

**REGULAR MEETING MINUTES**  
**City Council of the City of Bath, Maine**  
**Wednesday, August 4, 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: LUC Amendment Creating Museum District (second passage)**

*A complete copy of this Ordinance is on file in the Bath City Clerk's office with agenda items for the August 4, 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.

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 the C5 zone, which this zone is under.

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

**D. Consent Agenda: 6:03 PM**

\*2) Accept Minutes of the previous Council Meeting of July 7, 2010. Councilor Pagurko made a motion to accept the minutes as presented. Councilor Rogers seconded the motion. All were in favor of the motion.

**E. Time Devoted to Residents to Address the City Council: 6:04 PM**

No one spoke at this time.

**F. Ordinances, Resolutions and Orders: 6:04 PM**

**3) Ordinance: LUC Amendments to Articles 7, 8, 9 and 10, (first passage)**

*A complete copy of this Ordinance is on file in the Bath City Clerk's office with agenda items for the August 4, 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 Rogers made a motion to put this Ordinance on the floor for discussion. Councilor Pagurko seconded the motion

City Planner James Upham explained these amendments were to cover housekeeping issues in the Land Use Code covering contract zoning. These amendments included the addition of the Museum District, regarding parking requirements for the Plant Home District, assisted residential facilities and places of worship, changes made to the name of the C2 Zone and changes to setback requirements in C2 and C3 Zones.

**ROLL CALL VOTE:**

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

**NAYS: None**

**Ordinance passed unanimously. 7-0**

Chairman Wyman set second passage of this Ordinance for September 1, 2010 at 6:01 PM.

**4) Bond Ordinance: \$100,000.00 for the purpose of funding the replacement of the drive chain for the clarifiers at the wastewater treatment plant (first passage)**

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

**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, \$100,000.00 FOR THE PURPOSE OF FUNDING THE REPLACEMENT OF THE DRIVE CHAIN FOR THE CLARIFIERS AT THE WASTEWATER TREATMENT PLANT.

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, \$100,000.00 is hereby appropriated for the purpose of providing funding for the replacement of the drive chain for the clarifiers at the Wastewater Treatment Plant.

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, \$100,000.00 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 yearly 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.

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

Chris Wallace of the Wastewater Treatment Plant explained what a clarifier is and talked about the deteriorating condition of the three that are now at the Plant. Mr. Wallace explained that due to some extra work the price should come in under the \$100,000.

**VOTE:**

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

**NAYS: None**

**Ordinance passed unanimously. 7-0**

Chairman Wyman set second passage of this Ordinance for September 1, 2010 at 6:02 PM.

**5) Order: Contract Fire Department Ladder Truck**

Chairman Wyman read the following Order:

**ORDER**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF GREENWOOD EMERGENCY VEHICLES, INC. FOR THE PURCHASE OF AN E-ONE 110' LADDER TRUCK WITH PUMP IN THE AMOUNT OF \$825,000.00 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

FUNDED BY THE BATH EQUIPMENT BOND ORDINANCE GIVEN FINAL PASSAGE BY THE CITY COUNCIL AT ITS MEETING ON JULY 7, 2010.

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

Fire Chief Steve Hinds reported that the delivery date on the ladder truck would be around mid-April. Chief Hinds stated that with the pumping capacity of the ladder truck and the new engine, the Department was now in compliance with insurance limits and the life expectancy for the truck would be 30 years.

**VOTE:**

**YEAS: 7**

**NAYS: 0**

**Order passed unanimously. 7-0**

**6) Order: Contract Fire Department Rescue Vehicle**

Chairman Wyman read the following Order:

**ORDER**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF GREENWOOD EMERGENCY VEHICLES, INC. FOR THE PURCHASE OF A FORD/HORTON AMBULANCE IN THE AMOUNT OF \$120,000.00 IS ACCEPTED, IT BEING ONE OF THE LOWEST QUALIFIED BIDS SUBMITTED. THERE WERE TWO IDENTICAL LOW BIDDERS. THIS VENDOR IS LOCAL (BRUNSWICK), AND WAS SELECTED DUE TO ITS PROXIMITY FOR ANY FUTURE SERVICE ISSUES. 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 HAS BEEN FUNDED BY THE BATH EQUIPMENT BOND ORDINANCE GIVEN FINAL PASSAGE BY THE CITY COUNCIL AT ITS MEETING ON JULY 7, 2010.

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

**VOTE:**

**YEAS: 7**

**NAYS: 0**

**Order passed unanimously. 7-0**

**G. Petitions & Communications: 6:20 PM**

There were no petitions or communications at this time.

**H. City Manager's Report: 6:20 PM**

There was no City Manager's Report.

**I. Committee Reports 6:20 PM**

There were no committee reports.

**J. Unfinished Business 6:20 PM**

There was no unfinished business.

**K. New Business: 6:21 PM**

**7) Appointment 2 members to the Old Customs House Board of Directors with terms to expire in August 2013.**

Councilor Pagurko nominated John Voorhees and Lawrence Dawson for these positions. Councilor Cochrane seconded the nominations. All were in favor of the nominations.

**8) Appointment 2 members to the Sidewalk Vending Committee Downtown Retailer and At-Large Representative with terms to expire May 2013.**

Councilor Pagurko nominated Michael Fear as the Downtown Retailer and Bruce Goodwin as the At-Large Representative. Councilor Cochrane seconded the nominations. All were in favor of the nominations.

**9) Appointment 1 member to the Bath Board of Assessment Review with a term to expire in July 2012.**

Councilor Pagurko nominated Bruce Goodwin for this position. Councilor Cochrane seconded the nominations. All were in favor of the nominations.

Councilor Winglass made a motion at 6:23 PM to go into Executive Session to discuss Pending Litigation per 1 MRSA §405(6)(E) and a Real Estate Matter per 1 MRSA§405(6)(C). Councilor Pagurko seconded the motion. All were in favor of the motion.

Councilor Pagurko made a motion at 7:06 PM to come out of Executive Session. Councilor Winglass seconded the motion. All were in favor of the motion.

The meeting adjourned at 7:06 PM with a motion by Councilor Pagurko, seconded by Councilor Winglass. 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 by appointment.*