

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, July 7, 1999 7:00 PM
City Council Chambers, Bath City Hall

The Regular Meeting of the Bath City Council was called to order by Chairman Hall at 7:00 PM on Wednesday, July 7, 1999 for the purpose of conducting business as listed on the agenda.

Chairman Hall opened the meeting with the Pledge of Allegiance.

ROLL CALL: Councilors Williams, James, Wyman, Hayden, Tibbetts, Rogers (arrived after Dean Almy's presentation), Reed and Chairman Hall. Absent: Councilor Blake

Also in attendance was the City Manager - John Bubier, City Solicitor - Roger Therriault and City Clerk - Mary White.

Prior to commencing the regular business of Council, Chairman Hall indicated that the Council would like to present to Ex-Councilor Dean Almy a City Chair for his excellent service to the City from 1989 to 1998. He served this great city with honor and dignity as Councilor and Chairman leading the City through some really tough times. Ex-Councilor Dean Almy thanked the City Council for the lovely chair, and indicated, once again, that it was a privilege and pleasure to serve on the City Council, and he had many great years. He wished the Council good luck, and stated that they are really blessed with good employees and department heads, and gave thanks to them for helping him a great deal through the years. He stated that it is a beautiful chair, thanked Council, once again, and said he was going to take it home and watch the rest of the program on TV.

C. PUBLIC HEARING: - 7:08 PM

Chairman Hall then presented the following Ordinance for public hearing and final passage:

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH ADOPTED DECEMBER 7, 1983, AND SUBSEQUENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

ARTICLE 6. ADMINISTRATION

Add the following:

Section 6.15-A. Application for Zoning Map Amendment in Accordance with Architect's Plan

- (1) In accordance with M.R.S.A. Title 30-A, Section 4352, Paragraph 7, an applicant for zoning map amendment may volunteer to be bound by an architect's development plan.
- (2) The applicant for such zoning map amendment must post a performance bond equal to 25% of the estimated cost of the development guaranteeing to the City that if the rezoning occurs the area will be developed in accordance with the plan which is filed as part of the application for the zoning map

amendment. The estimated cost must be found to be reasonable by the Planning Board. The plan must have received Site Plan Approval which may be granted by the Planning Board conditioned upon the rezoning.

- (3) If the applicant fails to begin construction in a substantial manner and in accordance with the architect's development plan within one year of the effective date of the rezoning, the total amount of the bond is paid to the City.

On motion by Councilor James, seconded by Councilor Hayden, it was moved to give the Ordinance final passage.

There being no Council preliminary comment, Chairman Hall opened the Public Hearing for public comment ...there being none, Chairman Hall closed the Public Hearing, and asked for Council comment on the final passage of this Ordinance. There being no Council comment, the roll call vote was taken.

Vote: Unanimous

D. CONSENT AGENDA: - 7:10 PM

- 2) Minutes of June 2, 9, and 23, 1999 (Motion to approve as presented)

K-10) Committee Appointment – Board of Assessment Review (Daniel Shipley – term to expire July 2002] (Motion to appoint)

On motion by Councilor Wyman, seconded by Councilor Reed, it was moved to accept the Consent Agenda as presented.

Vote: Unanimous

E. TIME DEVOTED TO RESIDENTS TO ADDRESS THE CITY COUNCIL: - 7:12 PM

John Childs of 2 Graffam Way spoke regarding the future of trees to be taken down, asked for a delay temporarily so that the committee could examine trees more thoroughly to see what other options there might be, and perhaps some of the condemned trees could be saved. Chairman Hall indicated that Mr. Hebert will give the City Council a report on the cabling of the trees, and will look into this matter.

F. ORDINANCES, RESOLUTIONS AND ORDERS: 7:14 PM

F-3) Chairman Hall read the following Memorial Proclamation in honor of Harry E. Ring, Jr. former City Manager/City Clerk who passed away on June 22nd:

MEMORIAL PROCLAMATION

WHEREAS, the City of Bath was saddened to learn of the untimely passing of Harry E. Ring, Jr., former City Manager and City Clerk, on June 22, 1999, and

WHEREAS, Harry was born in Bath, Maine, on February 10, 1915, the son of Harry E. Ring and Lena Calderwood Ring, and

WHEREAS, he attended schools in Bath and graduated from Morse High School in 1932 and earned a bachelor's degree in accounting from the Bentley School of Accounting in Boston in 1935, and

WHEREAS, he was a great athlete at Morse High School and excelled in baseball and basketball and maintained a love of sports and interest in Morse High School sports programs throughout his life, and

WHEREAS, he was a loyal and active alumnus of Morse High School, was a member and past president of the Bath High School Alumni Association and a past trustee of the Morse High School Scholarship Fund, and

WHEREAS, he married Beatrice Morrison of Auburn on June 28, 1941 and is survived by his two children, Joyce Wilson and Paul Ring, as well as six grandchildren and seven great-grandchildren, and

WHEREAS, he worked during World War 11 as a Clerk in the Procurement Department at the Bath Iron Works Corporation, and

WHEREAS, he became the City Clerk of the City of Bath in March of 1946 and in November of 1961 was appointed City Manager, a position from which he retired in November of 1972, and

WHEREAS, his tenure as City Manager saw numerous accomplishments, a few of them being an

- Addition to Morse High School which included facilities for a vocational program;
- New gymnasium and auditorium for the Junior High School;
- A new elementary school for the North end;
- A new public works garage on Oak Grove Avenue together with a new dog pound;
- Beautifully redesigned and rebuilt Library Park Pond and the erection of a Statue donated by William Zorach, known as the "Spirit of the Sea";
- Completion of Congress Avenue;
- Completion of new public boat launching facilities at the North end;
- The hiring of a full-time professional Tax Assessor for the City of Bath;
- The completion of elderly housing on Congress Avenue and a 200 unit housing complex off Oak Grove Avenue;
- The construction and completion of the City's sewerage treatment plant together with 7 pumping stations and interceptor lines;
- And even the infamous Cone Burner, and

WHEREAS, he was active as a member of the Maine Town and City Clerk's Association, the Northeast Town and City Clerk's Association, the International Town and City Clerk's Association, the Maine Town and City Manager's Association, the New England Town and City Manager's Association, and the International City Manager's Association, and

WHEREAS, his long and productive tenure with the City of Bath was marked by his integrity and professionalism,

NOW, THEREFORE, be it proclaimed by the City Council of the City of Bath that the City is truly saddened by his passing, that Mr. Ring's contributions to the City of Bath should be noted and celebrated and should be recognized with a sense of appreciation, that Harry E. Ring, Jr. set the standard for professional management in this City by which all Managers are measured, and that his children, grandchildren and great-grandchildren should be exceedingly proud of the accomplishments of this thoroughly professional yet truly a kind gentle man.

On motion by Councilor Wyman, seconded by Councilor James, it was moved to adopt the proclamation.

Vote: Unanimous

(Proclamations will be delivered to Mr. Ring's daughter and son)

F-4) Chairman Hall then read the following Ordinance for first passage:

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 3. ADVERTISING - Article 2. Signs

Section 3.206. Zoning District Standards

I. Central Business District.

Number of Signs:

Delete: "2 per building face or occupant where there are multiple first floor occupants, plus one window, parallel or applied sign."

Replace With: "2 per building face per occupant."

Delete the following Sections:

"C. Where there are multiple occupants for a building, each ground floor occupant of a structure, whether the same as the above floor tenant or different, may display two signs. It is intended that the major or primary sign, will be located at the establishment's main entrance."

"D. Each occupant in an upper level of a building may display a window, projecting or parallel sign and be included in a multiple sign at the entrance to their building. The primary sign shall be restricted to 2' by 3' in size and shall be limited to one per business."

Reletter following Section E to Section C.

On motion by Councilor Williams, seconded by Councilor Reed, it was moved to put the Ordinance on the floor for discussion.

Chairman Hall asked the City Planner if he could give a brief statement on this Ordinance. City Planner stated that this was requested by a tenant of a second floor space on Front Street. The Code Officer was approached to amend the sign code to allow upper floor tenants in the downtown to display more than one sign. The current code only allows one sign for an upper floor tenant, even in buildings that face multiple streets. The first floor tenants in the same buildings are allowed several signs. The ordinance would just increase the number of signs an upper floor tenant can have to that of the lower floor tenants, keeping the current sizing requirement. He stated that staff felt that if they promote the use of second and third floors in our downtown, then they should allow the same amount of sign advertising that first floor tenants have, and that would be one on each street frontage side of the building. He further stated that he thought it made sense from an economic development point of view to encourage businesses in the downtown to be on the second and third floors to make the downtown viable, alive, and occupied and it seems like an appropriate measure to amend into the sign code.

Councilor James indicated that means people could look down Front Street, and see signs on all floors. He further asked if SP I had been consulted ... City Planner

Upham stated that he really apologized for not being able to answer any questions on this, and he did not think SPI has been consulted, ... he was not aware of this amendment until yesterday. Councilor James stated that he thought without doing a little more homework with further clarification ... this amendment seems premature. Councilor Reed indicated that there could be as many as 32 signs on one building, and it may need further clarification.

On Motion by Councilor Williams, seconded by Councilor Wyman, it was moved to table this Ordinance until August 4th for further information, and clarification.

Vote: 5 yeas; 2 nays ... Tabled to August 4th

F-5) Chairman Hall presented the following Order for Council action:

**ORDER APPROVING
CONSTRUCTION FINANCING ARRANGEMENT**

WHEREAS, Coastal Economic Development, Inc., is engaged in a project that will result in the construction and completion of a new office complex housing their corporate activities and providing additional rental space, and

WHEREAS, the development has been proposed on land owned by Coastal Economic Development, Inc. in the revised Wing Farm Subdivision, and

WHEREAS, Coastal Economic Development, Inc. is a non-profit corporation providing essential services to the greater Bath area, and

WHEREAS, revisions to the building location and other project components have been necessitated by permanent financing sources, resulting in additional cost to the project, and

WHEREAS, the City of Bath is in a position to participate in the construction financing of the project thus allowing the financing of construction to occur at lower municipal rates and representing a savings to the overall cost of the project, and

WHEREAS, the City of Bath is authorized to borrow funds for any and all municipal purposes pursuant to 30-A M.R.S.A. Section 5772, and

WHEREAS, this financing is not permanent financing of the City and is in the nature of a revenue bond financing arrangement whereby all obligations of the City created under this financing become the obligations of Coastal Economic Development, Inc., and

WHEREAS, Coastal Economic Development, Inc. has agreed to indemnify and hold the City of Bath harmless from any and all obligations incurred by being the construction borrower and reloading the construction monies to Coastal Economic Development, Inc. for purposes of completion of the project, and

WHEREAS, permanent financing for the project has been fully and completely approved.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the sum of \$3,693,300.00 be borrowed from the Gardiner Savings Institution for a period of one year at a fixed interest rate of 4.75 %, with payments of interim interest on a monthly basis on the borrowing to be made directly by Coastal Economic Development, Inc. and the entire construction cost borrowed, together with any interest, costs or expenses that may be due any participant, to be paid in full within one year of the date of the Promissory Note. This borrowing is for the purpose of financing construction of the Coastal Economic Development, Inc. facility on the Wing Farm property, together with attendant costs, expenses and obligations associated with the project, and for no other purpose. The monies will be disbursed directly by Gardiner Savings Institution to appropriate payees in accordance with procedures outlined in a Loan Agreement by and between Gardiner Savings Institution and the City of Bath. This entire transaction is contingent upon the following terms and conditions:

1. Subject to the conditions and assurances contained in a Land Transfer and Reconveyance Agreement by and between the City of Bath and Coastal Economic Development, Inc., which shall provide in pertinent part as follows:
 - A. The City of Bath shall acquire title to the property for purposes of mortgaging same to Gardiner Savings Institution.
 - B. Coastal Economic Development, Inc. will fully and completely indemnify and hold the City of Bath harmless from any and all obligations created by the financing arrangement between Gardiner Savings Institution and the City of Bath and will provide full performance of any and all obligations of the City of Bath under the terms and conditions of that borrowing.
 - C. Coastal Economic Development, Inc. will pay for all costs, expenses and obligations incurred by the City for which the City may become liable as a result of the transaction.
 - D. Coastal Economic Development, Inc. will provide where necessary and required, all documentation required by the bank or by the City of Bath in connection with the transaction. Where appropriate, providing documentation may include assignment of rights and privileges with respect to the project held by Coastal Economic Development, Inc. that must be assigned to Gardiner Savings Institution for purposes of the transaction.
 - E. Once all obligations of the construction borrowing have been satisfied, then the City of Bath will reconvey the property which is to be pledged as security to Gardiner Savings Institution, back to Coastal Economic Development, Inc.
2. Before any closing is held and any distribution of construction funds is made, verification that permanent financing is in place and that all commitments necessary, including any and all conditions precedent, to permanent financing are in place.
3. Coastal Economic Development, Inc. shall provide to the City of Bath environmental certifications and hazardous waste indemnity agreements as may be necessary in order for the City of Bath to comply with requests for such certifications and indemnifications from the Gardiner Savings Institution.

It is intended that Coastal Economic Development, Inc. shall perform all of the obligations of the City of Bath as if it were the borrower and it were directly responsible to Gardiner Savings Institution for repayment of the construction financing.

BE IT FURTHER ORDERED by the City Council of the City of Bath that the City Manager be and hereby is authorized to execute a Land Transfer and Reconveyance Agreement by and between the City of Bath and Coastal Economic Development, Inc., Loan Agreement, Mortgage and Security Agreement, Promissory Note, Assignments, and such other agreements by and between the City of Bath and Gardiner Savings Institution, as may be necessary to consummate this transaction.

July 7, 1999

Treasurer's Certificate

The undersigned Treasurer of the City of Bath hereby certifies that:

1. The Total amount of general obligation bonded indebtedness of the City of Bath currently outstanding as of July 7, 1999 is \$27,742,700.00.
2. The total amount of general obligation bonded indebtedness of the City of Bath authorized, but unissued, is \$0.00.
3. The total amount of the general obligation note of the City of Bath contemplated to be issued if the order is ratified is not in excess of \$3,693,300.00.
4. The anticipated interest rate on the note is 4.75%. Assuming the issuance of the full \$3,693,300.00 of notes to be authorized, level principal payments over a one year term and an average interest rate of 4.75%, the interest cost associated with the borrowing would be \$100,000, which would result in a total cost of principal and interest to be repaid of \$3,793,300.00.

The foregoing represents and estimate of costs associated with the financing and such estimates will change due to market conditions. The validity of the note may not be affected by any errors in estimates made in Paragraph 4 above. If the actual amount of the total debt service for the note varies from the estimates, the approval is nevertheless conclusive and the validity of the note is not affected by reason of the variance.

Gregory N. L'Heureux
Treasurer, City of Bath

On motion by Councilor James, seconded by Councilor Williams it was moved to waive the reading of the entire Order

Vote: Unanimous

On motion by Councilor William, seconded by Councilor James, it was moved to put the Order on the floor for discussion.

There being no preliminary comment from the Council, Chairman Hall asked for public comment ... there being none he returned to Council for further discussion.

Councilor Reed indicated that there was a spelling error in Item "C" = should read Coastal and not Coast. (So noted)

Councilor Wyman noted that they were told that if CED lapsed on this, the City has no obligation. City Solicitor explained that the City has title to the property – they have full performance bond and full payment bond which secures the payment. Councilor Reed asked if the Coastal Economic funds are such that there is no apparent exposure, then why is the City involved. City Manager explained - to encourage this development they would be using the city's leverage for a better rate and to allow the Wing Farm project to move forward and to put the second building in a five-lot park.

Vote: Unanimous

Councilor James stated that Council owed thanks to the City Manager who finally has got the park up and going, and his business acumen along with development background made it happen. A round of applause was given to the City Manager. Councilor Tibbetts also stated that the number of organizations going into that building is going to free up a tremendous amount of property throughout the city that can be put back on the tax rolls.

F-6) Chairman Hall then presented an Order extending the Solid Waste Contract -

ORDER EXTENDING CONTRACT

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE CONTRACT ENTERED INTO BY AND BETWEEN THE CITY AND SAWYER ENVIRONMENTAL SERVICES D/B/A T & R ASSOCIATES, DATED OCTOBER 23, 1997, BE AND HEREBY IS EXTENDED FROM ITS TERMINATION DATE OF JUNE 30,1999 FOR A NINE MONTH PERIOD EXPIRING MARCH 31, 2000. THIS EXTENSION IS WITH PINE TREE WASTE, SUCCESSOR IN INTEREST TO SAWYER ENVIRONMENTAL SERVICES. ALL COSTS, PAYMENTS, EXPENSES AND OTHER APPLICABLE TERMS IN THE CONTRACT SHALL BE PRORATED FOR A NINE-MONTH CONTRACT TERM. THE CITY MANAGER IS HEREBY AUTHORIZED TO EXECUTE ANY AND ALL DOCUMENTATION NECESSARY TO IMPLEMENT THIS EXTENSION.

On motion by Councilor Wyman, seconded by Councilor Reed, it was moved to put the Order on the floor for discussion . Several Councilors spoke in regard to this Order with a few complaints in regard to picking up trash in the south end, commercial pick-ups, and the numbering of trucks for better identification.

Vote: Unanimous

F-7) Chairman Hall then presented an Order regarding sale of building at 528 Washington Street.

ORDER

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE BUILDING KNOWN AS THE ACCORD BUILDING, LOCATED ON PROPERTY AT 528 WASHINGTON STREET, ACQUIRED BY THE CITY OF BATH FOR NONPAYMENT OF TAXES, BE OFFERED FIRST TO ITS PRIOR OWNER, THE JOYCE ACCORD ESTATE, IF NO TRANSFER IS MADE WITHIN 45 DAYS OF THE DATE OF NOTIFICATION, TO BE OFFERED TO THE OWNERS OF THE UNDERLYING PROPERTY, AT A PRICE THAT WILL MAKE THE CITY WHOLE FOR ITS TAXES, INTERESTS, COSTS AND EXPENSES.

BE IT FURTHER ORDERED THAT THE CITY MANAGER SHALL BE AUTHORIZED BY THE CITY TO CONDUCT NEGOTIATIONS FOR THIS SALE AND BE AUTHORIZED TO EXECUTE A MUNICIPAL QUITCLAIM DEED TOGETHER WITH ALL AND ANY OTHER DOCUMENTS NECESSARY TO CONCLUDE THE TRANSACTION.

On motion by Councilor Wyman, seconded by Councilor Hayden it was moved to put the Order on the floor for discussion.

City Solicitor gave a briefing on this Order. ...

He was advised by the City Manager that the City has received correspondence from the attorneys who represents the owners of the real estate at 528 Washington Street as well as a personal visit from one of the principals, requesting that the building on the property, separately owned by Joyce Accord, who is now deceased, be conveyed to them for payment of back taxes. Some background is in order, so that Council might make an informed decision. The division of ownership of the land differently from the building is somewhat unusual but not unprecedented. The record owner of the land at 528 Washington Street is C.J.C., L.L.C., which is a Maine limited liability company. The building, however, is owned by Joyce Accord. It most recently housed an enterprise known as Joe's Market. As a result of separate ownership, the land is taxed to its owner, and the building separately taxed to its owner. Joyce Accord is now deceased and from all available information, it appears that her estate is insolvent. As a result, and for a number of years, taxes on the building have remained unpaid to the point where the liens have matured and the building has become City owned. As of July 1, there is due for real estate taxes, personal property taxes, and sewer charges, \$7,944.79. These taxes date from the 1993 tax year and do not include the 1999 tax year, which will be estimated to be approximately \$1,000.00. There are a number of other interested purchasers. He is unaware of any of them having been able to secure any agreement with the real estate property owner for a land lease. Under these circumstances, the building itself has little utility other than to the owner. It is recommended that the estate be allowed an opportunity to repurchase the property for payment of back taxes and sewer liens together with interests, costs and expenses. Upon their failure or unwillingness to do so, then it is being recommended that the City negotiate with the landowners in order to recoup its monies owed and to put the property back on the tax rolls.

Much discussion ensued on this Order with City Manager Bubier indicating that this allows the City to go back to the original owners and say that they have 30 days to clear the deck, and if it can't be put together in 30 days then it would be offered to the abutters, whoever owns the land, and then if that deal doesn't work out then they go to public bid. It is important to note that in order for there to be a marriage here there has to be a lease between the people that own the building, ultimately in the long term, and the people who own the property in the long term, so simply the city conveying this property to somebody for the outstanding taxes does not automatically imply any ability to perform on that property. We are not conveying the right to do business on that property; they are simply conveying the physical assets for a person to own. They must then go forward and make an arrangement with the landowner so that they can go forward and perform whatever functions they wish to on that land.

Councilor Tibbetts asked for clarification. He thought that the action authorized in the first paragraph should flow into the action ordered in the second paragraph with a different word than "and", the very last word in the first paragraph. He felt it was leaving an action unaccounted for. Discussion ensued with the City Solicitor stating perhaps the words "to be offered" should be inserted in the last paragraph.

Councilor James moved to amend the order by inserting in the sixth line down after "No transfer is made" the words "**to be offered**" seconded by Councilor Williams - Councilor Reed asked if this corrects the "and" that Councilor Tibbetts brought up or is this a different issue. Councilor Tibbetts indicated that he was completely confused. City Solicitor Therriault explained the two steps. Vote: Unanimous

Councilor Tibbetts moved to amend the word "and" to "then" at the end of the first paragraph; seconded by Councilor Williams. Councilor James indicated that Council has to empower the Manager to negotiate both Sections A and B so it has to be an "And" not a "then". Council wants him to participate in both part 1 and part 2. After further clarification, Councilor Tibbetts indicated that the first amendment nullified what he was trying to do.

Vote: Yeas: 0 Nays: 4 Abstained: 3 = amendment failed

On motion by Councilor James, seconded by Councilor Williams, it was moved to add to the sixth sentence down

After the phrase "no transfer is made" the phrase "within 30 days of the date of notification". Councilor Rogers indicated that he thought it should be 60 days. There was no further discussion, and Chairman Hall called for the vote on the amendment. Vote: Unanimous

On motion by Councilor James, seconded by Councilor Williams it was moved to amend once again, to add to the sixth sentence down after the phrase "no transfer is made" the phrase "within 45 days of the date of notification".

Vote: Unanimous

Chairman Hall then asked for public comment. Betty Archer of Bath spoke to Council and indicated that she knows that the owners of the store would like to pay off the taxes. She acknowledged that 45 days would be fine, and hoped it can be worked out. The estate does have an interest in reclaiming that property and she is speaking on behalf of them. Thank you.

VOTE ON ORDER AS AMENDED: UNANIMOUS

F-8) Chairman Hall read the following resolution:

**RESOLUTION APPROVING ARRANGEMENT
WITH BATH WATER DISTRICT
FOR SEWER BILLING AND COLLECTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH THAT A PROPOSAL BEING WORKED ON BY CITY STAFF AND BATH WATER DISTRICT STAFF TO PROVIDE FOR THE BILLING OF CITY OF BATH SEWER USER FEES AND THE COLLECTION OF THOSE FEES BY THE BATH WATER DISTRICT BE AND HEREBY IS APPROVED. THE ARRANGEMENTS CALLS FOR A THREE YEAR CONTRACT BEGINNING ON OR ABOUT OCTOBER 1, 1999. PAYMENTS WILL BE \$22,000.00 PER YEAR WITH COST OF LIVING ADJUSTMENTS IN THE SECOND AND THIRD YEARS. OTHER CONTRACTUAL PROVISIONS WILL BE WORKED OUT BETWEEN THE STAFFS AND WILL BE SUBJECT TO THE MANAGER'S APPROVAL. THE MANAGER IS FURTHER AUTHORIZED TO EXECUTE THIS CONTRACT AND ANY OTHER DOCUMENTS THAT ARE NECESSARY TO IMPLEMENT THIS CONTRACTUAL ARRANGEMENT.

On motion by Councilor Wyman, seconded by Councilor Reed, it was moved to put this order on the floor for council action.

City Manager Bubier indicated that this Order is directly responding to a project which they have been working on for a couple of years which started out for the City looking for different ways to combine staff members and the function that different staff members have. The most obvious one was the relationship between water and sewer billing. The BWD and the City of Bath currently perform them. One of the opportunities with the installation of computer systems in both the water department and city allows both of them to draw the accountability connections while not have them in the same building. The Finance Director and Seth Garrison, Supt. Of the Water District and Councilor Tibbetts, the Chairman of the Finance Committee have spent a good deal of time going over this process, and tweaking and getting it so everybody feels comfortable. The billings will go to the Water department and will be done from there and will allow the City to free up some hours where they will be able to perform a few more services than they currently to do now. The actual cost is about \$22,000 per year, but that also includes the amount of money incurred for meter reading, and as a practical matter there are some additional costs such as computer maintenance, etc., but it is a good deal for the city and the water company, and it is drawing those two organizations together. Chairman Hall stated that he was at a Committee meeting and there were some questions raised, and asked if the Committee has worked them out or was it an ongoing process to work out some of the things. Councilor Tibbetts stated that he did not think there was really a consensus or a denial of some of the questions that were raised. His one concern was the percentage of application of payments received as to how they would be applied to the water bill and the sewer bill. He stated that he didn't think they really resolved that question ... the majority was leaning towards leaving it alone. The other section that was a concern was the dual billing/single billing issue – which might create a little problem. He stated he was in the minority there and probably will be here because he still is not convinced of it. City Manager Bubier stated that he thinks they have decided to go with two billings – two sheets of paper, rather than one. The other issue was that they were leaning back to the 60/40 in the one instance in which there is no specified coding for a check that comes in or money that comes in. It just doesn't say anything ... you would go basically on the ratio on the billings = water and sewer. Seth Garrison, Supt. off the Bath Water District, stated that they agreed to do a little further research on bill format, something that will be easily understandable by people, and to also talk about an equitable split of how the funds are going to come in. There was agreement that in most cases bills would be clearly labeled so that they would know where to apply them, but in some rare cases they would have to come up with some type of formula, and they determined they would work that out and come up with some equitable arrangement – 60/40 – relating to the amounts of each bill in proportion. Councilor James asked if it was discussed by the Committee that if there were two separate pieces of

paper in one envelope – one postage cost – does the customer send back both slips of paper in one envelope that’s provided or put both in same envelope? Seth Garrison said that is one of the issues that they would be looking at. Councilor Tibbetts was looking for two separate stubs so that the person could either mail in both stubs or mail them in separately. One envelope would be provided instead of two hoping that the person would submit both tabs at the same time, if they do go with that format. These types of format questions are what have to be worked out, and come up with an arrangement that is good for both groups. Greg L’Heureux, Finance Director, said that one of the things that Seth and he talked about is working with the Finance Committee and the Water District Board as to some of the more particulars in the contract itself. Those two items would be part of that whole discussion process. They would also like to have some public input from the Boards, or Finance Committee as to some of the things in reference to public notification – informing the public of the changeover in having the Water District actually doing the consolidated billing. There would have to be an adhoc committee combined water, sewer, city type of committee that would work out some of these minor details as to the particulars in respect to the contract. The fundamental components are essentially what needs to be approved tonight, as well as the \$22,000 annual cost. The City can just move forward and work out some of these other details. Chairman Hall asked if when the final details are worked out, would the final decisions come back to Council for final approval or is this decision making process, once the contract is signed, out of Councils’ hands? Manager Bubier indicated that it would go back to the Finance Committee, and once they have a consensus there, it would just be implemented. Councilor Tibbetts asked if they set aside the \$22,000 in the budget, and City Mgr. Bubier indicated they had. He stated that his primary concern would be, and he knows there is a time constraint to get the computers and forms set up, and he would not want to see the contract held up, but he would like a stipulation that the details will be worked out and presented to the Council for further approval before this contract goes into effect on October 1. Chairman Hall agreed with Councilor Tibbetts, and reiterated the questions. Councilor James said he would like to see a rough breakdown of how the \$22,000 was arrived at. City Manager and the Finance Director gave examples in regard to personnel, money, services, additional services delivered, time constraints and Y2K problems.

Chairman Hall asked if there was anyone from the public wishing to comment. Seeing none, City Solicitor pointed out that if this Order were approved as written, there would be no contract coming back to Council. Before Council votes on this Order, they should be aware that the Manager has been authorized to approve it. The time frame constraints are mainly why this was done. This was done, at this point in time, to allow the process to go forward, but it was not contemplated that the Contract would come back to Council. Councilor Tibbetts indicated that they should go through with the Resolution, but they can tell the City Manager to update on the actual contracts without delaying anything. They need some mechanism to know the contents of what is going on.

Vote: Unanimous

F-9) Chairman Hall introduced the following Order amending a position in the Recreation Department:

ORDER

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE POSITION OF PROGRAM DIRECTOR, BEING AN HOURLY POSITION WITHIN THE RECREATION DEPARTMENT, BE CHANGED TO AN ASSISTANT DIRECTOR’S POSITION, A SALARIED POSITION, WITHIN THE RECREATION DEPARTMENT, WITH A YEARLY SALARY OF \$34,155.00.

THE INCREASE IN PAY IS TO BE FUNDED BY A TRANSFER OF \$5,000.00 FROM ACCOUNT 012-412 COUNCIL CONTINGENCY TO ACCOUNT REC 065-244 RECREATION DEPARTMENT REGULAR PAY ACCOUNT, SAID TRANSFER BEING HEREBY APPROVED

On motion by Councilor Reed, seconded by Councilor Hayden, to put the Order on the floor for discussion.

City Manager Bubier explained the reason for this Order, and explained compensatory time. Councilor Reed stated that he was a little unclear about the money end of it which the City Manager explained.

Councilor Tibbetts indicated that by Charter you cannot transfer from one fund to another. He then moved to amend the Order by deleting REC 12-102 and insert 065-244 and delete the words "regular pay"

Vote on Amendment: Unanimous

Councilor Tibbetts made one further comment indicating that this should have been brought up during the budget process. City Manager stated that he really did think that this got lost in the shuffle, as there were a number of things going on with the Recreation Department. It was discussed during the budget process.

Vote on Order: All in favor.

Under Petitions and Communications Chairman Hall spoke about the letter that was received from Bath, England requesting money donations to them for their "open green space" that they are trying to preserve. He indicated that he would send a letter telling them that the City Council regretfully denies their request due to their budget constraints.

G. PETITIONS & COMMUNICATIONS: - 8:43 PM

Chairman Hall then read the following letter from the Bath Area YMCA Capital Campaign:

Dear Councilors:

This letter is a follow-up to my recent request that the Bath City Council consider giving those funds (i.e. approximately \$23,000) now in the swimming pool account, to the YMCA to help finance construction of the swimming pools to be included as part of the new Y facility.

Since writing that letter, it has come to my attention that the two little league fields near the proposed new facility need work to improve their infields. While I am not aware of the details, it occurred to me that YMCA contractors working in the area with heavy equipment should be in an excellent position to perform any work required. Since there will be significant site preparation work on the Y project, it should also be possible to divert materials required to upgrade the fields at minimal costs.

Therefore, I would like to make this offer for your consideration. The YMCA will work with its contractors to provide any reasonable amount of work or materials required to upgrade the fields, in return for your transfer of funds from the swimming pool account to the YMCA Capital Campaign.

This is intended to be our offer of support for an important recreation asset in Bath. The trade is not intended to be equal, but we did want to make the gesture to show our appreciation.

In fact, the best reason for the Council to transfer the funds is because everyone in this area will have access to new and improved swimming facilities. However, the YMCA appreciates Bath's support and is prepared to return your favors to the extent possible

I'm forwarding this letter as further evidence of our intent to work with the city on a fully cooperative basis whenever and wherever possible.

Thanks again for your consideration.
Sincerely,
William E. Haggett

Chairman Hall indicated that this is something that Council should consider as soon as possible on whether or not the Council would be in favor of releasing the \$23,000 from the Swimming Pool Fund. He stated that there are probably some legal processes that may or may not have to be gone through. This will be brought up at a later time.

H. CITY MANAGER'S REPORT: - 8:45 PM

City Manager Bubier reported:

- Ground Breaking at Wing Farm Development –
- Ruth Law Memorial – in regard to the Wing Farm Development – This was brought to the City's attention by former fireman, Charlie Gabelmann and folks from his organization. Ruth Law was a female aviator who flew a Bi-plane aircraft from that field in the early part of the 20th century, and was one of the very first female aviators. There is a move afoot to put together a memorial – a private/public sector thing, and it certainly is fitting that the City memorialize not only its vessel heritage, but its aircraft heritage as well - it's women in history heritage.
- Trucking/Noise Concerns in the north end -
- Finalized reports – Wilbur Smith coming soon –
- Master Plan for Route One
- Walker & Middle Street Project

I. COMMITTEE REPORTS: 8:55 PM

- Councilor Tibbetts gave the preliminary year end financial report -
- Councilor James spoke on Midcoast Naval Plan Dispatch Center – two committees are formed, and will be meeting with hundreds of details to be worked out
- Councilor James gave a brief update on SAD Union 27 and School Board – back in August
- City Manager Bubier spoke about the National Guard Armory, and indicated that Jack Hart and he have had conversations with officials.

Chairman Hall indicated that they would contact Midcoast Hospital for a review sometime in August. City Clerk's six-month review in August.

City Manager Bubier wanted to thank Greg and his staff for putting together a report and delivering it to Council in an extremely timely fashion.

J. OLD BUSINESS: 9:03 PM

Councilor James indicated that the Council approved a Parking Ticket System that would forgive a parker's first ticket in the downtown area . He wondered if a person got a second ticket within a 30 days period, did Council stipulate what would happen? Chairman Hall indicated that if they get a first ticket and it says "This may be forgiven", they need to submit the ticket. If the parker disregards the ticket and gets another one both tickets would have to be paid for within the 30 day period Councilor James indicated that one of the summer tourists got a second ticket in less than 30 days and went down to pay, and they charged her for both tickets. The first one she read and thought she didn't have to pay it so, she evidently misinterpreted the language.

K. NEW BUSINESS: 9:06 PM

No new business.

At 9:06 PM, it was moved by Councilor Wyman, seconded by Cr. Hayden to recess to Workshop to consider the following:

- Bath Senior Citizens/Huse Street Boundary issue =
- Bath Recreation/Bath YMCA Committee Update – Jack Hart, Recreation Director

Vote: Unanimous

At 9:16PM It was moved by Councilor Tibbetts, seconded by Councilor Rogers to go into Executive Session for the purpose of discussing abatements.

Vote: Unanimous

On motion by Councilor Reed, seconded by Councilor Hayden, it was moved to come out of Executive Session at 9:38 PM

Vote: Unanimous

Adjourn: Motion by Councilor James, second by Councilor Williams to adjourn the meeting. **All in favor.** Meeting adjourned at 9:39 PM

Respectfully submitted:

Mary J. White, City Clerk

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