

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

Present: Councilors Cochrane, Paulhus, Rogers, Eosco, Sinclair, Pagurko, Winglass,  
Chairman Wyman.  
Absent: Councilor Omo

Also in attendance was 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.

**Presentation of Proclamation honoring the State Champion Morse High School Girls Swim Team.**

Chairman Wyman read the following Proclamation:

**PROCLAMATION**

**WHEREAS** the 2010 Morse High School Girls Swim Team and their coaches have demonstrated the teamwork and drive necessary to win the first Girls Swim Team State Championship in the history of Morse High School, and

**WHEREAS** the team members represented the Bath area community with dignity, sportsmanship that is characteristic of all champions, and a winning attitude that represents the spirit of Morse High, demonstrating skill, tenacity and sheer determination in bringing home this highly coveted award, and

**WHEREAS** the Girls Swim Team, which consists of members Emily Bell-Hoerth, Rebecca Bonnett, Hannah Gabelmann, Eleanor Hawks, Lauren Hixon, Mallory Plummer, Lianna Soreide, Emily Buczkowski, Caitlin Foster, Chloe Marr, Morgan McDonough, Ayla McDorr, Hannah Milam, Kelsey White, Cassandra Bonnett, Courtney Feeney, Haley Grill, Hannah Leeman, Mikala Martin, Guerin Morissette, Alice Stenquist, Maria Heath, Catie Luedee, Danica Moore, Baleigh Scheibner, Brittany Simmons, and Clare Tolan, represented Morse High School and the City of Bath in a State level competition and is a source of pride for our entire community, and

**WHEREAS** Coach Todd Marco deserves recognition for motivating the Morse High School Girls Swim Team to reach for their dreams and to achieve success through hard work, enthusiasm and a strong sense of teamwork, and

**WHEREAS** the proud residents of the City of Bath and RSU 1 wish to congratulate the players, coaches and staff of the Morse High School Girls Swim Team and to honor them for their stunning victory over Scarborough and Cheverus to clinch one of the most celebrated titles in recent Maine High School Girls Swim Team history, bringing that distinction to Bath for the first time, and

**WHEREAS** the members of the team and their coaches have helped create a positive image for their school, the City of Bath and RSU 1, prevailing in the pool and proving that success is not only being able to keep your head above water but to get along swimmingly with your team mates, and

**WHEREAS** the City of Bath and the towns of RSU 1 are immensely proud of the team that has combined so much talent and determination, and whose cohesive style set a new standard in high school swimming and we join together to congratulate the Morse High School Girls Swim Team on claiming the 2010 State Championship Title in a fitting end to a remarkable season.

**NOW THEREFORE BE IT PROCLAIMED** that the City of Bath and the RSU 1 gives their best wishes to the Blue and White for continued success for many seasons to come.

Chairman Wyman presented a framed Proclamation to Coach Marco.

**Presentation by William Shuttleworth, Superintendent of Regional School Unit 1.**

William Shuttleworth, Superintendent of Regional School Unit, 1 reported to Council concerning the RSU Budget for 2010-2011. Mr. Shuttleworth explained he had just gotten word that the RSU would be receiving an extra \$268,000 from the State and he would be bringing the budget to the School Board on March 15<sup>th</sup>. He stated there would be some cuts in positions but not a many as previously thought. Mr. Shuttleworth said he realized that these were difficult times for taxpayers but planned to bring in a budget that was going to be fair and balanced and have a minimal or zero impact on the tax rate.

**Presentation by Debbie Atwood, Center Coordinator for Spectrum Generations.**

Ms. Atwood reported that Spectrum Generations had moved to 12 Main Street, Topsham and is open 8AM-4:30PM Monday through Friday and serves Sagadahoc County, Brunswick and Harpswell. She stated the Center now provides classes, activities, resource services and referral work, Meals on Wheels, Family Caregiver Support, Transportation when possible and Insurance Counseling plus many other services.

**Presentation of Bath Police Department's 2009 "Officer of the Year", "Civilian Employee of the Year" and the "Volunteer of the Year" awards.**

Police Chief, Michael Field, presented awards as follows: "Officer of the Year" to Ted Raedel, "Civilian Employee of the Year" to Cindy Enman, and "Volunteer of the Year" to Tom Pernia.

**C. Public Hearings: 6:18 PM**

**I. Ordinance: LUC Text Amendment – Section 7.10 Division of a Functionally Divided Lot (second passage)**

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

**ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH ADOPTED JULY 19, 2000, AND SUBSEQUENTLY AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

**Amend Article 7, by adding Section 7.10, as follows:**

**Section 7.10 Division of a Functionally Divided Lot.**

Where there exists on a single lot, multiple principal structures established prior to December 7, 1983, which are functionally independent, then the lot may be divided such that the division results in each principal structure being located on its own individual lot, without that individual lot having to meet the space and bulk requirements for the Zoning District in which it is located, provided that the following criteria are met:

A. All uses of the principal structures are permitted uses under this Code.

- B. Each individual principal structure has been utilized on a separate basis with different occupancies.
- C. There are no common or shared utilities or easements serving the single lot and the division will not create any common or shared utilities or easements except for the access drive and/or parking.
- D. The division line(s) between structures must be drawn such that the structures meet the required space and bulk requirements of the District to the greatest extent practicable.
- E. All parking requirements for each principal structure and use must be met on each new lot created by the division or by a dedicated off-site easement for parking that will run with the land.

Note: Additions are underlined.

Motion by Councilor Pagurko, second by Councilor Paulhus to put this Ordinance on the floor for discussion.

City Planner James Upham explained this amendment would allow for the sale of the Nunnery on it's own lot.

**ROLL CALL VOTE:**

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

**NAYS: None**

**Ordinance passed unanimously. 7-0**

Chairman Wyman stated that this Ordinance would become law in 21 days.

**D. Consent Agenda 6:19 PM**

\*2) Councilor Pagurko motioned to accept the minutes to the February 3, 2010 Council Meeting as presented. Councilor Rogers seconded the motion. All were in favor of the motion.

**E. Time Devoted to Residents to Address The City Council 6:20 PM**

Thomas Weiss of 987 Middle Street spoke regarding the sewer drainage problems in his neighborhood and asked for Council to listen to the Public Works Director's concepts on a fix for this problem.

Brad Terry of 36 Willow Street stated his house is the lowest place on Willow Street and has had a sewerage overflow problem for 15 years. Mr. Terry said his house is sinking gradually. He asked if there was a plan to help with this issue.

City Manager William Giroux spoke regarding the Willow Street sewerage drainage issues. Mr. Giroux stated that the City has asked the Railroad to help with costs for repairs as they are a contributor to the issues, with no success. He said the Public Works Director Peter Owen was working on the problem.

Public Works Director Peter Owen reported the fix would be a separation of sanitary and sewer water.

A Pine Hill Condominium resident asked Council to remember they are have flooding issues also.

**F. Ordinances, Resolutions and Orders 6:31 PM**

**3) Police Department Forfeiture of Property**

Chief Field explained that this forfeiture of property was due to a joint investigation and arrest by the Sagadahoc County Sheriff's Department, Sagadahoc County Sheriff's Department, Bath, Topsham and Lisbon Police Departments and MDEA. Bath's share of the forfeited cash came to \$1,196.

Councilor Winglass motioned to accept the forfeiture. Councilor Pagurko seconded the motion.

**VOTE to accept forfeiture:**

**YEAS: 7**

**NAYS: 0**

**Passed unanimously. 7-0**

**4) Police Department Forfeiture of Property**

Chief Field explained that this forfeiture of property was due to a joint investigation and arrest by the Sagadahoc County Sheriff's Department, Bath Police Department and MDEA. Bath received all of the forfeited cash, which came to \$743 because the Bath PD detective was the primary investigator in the case.

Councilor Pagurko motioned to accept the forfeiture. Councilor Winglass seconded the motion.

**VOTE to accept forfeiture:**

**YEAS: 7**

**NAYS: 0**

**Passed unanimously. 7-0**

**5) Resolution: Court Street Park**

Chairman Wyman pulled the following Resolution from the agenda.

**RESOLUTION  
COURT STREET PARK**

WHEREAS, the City Council of the City of Bath has been advised by the Community Development Director that certain grant funds are available to enable the purchase of unimproved property located at 121 Court Street for the purpose of neighborhood stabilization; and

WHEREAS, the City Council has been presented with information that would lead it to conclude that the establishment and construction of a pocket park located at 121 Court Street is worthy of community and Council support as it represents viable and worthwhile recreational activity for the inhabitants of the City and is of general benefit to the inhabitants; and

WHEREAS, this City Council intends that this Resolution reflect its support for the acquisition of the property as well as for the establishment and construction of a pocket park facility on the unimproved property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that it approves the acquisition, through grant funds, of the unimproved property located at 121 Court Street; and that the establishment and construction of a pocket park facility upon said acquired property for the use and benefit of the inhabitants of the City of Bath is a worthy community goal.

#### **G. Petitions & Communications 6:34**

Councilor Eosco reported that Bath would be celebrating Blarney Days during the month of March.

Councilor Pagurko read the following thank you letter:

Ms. Ruthe Pagurko  
Bath City Council Representative (Ward 7)  
36 Mechanic Street  
Bath, Maine 04530

Dear Mrs Pagurko:


Thank you so much for your support last year for limiting growth in Bath City expenses and for your vote against the \$300,000 loan from the City of Bath to build an artificial playing field surface. We fully support your vote since we believe this was not in the best interest of the majority of Bath tax payers. Again this year, as the City Council representative for our Ward, we request that you convey to the City Council and the City Manager our concerns regarding the next City budget.

The economic analysis for Maine does not show jobs increasing in our state until late in 2010 and taking many years before jobs return to their the level before the pre-recession level. Consequently, the recession continues to impact many residents of our community. Particularly at risk are low income families and people on fixed incomes. Many of us are finding it increasingly difficult to pay the high Bath property taxes, and those who have homes on the market are finding our property taxes to be an overwhelming obstacle to the sale of homes. Particularly, when the neighboring town tax rates are so much lower. In this environment everyone must be very careful to limit unnecessary expenditures so they can meet their own personal needs.

I am convinced the Bath City Council and the City Manager also need to take a careful look at the current costs of operating this City, look for areas to consolidate and reduce the overall cost to the tax payers. This economic crisis provides an excellent opportunity to carefully examine the way Bath is managed and supported. Is it too expensive to be a city? Could we consolidate the Tax and Clerk Offices? Could we contract out all snow plowing and road maintenance to reduce the overall costs of this work?

We, your constituents, live in North Bath, an area with a bare minimum of City services. Some of us maintain our own roads and do not have cable television or broad band internet access in part because of prior City management decisions

We urge you as our representative to convey and document our deeply felt concerns to the City Manager and the rest of the City Council by reading this letter into the next City Council Meeting minutes. This is a time of change and "staying the course" is unacceptable. The effort that goes into increasing the City budget should go into finding ways to decrease it.

Sincerely, 

Copy to: Bernie Wyman

## **H. City Manager's Report 6:40 PM**

City Manager Giroux introduced Harbor Master Keith Jensen who explained the prospect of obtaining a surplus US Coast Guard boat from the State of Maine, which would cost the City a \$1,500 fee to the State. This fee could come from the sale of the motor now owned by the City and the Harbor Master's account.

Council agreed the City should look into obtaining this boat.

City Manager Giroux stated the City is going out to bid for the Round About, funding for the project is in place and should be back to Council in April for approval of the bid.

## **I. Committee Reports, if any 6:50**

Councilor Winglass reported the Parks Committee had met and worked on the dock improvements at Waterfront Park.

City Manager William Giroux stated he would like to schedule a workshop of the Council and Parks Committee to go over the Waterfront Park dock repairs.

## **J. Unfinished Business 6:55**

There was no unfinished business taken up at this time.

## **K. New Business 6:55**

There was no new business taken up at this time.

Councilor Pagurko made a motion to recess to Workshop at 6:55 PM to discuss Park Street Sewer Issues. Councilor Cochrane seconded the motion. All were in favor of the motion.

A motion was made by Councilor Pagurko at 7:55 PM to go into an Executive Session to discuss a Real Estate Matter per 1 MRSA §405(6)(C). Councilor Cochran seconded the motion. All were in favor of the motion.

Councilor Pagurko made a motion to come out of Executive Session at 8:40 PM. Councilor Cochrane seconded the motion. All were in favor of the motion.

The meeting adjourned at 8:41 PM with a motion by Councilor Pagurko, seconded by Councilor Cochrane. All were in favor of the motion.

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.*