

**REGULAR COUNCIL MEETING
GARDINER CITY COUNCIL
Wednesday, February 4, 2009
City Council Chambers**

6:00 p.m. Workshop – Tax Increment Financing

7:00 p.m. Business Meeting

1. CALL TO ORDER

Meeting was called to order @ 7:30.

2. ROLL CALL

In attendance: Mayor Andrew MacLean, Richard Rambo, Richard Nickless, Kendall Holmes, Phil Hart, Mike Giberson, George Trask, Robert Johnston

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.)

The Mayor opened the floor to members of the public to discuss items not on the agenda. No comments were made.

3.2. Public Hearing on Harrison Avenue Infrastructure Project

Chuck Applebee gave a presentation on where we are at with the Harrison Ave project. Chuck said we are handling it much like the Northwest Quad. It is a combined effort between the Water District and the Sewer. He showed a map with the area that was selected to reconstruct. This was done by looking at areas which are a problem for both the Sewer and Water so that they will only dig once. The area they are looking at runs from the Superintendent's office to about halfway down Harrison Ave. They would replace the sewer main, water main and services, upgrade sidewalks and the road surfaces. They have currently allocated costs of about \$300,000 and they are hoping for about 45% funding through a rural development grant. We have two outstanding grant applications at this time. They would like to begin by September 2009 and finish by Sept 2010. Councilor Johnston asked if we are thinking about burying the power lines at the same time. He also wanted to know when we will know if we get the grants and what happens if we don't get them. Chuck said if we don't get them sometimes we wait it out and reapply. That is what happened with the Northwest Quad and we actually ended up getting a better bid on that project as well. Councilor Trask asked about the water districts portion and if it will increase the rates. Will they have to go to the PUC and ask to raise the rates? Councilor Trask said he is looking down the road at how it will impact the taxpayers. He said he knows the sewer rates will go up as a result of this. Chuck said anytime we look at financing it impacts the rates but this won't be an issue until 2011. Jeff said these things are always factored into any capital improvement planning. Councilor Hart asked if we have any existing bonds coming off before this one goes on. Jeff said our debt service has declined dramatically in the last three years

by hundreds of thousands of dollars. He doesn't think we need to worry about it until we actually have grant funding in place. Jeff reminded Councilor Hart that this was already presented to the Council and they had approved moving forward with the project. Councilor Nickless asked what they think they would accomplish between September and Spring. Chuck said they would look at it and decide which part they could get done the quickest. The Mayor closed the public hearing at 7:45pm.

3.3. Public Hearing for Liquor License Renewal for Gardiner Sportsmen's Club

The Mayor opened the public hearing at 7:45pm. No one had comments. The public hearing closed at 7:45pm.

3.4. Public Hearing for Liquor License Renewal for Gardiner Lodge of Elks #1293

The Mayor opened the public hearing at 7:46pm. No one had comment. The hearing closed at 7:46pm

4. CONSENT AGENDA

The Mayor asked the Council to consider the consent agenda as a whole and vote once on all the items. Councilor Rambo said he would have to abstain from the vote on item 4.5 as he was not at the meeting were the minutes were discussed.

Motion to pass the consent agenda made by Councilor Rambo, Second by Councilor Nickless, Vote: Unanimous

4.1 Consideration of December 2008 [Warrants](#) and Councilor Hart signing the Warrants

4.2 Consideration of Victualer's License for A-1 To Go

4.3 Consideration of Liquor License Renewal for Gardiner Sportsmen's Club

4.4 Consideration of Liquor License Renewal for Gardiner Lodge of Elks #1293

4.5 Consideration of City Council Minutes [1/14/09](#)

[\(Mayor MacLean Inauguration Remarks\)](#)

Motion made to accept the minutes made by Councilor Hart, Second by Councilor Trask, Vote: All in the affirmative with Councilor Rambo abstaining.

5. NEW BUSINESS

5.1. Consideration of Amended [Best Practices](#) for Good Governance

The Mayor summarized the changes for the Councilors who were unable to attend. They updated and organized the framework for their interactions.

Motion to accept the amended Best Practices made by Councilor Hart, Second by Councilor Johnston. Councilor Hart said he thinks they have all learned a lot and they agreed that they would follow the rules. He feels if someone doesn't follow the rules it is not fair to the City Manager. Councilor Trask said he wasn't at the second meeting. He asked if his question at the first meeting about the employees was addressed at the second meeting. Mayor MacLean said they addressed some of the issues and gave Councilor Trask a copy of the revisions. Councilor Nickless said he wasn't here but had looked at the documents and is comfortable moving forward. Trask said he is comfortable with it as well. Councilor Hart said he feels it is a very good document and he thinks we should have a refresher every year. Vote: Unanimous.

5.2.Consideration of Awarding Waterfront Design/Engineering Contract

Jeff stated that we have been on a fast track ever since we got the bond award. Jason just finished his interview process on Friday. They have moved so quickly on this that they didn't have time to put material together for tonight's meeting. Jason gave a powerpoint presentation, providing background information on the project. Most recently they worked on finalizing the waterfront task force master plan. It is a coordinated bundled project. The Council approved the plan in April 2008. Jason said the Waterfront plan has been worked on since 1988 when the property was acquired. Grant funds helped the city acquire land where the oil tanks used to be. Shoreline stabilization took place as part of Phase One. Jason stressed the fact that Gardiner works really hard to find funding. He showed pictures of the old timber crib. The initial work was done by Reed and Reed. The scenic overlook has become a real popular area to visit. The goal is to finish the gravel area. In December we received news of funding which is going to push this project forward. The committee wants to put the project out to bid. Jason recommended Sebago Technic and introduced Will Conway as their representative.

Father Jack Fles spoke about the process of choosing the company. He said we use as much funding as possible but at some level there will have to be a match. The goal is to go out to bid in April. There is a concern about the process inflating if they wait too long. They want to make this phase as fluid as possible so that people can still use the area during key times. Jason said one of the interesting things about the waterfront is that so much of it is public use land and they are trying to promote it as such. They want to make it more of a destination and have a museum in the streets. Jason opened up the floor for questions from the council. Councilor Hart asked if we will do anything with the pump station during this phase. Jason said yes it is part of the design. We will do bid alternates. Councilor Hart asked if we really have come up with a plan for the pump station and Jason said it was discussed multiple times. We have several options for the designers to look at. We will have several designs. Jeff said when Jason referred to the visitor center he was referring to the pump station. Councilor Johnston asked if there would be any coordination with the Bailey property which is owned by Gardiner Savings. Will there be any talk so that we don't have competing designs. Councilor Holmes had a couple questions for the landscape architect. Are we purchasing blueprints construction documents? Is the contract essentially for oversight? Yes. They also would have other disciplines involved such as a civil engineer. Mr. Conway spoke about the firm. LL Bean has been a client since 1992. They have worked for both State and Federal agencies. They are a Maine based company and 90 % of what they do is in Maine

Motion to award the Waterfront bid to Sebago Technic made by Councilor Johnston
Second by, Councilor Trask, Vote: Unanimous

5.3. Discussion of FY 10 [Budget](#) Process

It is time to talk about budget for next year. Jeff provided the Council with some preliminary figures. He said he felt it was in everybody's best interest to get the numbers out there. Next week he will provide more information for council.

5.4. Presentation of December Finance Report

Sandy Runyon presented December reports. He apologized for not including the reports in the packets for council to review in advance of the meeting. He said they had been busy trying to rap up the audit process and he did not get around to it. Sandy said we are halfway through the year so expenses/revenues should be at about 50% which for the most part they are. He said he had looked at excise tax collections and tried to project what we can expect but said it is only a guess. He said Jeff had gotten some

information from his colleagues in Augusta in regards to revenue sharing. With all of the budget cuts at the state level he thinks we will collect around \$700,000. Councilor Hart asked how money will look at the end of the year. Sandy said he projects that we will be about \$200,000 to the good. Councilor Holmes asked about property taxes. Sandy said we are collecting about the same amount this year as last. Councilor Nickless said he is surprised that the excise is better than we budgeted for. Councilor Rambo asked about sharing the increase of health insurances. Jeff said we absorb it for the employee at 100% and we share it for dependant coverage. Sandy reiterated his availability to meet with council to review anything or answer questions and said his door is always open. Councilor Trask asked why the workers comp rates went up. Jeff responded that we had a year where we had a couple police officers with significant muscular injuries as well as a firefighter who had a serious injury which were very costly. Councilor Trask asked why we can't offer light duty or does the union contract prohibit that? Jeff said we do have some language in the contract that allows it. He further said the purchase and use of tasers is a direct result of some of these injuries. Councilor Rambo asked about health and welfare being overspent. Ambulance service is budgeted based on what they draw up for figures. The balance is divvied up between 8 towns. Sandy said the budget is too low for that line. Councilor Johnston asked if the accounts get posted once a month, quarterly etc. Sandy explained that most accounts are posted by receipt. Councilor Hart said it is long in coming and he is really glad to see these financial reports come into place. He told the new councilors that they should be grateful to have a report front of them. He commends Sandy for putting the reports together so well and explaining everything to them. Sandy said to thank Denise as well as she does the heavy lifting. Councilor Johnston asked if we will see them monthly and Sandy said "yes".

5.5. Presentation of Department Update - Administrative

Dee Berglund presented information about the Front Office. Dee explained that she is the Office Manager and she oversees what happens in the office everyday. She also handles projects for the city manager. She is the registrar of voters and we had two elections last year so we were extremely busy during that time. We offered multiple times for absentee voting this year which significantly increased voter turnout. She also said Gardiner was the first to report results She showed slides of the vault and talked about restoration of the city map that is made of linen which is being cleaned up this year. Dee explained Kim's job as Tax Collector and the difficulties involved in being a pilot program for motor vehicles. Kim would like to work toward getting Gardiner to be more than just limited motor vehicles. Dee spoke about the role of the Utility Clerks and how they provide administrative assistance to every city department. She talked about each person's role and the different services we offer including Becky's role as the Wastewater Billing Clerk and her work toward getting us ready for the merge with the Water District. Councilor Hart asked about storing our vital records electronically and Dee said Anne is looking at that but it is costly. We are not ready for that yet.

5.6. Consideration of Order [09-01 Setting](#) Maximum Interest Rate

Motion to approve a maximum interest rate of 9% made by Councilor Nickless, Second by Councilor Rambo, Vote: 7 in the affirmative, Councilor Trask voted in the negative.

Councilor Hart asked for clarification about what we want to set it at. Is 9% fair? Council discussion about interest rates being so volatile right now and how we can't compare these rates to mortgage interest rates. Councilor Trask said the point he is trying to make is that we are not in the banking business. He spoke about what everyone went through last year with the revaluation and what happened to each person's tax bill. The rate we charged last year was 11%. He asked how many residents this will affect. Dee said out of 2500 tax bills about 300 wait until the lien process to pay and we place approximately 150 liens. The goal is to get people to pay timely.

6. CITY MANAGER REPORT

There was a memo in the packet from Chuck concerning the cellar drains. Sometimes when there is a back up and there is a cellar drain there is a potential for rain and ground water to get into sanitary sewer. Chuck spoke about the increase in claims on our insurance in the last couple years. When we have heavy rains it seems we have back up into cellars and these are expensive fixes. Councilor Johnston asked if other towns like ours have ordinances in place that address these issues. Do we have to follow theirs and are any of the towns connected with ours? Chuck said he actually got to visit some of the homes himself this year as it was a particularly wet year. Some of these homes are over a hundred years old and are not mapped. It isn't always an easy task. Councilor Trask asked if we did a storm water study a while back. Jeff said we need find a plan for moving forward if this continues to be a problem. Sometimes the solution requires an investment from the city. We aren't telling people they need to plug the drain. The City is trying to work with people to find acceptable locations for storm waste disposal. Jeff said the only time we will take a hard line approach is when we meet resistance. Councilor Holmes asked if this has been a big problem and have we educated people on this issue. He has lived here for many years and wasn't aware it was a problem. Councilor Rambo said he understands the potential problems and is supportive of enforcing it if it becomes an issue. Jeff spoke about being in superior court regarding the Wlodylo case. The court found in our favor. He said the family does still have one other option which they may exercise.

7. COUNCIL DISCUSSION

Councilor Rambo spoke about the house on High Holborn and Green Street where they did some foundation work which changed the drainage and he wondered if Chuck had had an opportunity to look at that yet. Chuck said they looked at it and did a study. They will be looking at it again in the spring. Councilor Rambo requested a future discussion of what constitutes an order, ordinance and a resolve. Councilor Holmes had nothing for discussion. Councilor Hart said he had a couple of questions but he would call Jeff later. Councilor Giberson said he had nothing. Councilor Trask said he could help with an answer to Councilor Rambo's questions regarding the difference between an order, ordinance and resolve. He told Councilor Rambo to get the book Roberts Rules. Councilor Johnston had nothing for discussion. Mayor MacLean explained a bit about the Freedom of Information Act and things they discuss at these meetings. He spoke about how they communicate with each other. In Executive Session last year we had a couple times where they believe the sessions were breached. He will be taking a more serious approach in these regards moving forward. Motion to go into executive session made by Councilor Nickless, Second by Councilor

Trask, Vote: Unanimous

Regular business meeting ended at 10:00pm.

8. EXECUTIVE SESSION –Real Estate 1 M.R.S.A. § 405(6)(C)

Opened at 10:12 p.m. Motion made by Councilor Trask, second by Councilor Rambo,
Vote: Unanimous

9. EXECUTIVE SESSION –Personnel 1 M.R.S.A. § 405(6)(A)

10:29 p.m. back on the record after being briefed on a personnel matter

10. ADJOURNMENT

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Meeting adjourned at 10:29 pm.

Respectfully submitted,
Kathy Cutler
Council Clerk