

**REGULAR MEETING MINUTES**  
**City Council of the City of Bath, Maine**  
**Wednesday, November 3, 2010 6:00pm**  
**City Council Chambers, Bath City Hall**

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

Excused: Councilor Pagurko

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 Zoning Map Amendment to change the zoning on the parcels of land identified as Lots 41, 42, 43, 44, 45 and 49 on Bath Assessor Tax Map 15 dated April 1, 2010, by removing the Mobile Home Park Overlay designation. (second passage)**

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

**ORDINANCE**

WHEREAS, THE CITY COUNCIL OF THE CITY OF BATH, AS PART OF THE ADOPTION OF THE BATH LAND USE CODE ON JULY 19, 2000, EFFECTIVE AUGUST 9, 2000, DEPICTED THE BOUNDARIES OF ALL LAND USE DISTRICTS ON A ZONING MAP OF THE CITY OF BATH, ALSO DATED JULY 19, 2000, INCORPORATED BY REFERENCE INTO THE LAND USE CODE PURSUANT TO THE PROVISIONS OF SECTION 7.02 OF THE SAID CODE, AND

WHEREAS, IT IS NECESSARY AND APPROPRIATE THAT THE BOUNDARIES OF THE LAND USE DISTRICTS BE, FROM TIME TO TIME, ADJUSTED AND AMENDED, IN ORDER TO CREATE NEW DISTRICTS AND ADJUST BOUNDARY LINES OF EXISTING DISTRICTS,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE ZONING MAP OF THE CITY OF BATH, DATED JULY 19, 2000, BE AND HEREBY IS AMENDED IN ACCORDANCE WITH THE SKETCH PLAN ATTACHED HERETO AND MADE A PART HEREOF. THIS CHANGE SHALL BE INCORPORATED INTO AND BE PART OF THE OFFICIAL ZONING MAP OF THE CITY OF BATH. THE SPECIFIC ADJUSTMENT IS:

To change the zoning on the parcels of land identified as Lots 41, 42, 43, 44, 45, and 49, on Bath Assessors Tax Map 15 dated April 1, 2010, by removing the Mobile Home Park Overlay designation.

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

City Planner James Upham explained the reason why this zoning map change should be made is to implement the Comprehensive Plan. He stated that some of the land in the overlay district had been sold to the Kennebec Estuary Land Trust and thence has been taken out of development capability. Mr. Upham said this change should be reflected in the Land Use Code.

Chairman Wyman opened the public hearing. Seeing no further comments he closed the public hearing and asked for a roll call vote.

**ROLL CALL VOTE:**

**YEAS: Cochrane, Omo, Paulhus, Eosco, Winglass**

**NAYS: Rogers, Sinclair**

**Ordinance passed. 5-2**

Chairman Wyman stated this would become law in 21 days.

**2) Ordinance – Amend Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259. Parking Restrictions: High Street (second passage)**

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

**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:

**High Street**

**East Side**

From West Bath town line to Pine Street, no parking. From Pine Street to Russell Street, 2 hour parking. From Russell Street to South Street, no parking. From South Street to Union Street, 2 hour parking. From Union Street to a point 20 feet north of the northerly driveway to the Medical Center, no parking. From a point 20 feet north of the northerly driveway of the Medical Center to the South Entrance to Daigle Funeral Home, 1 hour parking. From the South Entrance to Daigle Funeral Home to the North Entrance of Daigle Funeral Home, Funeral Home Parking Only. From the North Entrance of Daigle Funeral Home to Winter Street, 1 hour parking. Except for the period commencing December 5, 1995 and expiring June 15, 1996, from 7:30 a.m. to 3:00 p.m. on days on which the Morse High School is in session, and running from Walker Street northerly a distance of 250 feet, parking without restriction shall be allowed by permit only, said permits to be administered by the Bath School Department. (12-6-95) From Winter Street to a point 40 feet north of Oak Street, no parking. From a point 40 feet north of Oak Street to a point 166 feet north of Oak Street, no restrictions; From a point 166 feet north of Oak Street to a point 265 feet north of Oak Street, no parking; From a point 265 feet north to a point 171 feet north of North Street, no restrictions. From a point 171 feet north of North Street to a point 400 feet north of North Street no parking. From a point 400 feet north of North Street to termination, no restrictions.

**High Street**

**West Side**

From the West Bath line to Richardson Street, no parking. From Richardson Street to Western Avenue, 2 hour parking. From Western Avenue to Centre Street, no parking. From Centre Street to the South Entrance to the Vocational School, 1 hour parking. From the South Entrance of the Vocational School to the first Handicap spot in front of Morse, 1 hour parking, except for Bus Zone Only from 1:30 pm to 2:30 pm, when school is in session. From the first Handicap spot to a point 40 feet north, Handicap Parking Only. From a point 40 feet north of the first Handicap spot to Chestnut Street, Parking by Permit Only, permits to be obtained from Morse High School. From Centre Street to Chestnut Street, from November 15 through March 15 of each year, no parking; from March 16 through November 14 of each year, 1 hour parking. Except, for the period commencing December 5,

~~1995 and expiring June 15, 1996, from 6:00 p.m. to 9:00 p.m. Mondays through Fridays except holidays, unrestricted parking shall be permitted. (12-6-95)~~ From Chestnut Street to the entrance of the Bath Fire Department, no parking. From the entrance of the Bath Fire Department to Green Street, 2 hour parking. (12/20/00) From Green Street to a point 90 feet south from Oak Street, 2 hour parking. From a point 90 feet south from Oak Street to Oak Street, no restrictions. From Oak Street to Bedford Street, no parking. From Bedford Street to North Street, no restrictions. From North Street to a point opposite York Street, no parking. From a point opposite York Street to the southern intersection of Meadow Way, no restrictions. From the southern intersection of Meadow Way to the Northern intersection of Meadow Way, No Parking. From the northern intersection of Meadow Way to termination, no restrictions.

Councilor Rogers made a motion to put the Ordinance on the floor for discussion. Councilor Omo seconded the motion.

Police Chief Field stated the Ordinance change is to improve traffic safety and congestion and provide more parking for Morse High School. He assured the Council that the Traffic Officer would be at the school when the Ordinance goes into effect to enforce it, making sure everyone understands it.

Chairman Wyman opened the public hearing.

Diane Plummer of 677 Middle Street asked the Chief to clarify exactly where this change involved.

Chief Field stated this change only involved in front of Morse High School.

Seeing no further comments, he closed the public hearing and asked for a roll call vote.

**ROLL CALL VOTE:**

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

**NAYS: None**

**Ordinance passed unanimously. 7-0**

Chairman Wyman stated this would become law in 21 days.

**D. Consent Agenda: 6:11 PM**

\*3) Accept Minutes of the previous Council Meeting of October 6, 2010. Councilor Omo made a motion to accept the minutes as presented. Councilor Cochrane seconded the motion. All were in favor of the motion.

**Presentation – Bath’s Old Custom House Board of Directors’ Annual Report by Chairman Daniel Donovan 6:11 PM**

Mr. Donovan reported there had been a lot of repairs done this year such as the east side of the building has been re-pointed and gutters replaced. They have started to point the south side. He stated that next year they plan to do the windows and some interior work. Mr. Donovan said all the tenants are happy and there is only a little vacant space available in the basement.

**E. Time Devoted to Residents to Address the City Council: 6:13 PM**

Diane Plummer of 677 Middle Street spoke regarding parking issues within the City. City Manager Giroux suggested that Ms. Plummer meet with the Police Chief to discuss her concerns.

**F. Ordinances, Resolutions and Orders: 6:15 PM**

**4) Approving tabulation of Election Returns for the State of Maine General/Referendum Election, City of Bath Municipal Election and RSU #1 Election of Tuesday, November 2, 2010.**

City Clerk White presented the following totals for the Elections:

Total State Votes Cast = 3829 Total Registered Voters = 7655 Percentage of Voter Turnout = 50%

STATE	1	2	3	4	5	6	7	Absentee	Total
<b>Governor</b>									
CUTLER, ELIOT R.	195	175	132	157	208	152	214	317	1550
LEPAGE, PAUL R.	148	82	96	89	137	116	199	328	1195
MITCHELL, ELIZABETH LIBBY	91	75	71	74	96	73	87	333	900
MOODY, SHAWN H.	9	10	16	14	21	12	11	32	125
SCOTT, KEVIN L.	0	3	5	2	2	4	2	8	26
<b>Write In</b>									
JENKINS, JOHN	1			1	1		1	3	7
VACHON, J. MARTIN		2							2
<b>Representative to Congress District 1</b>									
PINGREE, CHELLIE	259	218	190	210	296	225	280	614	2292
SCONTRAS, DEAN PETER	179	127	127	122	169	131	223	394	1472
<b>State Senator District 19</b>									
GOODALL, SETH A.	216	180	166	179	255	179	212	507	1894
KALER, DAVID S.	222	159	150	156	207	177	298	499	1868
<b>Representative to the Legislature District 62</b>									
CLARKE, MICHAEL H.	79	171	167	200	268	204	279	504	1872
WINGLASS, ROBERT J.	80	162	148	138	193	150	227	384	1482
<b>Representative to the Legislature District 65</b>									
KENT, PETER S.	178							81	259
THOMPSON, ROBERT E.	96							36	132
<b>County Treasurer</b>									
SCEASE, JANE	363	286	262	279	373	282	397	784	3026
<b>Write In</b>									
HAMILTON, KAREN	8	6	7	0	10	0	8	16	55
<b>Register of Deeds</b>									
DECHANT, JENNIFER L.	241	203	193	186	270	201	265	542	2101
STEVENS, JUDITH E.	179	126	120	143	178	140	227	430	1543
<b>District Attorney Dist. 6</b>									
RUSHLAU, GEOFFREY A.	350	287	254	256	366	275	427	783	2998
<b>County Commissioner</b>									
DAWSON, LAWRENCE M.	349	289	256	259	374	279	434	801	3041

STATE		1	2	3	4	5	6	7	Absentee	Total
<b>REFERNDUM</b>										
<b>Question 1: Citizen's Initiative</b>										
Oxford County Casino	YES	211	193	190	153	239	197	246	480	1909
	NO	228	142	126	178	218	155	264	534	1845
<b>Question 2: Bond Issue</b>										
\$5,000,000 Dental Care	YES	258	189	196	194	257	209	257	595	2,155
	NO	182	143	119	131	194	143	249	404	1,565
<b>Question 3: Bond Issue</b>										
\$9,750,000 Conservation	YES	282	222	199	222	308	237	334	677	2,481
	NO	154	111	116	105	147	114	172	329	1,248

MUNICIPAL RESULTS	1	2	3	4	5	6	7	Absentees	TOTAL
<b>COUNCILOR WARD FIVE</b>									
Bryce Payne					168			48	216
Mari Houtari Eosco					274			92	366
<i>Write In</i>									
John C. Farrell								1	1
<b>COUNCILOR WARD SEVEN</b>									
Ruthe Pagurko							255	98	353
Cal Stilphen							227	67	294
<i>Write In</i>									
Aaron Park							1		1
Richard Reilly							1		1
Jackie Dwinal							1		1
<b>COUNCILOR AT LARGE</b>									
Steve Brackett	284	222	214	198	250	207	304	595	2274
Benjamin C. Burden	139	100	84	124	195	124	179	345	1290
<i>Write In</i>									
Aaron Park	1								1
Charlie Turcotte	1							3	4
Kevin McCandless			1						1
Malcolm Gauld				1					1
Rick Knowlton						1			1
Juliet Connelly							1		1
John Cotter								1	1

Question: Board of Directors, District 1	TOTAL
BUCZKOWSKI, ROBIN	382
<i>WRITE INS:</i>	
COLLINS, THOMAS	2
FOREMAN, PATRICIA	1
WARNER, STEVEN	1
Question: Board of Directors, District 6	TOTAL
<i>WRITE INS:</i>	
JAMES, MARIE	8
WALTON, ALAN	4
COCHRANE, WAYNE	4
BRACKETT, KIM	4
KELLY, MICHAEL T	3
ALLEN, ERIC	2
KEEGAN, RICHARD	2
RICHTER, TIMOTHY	2
BURGESS, MELISSA	2
ATER, SUSAN	2
SPRAGUE, GEORGE	2
DUNN, LOUIS	2
MAYO, MARTHA	2
WESTON, KENNETH	2

Question: Board of Directors, District 6 Cont'd	TOTAL
<i>WRITE INS:</i>	
PARK, KRISTOPHER	2
HICKS, DIANE	2
WHITNEY, MICHAEL	2
DEVINE, WILLIAM	2
DESMOND, CHRISTINE	1
FARRELL, JOHN C	1
CUMMINGS, BRENDA	1
WORMER, ELLEN A	1
BURKE, WILLIAM	1
COLLINS, MYRTLE	1
GAUL, BARBARA	1
AIELLO, THERESA	1
WYMAN, BERNARD	1
PENUEL, JACK	1
ANDRUS, JUSTIN	1
HUNT, ANNA	1
WRIGHT, ANDREW	1
SHANNON, PATRICIA	1
SHANNON, PHILIP	1
TALMADGE, KENT	1
COLWELL, PAT	1

Question: Board of Directors, District 6 Cont'd	TOTAL
WRITE INS:	
SENER, CHRISTINA	1
SEELEY, KATHLEEN	1
JENNINGS, NANCY	1
COATSWORTH, BROOKS	1
OWEN, RICHARD	1
MARR, JUSTIN	1
BURKE, WILLIAM	1
MOORE, CAMERON	1
PAYNE, GLORIA	1
BELL, MARY ELLEN	1
WATSON, THOMAS	1
EOSCO, DANIEL	1
MATERO, CATHERINE	1
WRITE INS:	

LINVILLE, COURTNEY	1
BUTNER, KATHLEEN	1
WRIGHT, ANDREW	1
ATER, JOHN	1
FREEMAN, VIRGINIA	1
WAGNER, DIANE	1
DAUGE-ROTH, KATHERINE	1
SAVAGE, JODY	1
RADKE, TRISTAN	1
KNIGHT, JAMES	1
MARTIN, RUSSELL	1
BURGOON, JENNIFER	1
LAMBERT, MICHELLE	1
WARNER, VICTORIA	1
PARKER, ELLEN	1

Councilor Winglass made a motion to accept the Results as presented. Councilor Paulhus seconded the motion. All were in favor of the motion.

**5) Ordinance: Chapter 8A. General Assistance Maximums for October 1, 2010 to September 30, 2011 (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 8A. GENERAL ASSISTANCE**

Delete appendices to the Ordinance dealing with maximums allowances and replace with newly attached allowance summary sheets, schedules and appendices, Appendix A – Total Allowed GA Maximums, Appendix B – Food Maximums, Appendix C – Housing Maximums. Maximums shall be effective as of October 1, 2010.

*A complete copy of the Appendices are filed in the agenda materials for the November 3, 2010 meeting in the City Clerk's Office.*

Councilor Rogers made a motion to put the Ordinance on the floor for discussion. Councilor Omo seconded the motion.

City Manager Giroux explained this is an annual item and the State set the maximums.

**ROLL CALL VOTE:**

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

**NAYS: None**

**Ordinance passed unanimously. 7-0**

Chairman Wyman set second passage for December 1, 2010 at 7:31pm.

**6) Ordinance: Chapter 20. Property Assessed Clean Energy (PACE) (first passage)**

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

**PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE.**

**PREAMBLE**

WHEREAS, the 124th Maine Legislature has enacted Public Law 2009, Chapter 591, “An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act”; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy (“PACE”) Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the City/Town, financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, the City of Bath wishes to establish a PACE program.

NOW THEREFORE, the City Council of the City of Bath hereby enacts 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 20. PROPERTY ASSESSED CLEAN ENERGY (PACE)**

*A complete copy of this Ordinance is on file in the agenda materials for the November 3, 2010 meeting in the City Clerk’s Office.*

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

Community Development Director, Al Smith explained the funding is a revolving loan fund through the Efficiency Maine Program and qualified residents are eligible for up to \$15,000 to make energy efficiency improvements to their properties, but this can only happen if the municipality has passed the PACE Ordinance. The program is overseen by the Efficiency Maine agency.

Mr. Smith stated that the City would be educating the public on the grant and assisting residents with application preparation.

**ROLL CALL VOTE:**

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

**NAYS: None**

**Ordinance passed unanimously. 7-0**

Chairman Wyman set second passage for December 1, 2010 at 7:32pm.

**7) Order: BIW TIF Budget FY 2011**

Chairman Wyman read the following Order:

**ORDER  
APPROVING AUTHORIZATION  
BIW TAX INCREMENT FINANCING DISTRICT (FY 2011)**

Be It Hereby Ordered By the City Council of the City of Bath one million sixty six thousand, seven hundred seventy five dollars and 00/100 (\$1,066,775) be and hereby is authorized to be spent from the Tax Increment Financing District Development Program Fund Project Costs Accounts from the fiscal year commencing July 1, 2010 and terminating on June 30, 2011 for the following purposes:

<b>TIF REVENUE</b>	
INCREMENT	\$897,349
TRANSFER IN FROM RESERVE	\$169,426
<b>TOTAL REVENUE</b>	<b>\$1,066,775</b>

<b>EXPENSES</b>	
DEBT SERVICE	\$735,875
CONTRIBUTION TO BATH LOCAL DEVELOPMENT CORPORATION	\$133,900
CONTRIBUTION TO MAIN STREET BATH	\$27,000
ECONOMIC DEVELOPMENT PROJECTS ACCOUNT	\$50,000
ECONOMIC DEVELOPMENT CITY MANAGER	\$25,000
DEBT PAYMENT PARK STREET SEWER PROJECTS	\$75,000
TRAIN STATION FUNDING-TRANSFER	\$20,000
<b>TOTAL</b>	<b>\$1,066,775</b>

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

City Manager Giroux explained this is the oldest TIF the City has and that this is the annual budget for that TIF noting that it has remained fairly consistent over the years.

**VOTE:**

**YEAS: 7**

**NAYS: 0**

**Order passed unanimously. 7-0**

**8) Order: Downtown TIF Budget FY 2011**

Chairman Wyman read the following Order:

**ORDER  
APPROVING AUTHORIZATION  
DOWNTOWN TAX INCREMENT FINANCING DISTRICT (FY 2011)**

Be It Hereby Ordered By the City Council of the City of Bath that five hundred fifty five thousand dollars and 00/100 (\$555,000) be and hereby is authorized to be spent from the Tax Increment Financing District Development Program Fund Project Costs Accounts from the fiscal year commencing July 1, 2010 and terminating on June 30, 2011 for the following purposes:

**REVENUE**



INCREMENT	\$108,267
BOND PROCEEDS	\$900,000
<b>TOTAL REVENUE</b>	<b>\$1,008,267</b>

<b>EXPENSES</b>	
WATERFRONT PARK AND PIER RESTORATION	\$450,000
DEBT SERVICE PAYMENT	\$105,000
<b>TOTAL EXPENSES</b>	<b>\$555,000</b>

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

City Manager Giroux explained that when an area becomes a TIF area it is based on the taxable income in that area depending on the percentage of the TIF and the increase in the increment this year is due to the new hotel.

**VOTE:**

**YEAS: 7**

**NAYS: 0**

**Order passed unanimously. 7-0**

**9) Order: Wing Farm TIF Budget FY 2011**

Chairman Wyman read the following Order:

**ORDER  
APPROVING AUTHORIZATION  
WING FARM TAX INCREMENT FINANCING DISTRICT (FY 2011)**

Be It Hereby Ordered By the City Council of the City of Bath that eight hundred eighty thousand and two hundred fifty dollars and 00/100 (\$880,250) be and hereby is authorized to be spent from the Tax Increment Financing District Development Program Fund Project Costs Accounts from the fiscal year commencing July 1, 2010 and terminating on June 30, 2011 for the following purposes:

<b>REVENUE</b>	
INCREMENT	\$196,413
STATE OF MAINE GRANT	\$595,000
<b>TOTAL REVENUE</b>	<b>\$791,413</b>

<b>EXPENSES</b>	
CONGRESS AVE IMPROVEMENTS	\$700,000
DEBT SERVICE PAYMENT	\$180,250
<b>TOTAL EXPENSES</b>	<b>\$880,250</b>

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

City Manager Giroux explained the funding breakdown of this TIF.

Diane Plummer of 677 Middle Street asked why the City was building new sidewalks when the City wasn't taking care of the ones it has.

City Manager Giroux stated that there isn't much money in grant funding for sidewalk maintenance.

**VOTE:**

**YEAS: 7**

**NAYS: 0**

**Order passed unanimously. 7-0**

**10) Order: Approving Purchase of a Public Works Truck**

Chairman Wyman read the following Order:

**ORDER  
APPROVING PURCHASE**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF FREIGHTLINER, AS SUPPLIER FOR A SINGLE AXLE TRUCK WITH WING PLOW OPTION, FOR THE BASE BID PRICE OF \$116,749.00, BEING THE LOWEST QUALIFIED BID SUBMITTED, BE AND HEREBY IS APPROVED AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SUCH DOCUMENTS AS MAY BE NECESSARY TO COMPLETE THE PURCHASE ON BEHALF OF THE CITY OF BATH. THE FUNDS FOR THIS PURCHASE ARE DESIGNATED AS PART OF A BORROWING ORDINANCE APPROVED BY COUNCIL ON JUNE 23, 2010.

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

Public Works Director Peter Owen explained that this funding is for a single-axle dump truck to be used for snowplowing and would be replacing a 17-year old truck. Mr. Owen stated the new truck would have a new plow and wing and will be able to accomplish more than the current one.

**VOTE:**

**YEAS: 7**

**NAYS: 0**

**Order passed unanimously. 7-0**

**11) Order: Approving Ambulance Sale**

Chairman Wyman read the following Order:

**ORDER  
APPROVING SALE**

WHEREAS, the ambulance, more particularly identified as follows:

1. 2000 Ford E450 Type III Vin#1FDXE45FSYHB33088

is considered to be surplus equipment and it is in the best interest of the City that the property be sold; and

WHEREAS, Section 7.114 of the Ordinances of the City of Bath requires an Order of Council approving all sales of equipment whose value exceeds \$1,500.00; and

WHEREAS, such sale is to be conducted in accordance with purchases in excess of \$4,000.00 in accordance with Section 7.105.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the sale of the above-captioned ambulance to the highest bidder be and hereby is approved and that the Captain of the Fire Department shall be authorized to execute a Bill of Sale and such other documents as may be required to consummate the sale.

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

**VOTE:**

**YEAS: 7**

**NAYS: 0**

**Order passed unanimously. 7-0**

## **12) Order: Approving Contract for Waterfront Project**

Chairman Wyman read the following Order:

### **ORDER**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE BID OF WYMAN AND SIMPSON INC. FOR THE WATERFRONT PROJECT, IT BEING THE SOLE BID SUBMITTED, BE AND HEREBY IS ACCEPTED WITH A BID PRICE OF \$415,000.00. THE CITY MANAGER IS HEREBY 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 THROUGH THE CITY OF BATH DOWNTOWN IMPROVEMENT MUNICIPAL DEVELOPMENT TAX INCREMENT FINANCING DEVELOPMENT PROGRAM.

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

Public Works Director, Peter Owen gave an overview of the plans for the project.

**VOTE:**

**YEAS: 7**

**NAYS: 0**

**Order passed unanimously. 7-0**

## **13) Order: Transfer Armory Property to Bath Development Corporation**

Councilor Omo made a motion to waive the reading of this Order. Councilor Cochrane seconded the motion.

**Vote on Waiving the Reading:**

**YEAS: Cochrane, Omo, Paulhus, Eosco, Winglass**

**NAYS: Rogers, Sinclair**

**Waiving the reading passed 5-2**

Councilor Sinclair asked to reconsider the waiving of the reading for the benefit of the public.

Councilor Omo asked that his motion to waive the reading be rescinded.

Chairman Wyman read the following Order:

### **ORDER**

WHEREAS, the City of Bath acquired the property formerly known as the Bath Armory property by Quit-Claim Deed from the State of Maine, dated September 2, 2010, and recorded on September 20, 2010 in the Sagadahoc County Registry of Deeds in Book 3223, Page 307; and

WHEREAS, the property is in need of repair and renovation and there are funding sources for this activity that would be available to the Bath Development Corporation that are not available to the City of Bath; and

WHEREAS, the property presents an opportunity for additional development in the Bath area; and

WHEREAS, the Bath Development Corporation is tasked with focusing on specific projects in order to provide expansion and development within the City of Bath; and

WHEREAS, for the reasons stated, the Bath Development Corporation is the more appropriate party to conduct the process of evaluating the building and providing for necessary repairs and improvements or conducting such other activities as may be necessary to provide for development within that building or on that property.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the property acquired from the State of Maine be conveyed to the Bath Development Corporation and that the City Manager be authorized to execute said Deed and any and all other documents necessary to complete the transfer of the property.

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

Community Development Director Al Smith gave an overview of the project.

**VOTE:**

**YEAS: 7**

**NAYS: 0**

**Order passed unanimously. 7-0**

**G. Petitions & Communications: 7:10 PM**

There were no petitions or communications.

**H. City Manager's Report: 7:10 PM**

There was no City Manager's Report.

**I. Committee Reports 7:11 PM**

There were no Committee Reports.

**J. Unfinished Business 7:11 PM**

Rescheduling of the Property Maintenance Ordinance Workshop to November 9, 2010 at 7:00 pm was done at this time.

**K. New Business: 7:13 PM**

**14) Appointment 1 member to the Bath Recreation Commission term expiration November 2013.**

Councilor Cochrane nominated William Gilson to this position. Councilor Paulhus seconded this nomination. All were in favor of the nomination.

**15) Appointment 1 member to the Bath Water District Board of Directors term expiration November 2013 (to fill unexpired term).**

Chairman Wyman pulled this item from the agenda.

**16) Election Council Representative to the Bath Water District Board of Directors term expiration December 2011.**

Chairman Wyman pulled this item from the agenda.

The meeting adjourned at 7:14 PM with a motion by Councilor Rogers, 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 by appointment.*