

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, February 17, 1999 7:00 PM
City Council Chambers, Bath City Hall

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

Absent: Councilor Tibbetts

Also Present: City Manager Bubier and Deputy City Clerk White

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

I. PUBLIC HEARING – Wing Farm Business Park Project - 7:02 PM

Peter Owen from Environmental Engineering & Remediation, Inc. in Portland addressed the public by giving the following brief update on the status of the project:

The project consists of extending the Centre Street Extension into the Wing Farm area which consisted of 1,500 foot road, putting in a large culvert and all the utilities required. As of December, all of the underground utilities were installed and the binder course for the road was put down. The contractors will be coming back on the site by April 21, 1999 and will be completing the rest of the project by May 21, 1999. Basically, what is outstanding is just putting down a wearing course for the road, installing a sidewalk, putting in guardrails and putting up utility poles. Once the power is put in, the pump station will be tested and activated. After that will be loam and seeding of the grounds and cleaning up.

Chairman Hall asked if the work out on Congress Avenue was all done and if the knoll by Roger's Hardware has been removed as much as it was going to be?

Owen replied that the final paving will be part of the final clean up stage and as far as he knew the knoll was done.

Councilor James asked if the landscaping and curb cuts been discussed with Bath Housing Authority?

Owen stated the Bath Housing Authority was looking over the landscaping plan now and the curb cuts had been completed.

Chairman Hall asked for any public comments. There were none.

Chairman Hall asked for any council comments. There were none.

Chairman Hall closed the Public Hearing.

II. Butler Head Management Plan Acceptance - 7:07 PM

Motioned by Councilor Rogers to put the Butler Head Management Plan on the floor, seconded by Councilor James.

Councilor James asked since this is not an ordinance could it not be just voted on?

City Manager Bubier stated that it was his understanding that this is not an ordinance but an extension to the Comprehensive Plan and as such requires only the one vote. It would not be granted the ordinance status.

Denis Hebert, Director of Cemeteries and Parks, read the following sections of the Plan as an overview:

STATEMENT OF INTENT: The management plan for Butler Head is founded upon the belief that the Butler Head and Butler Cove area is a critical resource and a treasure for present and future generations of Bath citizens. The plan recognizes that the Butler Head ecosystem is fragile and in need of protection. The plan also recognizes that, as a nature sanctuary, the Butler Head area has potential for providing enhanced educational and recreational opportunities. Therefore, it is the intent of the plan to ensure conservation of the marine and wildlife habitats of the area while promoting long term public awareness and involvement within the context of sound environmental practice. It is not expected that this plan will be complete and accurate at the time of its implementation. Therefore, it is also the intent of the plan to continue its development and to maintain it as events unfold and additional information becomes available.

GOAL: The City of Bath, through the Bath Community Forestry Committee, will encourage and provide environmentally sound use of the city-owned, forested land known as Butler Head for educational and limited recreational purposes while conserving the basic resource for the enjoyment and benefit of future generations. Initial activity toward meeting the goal by various organizations within the City of Bath is described in Appendix L. The objectives to support achieving the goal are:

A. Conservation: To protect and maintain the existing ecosystems.

B. Education:

1. Schools: To develop and maintain a natural environment for study by the Bath School Department.
2. Public: To encourage the use of Butler Head as a place of learning for people of all ages.

Recreation: To provide a place where the citizens of Bath can experience, observe and enjoy the natural characteristics of the local environment, e.g., bird watching and nature study. To provide a location where low impact recreational activities may be enjoyed, e.g., cross country skiing and hiking.

Mr. Hebert stated that the key part of the Plan is education, so the school kids in Bath have a living library of natural resources to study for a long time to come.

Mr. Hebert read the following Summary:

Bath Community Forestry Committee in consideration of admission to use the city's forest resources wisely and increase the use of Butler Head by school children undertook the development and management plan for Butler Head based on studies, surveys and recommendations. The Plan establishes Butler Head as a resource for education and recreation and further provides for conservation of that resource.

Chairman Hall asked for Council comments.

Councilor Blake asked is a jet ski considered a power boat?

Mr. Hebert replied no.

Councilor Hayden asked about the provision for restrooms?

Mr. Hebert stated that if the situation arises where that activity warrants the need then that possibility would be addressed. A parking lot issue could also arise at a later date.

Councilor James asked about how many classes use this area during the year?

Jerry Provencher, a school teacher in the Bath school system, answered by saying the studying of the area was first done about eight years ago by high school classes, then grade school classes started. His class visits the area about 11 to 12 times a year.

Chairman Hall asked about excess of powerboats to the cove and does the City own the cove?

Mr. Hebert stated that the City owns the land to the middle of the cove but does not have the right to stop any one from using the water, but that the water is so shallow the use of power boats in the cove was not practical.

Chairman Hall asked for public comment.

Dan Donovan, 1017 Washington Street and owner of land at Butler Cove, spoke in regards to his understanding of what was being presented to Council was a report by a committee and not an ordinance or an amendment to the Comprehensive Plan He stated he thought all the Council had in front of them for passage was a report requiring a single vote to accept it.

Tom Barrington, member of the Forestry Committee, spoke stating that the Plan presented to Council was indeed the management plan that was required by the Comprehensive Plan and not a report.

City Manager Bubier stated that this would be a statement of the Council's policy to manage Butler Cove Park and is in fact the document that would be used to draft ordinances.

Mr. Donovan stated that he thought this plan would still have to go through the Planning Board before this could be put in the Comprehensive Plan.

Chairman Hall closed the floor to public comment and asked for a vote.

Councilor James stated that he would like to commend the Committee on their fine work and to make a motion to make two amendments to the Plan, seconded by Councilor Blake.

Amendment 1. Page 3, IV. POLICY, B. Access:, 1. Vehicles: a., the second to last sentence which reads as follows:

“The use of other invasive vehicles, such as ATV's, motorcycles, mountain bikes and dirt bikes that can deform the land will be monitored. If there is evidence of permanent deformation,

the use of these vehicles may be restricted from the affected areas.” and have it read: “The use of other invasive vehicles, such as ATV’s, motorcycles, mountain bikes and dirt bikes that can deform the and will be monitored. If there is evidence of permanent deformation, the use of these vehicles may be restricted from the affected areas, after review by City Council.”

Amendment 2. Page 6, V. IMPLEMENTATION, A. Inventory and Analysis:, 2. Analysis:, c. which reads as follows:

“Revisions procedure: The plan will be revised every five years or sooner, if there are significant changes or unusual circumstances.” and have it read “Revisions procedure: The plan will be revised every five years or sooner, if there are significant changes or unusual circumstances and submitted to City Council for review.”

Chairman Hall asked for Council comment on the amendments. There was none.

Chairman Hall asked for public comment. There was none.

Chairman Hall called for a vote on Amendments.

Vote on Amendments to Butler Head Management Plan:

Yeas: 6

Abstain: 1

Vote Passed to accept amendments to Plan.

Chairman Hall called for a vote of acceptance for the Butler Head Management Plan.

Vote on accepting the Butler Head Management Plan:

Yeas: 7

Nays: 0

Unanimous vote to accept Plan.

Complete Copy of Butler Head Management Plan on File with Agenda in City Clerk’s Office

Chairman Hall thanked the Committee for their long hours of work

III. ORDER – Appointment of Greg N. L’Heureux, City Finance Director/Tax Collector/Treasurer – 7:34 PM

Chairman Hall read the following Order:

ORDER

PURSUANT TO SECTION 403(B) OF THE CHARTER OF THE CITY OF BATH, AND IN CONCERT WITH THE MANAGER’S RECOMMENDATION, GREGORY N. L’HEUREUX IS HERE BY APPOINTED FINANCE DIRECTOR, TAX COLLECTOR AND TREASURER OF THE CITY OF BATH.

Motioned by Councilor Wyman, seconded by Councilor Williams to put this Order on the floor.

Chairman Hall asked for Council and public comment. There was none.

Chairman Hall asked for a vote.

Vote on accepting this Order:

Yeas: 7

Nays: 0

Unanimous to accept Order.

IV. ORDER - Election of Mary Jane White, City Clerk – 7:36 PM

Chairman Hall read the following Order:

ORDER

PURSUANT TO THE PROVISIONS OF SECTION 220 OF THE CHARTER OF THE CITY OF BATH, MARY JANE WHITE IS HEREBY ELECTED TO SERVE THE CITY AS ITS CITY CLERK FOR AN INDEFINITE TERM.

Motioned by Councilor Wyman, seconded by Councilor Tainter to put this Order on the floor.

Chairman Hall asked for Council and public comment. There was none.

Chairman Hall asked for a vote.

Vote on accepting this Order:

Yeas: 7

Nays: 0

Unanimous to accept Order.

V. ORDER - Appointment of Mary Jane White, Registrar of Voters - 7:37 PM

Chairman Hall read the following Order:

ORDER APPOINTING REGISTRAR OF VOTERS

WHEREAS, the incumbent Registrar of Voters has resigned, and

WHEREAS, Title 21-A, Section 101(8), requires the Municipal Officers to appoint a Registrar of Voters to fill the vacancy for the remainder of the term of office,

NOW, THEREFORE, be it ordered by the City Council of the City of Bath that Mary Jane White be and hereby is appointed Registrar of Voters for the City of Bath for the balance of the current term.

Motioned by Councilor Williams, seconded by Councilor Tainter to put this Order on the floor.

Chairman Hall asked for Council and public comment. There was none.

Chairman Hall asked for a vote on this Order.

Vote to accept this Order:

Yeas: 7

Nays: 0
Unanimous to accept this Order.

**VI. APPOINTMENT of Fredrick Clarke, Bath Housing Authority Board of Directors -
7:38 PM**

Since the City Solicitor was not in attendance and could not provide the Council with the information required to go forth with the vote, it was motioned by Councilor James, seconded Councilor Williams to Table this Appointment until the March 3, 1999 meeting.

Chairman Hall called for a vote on the motion.

Vote on the motion to table this Appointment:

Yeas: 7

Nays: 0

Unanimous to accept the motion to table this Appointment.

The Council went into Workshops at this time. - 7:40 PM

- 1) Pine Tree Waste
Review of municipal solid waste services - Mike Kozard
- 2) Environmental Engineering & Remediation, Inc. CSO Construction Update -
Peter Owen
- 3) Bath School Department Facilities Report - David Wallace, Superintendent

It was motioned by Councilor James, seconded by Councilor Blake to waive the rules to come out of Workshop and take a vote to accept the appointment of the Building Committee Members.

Vote on motion to waive rules:

Yeas: 7

Nays: 0

Unanimous to waive rules for vote.

Motion by Councilor James, seconded by Councilor Tainter to appoint the list of names for the Bath Middle School Building Committee.

Vote on motion to Appoint BMS Building Committee:

Yeas: 7

Nays: 0

Unanimous to Appoint BMS Building Committee.

The following is the list of the appointed Bath Middle School Building Committee Members:

Eric Anderson, Teacher	Ken Desmond, Fire Department	<u>Ex officio</u>
Kimberly Brackett, Parent, Business Community	Bernard Wyman, City Council	Burleigh Oxtou
Allan Fairfield, Parent	Tom MacDonald, School Board	Paul Timberlake
Jeff Geiger, Parent	Nancy Cloutier, Parent	David Wallace
Randy Hixon, Teacher	Pam Torrey, Community Member	Ruth Moore

Motioned by Councilor James, seconded by Councilor Williams to go into Executive Session.

Vote to go into Executive Session:

Yeas: 7

Nays: 0

Unanimous to go into Executive Session.

Motioned by Councilor Tainter, seconded by Councilor Rogers to come out of Executive Session.

Vote to come out of Executive Session:

Yeas: 7

Nays: 0

Unanimous to come out of Executive Session.

Motion to adjourn meeting Councilor Rogers, seconded by Councilor Hayden.

Unanimous in favor.

Meeting adjourned at 9:35 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.