

REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE
Wednesday, March 2, 2011 6:00 P.M.
City Council Chambers, Bath City Hall

Present: Councilors Brackett, Omo, Rogers, Eosco, Sinclair, Pagurko, Winglass and Chairman Wyman Councilor Paulhus arrived at 6:10 P.M.

Also in attendance were City Manager Bill 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 of Bath Police Department's 2010 Officer of the Year, Civilian Employee of the Year and Volunteer of the Year awards

Police Chief Michael Field presented the annual Police Department awards as follows: Officer of the Year award to Officer Richard Ross, Employee of the Year award to Custodian Adam Wright, and John "Jack" C. Hart Jr. Volunteer of the Year award to Mary Macul. Councilor Pagurko also mentioned that Chief Field should be recognized as he has been awarded the Maine Police Chief of the Year award.

C1. Public Hearing: Bond Ordinance: Authorizing issuance of general obligation bonds for the City of Bath, Maine, in an amount up to, but not to exceed, \$2,000,000 for the purpose of funding sewer improvements and upgrades (second passage) 6:10 P.M.

BOND ORDINANCE

AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE CITY OF BATH, MAINE, IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$2,000,000 FOR THE PURPOSE OF FUNDING SEWER IMPROVEMENTS AND UPGRADES

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH, AS FOLLOWS:

Section 1. That a sum up to, but not to exceed, \$2,000,000, plus the sale premium of the bonds/notes authorized in Section 2 below, is hereby appropriated for the purpose of funding sewer improvements and upgrades and of paying the costs of issuance therefore (the "Project").

Section 2. That, for the purpose of funding the aforesaid appropriation, the City Treasurer, with the approval of the Chairman of the City Council and the City Manager, is hereby authorized, in the name of and on behalf of the City, to issue the City's bonds/notes or notes in anticipation thereof, in the stated

principal amount of up to, but not to exceed, \$2,000,000 under and pursuant the City Charter and 30-A MRSA §5772.

- Section 3. That any and all bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance are issued pursuant to Chapter 8 of the City Charter and shall be signed by the City Treasurer and countersigned by the Chairman of the City Council and the City Manager.
- Section 4. That any and all bonds/notes issued pursuant to this Ordinance shall be payable in annual installments, which need not be equal, pursuant to Section 807 of the City Charter.
- Section 5. That the term of any bonds/notes issued pursuant to this Ordinance shall not exceed twenty (20) years.
- Section 6. That the City Treasurer, with the approval of the Chairman of the City Council and the City Manager, shall determine the date or dates, maturities (not to exceed the maximum term specified above), denominations, interest rate or rates and any other details of any bonds/notes or any notes in anticipation thereof to be issued pursuant to this Ordinance, such approval to be conclusively evidenced by the execution thereof.
- Section 7. The City Treasurer, with the approval of the Chairman of the City Council and the City Manager, is hereby authorized to make any bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance subject to call for redemption with or without premium prior to the stated maturity date at the election of the City.
- Section 8. That the bonds/notes issued pursuant to this Ordinance may be issued to the Maine Municipal Bond Bank (the "Bond Bank") through its Clean Water Revolving Loan Fund Program (CWSRF) and that the City enter into a loan agreement with the Bond Bank in conjunction with the issuance of such bonds/notes, in the aggregate principal amount not to exceed \$2,000,000, to be executed by the City Treasurer and countersigned by the Chairman of the City Council and the City Manager, in the name of and on behalf of the City, with a term not to exceed the term of the bonds/notes, said loan agreement to be in the usual and ordinary form utilized by the Bond Bank in connection with either the State Revolving Loan Fund, which is hereby approved, and to contain such other terms and provisions, not contrary to the general tenor hereof, as the City may approve, such approval to be conclusively evidenced by the execution thereof.
- Section 9. That the proceeds of any bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance shall be used only for those purposes specified in Section 1 above and any proceeds not used for such purposes shall be applied to repayment of the principal and/or interest of such bonds.

Section 10. That the bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance shall be general obligations of the City, backed by the full faith and credit and taxing power of the City.

Section 11. That the City Treasurer is authorized to do or cause to be done all such acts and things, and to execute and deliver any and all contracts, agreements, certificates, and other documents as may be necessary or advisable, including but not limited to an Arbitrage and Use of Proceeds Certificate and a Continuing Disclosure Certificate, to carry out the provisions of this Ordinance in connection with the issuance and delivery by the City of the bonds/notes or notes in anticipation thereof.

Section 12. That any suit questioning the validity of this Ordinance shall be barred unless commenced within forty-five (45) days following publication of the Ordinance in accordance with Section 805 of the City Charter.

Section 13. That if the City Treasurer, Chairman of the City Council, City Manager, or Clerk are for any reason unavailable to approve and execute the bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance, the Loan Agreement or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

Section 14. That if the bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance are issued through the CWSRF Program, the following resolutions required by Section C(4)(e) of the State of Maine Revolving Loan Fund Rules, Chapter 595, Department of Environmental Protection and the Bond Bank (the “SRF Regulations”), and governing any loan to be made to the City under the State Revolving Loan Fund Program be and hereby are adopted:

Councilor Pagurko made a motion to put this item on the floor for consideration and discussion, which was seconded by Councilor Paulhus and was passed unanimously. Councilor Omo then made a motion to waive the reading of the ordinance, which was seconded by Councilor Pagurko and was passed unanimously. Public Works Director Peter Owen reported that as a result of overflows, six projects have been identified to be done over the next three years, mostly in the Park Street area. He said that it would be approximately \$1.8 million worth of work.

Roll Call Vote:

Yeas: Brackett, Omo, Paulhus, Rogers, Eosco, Sinclair, Pagurko, Winglass

Nays: 0

Motion Passed Unanimously: 8-0

C2. Public Hearing: CDBG Grant Application for a Housing Assistance Grant for \$300,000 to assist low-moderate income homeowners and eligible rental properties

in addressing needed housing rehab work, including energy efficiency measures and lead base paint issues. 6:12 P.M.

Community Development Director Al Smith addressed the Council and stated that there would be two Public Hearings this evening. He said that the Community Development Block Grant Committee has been able to do a number of things over the years through this project. He explained that the City had some housing funding based on low-moderate income ownership, with 2008 being the last one when the economy was starting to fall. About 20 people were able to participate in that grant, most of them being single-family homeowners. He explained that they have been able to do this with minimum payback situations followed by a revolving loan fund. Mr. Smith went on to say that there are a number of units occupied by people that meet the income criteria. He pointed out that it is a difficult situation as the Department is looking at a 62% cut and noted that the Senate may do something differently, but a number of grants going out to the local municipalities would be small.

Councilor Omo asked if this is similar to the 2008 program and if it was comparable money. Mr. Smith responded that it was upped from \$250,000 to \$300,000 but said that there may be less money to go around. Councilor Sinclair asked Community Development Director Al Smith if he could explain the application process, where people go, etc. Mr. Smith explained that a letter of intent goes out to neighborhoods, a flyer is circulated and properties are targeted. He said that information is put out through a number of different venues. People can go to the Community Development Office for more information or can call Mr. Smith at 443-8372. Councilor Winglass asked if this was a match. Mr. Smith confirmed that it was and explained that it could be through programs such as KVCAP, and said they also look for self-help and for people to buy some materials on their own. There was no public comment.

Vote: Unanimous

C3. Public Hearing: CDBG Grant Application for a Community Enterprise Grant to Address Two Downtown Business Façade Improvement Projects 6:20 P.M.

Community Director Al Smith stated that this is potentially the third time for this funding. He noted that the City is running out of buildings that can qualify and said that in the downtown area, it may be contributing to blight. He said that they have done about 9 or 10 properties with the other two grants - \$25,000 – and they have to match that. He explained that there are also needs inside the business and said that this could also be the match. The Mario's Pizza building is one of the buildings being considered, in addition to the Country Farm Furniture building on Front Street, and lastly the Webber building on Centre Street across from the Admiral Steakhouse. He said that Joe Byrnes is interested in putting in a meat market or some type of business there. The Committee meets on the second Thursday of the month for any people who are interested. He said the façade grant would be reviewed first but noted that they may not know anything for a while. The meeting was then opened for public comment.

A Boy Scout from the Topsham troop attending the meeting asked how repairing business facades would help the whole community of Bath. City Manager Giroux suggested that City Councilor Mary Eosco might be best able to respond to that question.

Councilor Eosco stated that the City needs to have attractive buildings with life in them and said that they are hoping for people walking the downtown with money in their pockets. She said the incentive is for business owners to take a bite out of it. Councilor Sinclair asked if these grant monies would be distributed as loans or gifts. Community Development Director Al Smith responded that they do these as deferred but they are put in the Registry so if the property sells in five years, they would get the money back. Otherwise, it is a grant. Councilor Rogers asked what kind of assurances there are if the building or the business sells or they go out of business. Mr. Smith explained that if the business sells, they can get the money back. City Solicitor Roger Therriault added that the mortgage interest is on the property, on the building only.

Vote: 6-2

Yeas: Brackett, Omo, Paulhus, Eosco, Pagurko, Winglass

Nays: Rogers, Sinclair

D4. Consent Agenda 6:30 P.M.

Minutes of the February 9 and 16, 2011 Council Meetings

Councilor Sinclair said that he would like to make an amendment to the Feb. 9, 2011 meeting minutes. He referred to the fifth paragraph under the Annual Appointment of the City Solicitor under New Business. He said that he would like to remove the last line “Councilor Sinclair expressed his feeling that they may be interested but said that since they are already uncertain on this issue, he felt that an outside attorney may do a better job” and replace it with “Councilor Sinclair expressed his feeling that the MMA may have a conflict of interest and may have a problem being objective due to having a large number of clients who are doing the same thing”.

Councilor Pagurko made a motion to accept the February 9, 2011 meeting minutes as amended, and to accept the February 16, 2011 minutes as presented, which was seconded by Councilor Omo and was passed unanimously.

E. Time Devoted to Residents to Address the City Council 6:35 p.m.

John Byrd addressed the City Council and said that he has an issue with the condition of the sidewalks between South Street and Leeman Highway. City Manager Bill Giroux asked for clarification that he was talking about snow removal, which was confirmed. Public Works Director Peter Owen explained that there are sidewalks that are priority projects and others that cannot be done. City Manager Giroux said that the roads are a first priority, and then priority sidewalks in the downtown and branching out around the schools. He said that when all the roads are done, crews have to be sent to rest and then come back and work on the sidewalks. Peter Owen confirmed that removing snow from the streets is the first priority and pointed out that there are many sidewalks that cannot be gotten to due to limited resources with equipment and manpower.

Mr. Byrd was not satisfied with this answer and expressed his concern over a 7 or 8 year old child having to walk in the street to go to school. Peter Owen said that there are many streets with similar complaints and City Manager Giroux said that they would need to have a larger Public Works Dept. in order to be able to resolve this issue to everyone’s satisfaction.

Councilor Paulhus said that this street is in his ward and asked what the radius is around the schools. Peter Owen responded that it is based on the length of the street, whether or not there is school bus pick-up and a number of other factors.

One of the Boy Scouts from the Topsham troop inquired as to what kind of funding would be needed and what would be required to make this happen. City Manager Giroux said that it is a matter of staff and equipment as well as frequency of storms and pointed out that there are more sidewalks being done than ever before. He suggested letting the Committee do their job by looking at which sidewalks should be cleared first. A question was raised as to which Committee is doing this. City Manager Giroux said that there is a Bike and Pedestrian Committee which includes Peter Owen, Jim Upham and a bunch of people that ride and walk every day. Parks and Recreation Director Steve Balboni said that this Committee was formed out of the Bath Trails Program. Councilor Paulhus asked when this Committee meets and he was informed that it meets in Steve Balboni's office the third Thursday of each month before the Trails Committee meeting. Councilor Sinclair asked if this new plan was before this year's budgetary cycle. City Planner Jim Upham explained that this is not a Council-appointed Committee, but is currently just an ad hoc committee. He said that there is a grant from the Maine DOT for this project and said he hopes to be able to present the plan at the next City Council meeting in April. He expressed his hope that the Council would set up a formal official Bike and Pedestrian Committee to become advocates for biking and walking in the community.

Councilor Rogers said that he understands Mr. Byrd's concerns and pointed out that many towns have an ordinance where citizens are required to clean the sidewalk areas in front of their homes. He said that he does not want to see increased manpower and equipment and it was noted that Portland has adopted this type of ordinance.

Jeffrey Lamoreaux of the Topsham Boy Scouts asked how long it would take to go through with this project as far as getting kids off the streets, etc. He was told that it depends on the amount of snow and the time required to plow the streets, and it was also pointed out that sometimes they can work on the sidewalks at the same time. It is dependent upon how big a storm it is, how long it lasts and when the next one comes. City Manager Giroux reiterated that it is important that they have to let the crews get their sleep after plowing and then bring them back in again, with two mechanics who keep the machinery up and running.

Ordinances, Resolutions and Orders

5) Ordinance: Chapter 17, Vehicles & Traffic, Article 3A. Towing of Vehicles, Section 17-129. Maximum Rates (first passage) 7:00 p.m.

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

Councilor Omo made a motion to waive the reading of the ordinance and just have the Police Chief explain it, which was seconded by Councilor Eosco. The motion failed with 5 opposed. Chairman Wyman then read the following ordinance:

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 & TRAFFIC

Article 3A. Towing of Vehicles

Sec. 17-129. Maximum Rates.

Amend as follows:

Maximum fees for City ordered towing with minimal waiting period, shall conform to the following schedule:

Fifty <u>Seventy-Five</u> Dollars (\$50.00 <u>\$75.00</u>)	Daytime
Sixty-Five <u>Eighty-Five</u> Dollars (\$65.00 <u>\$85.00</u>)	Nighttime

Inside storage shall not exceed ~~Twenty-Five~~ Fifty Dollars (~~\$25.00~~\$50.00) per day and outside not to exceed Thirty-Five Dollars ~~\$15.00~~\$35.00 per day.

Daytime and nighttime shall be defined as follows:

Daytime	7 a.m. to 7 p.m.
Nighttime	7 p.m. to 7 a.m.

Day is defined as: A day is considered to be a 24 hour period from time of tow.

Chief Police Mike Field addressed the City Council and said that he has been asked for a couple of years by the local towing companies to increase the fees and make them consistent with the other municipalities. It was explained that this pertains to City-ordered tows only. Councilor Omo asked if this was the same as those operating out of Brunswick and Topsham, which was confirmed. Councilor Sinclair said that he has no problem with the adjustment of fees but asked what the difference was between inside and outside storage. He also asked if the criteria was different if it was a City-ordered tow. Chief Field responded that inside storage is rarely used except in cases where evidence is involved, in cases of an autopsy, etc. He said that inside storage takes up a lot more room.

Chairman Wyman opened the meeting to the public for comment. John Byrd said that on a City-ordered tow, they must respond in 10-15 minutes and there are a number of other factors such as if it is in the middle of the night, etc. There was no more public comment.

ROLL CALL VOTE:

Yeas: Brackett, Omo, Paulhus, Rogers, Eosco, Sinclair, Pagurko, Winglass

Nays: None

Ordinance Passed: 8-0

Second passage will be on 4/6/2011 at 6:01 p.m.

6) Ordinance: Chapter 5. Business, Article 1. General Licensing Provisions, Section 5-17. License Fee Schedule – Taxi Cab Operator License (first passage) 7:10 p.m.

Chairman Wyman read the following ordinance:

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 5. BUSINESSES
Article 1. General Licensing Provisions**

Sec. 5-17. License Fee Schedule.

Amend as follows:

The following schedule of license fees is hereby made effective:

LICENSE	FEE
...	
TAXI CAB OWNER (PER VEHICLE)	\$ 25.00 per year
TAXI CAB OPERATOR LICENSE (NEW)	\$10.00 \$25.00 per year
TAXI CAB OPERATOR LICENSE (RENEWAL)	\$5.00 \$25.00 per year

Councilor Rogers made a motion to put the item on the floor for discussion, which was seconded by Councilor Pagurko and was passed unanimously.

Police Chief Field explained the process of issuing taxi licenses for new licenses and for renewals. He explained that a criminal background check is required on each license,

with an associated fee of \$21.00 for the background check, which does not include the administrative fees for doing the picture, processing the license, etc. Councilor Winglass observed that if a background check is required on renewals as well as new licenses, he would propose bumping the renewal fee up to \$25.00 as well so that they are not losing money on each transaction. Councilor Eosco asked if a background check is standard. It was noted that Bath, Brunswick and Portland do background checks. Councilor Rogers said that he did not feel \$30.00 would be too much for the fee as they would be barely breaking even. Chairman Wyman opened the meeting for public comment, and there was no public comment. Councilor Winglass made a motion to amend this ordinance to increase the taxi renewal fee to \$25.00 as well to match the new license fee, which was seconded by Councilor Paulhus.

ROLL CALL VOTE:

Yeas: Brackett, Omo, Paulhus, Rogers, Eosco, Sinclair, Pagurko, Winglass,

Nays: None

Vote: Ordinance Passed 8-0

Second passage will be on 4/6/2011 at 6:02 p.m.

7) Ordinance: Animals, Article 1. Dogs, Section 4.08 Fees (first passage)

Chairman Wyman read the following ordinance:

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 4. ANIMALS

Article 1. Dogs

Sec. 4.08. Fees.

Amend as follows:

Section 4.08. Fees.

The following fees shall be in effect:

(a) Fee for keeping dog - ~~\$10.00~~ \$20.00 per day or any portion thereof; These fees and any other fees subsequently enacted under this Section, may be subsequently changed or amended by Resolution of Council.

Note: Any fees collected under this Section shall be designated to revenue account 01-2023 for use in accordance with the provisions and requirements of 30-A M.R.S.A. § 3945.

Section 3945 requires certain fees to be separate and used for salaries and costs of animal control, enforcement of licensing law, care of injured and abandoned animals, and support of animal control shelters. The funds also are required to be carried forward from year to year.

Councilor Pagurko made a motion to put this item on the floor for discussion, which was seconded by Councilor Omo and was passed unanimously.

It was suggested that the fee should be \$40.00 a day for keeping a dog. Councilor Rogers asked how much it costs the City to shelter an animal per day and asked how this works. Chief Police Mike Field explained that the money goes into a rotary account to pay for salaries, cages, etc. They are fed and watered at the Police Station and if they are not claimed, then Animal Control Officer Ann Harford takes them to the shelter in Edgecomb. He said that sometimes the owner will also get a citation for having a Dog Running at Large. Councilor Rogers observed that they are trying to breed responsibility with the dog owners and did not feel that \$40.00 was too much. Councilor Sinclair recommended that the fee be \$40.00, which should be pro-rated for a portion of the day. City Solicitor Roger Therriault recommended that they might want to consider a minimum amount regardless of how long they stay. Councilor Omo suggested that the minimum fee be \$20.00, with a fee of \$40.00 if the dog is transported to a shelter. Councilor Sinclair felt the \$20.00 was a little high for a minimum fee. Councilor Sinclair made a motion that the fee for keeping a dog be \$40.00 a day with the pro-rated portion per day not to be less than \$10.00. Councilor Omo seconded the motion.

Vote:

Yeas: Omo, Paulhus, Rogers, Eosco, Sinclair, Pagurko, Winglass

Nays: Brackett

Ordinance Passed: 7-1

Second passage of the ordinance will be on 4/6/2011 at 6:03 p.m.

8) Resolution: Mooring Fees 7:30 p.m.

Chairman Wyman read the following resolution:

RESOLUTION

WHEREAS, the Ordinances of the City of Bath provide for registration fees for moorings to be set by Resolution of the City Council; and

WHEREAS, the Ordinances require the City Council to set registration fees at their regular meeting during the first week of April.

NOW, THEREFORE, be it resolved by the City Council of the City of Bath that the mooring registration fees be established as follows:

Single Mooring - Private Use - Resident - ~~\$12.00~~ \$25.00

Single Mooring - Private Use - Non-Resident - ~~\$25.00~~ \$50.00

Single Mooring - Commercial Use - ~~\$25.00~~ \$75.00

Multiple Moorings - private Use - ~~\$12.00~~ \$25.00 Per Mooring Not to Exceed \$200.00

Multiple Moorings - Commercial Use - ~~\$25.00~~ \$75.00 Per Mooring Not to Exceed \$400.00

(Note the term commercial in reference to moorings refers to the nature of the mooring as income producing and does not relate to the nature of the vessel using the mooring.)

Councilor Pagurko made a motion to put this item on the floor for consideration and discussion, which was seconded by Councilor Rogers and was passed unanimously.

Police Chief Michael Field addressed the City Council. Councilor Omo asked how many moorings you could get for private use. Chief Field responded that he was not sure but could check with the Harbor Master and get back to him. Councilor Eosco asked how many private moorings there are. Chief Field responded that they average about 40-50 per year, with no commercial ones. Councilor Sinclair asked if this represents the actual cost to the City and questioned why there is a “not to exceed” figure. Chief Field responded that he thought they wanted to set a max, but wasn’t sure why they wouldn’t exceed that amount. City Manager Giroux suggested that it wasn’t urgent to pass the resolution at this meeting and that the Council could table it until the April meeting and said they could ask the Harbor Master to come as well, and that it could be brought back without the caps. City Solicitor Roger Therriault pointed out that the Resolution states that these fees were supposed to be set at the April meeting anyway. Councilor Omo made a motion to table this agenda item to the April meeting and to bring it back without the caps. He reiterated that he would also like to know how many private moorings you could have. Councilor Sinclair seconded the motion.

Resolution Passed.

Vote: 8-0

9) Acceptance of Drug Forfeiture 7:40 p.m.

Councilor Omo made a motion to put this item on the floor for consideration and discussion, which was seconded by Councilor Pagurko and was passed unanimously. Police Chief Michael Field then addressed the City Council. He explained that on June 15, 2010, a vehicle was stopped in which the operator was arrested for Operating under

the Influence of Intoxicating Liquor. During the search of the vehicle, evidence of drug trafficking was observed and the State Police called in the Maine Drug Enforcement Agency. Detective Beauregard made a substantial contribution to this case and as a result, the City of Bath is able to receive a portion of the \$14,462 that was seized. Chief Field asked the City Council to accept this forfeiture should the case be resolved in the near future.

Vote: Unanimous

10) Order: Approving Bid and contract for the Downtown Pedestrian Improvement Project 7:45 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 LABREQUE CONSTRUCTION, INC. FOR THE DOWNTOWN PEDESTRIAN IMPROVEMENT PROJECT IN THE COMBINED AMOUNT OF \$113,034.80 (BASE BID OF \$108,348.80: ALTERNATE BID OF \$4,686.00) ARE ACCEPTED, THEY BEING THE LOWEST QUALIFIED BIDS SUBMITTED, AND A CONTRACT BY AND BETWEEN THE CITY OF BATH AND LABREQUE CONSTRUCTION, 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 SAFETY GRANT COMBINED WITH A GREENS DOWNTOWNS GRANT WITH THE LOCAL MATCH PROVIDED IN THE CITY OF BATH DOWNTOWN TIF ACCOUNT TIF17 546.

Councilor Pagurko made a motion to place this item on the floor for consideration and discussion, which was seconded by Councilor Omo and was passed unanimously.

Public Works Director Peter Owen reviewed what the project consists of for the Council and presented several maps and renderings. He said that it would consist of a 2 ½ ft. x 6 ft. granite slab bordered by recycled cobblestone and another border of granite. Street lights will include a landscaped area. This area will be asphalt that will become a mulched area with the City doing the plantings. City Manager Bill Giroux said that this project had been proposed by several merchants. Mr. Owen said that the engineers gave an estimate of \$140,000 but they got a low bid of \$105,000. Councilor Rogers asked what portion of this is TIF. Peter Owen responded that the DOT is \$25,000 and the Greens \$16,000. Councilor Winglass asked if there was a private ownership question. Mr. Owen responded that there is a piece that will need to be worked on. Councilor Rogers felt that they should take advantage of this while labor rates are down, etc. Peter Owen noted that they have to be aware of any unknown projects that may come up. He

concluded that the bid amount in the order needs to be amended to \$110,298.80. Councilor Omo made a motion to amend the bid amount from \$113,034.80 to \$110,298.80, which was seconded by Councilor Pagurko and passed unanimously.

Vote: Order Passed 8-0

11) Order: Exercising the Alewife Fishing Rights at Winnegance Lake to be Administered by the Winnegance Alewife Commission as Per Harvest Plan 8:00 p.m.

Chairman Wyman read the following order:

ORDER

Be It Ordered by the City Council of the City of Bath, Maine, that the Alewife Fishing Rights at Winnegance Lake be operated by the Winnegance Alewife Commission as per Ordinance adopted August 28, 1985, and the municipal rights to take alewives will be sold by the Commission. The Harvest Plan (Condition and Regulations) will be submitted by the Commission setting forth in detail the exact conditions under which alewives may be taken, all in accordance with good conservation practices. This plan will be submitted to the Department of Marine Resources by the Commission with City of Bath approval.

Councilor Pagurko made a motion to put this item on the floor for consideration and discussion, which was seconded by Councilor Omo and was passed unanimously. Councilor Omo stated that the Alewife Commission annual meeting would be tomorrow evening. He said that they have met all of the State requirements and then highlighted Steve Wilson's annual report for the Council. He concluded that this is the second go-round for the guy that got the bid and said that he was doing an excellent job.

Vote: Unanimous 8-0

12) Order: Exercising the Alewife Fishing Rights at Whiskeag Creek to "Rod and Line" Only 8:05 p.m.

Chairman Wyman read the following Order:

ORDER

Be It Ordered by the City Council of the City of Bath, as follows:

that, the taking of alewives at Whiskeag Creek will be restricted to "Rod and Line" only.

Councilor Paulhus made a motion to put this item on the floor for consideration and discussion, which was seconded by Councilor Omo and was passed unanimously.

Vote: Unanimous 8-0

G. Petitions and Communications 8:06 p.m.

There were no petitions or communications.

H. City Manager's Report 8:06 p.m.

There was no City Manager's report.

I. Committee Reports 8:07 p.m.

Councilor Eosco said that Bath Blarney Days is coming up and on March 12th, there will be a Parade and a Fun Run with a number of raffles, etc. She said that there are flyers all around the City highlighting the week of events. She said that So You Think You Know Bath is also coming up on March 25th.

Councilor Paulhus reported on LD 214, an Act to Create Governor King Day. He said that there was a public hearing on Monday and a work session today. He said that the Committee decided to move it from February 9th to March 16th (closer to Statehood Day). Councilor Paulhus said that he testified today and urged the February 9th date to be passed, but said that the March date passed unanimously and that it would be going back to the Legislature.

J. Unfinished Business

There was no Unfinished Business.

K. New Business 8:09 p.m.

Councilor Rogers asked if it would be possible to start streaming City Council meetings on-line. He pointed out that there are a number of people that don't have Cable and people that use DirecTV and other companies that don't access our local channel. He felt that this should be able to be hooked up through the City web site. The City Manager asked Paul Mateosian if he would look into this.

13.) Appointment one member to the Bath Economic Development Committee 8:10 p.m.

Councilor Pagurko said that the Interview Committee had met and had interviews and had several names to bring forth to the Council. Councilor Pagurko made a motion to nominate Ray Hutton for this position, which was seconded by Councilor Omo.

Vote: 7-0, with Councilor Eosco abstaining

14.) Appointment one member to the Bath Development Corporation 8:10 p.m.

Councilor Pagurko made a motion to nominate Arthur Mayo, III for this position, which was seconded by Councilor Omo.

Vote: 7-0, with Councilor Eosco abstaining

15.) Appointment one member to the Personnel Service Commission with term to expire 1/2014 8:11 p.m.

Councilor Pagurko made a motion to nominate James Gillies for this position, which was seconded by Councilor Winglass.

Vote: 8-0 Unanimous

16.) Appointment one member to the Bath Housing Authority with term to expire 2/2016 8:11 p.m.

Councilor Pagurko made a motion to nominate Francis Dillon for this position, which was seconded by Councilor Winglass.

Vote: 8-0 Unanimous

Councilor Pagurko then made a motion to go into Executive Session at 8:12 p.m. to discuss a Personnel Matter per 1 MRSA §405(6)(A), which was seconded by Councilor Winglass and was passed unanimously. Councilor Pagurko made a motion to come out of Executive Session at 9:09 p.m., which was seconded by Councilor Rogers, and was passed unanimously 8-0. Councilor Omo made a motion to adjourn at 9:10 p.m., which was seconded by Councilor Brackett and was passed unanimously 8-0.

Attest:

Pamela J. Gray, Deputy City Clerk

...