

**REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE
Wednesday, October 3, 2012 6:00 PM
City Council Chambers, Bath City Hall**

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

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

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

Chairman Sinclair asked that there be a moment of silence in remembrance of the late Councilor Ruthe Pagurko, who passed away unexpectedly on September 28th. He acknowledged Councilor Pagurko's daughters Jennifer Becze and Jamie White and her pastor Steve Rowe who were in attendance at the meeting. Chairman Sinclair expressed that Councilor Pagurko gave her heart and her mind which benefited the City of Bath greatly. Pastor Rowe, Councilors Paulhus, Brackett, and Rogers shared personal memories of Councilor Pagurko. Councilors took turns reading the following Proclamation:

PROCLAMATION

WHEREAS, Ruthe Elizabeth Pagurko was born in Barre, Vermont and moved to Maine in her youth and graduated from Glen Cove Christian Academy, and

WHEREAS, Ruthe was a devoted wife to John Pagurko and proud parent of Jennifer Pagurko Becze and Jamie Pagurko White, and doting grandmother to Sophie, Lessie III, Isabella, and Madelyn, and

WHEREAS, Ruthe moved to Bath with her husband and became a vital member of the community upon arrival, leaving an indelible footprint on our community that will not be forgotten, and

WHEREAS, Ruthe was serving her eighth year on the City Council, and doing committee work on the Appointment Screening Committee, the Finance Committee, the Parking and Transportation Committee, the Sidewalk Vending Committee, the Welfare Review Board, the Bath Recognition Committee, the Waterfront Park Committee, and serving as an alternate on the Sagadahoc County Communication Board of Directors, and

WHEREAS, Ruthe was a member of the Cosmopolitan Club, the Senior Citizen Center, the American Legion Auxiliary, the Community Policing Partnership, Big Brothers-Big Sisters, the Salvation Army, and Main Street Bath, and

WHEREAS, Ruthe worked tirelessly as a volunteer for Sunrise Rotary, the Maine State Music Theatre, the Maine Maritime Museum, Triad Community Safety Day, Citizen Involvement Day, Heritage Days, as past director of the Heritage Day Parade and the Old-Fashioned Christmas in Bath Parade, at the Soup Kitchen, and with Girl Scouts of America for many years, and

WHEREAS, Ruthe was filled with pride for her beloved community, passionate about her beliefs, an able advocate for the people of her Ward, and a friend to the poor and elderly.

NOW THEREFORE BE IT PROCLAIMED THAT THE CITY OF BATH wishes to honor the memory of Councilor Ruthe Pagurko, to pay tribute to her life and to acknowledge that we are a community in mourning as we have lost part of the soul of our community and a friend, and we know that Ruthe's light will continue to shine here in our City through everything and everyone she has touched.

This 3rd day of October 2012.

The Council was unanimous in the adoption of this Proclamation.

Presentation from Ron Cantor, the President of Southern Maine Community College, regarding the new Midcoast Campus at Brunswick Landing and their new program offerings.

Mr. Cantor stated that Southern Maine Community College is the largest, oldest and most diverse community college in the State of Maine and their mission is to empower students to respond to a changing world and enhance economic and cultural development in southern Maine by providing a variety of educational opportunities and partnerships. He reported that the college has over 7,500 students, offer more then 45 degree and certificate programs, and high quality business and industry training at the lowest tuition and fees in all of New England.

Mr. Cantor stated they operate 11 locations outside of South Portland of which the Bath-Park Street location is the largest. He said the Brunswick Campus has been developed because they have outgrown the facility in South Portland and due to the interest in students wanting classes in the midcoast area. Mr. Cantor stated that a couple of new offerings at the Brunswick Campus are the Maine Advanced Technology and Education Center and the Maine Fire Service Institute. He reported that there are 360 students now enrolled there and it is becoming a highly integrated hub connecting the college with local businesses and other educational institutions and directly meeting the educational and workforce needs of the region.

C. Consent Agenda 6:22 PM

***1) Minutes of the Regular Council Meeting on September 5, 2012. (Motion to Accept as Presented)**

Councilor Wyman made a motion to accept the minutes as presented. Councilor Paulhus seconded the motion and all were in favor of the motion.

D. Time Devoted to Residents to Address the City Council 6:22 PM

No one spoke.

E. Ordinances, Resolutions and Orders 6:25 PM

2) Order – Prepare Election Warrant to notify inhabitants of the City of Bath of a State General/Referendum Election to be held on Tuesday, November 6, 2012 (motion to pass Order)

Chairman Sinclair read the following Order:

ORDER

In City Council
October 3, 2012

BE IT HEREBY ORDERED BY THE CITY COUNCIL, AS FOLLOWS:

That, the Notice of State of Maine General/Referendum Election be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the General/Referendum Election will be held at Bath Middle School, 6 Old Brunswick Road, on Tuesday, November 6, 2012 for the purpose of determining the following Candidate Positions and Referendum Questions:

Federal/State/County Offices to be Voted on:

President and Vice President	State Representative, Districts 62 & 65
United States Senator	Judge of Probate
Representative to Congress, District 1	Registrar of Probate
State Senator, District 19	Sheriff

Questions to be Voted on:

Question 1: Citizen Initiative

Do you want to allow the State of Maine to issue marriage licenses to same-sex couples?

Question 2: Bond Issue

Do you favor an \$11,300,000 bond issue to provide funds for capital to build a diagnostic facility for the University of Maine System; for capital improvements and equipment, including machine tool technology, for the Maine Community College System; and for capital improvements and equipment at the Maine Maritime Academy?

Question 3: Bond Issue

Do you favor a \$5,000,000 bond issue to purchase land and conservation easements statewide from willing sellers for public land and water access, conservation, wildlife or fish habitat and outdoor recreation, including hunting and fishing and deer wintering areas, and to preserve working farmland and working waterfronts to be matched by at least \$5,000,000 in private and public contributions?

Question 4: Bond Issue

Do you favor a \$51,500,000 bond issue for improvements to highways and bridges, local roads, airports and port facilities, as well as for funds for rail access, transit buses and the Life Flight Foundation, which will make the State eligible for at least \$105,600,000 in federal and other matching funds?

Question 5: Bond Issue

Do you favor a \$7,925,000 bond issue to be expended over 2 years for revolving loan funds for drinking water systems and for wastewater treatment facilities, which will make the State eligible to secure \$39,625,000 in federal grants?

A person may register to vote and/or enroll in a political party on or before election day. Pursuant to Title 21-A, Section 759(7), absentee ballots will be processed on November 5th from 9AM-4 PM at the Bath City Hall and November 6th, 2012 at the Bath Middle School, 6 Old Brunswick Road at the following times: starting at 9:00AM, 1:00PM, 4:00PM and 7:00PM. Any and all remaining absentee ballots will be processed at 8pm.

The polls shall be opened at 8:00am and closed at 8:00pm.

Councilor Wyman made a motion to put this Order on the floor for discussion. Councilor Paulhus seconded the motion.

VOTE ON ORDER:

YEAS: 7

NAYS: 0

Order passed unanimously. 7-0

Chairman Sinclair explained that the Order for the Special Election would be taken up at this time.

Chairman Sinclair read the following Order:

ORDER FOR SPECIAL ELECTION

WHEREAS, the City Council has been advised of the untimely passing of the Councilor from Ward #7, Ruthe Pagurko; and

WHEREAS, in accordance with Section 209 of the Charter of the City of Bath, her untimely passing has caused the Ward #7 Council Seat to become vacant; and

WHEREAS, also in accordance with Section 209 of the Charter of the City of Bath, the City Council is required to declare the seat vacant and to call a special election to fill the vacancy for the unexpired term, said term being more than six (6) months unexpired.

NOW, THEREFORE, BE IT HEREBY ORDERED by the City Council of the City of Bath that:

1. Due to the untimely passing of Councilor Ruthe Pagurko, the Ward #7 Council Seat is hereby declared vacant.
2. The City Council hereby calls for a special election to fill the vacancy of Councilor Pagurko's unexpired term, which term runs through the first Wednesday in December, 2013.
3. A special election shall be held to fill the vacancy on November 6, 2012, with the times and location of the special election to coincide with the Federal, State and Municipal elections to be held on that date.
4. Pursuant to the authority under 30-A M.R.S.A. Section 2528(E), nomination papers shall be made available beginning on October 4, 2012 and shall be returned on or before noon on the 15th day of October, 2012.

SO ORDERED this 3rd day of October, 2012.

Councilor Wyman made a motion to put this Order on the floor for discussion. Councilor Winglass seconded the motion.

VOTE ON ORDER:

YEAS: 7

NAYS: 0

Order passed unanimously. 7-0

3) Order - Prepare Election Warrant to notify inhabitants of the City of Bath of a Municipal Election to be held on Tuesday, November 6, 2012 to vote for the following: One Councilor from each: Ward 2, Ward 3 and Ward 4 (three year terms) (motion to pass Order)

Chairman Sinclair read the following Order:

ORDER

In City Council
October 3, 2012

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT:

Warrants be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the Municipal Candidate Election (Wards Two, Three and Four) will be held at Bath Middle School, 6 Old Brunswick Road, on the Tuesday following the first Monday of November, the same being

the 6th day of said month, in the year of our Lord Two Thousand Twelve, at 8 O'clock in the forenoon, then and there, to cast their votes at the Municipal Election in their respective Wards for:

City Councilors to be Elected:

Ward Two One to be Elected for a three year term
Ward Three One to be Elected for a three year term
Ward Four One to be Elected for a three year term
Ward Seven One to be Elected for a one year term

and, be it further ordered, that said polls are to be kept open until eight o'clock in the afternoon of said day and then be closed.

Councilor Rogers made a motion to put this Order on the floor for discussion. Councilor Paulhus seconded the motion.

VOTE ON ORDER:

YEAS: 7

NAYS: 0

Order passed unanimously. 7-0

4) Order - Prepare Election Warrant to notify inhabitants of City of Bath of the RSU #1 School Districts 4 and 5 Board of Directors' Election to be held on Tuesday, November 6, 2012 (three year terms)(motion to pass Order)

Chairman Sinclair read the following Order:

ORDER

In City Council
October 3, 2012

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT:

Warrants be prepared and issued to notify and summons the inhabitants of the City of Bath RSU #1 School Districts 4 and 5, qualified to vote, said Election will be held at Bath Middle School, 6 Old Brunswick Road, on the Tuesday following the first Monday of November, the same being the 6th day of said month, in the year of our Lord Two Thousand Twelve, at 8 O'clock in the forenoon, then and there, to cast their votes for:

Board of Directors for RSU #1 to be Elected:

District 4 One to be Elected for a three year term
District 5 One to be Elected for a three year term

and, be it further ordered, that said polls are to be kept open until eight o'clock in the afternoon of said day and then be closed.

Councilor Rogers made a motion to put this Order on the floor for discussion. Councilor Winglass seconded the motion.

VOTE ON ORDER:

YEAS: 7

NAYS: 0

Order passed unanimously. 7-0

5) Order - Appointment of Wardens and Ward Clerks for the November 6, 2012 Election (motion to pass Order)

Chairman Sinclair read the following Order:

ORDER

Be It Ordered by the City Council of the City of Bath,

that the following be appointed for the Maine State General/Referendum Election and the City of Bath Municipal Candidates Election to be held on Tuesday, November 6, 2012.

Ward	Warden	Ward Clerk
1	Barry Compton	Joan Ingersoll
2	Christina Hagan	David Kaler
3	Mary Arsenault	Diana McIntire
4	Darlene Compton	Sandra Kaler
5	Cindy Gabelmann	Judith Lemoine
6	Brenda Cummings	Timothy Richter
7	Aaron Park	Carla Burnham

Councilor Wyman made a motion to put this Order on the floor for discussion. Councilor Paulhus seconded the motion.

Councilor Paulhus thanked those that work the elections.

VOTE ON ORDER:

YEAS: 7

NAYS: 0

Order passed unanimously. 7-0

6) Order - Setting hourly schedule of the Office of Voting Registrar (motion to pass Order)

Chairman Sinclair read the following Order:

ORDER

Be It Ordered by the City Council of the City of Bath, that the hourly schedule for the office of the Registrar of Voters shall be from 8:30am to 4:30pm Monday through Friday prior to the State of Maine General/Referendum Election and City of Bath Municipal Candidates Election to be held Tuesday, November 6, 2012 except for Wednesday, October 24, 2012 from 5:00pm to 7:00pm at the City Clerks Office, 55 Front Street.

Councilor Wyman made a motion to put this Order on the floor for discussion. Councilor Rogers seconded the motion.

VOTE ON ORDER:

YEAS: 7

NAYS: 0

Order passed unanimously. 7-0

7) Resolution – Regarding Land & Water Conservation Fund Grant Application by the Bath Recreation Department.

Chairman Sinclair read the following Resolution:

RESOLUTION AUTHORIZING APPLICATION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE CITY MANAGER OR HIS DESIGNEE BE AND HEREBY IS AUTHORIZED TO APPLY, ON BEHALF OF THE CITY, FOR FEDERAL FINANCING ASSISTANCE UNDER THE PROVISIONS OF THE LAND AND WATER CONSERVATION FUND ACT, PUBLIC LAW 88-578, FOR THE PURPOSE OF COMPLETING THE MCMANN TURF PROJECT.

BE IT FURTHER RESOLVED THAT THE CITY MANAGER BE AND HEREBY IS SPECIFICALLY AUTHORIZED TO EXECUTE THE LAND AND WATER CONSERVATION FUND PROJECT AGREEMENT WITH THE STATE OF MAINE, THE PROJECT CERTIFICATION (A COPY OF WHICH IS ATTACHED), AND ANY OTHER DOCUMENTS THAT MAY BE NECESSARY TO CARRY OUT THE REQUIREMENTS AND INTENT OF THE FINANCING.

BE IT FURTHER RESOLVED THAT THE CITY COUNCIL ACKNOWLEDGES THAT THE LOCAL SPONSOR IS OBLIGATED TO PAY ALL COSTS OF THE PROJECT “UP-FRONT” WHICH SAID COSTS WILL BE REPAID BY FEDERAL REIMBURSEMENT. THE CITY CERTIFIES THAT SUCH FUNDS ARE AVAILABLE UNDER ACCOUNT #REC-2095.

Councilor Wyman made a motion to put this Resolution on the floor for discussion. Councilor Winglass seconded the motion.

Recreation Department and Cemeteries and Parks Director Steve Balboni reported that there are eight land conservation projects going on in Bath at this time. He stated that there are two sites being done at the McMann Field complex. Mr. Balboni explained that this is standard procedure to move forward when applying for the grant and it is a very competitive process. He stated that they had raised \$400,000.00 privately for the project already and with this grant they would be able to complete the project. Mr. Balboni reported this completion would include removing the natural grass field, doing all the ground work, and installing a synthetic turf field. He stated the life span of the turf cover would be 8-15 years depending on whichever facility you look at and that a replacement fund would be set aside so the funds would be available for replacement when needed. Mr. Balboni stated that the decision regarding the grant would probably be somewhere around early January.

City Solicitor Roger Therriault explained the acceptance of the grant and approval of the project by the Council in the future.

VOTE ON RESOLUTION:

YEAS: Brackett, Merrill, Paulhus, Rogers, Wyman, Eosco, Winglass

NAYS: None

Resolution passed unanimously. 7-0

8) Order: Approving Bid and Contract to \$207,456.00 - Green Street Sewer Modification and Stormwater Separation Project.

Chairman Sinclair read the following Order:

**ORDER
APPROVING BID AND CONTRACT**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF ATLANTIC MECHANICAL, INC. FOR THE GREEN STREET SEWER MODIFICATION AND STORMWATER SEPARATION PROJECT IN THE AMOUNT OF \$207,456.00 IS ACCEPTED, IT BEING THE LOWEST QUALIFIED BID SUBMITTED, AND A CONTRACT BY AND BETWEEN THE CITY OF BATH AND ATLANTIC MECHANICAL, INC. IS HEREBY APPROVED AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE THE CONTRACT AND ANY OTHER DOCUMENTS NECESSARY TO ITS IMPLEMENTATION ON BEHALF OF THE CITY OF BATH. THE PROJECT SHALL BE FUNDED BY A SRF LOAN.

Councilor Wyman made a motion to put this Order on the floor for discussion. Councilor Paulhus seconded the motion.

Public Works Director Peter Owen explained the history and process for the project and gave an overview of the company that would be doing the project.

VOTE ON ORDER:

YEAS: 7

NAYS: 0

Order passed unanimously. 7-0

9) Ordinance – LUC Text Amendments for Articles 2, 10 and 16. (first passage)

Councilor Rogers made a motion to waive the reading of the Ordinance. Councilor Wyman seconded the motion. All were in favor of the waiving motion.

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH ADOPTED JULY 19, 2000, AND SUBSEQUENTLY AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

ARTICLE 2. DEFINITIONS

SECTION 2.02. DEFINITIONS

Amend as follows:

School, Public or Private Elementary or Secondary. A place where courses of study are taught that are sufficient to qualify attendance as compliance with state compulsory education requirements for Kindergarten through Grade 12 or non-boarding schools for the purposes of teaching life skills, such as hygiene, reading, cooking, and money management.

~~**School, Special Education.** A non boarding school that teaches life skills such as hygiene, reading, cooking, and money management, to individuals with developmental disabilities.~~

School, Special Purpose. A place where any specialized branch of knowledge is taught for compensation such as martial arts, dancing, gymnastics, music, automobile driving, and business skills, but not including horseback riding.

ARTICLE 10. GENERAL PERFORMANCE STANDARDS

SECTION 10.06. PARKING AND LOADING

A. Off-street Parking, Number of Spaces Required
 Amend Subsection 6.0, Educational and Cultural Use, under the Parking Requirements Table under Section 4, as follows:

6.0 Educational and Cultural Use	
6.1 Schools	
6.1.1 Public or private elementary or secondary schools	1.75 spaces per classroom for elementary schools; 5 spaces per classroom for secondary schools
6.1.2 Public or private post-secondary Schools	5 spaces per classroom
6.1.3 Special-purpose schools	1 space per 2 students, based on maximum capacity
6.1.4 Special education school	2 spaces per classroom
6.2 Libraries and museums, including associated educational and instructional activities	1 space per 300 square feet of building gross floor area

ARTICLE 16. CONTRACT ZONING DISTRICTS

SECTION 16.06. FORMER BATH HOSPITAL AND 2 DAVENPORT CIRCLE

Amend Section D, Conditions of Approval, as follows:

D. Conditions of Approval

This contract zone is approved subject to the following conditions:

1. The only uses allowed are the uses presently allowed by the Land Use Code in the underlying district, plus the following C1 use categories:
 - a. 3.1.1 – Office, clerical, research, or service operations designed to attract and serve numerous clients on the premises.
 - b. 3.1.2 – Office, clerical, research, or service operations designed to attract little or no client traffic.
 - c. 6.1.1 – Public or private elementary or secondary schools.
 - d. 6.1.2 – Public or private post-secondary schools.
 - e. 6.1.3 – Special-purpose schools.
 - f. ~~6.1.4 – Special education schools.~~
 - g. 6.3 – Libraries and museums.
 - h. 13.3 – Shared parking.

SECTION 16.17. 619 HIGH STREET CONTRACT ZONE

Amend Section D, Conditions of Approval, as follows:

D. Conditions of Approval

This contract zone is approved subject to the following conditions:

1. The only uses allowed are the use categories:
 - a. Use 1.1.1 – Site-built Single-family dwelling.
 - b. Use 1.2 – Two-family dwelling.
 - c. Use 1.3 – Multi-family dwelling.
 - d. Use 1.6.1 – Home occupation – A.

- e. Use 1.6.2 – Home occupation – B.
- f. Use 3.1.1 – Operations designed to attract and serve numerous customers or clients on the premises, however, limited to only attorneys’ offices, professional offices, and travel agent offices.
- g. Use 3.1.2 – Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use.
- h. Use 6.1.1 – Public or private elementary or secondary schools.
- i. Use 6.1.2 – Public or private or post-secondary schools.
- j. Use 6.1.3 – Special-purpose schools.
- ~~k. Use 6.1.4 – Special education schools.~~
- l. Use 6.2 – Libraries and museums, including associated educational and instructional activities.
- m. Use 30.0 – Art studio.

Additions are shown as underlined text and deletions with a strike-through.

Councilor Rogers made a motion to put this Ordinance on the floor for discussion. Councilor Wyman seconded the motion.

City Planner Andrew Deci explained this would remove the special school definition and amends the existing public school definition to include that type of uses within that definition.

VOTE ON ORDINANCE:

YEAS: Brackett, Merrill, Paulhus, Rogers, Wyman, Eosco, Winglass

NAYS: None

Ordinance passed unanimously. 7-0

Chairman Sinclair set second passage of the Ordinance for November 7, 2012 at 6:00 PM.

10) Ordinance – LUC Zoning Map Amendment to Map 26/Lot 25. (first passage)

Chairman Sinclair read the following Ordinance.

ORDINANCE

WHEREAS, THE CITY COUNCIL OF THE CITY OF BATH, AS PART OF THE ADOPTION OF THE BATH LAND USE CODE ON JULY 19, 2000, EFFECTIVE AUGUST 9, 2000, DEPICTED THE BOUNDARIES OF ALL LAND USE DISTRICTS ON A ZONING MAP OF THE CITY OF BATH, ALSO DATED JULY 19, 2000, INCORPORATED BY REFERENCE INTO THE LAND USE CODE PURSUANT TO THE PROVISIONS OF SECTION 7.02 OF THE SAID CODE; AND

WHEREAS, IT IS NECESSARY AND APPROPRIATE THAT THE BOUNDARIES OF THE LAND USE DISTRICTS BE, FROM TIME TO TIME, ADJUSTED AND AMENDED, IN ORDER TO CREATE NEW DISTRICTS AND ADJUST BOUNDARY LINES OF EXISTING DISTRICTS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE ZONING MAP OF THE CITY OF BATH, DATED JULY 19, 2000, BE AND HEREBY IS AMENDED IN ACCORDANCE WITH THE SKETCH PLAN ATTACHED HERETO AND MADE A PART HEREOF. THIS CHANGE SHALL BE INCORPORATED INTO AND BE PART OF THE OFFICIAL ZONING MAP OF THE CITY OF BATH. THE SPECIFIC ADJUSTMENT IS:

An amendment to the Zoning Map changing the zoning on Lot 250 on Tax Map 26 from Residential 1 (R-1) to Commercial 1 (C-1).

Councilor Wyman made a motion to put this Ordinance on the floor for discussion. Councilor Brackett seconded the motion.

City Planner Andrew Deci explained this amendment was being brought forward as this parcel is along the Transition District which separates the Downtown Commercial District from the Residential District and should be awarded the same business availability.

Roger Therriault explained the business history of the parcel of land and that this history would support this amendment.

Realtor for the property Patty Sample Calwell gave an overview of the business applicability of the property. Marnie Stevens, one of the property owners, explained that the property is more commercially viable.

VOTE ON ORDINANCE:

YEAS: Brackett, Merrill, Paulhus, Rogers, Wyman, Eosco, Winglass

NAYS: None

Ordinance passed unanimously. 7-0

Chairman Sinclair set second passage of the Ordinance for November 7, 2012 at 6:01 PM.

F. Petitions & Communications 7:10 PM

There were no petitions or communications at this time.

G. City Manager's Report 7:10 PM

City Manager William Giroux gave an update on the Autumn Fest & Citizen Involvement Day activities.

Public Works Director Peter Owen gave an overview of the paving schedule of Congress Avenue, and Windless Court and Summerset Place Streets.

H. Committee Reports 7:12 PM

Councilor Merrill gave a report on the Recreation Commission's Skatepark use and reported that revenue is up from last year. She thanked the many volunteers for making the ribbon cutting a big success.

Councilor Wyman reported that the RSU #1 Finance Committee is now meeting every week but there will not be a referendum for this election.

Councilor Rogers reported that as Economic Development Committee Chairman he had met with Bill and a developer for the Huse School and the ideas look promising for the redevelopment. He stated that he would be calling for a meeting of the Committee towards the end of October to discuss this matter.

I. Unfinished Business 7:16 PM

There was no unfinished business.

J. New Business 7:16 PM

11) Appoint two members to the Bath Planning Board with terms to expire September 2015.

Councilor Rogers stated that the Nomination Committee was unable to meet regarding these appointments so the Committee wishes to table the appointments to the Planning Board.

12) Appoint two members to the Bath Zoning Board of Appeals with terms to expire September 2015.

Councilor Rogers recommended Bruce Goodwin and Pamela Murray to be appointed to these positions. The appointments were passed unanimously.

13) Appoint one member to the Bath Community Forestry Committee with an indefinite term.

Councilor Rogers recommended Andrea Wood to be appointed to this position. The appointment passed unanimously.

14) Discussion of Nunnery – HOMEtogether (Sponsored by Councilor Merrill)

Councilor Merrill explained that the group had met with neighbors to discuss concerns. She stated the reason she was sponsoring the item was not because it is a perfect use for the site but felt the group has good intentions and should be allowed to present their ideas to Council. Betty King, representing HOMEtogether, reported on the meeting held in the neighborhood. She explained the concerns of the attendees which were who would live there, what activities would be going on there and effects on property values. Ms. King stated that their mission would be the rehabilitation of abandoned housing to make it available for low income rentals. She explained that the residents would have a working day starting at 6AM and would commit to no use of addictive substances and non-violent communication and problem solving. Ms. King offered to have residents that were in favor to contact the Council.

Councilor Eosco made a motion that “the Council takes a vote tonight on whether or not they are in support of the HOMEtogether group obtaining the Nunnery building”. Councilor Rogers seconded the motion.

Councilor Wyman stated the emails he had received from neighbors were against the location of the project.

Councilor Rogers stated that he had received communications that were all against the location of the project.

Councilor Merrill stated she was in favor of letting the Planning Board decide whether the location was suitable for the HOMEtogether use. She said she would like to see the process continue and let the Council hear more from those in the neighborhood that were in favor or against the use of the building for this purpose. Councilor Merrill stated that she felt this would be a good location as it would give the residents access to the inner city.

Councilor Paulhus stated that he would like to receive more information before making a decision.

Councilor Brackett stated he was alright with having the conversation continue regarding the issue but is still skeptical for the reasons that have been stated by other Councilors.

Councilor Eosco stated that she was not against the project the group was proposing but was hesitant to go forward due to neighbors’ concerns and didn’t want to spend valuable time on everyone’s part if the project was not going to pass.

Chairman Sinclair stated there was a motion to terminate the conversation and had been seconded and would like to open it to the public if that was the wish of Council.

The Council agreed to hear any new information from people who had not addressed the Council before.

Shawn Donovan asked that Council emails be shared with the HOMEtogether group and he felt with the proper training this group could give would help the residents become an asset to the community. Mr. Donovan spoke in favor of continuing the conversation regarding the Nunnery Building.

Paula Price of 62 Green Street spoke in favor of continuing the conversation.

Robert Hull spoke on behalf of his mother who lives on the corner of Oak and Lincoln Streets. Mr. Hull stated her concerns with the asbestos that is located in the Nunnery building being a hazard to the residents' health and with the limited parking space for the building.

Kenneth Wagner of 151 Lincoln Street stated that he had concerns with possible crime that may result from the residents and the health issues that could arise from the asbestos in the building.

City Planner Andrew Deci explained what the next steps would be should the project continue. He stated that the Council will have to decide whether to lease, sell or transfer the building to the HOMEtogether group and the Council would have to approve an amendment to the Land Use Code to let this use occur in that zone. Mr. Deci stated that the Planning Board was going to meet again in November to discuss the LUC amendment again.

Chairman Sinclair asked that the Council vote on the motion to terminate the conversation regarding the HOMEtogether group's use of the Nunnery Building.

VOTE on motion:

YEAS: Rogers, Wyman, Eosco, Winglass

NAYS: Brackett, Merrill, Paulhus

Motion passed. 4-3

Chairman Sinclair stated that as a result of the Council vote, the Planning Board would also cease action regarding this matter.

15) Discussion regarding the City Clock located in the bell tower of the First Baptist Church. (Sponsored by Councilor Rogers)

Councilor Rogers explained the reason for bringing this matter to Council for discussion was to look at different ways to make the bell stop ringing between 10PM-6AM.

City Manager William Giroux reported that Councilor Pagurko had come to him and asked that money be put in the budget to fix the clock's bell and hands to be paid half this year and half next year and Council agreed to fix the bells in this year's budget.

Shadi Towfighi, owner of the Kismet Inn, stated that the bell is disturbing her guests as they come there to have a quiet time and healing treatments. Ms. Towfighi said the bell is much louder than it used to be and keeps the guests up all night. She asked that the sound be lowered during the day and turned off at night.

Councilor Eosco stated that she had been able to see the bell and the mechanisms and they are marvelous. She said she thought it was very special to have the bell ring for such a long time in the City and that she had heard both from residents glad it was ringing again and residents not liking it ringing.

Chairman Sinclair stated that he had had the pleasure of seeing the bell also and had spoken with Michael Peabody about softening the sound of the striker.

City Maintenance Director Michael Peabody explained there might be a way to make the sound quieter by putting a rubber sleeve on the striker.

Councilor Winglass asked for a more specific price on changing the bell to ring only during the day.

Chairman Sinclair asked that City staff get a more specific price.

Councilor Paulhus spoke in favor of damping the sound but didn't want to spend more than it cost to restore the bell.

Councilor Merrill spoke in favor of damping the sound but on a 3-6 months time and see if people are still having a problem with the loudness.

Councilor Rogers made a motion that Council authorize the City to delicately place a damper on the hammer and revisit the matter in February 2013. Councilor Merrill seconded the motion.

Councilor Brackett made a motion to amend the previous motion to revisit the matter in December. Councilor Merrill seconded the motion.

Councilor Eosco stated that she was in opposition to altering the bell in any way. She stated that she feels that the neighbors have not had time to get used to the sound.

Councilor Paulhus asked what time frame Councilor Eosco was asking for.

Councilor Eosco stated enough time to let the residents work it into their minds.

Councilor Winglass stated he had not heard the bell and was willing to give the matter a little more time.

Councilor Rogers withdrew his motion and said he was willing to give the bell a little more time for residents to get used to it.

Fire Chief Steve Hinds reminded the public that the Annual Fire Department Open House would be held October 11th from 6-8 PM.

Councilor Wyman made a motion to go into Executive Session at 8:08 PM to discuss per 1 MRSA §405(6)(D) a Labor Matter and per 1 MRSA §405(6)(C) a Property Disposition Matter. Councilor Rogers seconded the motion and all were in favor.

Councilor Wyman made a motion at 8:55 PM to come out of Executive Session. Councilor Rogers seconded the motion and all were in favor.

The meeting adjourned at 8:56 PM with a motion by Councilor Wyman, seconded by Councilor Eosco. All were in favor of the motion to adjourn.

Attest:

Mary J. White, City Clerk

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