

Regular Meeting Minutes
City Council of the City of Bath, Maine
Wednesday, October 6, 1999 7:00 PM
City Council Chambers, Bath City Hall

Present: Councilors Williams, James, Blake, Wyman, Hayden, Tibbetts, Reed and Chairman Hall. Councilor Rogers came in during presentation to Mr. Pecci.

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

Chairman Hall led the Pledge of Allegiance and City Clerk White called the Roll.

Chairman Hall presented Mr. Fred Pecci with a plaque from the Council in recognition of his over 50 years of service as the City's Arborist. Mr. Pecci was a member of the Bath Fire Department for 25 years and has a tree dedicated in his honor in Memorial Park at the triangle of Centre and High Street.

C. Public Hearings

Public Hearing (1) : Ordinance: Approval of Contract for the Public Works, Cemeteries and Parks and the Water Treatment Facility Employees (Second Passage) - 7:05 PM Tape #170

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

There was no public or Council comment.

Motion by Councilor Blake, seconded by Councilor Williams to make an amendment to the Ordinance replacing page 8 of the contract with the amended version.

Roll Call Vote on Amendment:

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

Nays: None

Amendment passed unanimously.

Roll Call Vote on Amended Ordinance:

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

Nays: None

Ordinance passed unanimously.

Public Hearing (2) : \$5,000 Community Planning Grant from the Department of Economic and Community Development to conduct a feasibility study of developing a cooperative housing project

designed to provide affordable housing and homeownership for low and moderate income persons - 7:10 PM Tape #275

Mr. Al Smith, Community Development Director, presented at the public hearing.

There was no public or Council comment.

D. Consent Agenda: 7:22 PM Tape #650

Under the Consent Agenda, the minutes for the September 1, 15 and 22, 1999 Council Meetings and Items F5, F6, F7, F8, K14 and K15 were brought forth for acceptance by Councilor Wyman and seconded by Councilor Hayden.

VOTE on Consent Agenda:

Yeas: 8

Nays: 0

Consent Agenda passed unanimously.

E. Time Devoted to Residents to Address the City Council: 7:28 PM Tape#780

Jeffrey Reed of 19 Tallman Street spoke against the Please Do Not Feed the Pigeons signs located in Waterfront Park.

F. Ordinances, Resolutions and Orders: 7:40 PM

F4 – RESOLUTION – Authorizing acceptance of Community Planning Grant – Tape #1145

City of Bath, Maine
CITY COUNCIL RESOLUTION

WHEREAS, the City of Bath wishes to apply to the Department of Economic and Community Development for a Small Cities Block Grant to carry out a community development program; and

WHEREAS, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income families and individuals and the community has conducted at least one duly advertised public hearing; and,

NOW, THEREFORE, be it resolved by the City Council of the City of Bath that the City Manager:

1. Is authorized and directed to submit a Community Development Block Grant Community Planning Grant to the Department of Economic and Community Development on behalf of the City of Bath substantially in the form presented to this Council;
2. Is authorized to make such assurances on behalf of the City of Bath required as part of such applications; and
3. Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing said program(s), consistent with the Charter of the City of Bath and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

Signed this 6th day of September 1999 on behalf of the City Council of Bath.

Motion by Councilor Wyman, seconded by Councilor Blake to put this Resolution on the floor for discussion.

There was no Council or public comment.

VOTE on Resolution:

Yeas: 8

Nays: 0

Resolution passed unanimously.

F5 – ORDER: Prepare Notice of Election to notify inhabitants of the Maine State Referendum Election to be held on Tuesday, November 2, 1999

ORDER

City Council October 6, 1999

BE IT HEREBY ORDERED BY THE CITY COUNCIL, AS FOLLOWS:

That, the Notice of Referendum Election be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the Referendum Election will be held at their respective Ward Rooms (1-7 inclusive), on Tuesday, November 2, 1999 for the purpose of determining the following questions:

(as referenced on the attached Notice of Referendum)

Absentee Ballots shall be processed Election Day at 10:00am, 11:00am, 1:00pm, 2:00pm, 3:00pm and 7:00pm.

The polls shall be opened at 9:00am and closed at 8:00pm.

Vote: Passed on Consent Agenda

F6: ORDER: Prepare Election Warrants to notify inhabitants of City of Bath Municipal Election to be held on Tuesday, November 2, 1999 to vote for the following Councilors from Wards 1 and 6(three year terms), Councilor at Large (three year term); one member Board of Education (four year term) and one Bond Ordinance Question

ORDER

In City Council October 6, 1999

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT:

Warrants be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the Municipal Election will be held at their respective Ward Rooms 1-7 inclusive, on the Tuesday following the first Monday of November, the same being the 2nd day of said month, in the year of our Lord One Thousand Nine Hundred and Ninety-Nine, at 9 O'clock in the forenoon, then and there, to cast their votes at the Municipal Election in their respective Wards for:

City Councilors to be Elected:

Ward One	One to be Elected for a three year term
Ward Two	None to be Elected
Ward Three	None to be Elected

Ward Four None to be Elected
 Ward Five None to be Elected
 Ward Six One to be Elected for a three year term
 Ward Seven None to be Elected
 At Large One to be Elected for a three year term
 At Large None to be Elected
 1 Member to the Board of Education - At Large - 4 year term
 1 Bond Ordinance Question

and, be it further ordered, that said polls are to be kept open until eight o'clock in the evening of said day and then be closed.

VOTE: Passed on Consent Agenda

F7 - ORDER: Setting hourly schedule of the Office of Voting Registrar

ORDER

Be It Ordered by the City Council of the City of Bath, that the hourly schedule for the office of the Registrar of Voters shall be from 8:30am to 4:30pm (October 26th, 27th, 28th and 29th and November 1st) prior to the Referendum and Municipal Election to be held Tuesday, November 2, 1999 except for Election Day when the Office will be opened from 8:30am to 8:00pm.

VOTE: Passed on Consent Agenda

F8 – ORDER: Appointment of Wardens and Ward Clerks for the November 2, 1999 Election

ORDER

Be It Ordered by the City Council of the City of Bath,

that the following be appointed for the Maine State Referendum and the City of Bath Municipal Election to be held on Tuesday, November 2, 1999:

Ward	Warden	Ward Clerk
1	Cynthia Mitchell	Marion Craige
2	Paula Adam	Donna Hays
3	Betsy McPhee	Dorothy McKenna
4	Carol Duehring	Marie Peaslee
5	Cindy Gabelmann	Mary Foley
6	Kathy Cameron	Laura Brill
7	Jackie Dwinal	Rachel Bennett

VOTE: Passed on Consent Agenda

F9 – RESOLUTION: Amendments to the Comprehensive Plan – Section 13.1.17 September 1999, Amendments – Tape #1220

Resolution is too long to print in minutes, but is on file in Clerk’s Office with agenda originals.

Motion by Council Williams, seconded by Councilor Blake to put this Resolution on the floor for discussion.

James Harper, Vice Chairman Bath Planning Board gave a brief introduction and general statement regarding this Resolution.

Jim Upham, City Planner gave a detailed presentation on the amendments.

Councilor James asked for clarification on relevance of map numbers to Comprehensive Plan. Solicitor Therriault explained the exact locations of setbacks would be forthcoming in Land Use Codes.

No public comment.

VOTE on Resolution:

Yeas: 8

Nays: 0

Vote on Resolution passed unanimously.

F10 – ORDER: Approving Authorization Varnum Field (70 Office Drive Parking Lot) – Tape #3580

**ORDER
APPROVING AUTHORIZATION
Varnum Field (70 Office Drive Parking Lot)**

Be It Hereby Ordered By the City Council of the City of Bath that up to Four Thousand Three Hundred and no/100 Dollars (\$4,300) be and hereby is authorized to be spent from Council Contingencies Account 012-402 for the purpose of expanding the Varnum field athletic area to include the property located at 70 Office Drive to be used as a parking lot.

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

No Council or public comment.

VOTE on Order:

Yeas: 8

Nays: 0

Vote on Order passed unanimously.

F11 – ORDER: Approving Transfer Varnum Field Paving Parking Lot – Tape #3630

**ORDER
APPROVING TRANSFER
Varnum Field (Paving Parking Lot)**

Be It Hereby Ordered By the City Council of the City of Bath, pursuant to Section 611(D) of the Charter of the City of Bath, that the transfer of the sum of Fifteen Thousand, Seven Hundred Dollars (\$15,700.00) from the Street Maintenance Capital Account PWO5-540 into the Varnum Field Capital Account RECO5-605, be and hereby is approved.

Motion by Councilor Blake, seconded by Councilor Hayden to put this Order on the floor for discussion.

Councilor Tibbetts stated that it was time to get these paving projects done.

There was no public comment.

VOTE on Order:

Yeas: 8

Nays: 0

Vote on Order passed unanimously.

F12 – ORDINANCE: Amendment to Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259, Parking Restrictions - High Street-East & West Side - Winnegance (First Passage)– Tape #3760

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

High Street East Side

Delete:

"From the West Bath town line to Pine Street, no parking."

Replace with:

"From the West Bath town line to a point opposite the southerly entrance to the parking for the Winnegance Store, no parking.

"From a point opposite the parking lot to the Winnegance Store and running northerly for a distance of 148 feet, fifteen-minute parking.

"From a point 148 feet northerly of the southerly entrance to the parking lot to the Winnegance Store to Pine Street, no parking."

High Street West Side

Delete:

"From the West Bath town line to Richardson Street, no parking."

Replace with:

"From the West Bath town line to a point 20 feet south of the southerly entrance to the parking lot to the Winnegance Store, no parking.

"From a point 20 feet south of the southerly entrance to the parking lot to the Winnegance Store and running northerly to the driveway to #40 High Street, fifteen-minute parking.

"From the driveway to #40 High Street to Richardson Street, no parking."

Motion by Councilor Williams, seconded Councilor Hayden to put this Ordinance on the floor for discussion.

Police Chief Lizanecz spoke on how the Ordinance came about.

Stephanie Stoddard of 40 High Street and Brian Nadeau, owner of Winnegance Market, spoke against passage of this Ordinance at this time.

Motion by Councilor Reed, seconded by Councilor Rogers to table this Ordinance so that the City Planner could look into the issues closer and report back to the Council on November 3, 1999 on solutions.

Vote on Tabling Ordinance:

Yeas: 8

Nays: 0

Vote on Tabling Ordinance passed unanimously.

F13 – ORDINANCE: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259, Parking Restrictions – Front Street-East Side (First Passage) – Tape #4964

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

Front Street

Delete:

East Side

"From Arch Street running northerly 47 feet, two-hour parking. "From a point 47 feet north of Arch Street and running northerly 22

feet, loading zone.

"From a point 69 feet north of Arch Street to a point 10 feet south of the fire hydrant just north of Elm Street, two-hour parking."

Replace with:

"From Arch Street to a point 10 feet south of the fire hydrant just north of Elm Street, two-hour parking."

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

Councilor Tibbetts stated he would like to see better measurements from Elm Street in regards to fire hydrant.

No public comment.

Roll Call VOTE on Ordinance:

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

Nays: None

Vote on Ordinance passed unanimously.

Chairman Hall set second passage of this Ordinance for October 20, 1999 at 7:01 PM.

G. Petitions and Communications: 9:24 PM Tape #5140

A petition was presented to Council from residents on North Street regarding increasing truck traffic on that street.

John Hart of 198 North Street and Denise Larson of 119 North Street spoke to Council against rerouting of truck traffic to North Street.

H. City Manager's Report: 9:43 PM Tape #6178

City Manager Bubier spoke on the following items:

- Finished the Visionary Waterfront Renderings
- Attended Seniors One on One coordinated by Robert Peabody
- Jim Upham will be setting up the Public Hearings on the Bath Memorial Hospital Issue
- Attended meetings with Mid Coast Hospital
- Attended a meeting with BIW and Kevin Gildart going over issues and getting an update on their projects
- Working with YMCA to get conveyances together to bring to Council for approval
- Begin a series of meetings with the DOT to work out linking Bath, Augusta and Bangor with a high speed ferry and rail connections
- Bringing back the black and white police cruisers
- Asked for confirmation of Peter Owen as Director of Public Works Department

Motion by Councilor James, seconded by Councilor Blake to waive rules allowing for the vote to confirm Peter Owen as Public Works Director.

VOTE on waiving of rules:

Yeas: 8

Nays: 0

Vote on waiving of rules passed unanimously.

Motion by Councilor Blake, seconded by Councilor Rogers to confirm Peter Owen as Public Works Director.

VOTE on Confirming Peter Owen as Public Works Director:

Yeas: 8

Nays: 0

Vote on Confirmation passed unanimously.

I. Committee Reports: 9:55 PM

J. Old Business: 9:55 PM

There was no old business.

K. New Business: 9:56 PM

K14 Communications – Annual Report of the Old Bath Customs House pursuant to by-laws

K15 Appointment – Member Bath Water District Board – Joanna Bragdon – Term Exp. November 2002

VOTE: These were passed on the Consent Agenda

The meeting adjourned at 9:57 PM with a motion made by Councilor Rogers and seconded by Councilor James. All in favor.

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.