

REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE

Wednesday, April 3, 2013 6:00 PM
City Council Chambers, Bath City Hall

Present: Councilors Brackett, Merrill, Paulhus, Lockwood, Eosco, Sinclair, Mitchell, Winglass and Chairman Wyman.

Also in attendance were the City Manager – William Giroux, City Solicitor - Roger Therriault and City Clerk - Mary White.

Chairman Wyman led the Pledge of Allegiance and City Clerk White called the Roll.

Presentation to Lieutenant Stanley K. Cielinski of the Bath Police Department for his 24 years of service to the City of Bath.

Chairman Wyman read the following Proclamation and presented Lt. Cielinski with a City of Bath chair.

PROCLAMATION

WHEREAS the City of Bath wishes to recognize the 24 years of service by Lt. Stan K. Cielinski of the Bath Police Dept., and

WHEREAS Stan was born at the Tachikewa Air Force Base in Tokyo, Japan the son of Robert and Leann Cielinski, and graduated from Lisbon High School, and

WHEREAS Stan was in the United States Coast Guard from 1982 to 1987 as an Operational Specialist/Radar man, Second Class Petty Officer (E-5), cross-trained as a Marine Safety Officer, and

WHEREAS Stan graduated from the Maine Criminal Justice Academy on March 23, 1990 and earned an Associate's Degree in Criminal Justice at the University of Southern Maine in May of 1999, and

WHEREAS Stan was appointed to the position of Police Officer for the City of Bath on April 24, 1989, was promoted to the position of Detective on July 4, 1997, the position of Detective Sergeant on August 2001, and to the position of Lieutenant on July 21, 2006, and

WHEREAS Stan has seen numerous accomplishments including:

- A one-year assignment to serve in the United Nations International Police Mission in Kosovo as a Major Crimes Investigator
- Named Officer of the Year in 2002 and received the Chief's Merit Award for continued outstanding service to the Department in March 2007
- Thank you notes from BIW for help with the launching of the USS O'Kane, USS Meyer and the USS Dunham
- Numerous letters of thanks and appreciation for volunteering for community programs, from charitable organizations for fundraising, from schools and businesses for presentations and from victims of crime
- Letters of Commendation for the following: an exceptional and sustained effort in saving a tuna boat from destruction, exceptional investigation in two bank robberies, solving several burglaries and the arrest of two drug traffickers/cases, investigation of a significant drug case resulting in the arrest and federal prosecution of the offender in March 1997, clearing a bomb threat case in one day in October 2000, work on a crane accident at BIW in January 2001, and work in replacing/networking 11 of the Department's computers in February 2005

WHEREAS Stan Cielinski's long and productive career of public service to the citizens of Bath was marked by his integrity and professionalism,

NOW THEREFORE BE IT PROCLAIMED by the City Council of the City of Bath, that the City recognizes the 24 years of excellent public service by Lieutenant Stan K. Cielinski to the Bath citizenry.

Presentation by Diane Woodworth, Director of Development for Spectrum Generations.

Ms. Woodworth gave an overview of the programs and services their organization provides for the senior residents of Bath. She stated that due to the Federal aid cuts they were in need of additional help in order to keep providing these services and asked Council to consider giving a \$1,000 donation to the group.

Ms. Woodworth stated she would supply Council with a list of other surrounding community donation amounts.

C. Consent Agenda 6:17 PM

***1) Minutes of Previous Meetings – March 6 and 20, 2013. (motion to accept)**

Councilor Mitchell made a motion to accept the Consent Agenda as presented. Councilor Paulhus seconded the motion. All were in favor.

D. Time Devoted to Residents to Address The City Council 6:18 PM

No one spoke at this time.

E. Ordinances, Orders and Resolutions, 6:18 PM

2) Order: Regarding Maintenance of Butler Head Road

Chairman Wyman read the following Order:

**ORDER
REGARDING MAINTENANCE OF BUTLER HEAD ROAD**

WHEREAS, the City of Bath is the owner of premises known as Butler Head, being more particularly described as Lot 26 on City of Bath Tax Map 4 and being the same premises described in Deed from Dorothy Cummings to the City of Bath, dated May 24, 1968, and recorded in the Sagadahoc County Registry of Deeds in Book 354, Page 1092; and

WHEREAS, the property includes a right-of-way designated as the Butler Head Road; and

WHEREAS, the Butler Head Road provides certain access by the public to portions of Butler Head; and

WHEREAS, it is important to determine the responsibility to be assumed by the City of Bath for maintenance and repairs of the Butler Head Road.

IT IS, THEREFORE, HEREBY ORDERED that the City of Bath shall maintain and repair the Butler Head Road together with any and all other activities required for such maintenance and repair for the portion of Butler Head Road ending at its intersection with Mallard Road. This shall include improvements to the small parking area at the top of the hill adjacent to Mallard Road and access to that parking area. All other portions of the Butler Head Road and other access roads are considered accesses to private property and are the sole responsibility of those private landowners.

Councilor Sinclair made a motion to put this item on the floor for discussion. Councilor Eosco seconded the motion.

City Manager William Giroux explained how this matter had been researched and how the construction and maintenance would be achieved.

Elizabeth Haskell, Chairman of the Forestry Committee, reported that the Committee was prepared to provide the signage needed for the area and the Committee was in favor of the road project. She emphasized that the turnaround will be utilized as an overflow parking area for a couple of cars and will not be another parking area like the major one at Butler Head.

Councilor Mitchell said the priority in doing the road project was to get it done before KELT established the conservation easement to avoid having to go through both the City and KELT to complete the project. Once the conservation easement is in place, the road becomes part of the easement explained City Solicitor, Roger Therriault.

In response to Councilor Merrill's Question of how many parking spaces are currently present, Parks and Recreation Director Steve Balboni responded that there may be seven spaces. He said the major reason for having a turnaround expansion is to be able to have a wing plow turn around at the top of the hill.

Councilor Lockwood wanted to know the size of the turnaround. Steve Balboni said about 50'X30'.

Tony Grill, an adjacent landowner at Butler Head, said he had been maintaining the extension part of the Butler Head road since 1986. He said the issue of plowing to the top of the hill has been an ongoing issue with the City and the residents of Butler Head and is nothing new.

Councilor Sinclair was concerned about the road extension and moving forward with the easement conveyance. Solicitor Therriault said the items were two separate items. If the Council approves the road maintenance, it has to be incorporated into the easement to reflect that part of the property is subject to the City's maintenance. City Solicitor Therriault explained that if we didn't pass the road maintenance item now, we would be required to get KELT's consent to increase the maintenance responsibilities in the future. Bill Giroux, City Manager, said KELT agreed it was a good idea to deal with the road matter first. City Manager Giroux added that this 2/10's of a mile extension for plowing will not add a burden to the City plowing effort.

VOTE ON ORDER:

YEAS: 6

NAYS: 2 (Merrill/Lockwood)

Order passed. 6-2

3) Order: Formation of the Universal Broadband for Bath Committee

Chairman Wyman read the following Order:

ORDER

WHEREAS, the City of Bath has received requests from citizens concerning the possibility of providing universal broadband services to the citizens and businesses of the City of Bath; and

WHEREAS, it is appropriate to establish, under City direction, a Committee to address the issues raised by universal broadband services; and

WHEREAS, it shall be the mission of the Committee to investigate technologies and business models for distribution of universal broadband internet to the City of Bath including costs and benefits to its citizens and businesses.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that a Committee be and hereby is authorized to fulfill the mission statement stated above, and for the Chairman to appoint members to this Committee.

Councilor Mitchell made a motion to put this item on the floor for discussion. Councilor Brackett seconded the motion.

Councilor Lockwood gave a list of committee members as follows:

Councilors Lockwood and Mitchell

William Hayden

William Blake

Peter Alexander

Benjamin Burden

Chopps Pt. Resident

Councilor Sinclair asked for agreement that members of the Committee would not undertake business to whatever the Committee's recommendation is. It was the consensus of the Council that no committee member would gain business or benefits more from this process.

VOTE ON ORDER:

YEAS: 8

NAYS: 0

Order passed unanimously. 8-0

4) Resolution: Opposing the Governor's Proposed Biennial State Budget to the Extent that it Shifts the Burden of Funding State Government to the Municipal Property Taxpayer

Councilor Sinclair made a motion to waive the reading of the following Resolution. Councilor Mitchell seconded the motion.

VOTE ON WAIVING THE READING:

YEAS: 5

NAYS: 3 (Paulhus/Lockwood/Eosco)

Waiving motion passed: 5-3

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BATH OPPOSING THE GOVERNOR'S PROPOSED BIENNIAL STATE BUDGET TO THE EXTENT THAT IT SHIFTS THE BURDEN OF FUNDING STATE GOVERNMENT TO THE MUNICIPAL PROPERTY TAXPAYER

WHEREAS, the proposed Budget for the next biennium submitted by the Governor represents a significant reduction in revenues previously available to municipalities and shifts in a dramatic fashion the burden of funding State government to the municipal property taxpayer; and

WHEREAS, the reduction in revenue represents the elimination or significant modification of longstanding and legislatively approved property relief programs including, but not limited to, the following:

- The proposed Biennial Budget eliminates \$283 million dollars in municipal revenue sharing; based on the Manager's estimates, the first City of Bath Budget affected by the reduction, will see a loss of \$789,500 in revenue.
- The Biennial Budget proposes a level of school funding that is \$200 million dollars short of the 55% level passed in State referendum; this would result in an increase in the City of Bath's share of RSU 1 expenses of \$1,680,750 in the first Bath Budget year affected by the proposed Biennial Budget.
- The Biennial Budget proposes to shift \$8 million dollars in commercial excise tax revenue from the municipalities to State government; this would represent a loss to the City of Bath of \$38,735.
- The proposed Biennial Budget cuts State reimbursement for general assistance by \$6.7 million dollars, with a \$10.2 million dollar cap on reimbursement; if the cap is reached, this reduction could have a significant impact on the City of Bath.
- The shift under the proposed Biennial Budget from the Business Tax Reimbursement Program (BETR) to the Business Equipment Tax Exemption Program (BETE) potentially would cost the City of Bath \$25,234 in revenue, depending on adjustments that may have to be made in the City's Tax Increment Financing Program with Bath Iron Works.
- The proposed Biennial Budget also eliminates a significant portion of the Homestead Exemption and the Circuit Breaker Property Tax and Rent Relief Programs thus representing a shift in cost to the local taxpayers for amounts currently reimbursed by the programs; and

WHEREAS, the implementation of the Governor's Budget as proposed and without modification would result in a reduction of revenue to the City of Bath in excess of \$2,500,000 and represents an 11.4% increase in the City's tax rate during the first fiscal year that the Biennial Budget is in place; and

WHEREAS, municipalities have a limited ability to react to and provide for reductions in State revenues, essentially being limited to reductions in services and/or an increase in local property taxes; and

WHEREAS, local Municipal Budgets, including the City of Bath's Budgets, in recent years have been flat primarily due to prior reductions in State funding; and

WHEREAS, no corresponding option for raising additional local revenue has been proposed to offset these revenue reductions; and

WHEREAS, the State has not shown any willingness to address revenue issues and tax reform; and

WHEREAS, the proposed Biennial Budget seeks to balance the State's Budget on the backs of its municipalities without providing any additional revenue sources and would require significant tax increases, if municipalities are to maintain reasonable service levels.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that the City Council opposes the implementation of the Governor's Biennial Budget and urges the State Legislature to look to a more comprehensive approach with regard to its tax policies and identifying other cost savings not designated as being passed on to the municipalities and meaningful tax reform, in order to avoid significant increases in municipal property taxes and to protect municipal service levels.

Councilor Winglass made a motion to put this item on the floor for discussion. Councilor Eosco seconded the motion.

City Manager Giroux explained that this matter is being brought to the City Council to send a message to Legislature of opposition to these cuts.

Councilor Paulhus state that he would be abstaining from discussion and voting due to his employment with State government.

Councilor Lockwood stated that she would be abstaining also due to her employment with State government.

VOTE ON RESOLUTION:

YEAS: 7 (Chairman Wyman asked to have his vote recorded)

NAYS: 0

ABSTAINED: 2 (Paulhus/Lockwood)

Resolution passed: 7-0-2

F. Petitions & Communications 7:07 PM

Councilor Sinclair stated that a group called "Idle Free Bath" had contacted him with interest in addressing Council regarding the money wasted by City vehicles while idling and the health risks it poses. He said he would do the necessary paperwork to get it on the agenda.

Councilor Eosco encouraged citizens to attend the Hot Chocolate Jubilee this weekend.

Councilor Sinclair reminded everyone of the second annual Keep Bath Beautiful Day on the 21st of April from 1:00 p.m. to 4:00 p.m. He said that it's a great opportunity to get together with like-minded citizens and groups to clean up Bath's neighborhoods.

Councilor Merrill urged people to attend the Patten Free Library annual fundraising dinner at Maxwell's Restaurant.

G. City Manager's Report 7:09 PM

City Manager Giroux reported that the Chocolate Church is in desperate need for money to repair the steeple and the rest of the building. He said the building is in trouble and hopefully citizens will step up to save this building.

City Manager Giroux also reported on the culvert issue at the roundabout on State Road. He said the project to repair the culvert to avoid flooding in the region of VIP and Hawke's Florist will take place in June. He said traffic will be closed from the west end of the roundabout for awhile.

H. Committee Reports 7:11 PM

Councilor Mitchell reported that the Bicycle and Pedestrian Committee will be sponsoring three upcoming events: Bike to School, Bike to Work, and the Bicycle Rodeo.

Councilor Mitchell also said the Committee has made a priority plan for snow removal for sidewalks that are used by students going to school.

Councilor Eosco read the list of City Committee Openings – two on Forestry Committee, one Zoning Board of Appeals, and 2 for the Bath Bicycle and Pedestrian Committee, and one downtown food operator member for the Bath Sidewalk Vending License Committee, one downtown retailer member, and one at-large representative member.

I. Unfinished Business 7:13 PM

5) Discussion of “Fields of the Future” project.

Lu Lozano, co-chairman of the Fields for Our Future Committee, spoke regarding the progress of the fundraising and asked the Council to support forming the Building Committee. Mr. Lozano said the Committee is ready to move forward on the project to start construction early this summer.

Councilor Sinclair made a motion to table the order until proper public notice had been made that this item was being discussed by Council. He did not object to discussion, however. He said he had just received the order late Tuesday, April 2. The motion was seconded by Councilor Merrill.

Councilor Eosco was concerned that detaining the project any longer would hinder the Committee’s chances of getting the project done this summer. Mr. Lozano said delays by the Council would obviously delay construction. He said the 2010 decision to pass the Order should stand since no changes have been made and the Order would be followed. Councilor Sinclair proposed that the new order presented tonight is passed over for the already approved 2010 Order.

Councilor Winglass said the two Orders were basically the same except for the establishment of the development group that will implement the field. Solicitor Therriault said there is no authority to go ahead with the construction project in the first order and if the Council wanted to consider the order they would have to move to waive the rules to put it on the agenda so it would be officially in front of Council.

VOTE on Tabling Motion:

YEAS: 3 (Brackett/Merrill/Sinclair)

NAYS: 5

Motion failed. 3-5

Chairman Wyman opened up the meeting for discussion of the order. Councilor Brackett asked about the replacement fund of the turf, which he is uncomfortable with. Mr. Lozano said estimates for replacement over the next 12 years were “conservative” and were based on installment costs. The materials have a warranty for eight years and similar fields with much heavier use have had as much as 13 years before replacement.

Councilor Merrill asked about potential drainage problems. Mr. Lozano said that the installment portion project was critical because proper installation will assure proper drainage. He also stated the drainage system at McMann Field now is in excellent shape and will allow for excellent installment of the turf and the site company that did McMann Field will be doing the site preparation for the turf field which he claimed is a great advantage.

Mr. Lozano said the Fields for Our Future Committee would remain in existence and would raise the money and retain in an enterprise fund to maintain the field.

Director of Parks and Recreation Steve Balboni said the replacement fund would be two-fold: 1) revenues generated by rental of the field; and 2) advertising program to help fund replacement and earmark donations.

Kate Bussey, a resident of Bath and Morse High School Lacrosse Coach, spoke to Council regarding their support of this project.

Michael Fear, a resident of Woolwich and a Bath retailer, thanked individuals and outlying communities for their funding and support of the fields. He also said young people who play team sports make for better employees.

Jackie Dwinal of 1552 Washington Street stated that she would like to know if the \$35,000/year replacement fund mentioned in the 2010 Order had any money in it. Steve Balboni reported that fund does not have any money in it at this time because the turf field is not in place yet but that as soon as it was the advertising and rental monies would be placed in that account. She commended the Committee for their outstanding effort to fund the field.

Randy Howell from Woolwich shared his experience with astro turf in Massachusetts where his daughter was playing in a soccer tournament with 10-foot snow banks around the astro field. He said astro turf would be a great advantage to the community.

Kay Beveridge of Arrowsic stated the push is due to the project construction starting in June. Councilor Sinclair said the Building Committee should be formed as soon as possible; Councilor Winglass concurred. Ms. Beveridge said the momentum is strong and it is critical for the Council to approve the establishment of the Building Committee to move forward.

Lu Lozano requested that he and Greg Harrison be the Fields for Our Future representatives on the Building Committee. Councilors Winglass and Mitchell offered to be on the committee.

Councilor Winglass made a motion to revisit the Order at the Special Meeting to be held on April 17, 2013. Councilor Brackett seconded the motion.

VOTE on Motion:

YEAS: 8

NAYS: 0

Motion passed unanimously. 8-0

J. New Business 7:57 PM

There was no new business.

The meeting adjourned at 7:57 PM with a motion by Councilor Winglass, seconded by Councilor Mitchell. All were in favor of the adjournment.

Attest:

Mary J. White, City Clerk

Please note: These minutes are not recorded verbatim. A DVD recording of the portion of the meeting is available for review in the City Clerk's office during regular business hours by appointment.