

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, July 7, 2010 6:00pm
City Council Chambers, Bath City Hall

Present: Councilors Cochrane, Omo, Rogers, Eosco, Sinclair, Pagurko, Winglass and Chairman Wyman.

Excused: Councilor Paulhus

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

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

C. Public Hearings: 6:01 PM

1) Ordinance: Supplemental Appropriation Police Boat (second passage)

Chairman Wyman read the following Ordinance:

ORDINANCE
SUPPLEMENTAL APPROPRIATION
POLICE BOAT

WHEREAS, the police boat previously utilized by the Bath Police Department was no longer seaworthy and in need of replacement, and

WHEREAS, the Bath Police Department has sold by bid, in order to raise additional funds to support the police boat replacement, the previously utilized police boat and motors, and

WHEREAS, the highest bid received, \$6,000.00, constitutes revenue in excess of those estimated in the Budget for the current year and are available for the purpose of supplemental appropriation, and

WHEREAS, the sum proposed to be appropriated by this Supplemental Appropriation, totaling \$6,000.00, will not exceed the expenditure limits for the current year pursuant to Section 617 of the Charter of the City of Bath.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bath that the total sum of \$6,000.00 be and hereby is supplementally appropriated to the Harbor Master Boat Account (Account POL05 565).

Councilor Pagurko made a motion to put this item on the floor for discussion. Councilor Omo seconded the motion.

VOTE:

YEAS: Cochrane, Omo, Rogers, Eosco, Sinclair, Pagurko, Winglass

NAYS: None

Ordinance passed unanimously. 7-0

Chairman Wyman stated this would become law in 21 days.

2) Bond Ordinance: Authorizing the issuance of general obligation bonds or other indebtedness of the City of Bath in an amount up to, but not to exceed, \$1,285,000.00 for the purpose of financing the purchase of certain equipment. (second passage)

Councilor Omo made a motion to waive the reading of this Ordinance. Councilor Pagurko seconded the motion. All were in favor of the motion

BOND ORDINANCE

AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR OTHER INDEBTEDNESS FOR THE CITY OF BATH, MAINE, IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$1,285,000.00 FOR THE PURPOSE OF FINANCING THE PURCHASE OF CERTAIN EQUIPMENT.

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, \$1,285,000.00 is hereby appropriated for the purpose of providing the necessary funding for the following:

- Rescue Vehicle
- Ladder Fire Truck
- Police Parking Patrol Vehicle
- Lawn Mower
- Side Walk Plow
- Dump Truck with Plow Gear

Section 2. That, for the purpose of financing the aforesaid appropriation, authorization is hereby given to incur indebtedness by the issuance of bonds or other evidence of indebtedness of the City of Bath, in an amount up to, but not to exceed, \$1,285,000.00 under, and pursuant to, the Charter of the City of Bath.

Section 3. That any and all bonds, notes and other securities issued pursuant to this Ordinance may be payable in serial form in annual installments, which need not be equal, or under such payment terms or conditions as may be in the best interest of the City, but which shall be calculated to extinguish the entire debt at maturity.

Section 4. That the term of any bonds issued under the within Ordinance shall not exceed fifteen (15) years.

Section 5. That the proceeds of any bonds issued pursuant to this Ordinance shall be used only for those purposes specified in Section 1 above.

Section 6. That any proceeds of the bonds issued not used for the purposes specified in Section 1 shall be applied to repayment of the principal and/or interest of any such bonds.

Section 7. Any suit questioning the validity of this Ordinance shall be barred unless commenced within forty-five (45) days following publication of the Ordinance, said publication in accordance with Section 809 of the Charter of the City of Bath.

Section 8. The City Treasurer with the approval of the City Manager and the Chairman of the City Council may borrow money temporarily by the issuance of notes in anticipation of the issuance of bonds, subsequent to the authorization of this bond issue by the City Council of the City of Bath.

Section 9. 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, denominations, interest rate or rates and any other details of each issue of bonds and/or notes, including bonds and/or notes issued in anticipation of this bond issue. The City reserves the right under this Ordinance, to provide for separate bonds and/or notes with varying terms, not to exceed fifteen (15) years, for the individual pieces of equipment and the Customs House repairs and renovations authorized under this Ordinance. Financing options shall also include lease purchase agreements, should it be determined that it is in the best interest of the City.

Section 10. That any and all bonds and/or notes issued by the City pursuant to Chapter 6 of the Charter of the City of Bath or Chapter 8 of the Charter of the City of Bath shall be signed by the City Treasurer and countersigned by the Chairman of the City Council and the City Manager.

Section 11. That any and all bonds and/or notes issued pursuant to Chapter 8 of the Charter of the City of Bath shall be general obligation bonds of the said City.

Section 12. The City Treasurer, with the approval of the Chairman of the City Council and the City Manager, is hereby authorized to make any such bonds or notes authorized hereby subject to call for redemption with or without premium at the election of the City before the dates fixed for the final payment thereof.

Councilor Pagurko made a motion to put this item on the floor for discussion. Councilor Cochrane seconded the motion.

VOTE:

YEAS: Cochrane, Omo, Rogers, Eosco, Sinclair, Pagurko, Winglass

NAYS: None

Ordinance passed unanimously. 7-0

Chairman Wyman stated this would become law in 21 days.

3) Liquor and Special Amusement Licenses for the Bath Country Club at 387 Whiskeag Road, Shawn Arsenault, Manager.

Councilor Pagurko made a motion to waive reading of the application. Councilor Omo seconded the motion. All were in favor of the motion.

Councilor Pagurko made a motion to put this item on the floor for discussion. Councilor Omo seconded the motion.

Chairman Wyman opened the Public Hearing. Seeing no comments from the public or Council he closed the Public Hearing.

Vote on Licenses:

YEAS: 7

NAYS: 0

Licenses passed unanimously. 7-0

D. Consent Agenda: 6:06 PM

*4) Minutes of the previous meetings of June 9, 2010. Councilor Pagurko made a motion to accept the minutes as presented. Councilor Omo seconded the motion. All were in favor of the motion.

E. Time Devoted to Residents to Address the City Council: 6:07 PM

Jackie Dwinal of 1552 Washington Street asked if she would be allowed to speak after the City Manager's report regarding an item that was being brought up during the Report. Chairman Wyman stated that she would be allowed to address Council after the Manager's Report.

F. Ordinances, Resolutions and Orders: 6:08 PM

Revote on Armory Bond Ordinance:

ORDINANCE AUTHORIZING PERMANENT FINANCING

THE PURPOSE OF THIS ORDINANCE IS TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS/NOTES OR OTHER INDEBTEDNESS FOR THE CITY OF BATH, MAINE, IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$175,000.00 FOR THE PURPOSE OF FUNDING THE PURCHASE OF THE ARMORY PROPERTY.

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, \$175,000.00 is hereby appropriated for the purpose of providing funding for the purchase of the armory property.

Section 2. That, for the purpose of financing the aforesaid appropriation, authorization is hereby given to incur indebtedness by the issuance of bonds/notes of the City of Bath, in an amount up to, but not to exceed, \$175,000.00 under, and pursuant to, the Charter of the City of Bath.

Section 3. That any and all bonds/notes issued pursuant to this Ordinance shall be payable in installments.

Section 4. That the term of any bonds/notes or other indebtedness issued under the within Ordinance shall not exceed ten (10) years.

Section 5. That the proceeds of any bonds/notes issued pursuant to this Ordinance shall be used only for those purposes specified in Section 1 above.

Section 6. That any proceeds of the bonds/notes issued not used for the purposes specified in Section 1 shall be applied to repayment of the principal and/or interest of any such bonds/notes.

Section 7. That any suit questioning the validity of this Ordinance shall be barred unless commenced within forty-five (45) days following publication of the Ordinance, said publication in accordance with Section 809 of the Charter of the City of Bath.

Section 8. 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, denominations, interest rate or rates and any other details of each issue of bonds and/or notes issued in anticipation of this permanent financing.

Section 9. That any and all bonds and/or notes issued by the City pursuant to Chapter 8 of the Charter of the City of Bath shall be signed by the City Treasurer and countersigned by the Chairman of the City Council and the City Manager.

Section 10. That any and all bonds and/or notes issued pursuant to Chapter 8 of the Charter of the City of Bath shall be general obligation securities of the said City.

Section 11. The City Treasurer, with the approval of the Chairman of the City Council and the City Manager, is hereby authorized to make any such bonds or notes authorized hereby subject to call for

redemption with or without premium at the election of the City before the dates fixed for the final payment thereof. Any notes issued hereunder shall be subject to prepayment without penalty.

Chairman Wyman explained that due to a problem with the publishing of the Notice of Second Passage which took place on June 9, 2010 and a requirement by Charter regarding time of publishing and the final vote another formal vote would have to be made on this Ordinance.

Councilor Omo made a motion to amend the agenda to add this item. Councilor Pagurko seconded the motion. All were in favor of the motion.

Councilor Winglass made a motion to waive the reading of the Ordinance. Councilor Pagurko seconded the motion. All were in favor of the motion.

Councilor Pagurko made a motion to put this item on the floor for discussion. Councilor Omo seconded the motion.

VOTE:

YEAS: Cochrane, Omo, Rogers, Eosco, Pagurko, Winglass

NAYS: Sinclair

Ordinance passed. 6-1

Chairman Wyman stated this would become law in 21 days.

5) Ordinance: LUC Amendment Creating Museum District (first passage)

A complete copy of this Ordinance is on file in the Bath City Clerk's office with agenda items for the July 7, 2010 Council Meeting.

Councilor Omo made a motion to waive the reading of the Ordinance. Councilor Pagurko seconded the motion. All were in favor of the motion.

Councilor Pagurko made a motion to put this item on the floor for discussion. Councilor Rogers seconded the motion.

City Planner James Upham explained this amendment to the Land Use Code is to implement the Comprehensive Plan. This zone is similar to the Plant Home Zone and the Golf Course Zone that have been created. It is intended to preserve the function and use that is already going on in this area without allowing the heavy industry type of uses that are presently allowed in C5 zone which this zone is under.

VOTE:

YEAS: Cochrane, Omo, Rogers, Eosco, Sinclair, Pagurko, Winglass

NAYS: None

Ordinance passed unanimously. 7-0

Chairman Wyman set second passage for August 4, 2010 at 6:01 PM.

6) Order: Acceptance of Bid from Harry C. Crooker & Sons for the Centre Street Project.

Chairman Wyman read the following Order:

ORDER

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF HARRY C. CROOKER & SONS, INC. FOR THE CENTRE STREET INFRASTRUCTURE RECONSTRUCTION PROJECT IN THE AMOUNT OF \$936,757.50 IS ACCEPTED, IT BEING THE LOWEST QUALIFIED BID SUBMITTED, 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 JOINTLY FUNDED BY A COMMUNITY DEVELOPMENT BLOCK GRANT, THE BATH WATER DISTRICT AND THE CITY STREET BOND.

Bath Public Works Director Peter Owen explained this is a collaboration of a CDBG Grant Application, Bath Water District and a full design to redirect the sewer flow from Hyde Park Pump Station that currently discharges into the Park Street area on its way to the Harward Street Pump Station and will redirect that sewer flow to the Commercial Street Pump Station. Mr. Owen stated this project will reconstruct all of Centre Street between the YMCA to High Street and will include the construction of new sidewalks and underdrains for the street. He reported there would be a public meeting of the residents in the area during the third week in July to discuss the construction schedule.

VOTE:

YEAS: 7

NAYS: 0

Order passed unanimously. 7-0

G. Petitions & Communications: 6:22 PM

There were no petitions or communications at this time.

H. City Manager's Report: 6:22 PM

The City Manager spoke on the following topics:

- Naming of the cruise ship "Independence" on July 4th in Rockland, ME
- Prospective Workshops Issues: Smoke Free Zone around Schools; Boat Storage; Unaccepted Streets;
- Medical Marijuana Dispensaries
- Field of Our Future Chronology Report (*a copy of this Chronology is on file in the agenda materials for the 7/7/2010 Council Meeting in the City Clerk's Office*)

It was decided that a memo be drafted by the City Manager, City Solicitor and with input from Council that would go to Department Heads on how to handle any similar matters should it come up in the future.

Councilor Esoco made a motion to amend the agenda to add discussion of Fields of Our Future. Councilor Winglass seconded the motion.

VOTE ON MOTION:

YEAS: Cochrane, Omo, Eosco, Winglass, Wyman

NAYS: Rogers, Sinclair, Pagurko

Motion passed. 5-3

It was the consensus of Council to hold a workshop with the Fields of Our Future Committee to discuss how to proceed.

I. Committee Reports 7:24 PM

Councilor Eosco reported that Bath Heritage Days was a huge success. She thanked Ed Rogers, Main Street Committee and all the volunteers for the wonderful job they did this year.

Councilor Rogers reported that he had attended a wonderful ceremony for Bath resident Malcolm Miller who was awarded 2 Bronze Star medals he had been entitled to from World War II.

J. Unfinished Business 7:25 PM

There was no unfinished business.

K. New Business: 7:25 PM

There was no new business.

Councilor Pagurko made a motion at 7:26 PM to go into Executive Session to discuss Personnel Matters per 1 MRSA §405(6)(A). Councilor Cochrane seconded the motion. All were in favor of the motion.

Councilor Omo made a motion at 8:27 PM to come out of Executive Session. Councilor Pagurko seconded the motion. All were in favor of the motion.

The meeting adjourned at 8:28 PM with a motion by Councilor Omo, seconded by Councilor Cochrane. All were in favor of the adjournment.

Attest:

Mary J. White, City Clerk

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