permit expired. We discussed options and decided to give extension so project would get done. We did issue 90 day extension. Conditions were to focus on project and safety concerns. We are at the end of 90 days, and need another 90 day extension for the permit. Jeff said the City needs to manage this the best we can to get the project done. Councilors discussed. Bill Esterline spoke about the situation. Councilor Hart asked about the 90 day permits; did he do what was asked on the permit? Jeff said that he did some of it. He said if we don't give him the permit, he won't finish the project. Councilor Hart asked if the city could take care of the unsafe property and charge it to him? Jeff said no, but the City will have a structural engineer inspect the property each time a permit is issued. Councilor Rambo asked if the permit stated what needs to be done. Jeff said that the initial permit was specific on what needed to be done.

Jeff said that the Worman case has been settled. It involved a police officer called to a domestic abuse, unnecessary force was used.

Council Discussion

Councilor Hart – Steve Casey offered to feed the councilors one night, maybe for executive session. He feels the city has gone above and beyond to help him out and wants to return the favor. Jeff said that the city's ethics policy will not allow the gesture. Jeff will call and thank him. He asked how the Beech Street building was coming. Jeff said very good. Mike said he's been in, and it's looking great.

Councilor Mentall stated the price of fuel oil went down today but the City has already signed their contract. She said it's not a good idea to sign a contract in April. Jeff said it was a judgment call.

Councilor Rambo complained about getting calls from City Hall that come up unknown. It is a pet peeve to him. He would like Jeff to look at this, and would like to see the city's name come up on his caller ID. He said that he blocks the unknown calls. Mark said that he ran into the same issue, and he said without paying more money, we can't change it. He would like an update on Economic Development and the loan fund. He asked Jeff about the reimbursement from Pat Coty. Jeff said yes, we received some money that will help the budget.

Councilor Blanchard thought the organizers of the Libby Hill event did a super job. It was very impressive. Mayor MacLean – echoed Bryan's comments, and thanked everyone for doing such a great job.

Adjourned 10:05