

**REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE
Wednesday, April 4, 2012 6:00 PM
City Council Chambers, Bath City Hall**

Present: Councilors Brackett, Merrill, Paulhus, Rogers, Wyman, Eosco, Pagurko, 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 presented the following Proclamation and a City Chair to Bath Police Detective James Montz for his many years of service to the citizens of Bath.

PROCLAMATION

WHEREAS the City of Bath wishes to recognize the 26 years of distinguished service by Detective James A. Montz of the Bath Police Dept., and

WHEREAS Jim was the son of James and Irene Montz and attended schools in Gruver, Iowa and graduated from Lincoln Central High School in June, 1963, followed by a year at Estherville Jr. College, and

WHEREAS Jim served in the U.S. Navy from February 1964 through December 1984, and

WHEREAS Jim was appointed to the position of Police Officer for the City of Bath on February 1, 1986 and was promoted to the position of Detective on May 7, 2001, and

WHEREAS Jim has numerous other talents including being a “seasoned” chili maker, and was a force to be reckoned with in “The Park’s” Chowder and Chili Fest, winning for two years in a row, and

WHEREAS Jim retired from the Police Dept. on March 30, 2012, seeing numerous accomplishments including:

- Serving as a Citizen Police Academy Instructor in CI & Crime Scene Processing and also teaching Crime Scene Investigation to Hyde School students
- Serving as the Department’s Sexual Abuse Officer and Sex Offender Registrant, receiving a Commendation for Sexual Abuse Investigation between 1999 and 2002
- Becoming a Simunitions Training Officer on April 28, 1999, becoming certified by the Maine Criminal Justice Academy as a Firearms Instructor in March 2001 and serving as the Department’s Firearm Instructor
- Being promoted to Detective on May 7, 2001
- Commendation in May 2004 for collection of several thousands of dollars in bad checks for the City of Bath, with over \$15,000 last year alone
- Officer of the Year in 2004 and numerous letter of appreciation

WHEREAS Jim Montz’s long and productive career of public service to the citizens of Bath was marked by his integrity, honesty, strong moral character and professionalism,

NOW THEREFORE BE IT PROCLAIMED by the City Council of the City of Bath, that the City recognizes the many years of excellent public service by Detective James A. Montz to the Bath citizenry.

This 4th day of April 2012.

C. Public Hearings 6:04 PM

1) Bath Farmers' Market Application for Liquor License

City Solicitor Roger Therriault explained this is new State regulation that the Farmers' Market has to be licensed for this activity by the municipality. Since this process is new to the municipality, it was decided to process it like any other liquor license.

Wine vendor Robert Nicoll reported that he has received licenses from the Farmers' Market, State and Federal Licenses. Mr. Nicoll stated that he makes what is called honey wine. He is considered a commercial food processor and registered with the Bio Terrorism section of the Federal government.

Councilor Brackett stated that he has sold this wine for a number of years in his store and is a nice Bath made product.

Councilor Winglass made a motion to accept this Liquor License application. Councilor Pagurko seconded the motion. The motion passed unanimously.

2) State of Maine Business Friendly Community Program

Justin Poirier, Community Economic Development Director, explained that the program is a product of the Governor's red tape audit and the goal of the program is to identify and recognize communities within the State that provide for a positive business climate. Mr. Poirier stated the process consists of a grant application that is sent to DECD and valued on a 100 point scale and the designation of "State of Maine Business Friendly Community" is awarded to those that reach a certain threshold. He reported the chosen communities will be given a certificate by the Governor, recognized on the Maine DECD web site, receive an "Open for Business" sign, and will also, pending approval, be given bonus points on the CDBG applications.

Councilor Rogers made a motion to proceed with the application. Councilor Pagurko seconded the motion. All were in favor of the motion.

3) Ordinance: Handicap Parking Change on Front Street (second passage)

Councilor Wyman made a motion to waive the reading of the Ordinance. Councilor Pagurko seconded the motion.

Vote on waiving reading:

Yeas: Brackett, Merrill, Wyman, Eosco, Pagurko, Winglass

Nays: Paulhus, Rogers

Motion passed. 6-2

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE CODE OF THE CITY OF BATH, ADOPTED FEBRUARY 2, 1977, AND SUBSEQUENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

CHAPTER 17. VEHICLES AND TRAFFIC
Article 6. Stopping, Standing and Parking

Section 17-259. Parking Restrictions.

Amend as follows:

East Side:

From Vine Street to a point across from the southerly side of Centre Street, two-hour parking. From a point across from the south side of Centre Street to the northerly side of the entrance to the southerly parking lot of ~~The Bank of America~~ the Fleet Bank, no parking. From ~~to~~ the northerly side of the entrance to the southerly parking lot of The Bank of America for a distance of 30 feet, **Bus Stop for Bath Municipal Buses only**. (6/7/06) From the northerly terminus of the bus stop to Broad Street, two-hour parking, with the northern most 25 feet being designated handicapped parking. (3/2/2005) From Broad Street to Arch Street, fifteen-minute parking. ~~From Arch Street running north 25 feet, handicapped parking.~~ From a point ~~25 feet north of~~ Arch Street to a point 39 feet north of the fire hydrant located just south of Elm Street, two-hour parking, except for a 20 foot area located 10 feet north and 10 south of the fire hydrant, which shall be no parking, and except for a 29 foot area beginning 10 feet north of the hydrant and running north 29 feet which is designated handicapped parking (3/2/2005)(6/7/06). From a point ~~39~~ 40 feet ~~north south~~ of said fire hydrant to Bowery Street, no parking.

Additions shown as underlined text; deletions shown as strikethrough.

City Solicitor Roger Therriault explained this changes Fleet Bank to Bank of America to move the handicap space that is now in front of First Federal where it is proven to be inconvenient down to a space just north of the fire hydrant in front of Pine Tree Society.

Councilor Pagurko made a motion to put this Ordinance on the floor for discussion. Councilor Paulhus seconded the motion.

ROLL CALL VOTE:

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

NAYS: None

Ordinance passed unanimously. 8-0

Chairman Sinclair stated this would become law in 21 days.

D. Consent Agenda 6:18 PM

***4) Approval of Minutes of the previous meeting of March 7, 2012. (Motion to Accept as Presented)**

***5) Appointment: Nominations from the Republican and Democratic Parties of Election Clerks for two year terms pursuant to Maine State Law, for appointment by Municipal Officers (motion to accept nominations and appoint as presented)**

Councilor Pagurko made a motion to accept the Consent Agenda as presented. Councilor Merrill seconded the motion.

All were in favor of approving the Consent Agenda items.

E. Time Devoted to Residents to Address the City Council 6:19 PM

Chairman of the Bike and Pedestrian Committee Robert McChesney of 132 Washington Street addressed Council regarding the poor road condition for bikers citing the bike accident last fall on Ridge Road. He stated when roads are not maintained properly the burden is shifted to the drivers who end up spending unnecessarily for auto maintenance. Mr. McChesney suggested that with the \$200,000 Public Works gets already, add another \$200,000 from the Pension Fund and \$500,000 from the new State program “Municipal Partnership Initiative” of which the City’s main streets would qualify and set up a 5-year plan for street improvements in Bath so they would be safe for residents to use.

Chairman Sinclair stated that this is the right time to bring this up as Budget Meetings were to start the following week.

City Manager William Giroux agreed that is a good time to bring the issue up as it is budget time.

Councilor Winglass asked that the City Manager to bring the information regarding the State program to the budget discussions.

6) Presentation Hyde School’s Request for Tax Exempt Qualified 501(c)(3) Bond Financing

Hyde School representative Jim Safkin stated that they were there to explore the possibility of Hyde School financing its current dormitory project through a tax exempt 501(c)(3) bond. He explained that the Program consists of a combination of State and Federal law that allows certain qualified organizations to obtain low cost financing because they are able to access the tax exempt bond market much like municipalities. He stated that these organizations cannot access these markets directly. Mr. Safkin explained that the Hyde School would have to go through the City of Bath and the City would have to take certain steps to authorized the borrowing , there would be a Public Hearing and notices sent just like the ordinary course of borrowing that the City does. He stated that the City would issue a revenue bond to TD Bank for 2.2 million dollars on behalf of the Hyde School. Mr. Safkin reported that the City wouldn’t have to handle any accounts and the payment would not go through the City.

Finance Director Juli Millet reported that this borrowing would go into next year’s budget and there is nothing in that budget that would bring the City anywhere near the \$10,000,000 borrowing limit.

City Solicitor Roger Therriault stated that the stream of revenue for this borrowing would be the Hyde School; therefore the City wouldn’t be liable for the loan.

Mr. Safkin stated that if Council gave approval to go ahead with the borrowing process they would work with the City Manager to do a Borrowing Resolution, there would have to be a notice published for a Public Hearing and then bring the resolution to Council in May.

Councilor Wyman made a motion to have the City Manager work with Mr. Sakin and the Hyde School to put together a resolution for Council approval at a later meeting. Councilor Brackett seconded the motion. All were in favor of the motion.

F. Ordinances, Resolutions and Orders 6:27 PM

7) Bath Development Corporation By-Law Changes

City Solicitor Roger Therrault explained that the by-laws did not fit how the Corporation was operating. He reported the Board went through the by-laws and approved the changes. Mr. Therrault explained the changes such as taking out members and the term “Executive Director” and now use “Chairman”, changing composition of the Board making the City Manager, City Planner and Finance Director ex-officio members, adding provisions for a secretary and making the only meeting that is required the annual meeting to elect the Board. City Solicitor Therrault stated that the Board can take action without a meeting by unanimous consent of all of the Board members and to make things easier to allow the minutes to be approved by majority through email or other means so that the minutes are more readily available to the public through the City Clerk’s Office. He stated they had eliminated the provision of compensation for Directors and the Board is required to record and audit only when involved in financial matters. Mr. Therrault explained the last provision is for real estate that has been transferred from the City to the Board and provides that if this is done for a particular purpose once that purpose is satisfied, or at the request of Council, that real estate is to be returned to the City.

Councilor Rogers stated that the Board can have no more than 15 members but a minimum of 8 members.

City Solicitor Therrault stated that copies of the minutes are to be put into Councilors’ mail boxes when they come into the City Clerk’s Office.

Councilor Rogers made a motion to accept these changes as presented. Councilor Paulhus seconded the motion. All were in favor of the motion.

G. Petitions & Communications 6:46 PM

There were no petitions or communications.

H. City Manager’s Report 6:47PM

The following topics were discussed:

- **FEMA Flood Plan Update**

Codes Officer and Flood Plan Coordinator Scott Davis reported the process for developing new flood maps has been started by FEMA. He stated that banks that hold mortgages of houses in these flood zones require owners to get flood insurance and this process will only be based upon elevations and water bodies. Mr. Davis explained the process should take about two years to complete with input from the municipal staff and said that the maps will be very accurate.

I. Committee Reports 6:56 PM

Councilor Eosco reported that the City of Bath and Main Street Bath had been awarded the Great American Main Street award. She stated that Bath was one of five communities selected from the whole country and extended her congratulations to all those that were involved in this process.

Councilor Paulhus reported that the Sagadahoc County Budget Advisory Board would be meeting on April 5th to discuss the proposed County budget.

Councilor Winglass reported the Recognition Committee had met to discuss the marker program and the Committee voted unanimously to recognize Edward True, Chairman of the Customs House Board of Directors for many years, with a marker at the Customs House. He stated the Committee is also working on the Marker Program for Waterfront Park, which should be ready by summer time.

Councilor Winglass also reported that the Bath Housing Authority had been awarded an Outstanding Award by the State for the way they maintain their facilities. He stated that BHA is looking into selling the Sea Cliff property to the Bath Housing Development Corporation, which will help to continue the mission to provide safe, clean, affordable housing to those who need it.

J. Unfinished Business 7:01 PM

There was no unfinished business.

K. New Business 7:01 PM

8) Appointment of one member to the Bath Development Corporation.

Councilor Rogers explained that in June there will be more than two people coming off the Board and made a motion to appoint both Steven Cohen and William Blake Jr. to the Bath Development Corporation Board.

After a brief discussion of term expirations, Councilor Rogers rescinded his motion.

Councilor Eosco made a motion to table this item until the June meeting when the dates of expiration would be more apparent. Councilor Pagurko seconded the motion. All were in favor of the tabling motion.

Councilor Merrill made a motion to recess to Workshop at 7:06 PM for a discussion of Willow Street Storm Drainage Improvements. Councilor Brackett seconded the motion. All were in favor of the motion.

Councilor Pagurko made a motion to go into Executive Session to discuss Real Estate Matters per 1 MRSA§405(6)(C) and a Personnel Matter per 1 MRSA§405(6)(A). Councilor Rogers seconded the motion. All were in favor of the motion.

Councilor Pagurko made a motion at 8:58 PM to come out of Executive Session. Councilor Rogers seconded the motion. All were in favor of the motion.

Councilor Rogers made a motion to continue the meeting past the 9:00 PM time limit. Councilor Pagurko seconded the motion. All were in favor of the motion.

Councilor Pagurko made a motion at 8:59 PM to go back into Executive Session. Chairman Sinclair seconded the motion. All were in favor of the motion.

Councilor Rogers made a motion at 9:08 PM to come out of Executive Session. Councilor Brackett seconded the motion. All were in favor of the motion.

The meeting adjourned at 9:08 PM with a motion by Councilor Rogers, seconded by Councilor Brackett. All were in favor of the adjournment.

Attest:

A handwritten signature in cursive script that reads "Mary J. White".

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.