

**REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE
Wednesday, July 6, 2011
City Council Chambers, Bath City Hall**

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

Absent: Councilor Omo

Also in attendance were City Manager William Giroux, City Solicitor Roger Therriault and Deputy City Clerk Pam Gray.

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

Presentation: Chairman Wyman read a congratulatory proclamation to the Cal Ripken Under 12 District 4 All-Star Team and wished them well in the Tournament. The proclamation was accepted by Cal Ripken President David King and several members of the team.

C1. Minutes of the June 1, June 8 and June 22 City Council Meetings 6:03 p.m.

Councilor Pagurko made a motion to accept the minutes as presented, which was seconded by Councilor Paulhus.

VOTE:

YEAS: Brackett, Paulhus, Rogers, Eosco, Sinclair, Pagurko and Winglass

NAYS: None

Motion passed unanimously 7-0

D. Time Devoted to Residents to Address the City Council 6:04 p.m.

Peter Kelley addressed the City Council and complained regarding the strong odors at the Landfill. He expressed his opinion that there is enough staff there to ensure that the Landfill gets covered. City Manager Giroux said that he has been up to the Landfill and couldn't smell anything and said that it is covered every day.

David Pinkham also addressed the City Council and stated that it is not covered. He said there has been raw garbage from the sewage plant, etc. and reported that the odor has been very bad.

Thomas Golin stated that it has improved a little over the past couple of days.

F2. Order Authorizing Easement for Kennebec Estuary Land Trust 6:13 p.m.

Chairman Wyman read the following Order:

ORDER APPROVING EASEMENT

WHEREAS, the City of Bath has agreed to convey a Conservation Easement to the Kennebec Estuary Land Trust, to two parcels of land owned by the City along Whiskeag Creek, so-called, and;

WHEREAS, the property is not suitable for development and is classified as resource protection property; and

WHEREAS, the Conservation Easement provides an appropriate restriction on the use of the property.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that a Conservation Easement for the property, as more particularly described in Exhibits A and B of the proposed Conservation Easement, be and hereby is approved, and the City Manager is authorized to execute an appropriate Easement or such other documentation as may be necessary to conclude the transaction. The Easement shall be in substantially the same form as the prior Easement from the City of Bath to the Kennebec Estuary Land Trust for property at Thornes's Head. That Easement, for informational purposes, is attached hereto.

Councilor Paulhus made a motion to place this item on the floor for discussion, which was seconded by Councilor Pagurko.

City Solicitor Roger Therriault pointed out that this item was pulled from the agenda for the last meeting. He explained that they are trying to develop a conservation easement and an easement that allows the Trust people to maintain the trails, and that they need to be handled separately. Mr. Therriault said that the easement is being presented in this form, which is not the form that was presented. It was suggested to do the same easement as for Thorne's Head. Solicitor Therriault concluded that the City is not a private land owner and that there is no money or tax relief; it is just the right thing to do.

VOTE:

YEAS: Brackett, Paulhus, Rogers, Eosco, Sinclair, Pagurko, Winglass

NAYS: None

Order passed unanimously 7-0

F3. Order: Bid Opening Congress Avenue 6:20 p.m.

Chairman Wyman read the following order:

ORDER APPROVING BID AND CONTRACT

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BIDS OF HARRY C. CROOKER & SONS, INC. FOR THE CONGRESS AVENUE MULTI-USE PATH PROJECT IN THE AMOUNT OF \$633,595.00 ARE ACCEPTED, THEY BEING THE LOWEST QUALIFIED BIDS SUBMITTED, AND A

CONTRACT BY AND BETWEEN THE CITY OF BATH AND HARRY CROOKER & SONS, INC. IS HEREBY APPROVED AND THE MANAGER IS AUTHORIZED TO EXECUTE THE CONTRACT AND ANY OTHER DOCUMENTS NECESSARY TO ITS IMPLEMENTATION ON BEHALF OF THE CITY OF BATH. THE PROJECT HAS BEEN FUNDED BY A STATE OF MAINE DEPARTMENT OF TRANSPORTATION ENHANCEMENT GRANT WITH THE LOCAL MATCH PROVIDED IN CITY OF BATH TIF ACCOUNT WFTIF02 506.

Councilor Pagurko made a motion to place this item on the floor for discussion, which was seconded by Councilor Rogers.

Public Works Director Peter Owen explained that this project has been in planning for two years. He said that there has been a lot of input and that it is a great project for the City. The estimated cost for the project was \$890,000 but has come in at \$630,000. Mr. Owen stated that there would be a public meeting on July 14th to give people information on the scheduling and timing of the project. City Manager Giroux added that this is mostly federal money and observed that he would like to see it paved. Mr. Owen responded that the State would not allow it to be paved. He said that the additional money that was saved can be used for additional crosswalks in the vicinity of Rogers Hardware and handicapped ramps, but that they could not use DOT money for paving.

Robert McChesney addressed the Council and observed that this is a terrific project and said that anything that encourages people to use their feet is a positive thing.

VOTE:

YEAS: Brackett, Paulhus, Rogers, Eosco, Sinclair, Pagurko, Winglass

NAYS: None

Order passed unanimously 7-0

G. Petitions and Communications

None

H. City Manager's Report

City Manager Bill Giroux stated that there have been 11 submissions for management of the City's money through the Maine PERS Fund and said that two or three will be chosen. He said the Committee to handle this would be comprised of Joe Cuetara, Juli Millett, Bill Giroux, Paul Mateosian and several counselors and said that they would be looking at how qualified the company is, etc. He said that Counselors David Sinclair and Andy Winglass have expressed interest and Counselor Steve Brackett also agreed to serve on this Committee.

I. Committee Reports

Counselor Eosco expressed appreciation for the great Morse High Alumni events and also expressed appreciation from Main Street Bath for the great Heritage Days event. She stated that the businesses and families were all happy and thanked Main Street and all the volunteers for making this event a success.

Councilor Winglass stated that the Patten Free Library Board passed the budget for another year. He pointed out that it was not an easy budget and resulted in some staff cuts, etc. and said that they are outsourcing some of the lost workers. Councilor Winglass stated that due to greatly improved technology, it is now possible to download books and concluded that the Summer Series is also coming up.

J. Unfinished Business

None

K. New Business 6:32 p.m.

4) Appointment one member Bath Forestry Committee with indefinite term

Interview Committee Chairman Councilor Pagurko brought forth the name of Carol Lynne Carrigan for the Bath Forestry Committee and made a motion that she be appointed. The motion was seconded by Councilor Winglass.

Vote: Passed unanimously 7-0

5) Appointments of William Giroux and John James to the Midcoast Economic Development General Assembly term expirations May 2012 6:33 p.m.

Interview Committee Chairman Councilor Pagurko made a motion to appoint William Giroux and John James to the Midcoast Economic Development General Assembly with term expirations of May 2012. The motion was seconded by Councilor Winglass.

Vote: Passed unanimously 7-0

Councilor Pagurko made a motion to go into Executive Session at 6:35 p.m. for a Personnel Matter per 1 MRSA §405 (6) (A) and a Legal Matter per 1 MRSA §405 (6) (E), which was seconded by Councilor Rogers.

Vote: Unanimous 7-0

Councilor Pagurko made a motion to come out of Executive Session at 7:43 p.m., which was seconded by Councilor Sinclair.

Vote: Unanimous 7-0

Councilor Pagurko made a motion to adjourn at 7:44 p.m., which was seconded by Councilor Rogers.

Vote: Unanimous 7-0

Attest:

Pamela J. Gray
Deputy 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.