

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, September 15, 1999 7:00 PM
City Council Chambers, Bath City Hall

Present: Councilors Williams, James, Blake, Wyman, Hayden, Tibbetts, Rogers, Reed and
Chairman Hall

Also Present: City Manager Bubier, City Solicitor Therriault and City Clerk White

Chairman Hall called the meeting to order at 7:00 PM.

I. Public Hearing - Ordinance: Amendment to Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259. Parking Restrictions (Lincoln, Academy, Green, and Pratt Streets and Andrews and Cobb Roads) - Second Passage - 7:01 PM

Chairman Hall 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 17. VEHICLES AND TRAFFIC

Article 6. Stopping, Standing and Parking

Section 17-259. Parking Restrictions.

Academy Street

North Side:

Delete: "From Snow Park to Dike Road, no restrictions."

Add: "From Snow Park to Dike Road, 2 hour parking, 6:30 A.M. to 3:30 P.M. on days that Morse High School is in session, otherwise, no restrictions."

South Side:

Delete: "From Allen Street to Dike Road, no restrictions."

Add: "From Allen Street to Dike Road, 2 hour parking, from 6:30 A.M. to 3:30 P.M. on days that Morse High School is in session, otherwise, no restrictions."

Andrews Road

Both Sides:

Delete: "From a distance of 100 feet westerly of Lincoln Street, no restrictions."

Add: "From a distance of 100 feet westerly to Lincoln Street, 2 hour parking, from 6:30 A.M. to 3:30 P.M. on days that Morse High School is in session, otherwise, no restrictions."

Cobb Road

North Side:

Delete: "From a point 150 feet westerly of Lincoln Street to Dike Road, no restrictions."

Add: "From a point 150 feet westerly of Lincoln Street to Dike Road, 2 hour parking, from 6:30 A.M. to 3:30 P.M. on days that Morse High School is in session, otherwise, no restrictions."

South Side:

Delete: "From March 16th through November 14th of each year, no restrictions."

Add: "From March 16th through November 14th of each year, 2 hour parking, from 6:30 A.M. to 3:30 P.M. on days that Morse High School is in session, otherwise, no restrictions."

Green Street

North Side:

Delete: "From High Street to a point 120 feet west of Preble Lane, 2 hour parking. From a point 120 feet west of Preble Lane to Lincoln Street, no restrictions."

Add: "From High Street to Lincoln Street, 2 hour parking, from 6:30 A.M. to 3:30 P.M. on days that Morse High School is in session, otherwise, no restrictions."

South Side:

Delete: "From High Street to a point 600 feet west of High Street, 2 hour parking. From a point 600 feet west of High Street to Lincoln Street, no restrictions."

Add: "From High Street to Lincoln Street, 2 hour parking, from 6:30 A.M. to 3:30 P.M. on days that Morse High School is in session, otherwise, no restrictions."

Lincoln Street

West Side:

Delete: "From Cobb Road to the access road to St. Mary's Parking Lot, unrestricted parking."

Add: "From Cobb Road to the access road to St. Mary's Parking Lot, 2 hour parking, from 6:30 A.M. to 3:30 P.M. on days that Morse High School is in session, otherwise, no restrictions"

Delete: "From Sheridan Road to North Street, unrestricted parking."

Add: "From Sheridan Road to North Street, 2 hour parking, from 6:30 A.M. to 3:30 P.M. on days that Morse High School is in session, otherwise, no restrictions."

Pratt Street

South Side:

Delete: "From a point 190 feet from Chestnut Street to Lincoln Street, no restrictions.

Add: "From a point 190 feet from Chestnut Street to Lincoln Street, 2 hour parking, from 6:30 A.M. to 3:30 P.M. on days that Morse High School is in session, otherwise, no restrictions.

Motion by Councilor Wyman, seconded by Councilor Williams to put the item on the floor for discussion.

Councilor James stated that he was reluctantly voting in favor of this ordinance, but didn't think it would work.

There was no further Council or public comment.

Roll Call Vote:

Yeas: Williams, James, Blake, Wyman, Hayden, Tibbetts, Rogers and Reed

Nays: None

VOTE: to Approve Ordinance Passed Unanimously 8-0

**II. Public Hearing - Ordinance: Amendment to Chapter 17. Vehicles and Traffic, Article 6.
Stopping, Standing and Parking, Section 17-262. Morse High School Parking Lots - Second
Passage - 7:10 PM**

Chairman Hall 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 17. VEHICLES AND TRAFFIC

Article 6. Stopping, Standing and Parking

Section 17~262. Morse High School Parking Lots.

Add before the first paragraph "(a) Adjacent Lots."

Add the following:

"(b) Recreation Department Parking Lot. The parking area to the south of the Small School and to the west of Hawkes Field shall be restricted, while Morse High School is in session, and between the hours of 6:30 A.M. and 3:30 P.M. to parking by Morse High School students. The parking shall be on a permit only basis with the permit being obtained from the Bath Recreation Department. The permit shall be hung from the rearview mirrors and shall be visible while the vehicle is parked in the lot. Any vehicle parked in the lot without a visible permit during the restricted time shall be subject to the enforcement provisions of this Chapter. There shall be a fee established for parking in the lot to be set by the Recreation Department not to exceed that charged by Morse High School for student spaces. If demand for spaces in the lot exceeds capacity, then permits shall be awarded by a lottery system. The Recreation Department with the advice and consent of the Chief of Police, shall have the authority to promulgate rules and regulations for the use of the lot and the conduct of the users.

Motion by Councilor Blake, seconded by Councilor Reed to put this item on the floor for discussion.

There was no Council or public comment.

Roll Call Vote:

Yeas: Williams, James, Blake, Wyman, Hayden, Tibbetts, Rogers and Reed

Nays: None

VOTE: to Approve Ordinance Passed Unanimously 8-0

III. Public Hearing - Ordinance: Approving Police Contract - Second Passage - 7:13 P.M.

Chairman Hall read the following Ordinance:

ORDINANCE APPROVING POLICE CONTRACT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT, PURSUANT TO THE REQUIREMENTS OF §1102 OF THE CHARTER OF THE CITY OF BATH, A BARGAINING AGREEMENT WITH THE POLICE UNION, LOCAL 1828, COUNCIL 74, AMERICAN FEDERAL AND STATE, COUNTY AND MUNICIPAL EMPLOYEES, A.F.L.- C.I.O., COMMENCING APRIL 1, 1999 AND EXTENDING THROUGH MARCH 31, 2001, A COPY OF WHICH IS ATTACHED HERETO, BE AND HEREBY IS APPROVED, AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SAID CONTRACT ON BEHALF OF THE CITY OF BATH

Motion by Councilor Reed, seconded by Councilor Rogers to put this item on the floor for discussion.

Chairman Hall asked for a motion to put the amendments, as stated in the memo from the City Solicitor to Council, on the floor for discussion.

Motion by Councilor Blake, seconded by Councilor Williams to put amendments on the floor for discussion.

There was no Council or public comment on amendments.

VOTE: to Approve Amendments to Ordinance Passed Unanimously 8-0

There was no Council or public comment on amended Ordinance.

Chairman Hall asked for a Roll call vote on the amended Ordinance.

Roll Call Vote:

Yeas: Williams, James, Blake, Wyman, Hayden, Tibbetts, Rogers and Reed

Nays: None

VOTE: to Approve Ordinance Passed Unanimously 8-0

IV. Order: Approving City Auction to be held October 2, 1999 at 10:00 AM at the Public Works Garage. - 7:18 PM

Chairman Hall read the following Order:

ORDER

Be it ordered by the City Council of the City of Bath that an auction for the disposal of surplus City goods and

articles be held on October 2, 1999 at 10:00 AM at the Public Works Garage on Oak Grove Avenue and the attached items be included in that sale.

Motion by Councilor James, seconded by Williams to put this Order on the floor for discussion.

There was no Council or public comment.

VOTE: to Approve Order Passed Unanimously 8-0

V. Appointments - Zoning Board of Appeals: Fleta Metcalf and Bruce Goodwin - Terms to Expire September 2002. - 7:20 PM

Chairman Hall asked for a motion to nominate the candidates.

Motion by Councilor Williams, seconded by Tibbetts to nominate Fleta Metcalf and Bruce Goodwin to the Zoning Board of Appeals.

There was no Council or public comment.

Chairman Hall asked for a vote on the nominations.

VOTE: to Approve Nominations Passed Unanimously 8-0

VI. Order: Approving Wage Adjustment for Fire Department - 7:21 PM

Chairman Hall read the following Order:

ORDER APPROVING WAGE ADJUSTMENT

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, PURSUANT TO A WAGE REOPENER PROVISION IN THE COLLECTIVE BARGAINING AGREEMENT WITH THE BATH FIREFIGHTERS ASSOCIATION, LOCAL NO. 1611 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, A.F.L. - C.I.O., THAT A WAGE ADJUSTMENT OF 2.75 PERCENT FOR THE CONTRACT YEAR BEGINNING JULY 1, 1999 BE APPROVED AND THE CONTRACT AMENDED BY REPLACING CURRENT ARTICLE V, SECTION 1, WITH THE FOLLOWING:

ARTICLE V - WAGES WORKING OUT FO GRADE, OVERTIME, LONGEVITY AND APPRENTICESHIP PROGRAM

Section 1. The following pay classifications shall be in effect upon the date indicated:

Effective: July 1, 1999	
Probationary - Firefighter	\$11.51 per hour
Firefighter - one year	\$11.79 per hour
Firefighter - two years	\$12.16 per hour
Firefighter - three years	\$12.50 per hour

Motion by Councilor Wyman, seconded by Councilor Rogers to put this item on the floor for discussion.

There was no Council or public comment.

Chairman Hall asked for a vote.

VOTE: to Approve Order Passed Unanimously 8-0

VII. Order: Approving Contract for Goddard Pond Sidewalk and Parking Lot - 7:22 PM

Chairman Hall read the following Order:

**ORDER APPROVING CONTRACT
GODDARD POND SIDEWALK & PARKING LOT**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT A CONTRACT BY AND BETWEEN THE CITY OF BATH AND MITCHELL CONSTRUCTION CO. INC. FOR THE GODDARD POND SIDEWALK AND PARKING LOT IN THE AMOUNT OF \$107,278. BE AND HEREBY IS AWARDED, MITCHELL CONSTRUCTION CO. INC BEING THE LOWER BIDDER, AND THE MANAGER IS AUTHORIZED TO EXECUTE THE CONTRACT AND ANY OTHER DOCUMENTS NECESSARY TO ITS IMPLEMENTATION. THE PROJECT WILL BE FUNDED FROM AVAILABLE FUNDS IN THE GODDARD SIDEWALK CAPITAL ACCOUNT PWO5-586, SIDEWALK MAINTENANCE CAPITAL ACCOUNT PWO5-541, AND RECREATION CAPITAL RESERVE ACCOUNT RECO5-553.

Motion by Councilor Williams, seconded by Councilor James to put this item on the floor for discussion.

Councilor Williams expressed her appreciation that this project was finally becoming a reality.

Councilor Tibbetts stated he was pleased that Mitchell Construction was getting the contract as Mr. Mitchell had put a big effort behind seeing this project implemented for the safety of the community using the Goddard Pond facilities and the children walking to the Fisher-Mitchell School.

There was no further Council or public comment.

Chairman Hall asked for a vote.

VOTE: to Approve Order Passed Unanimously 8-0

Motion by Councilor Tibbetts, seconded by Councilor Rogers to waive rules to consider the following three items:

1) Proclamation: Constitution Week - 7:22 PM

Chairman Hall read the following Proclamation:

**CONSTITUTION WEEK
September 17-23, 1999**

WHEREAS: September 17,1999 marks the two hundred twelfth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion, and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17-23 as Constitution Week,

NOW, THEREFORE, by virtue of the authority vested in us as The City Council of Bath (in the state of Maine) we do hereby proclaim the week of September 17-23 as

CONSTITUTION WEEK

and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF we have hereunto set our hands and caused the Seal of the City to be affixed this 15th day of September of the year of our Lord one thousand nine hundred and ninety nine.

Motion by Councilor Wyman, seconded by Councilor Reed to put this Proclamation on the floor for discussion.

There was no Council or public comment.

Chairman Hall asked for a vote.

VOTE: to Approve Proclamation Passed Unanimously 8-0

2) Order: Approving Application for Bingo Game for the Officers Spouses' Club from the Brunswick Naval Air Station - 7:30 PM

Chairman Hall read the following Order:

ORDER

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT, IN ACCORDANCE WITH THE REQUIREMENTS OF 17 M.R.S.A. §313, THE APPLICATION TO CONDUCT BINGO OF THE ALL OFFICERS' SPOUSES' CLUB FROM THE BRUNSWICK NAVAL AIR STATION, TO BE HELD ON SUNDAY, SEPTEMBER 26, 1999, AT THE COSMOPOLITAN CLUB ON WASHINGTON STREET, IN BATH, BE AND HEREBY IS CONSENTED TO

Motion by Councilor Blake, seconded by Councilor James to put this item on the floor for discussion.

Councilor James made a motion to make an amendment to line three of the Order to read "THE APPLICATION TO CONDUCT BINGO OF THE ALL OFFICERS' SPOUSES' CLUB", seconded by Councilor Williams.

VOTE: to Amend Order Passed Unanimously 8-0

There was no further Councilor or public comment.

Chairman Hall asked for a vote on the Order.

VOTE: to Approve the Order Passed Unanimously 8-0

3) Ordinance: Approving Contract for Public Works, Cemeteries and Parks and Water Pollution Control Facility Employees - First Passage - 7:31 PM

Chairman Hall read the following Order:

ORDINANCE APPROVING CONTRACT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT, PURSUANT TO THE REQUIREMENTS OF §1102 OF THE CHARTER OF THE CITY OF BATH, A BARGAINING AGREEMENT WITH THE BATH PUBLIC WORKS EMPLOYEES, BATH CEMETERIES AND PARKS DEPARTMENT EMPLOYEES, AND THE BATH WATER POLLUTION CONTROL FACILITY EMPLOYEES, LOCAL NO. S-89 OF DL-4 THE INDUSTRIAL UNION OF MARINE AND SHIPBUILDING WORKERS OF AMERICA, IAMAW, A.F.L. - C.I.O., COMMENCING JULY 1, 1999 AND EXTENDING THROUGH JUNE 30, 2002 A

COPY OF WHICH IS ATTACHED HERETO, BE AND HEREBY IS APPROVED, AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SAID CONTRACT ON BEHALF OF THE CITY OF BATH.

Motion by Councilor James, seconded by Councilor Reed to put this Ordinance on the floor for discussion.

There was no Council or public comment.

Chairman Hall asked for a roll call vote.

Roll Call Vote:

Yeas: Williams, James, Blake, Wyman, Hayden, Tibbetts, Rogers and Reed

Nays: None

VOTE: to Approve Ordinance Passed Unanimously 8-0

Chairman Hall set second passage for this Ordinance for October 6, 1999 at 7:01 PM.

Motion by Councilor Rogers, seconded by Councilor Reed to recess to Workshop.

Chairman Hall called for a vote.

VOTE: to Recess to Workshop Unanimous 8-0

WORKSHOP: 7:35 PM

1) Bath Community Television Steering Committee Update -

Laura Brill - Chairman

2) Truck Route Study -

Wilbur Smith Associates

Reconvened at 9:30 PM and went into Executive Session to discuss a personnel matter.

Council came out of Executive Session at 9:50 PM.

Meeting adjourned at 9:51 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.