

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, March 3, 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, March 3, 1999 for the purpose of conducting business as listed on the agenda.

Chairman Hall opened the meeting with the Pledge of Allegiance.

ROLL CALL: Present: Councilors Tainter, Rogers, Hayden, Wyman, Blake, James, Williams and Chairman Hall. **Absent:** Councilor Tibbetts

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

C. PUBLIC HEARING:

1) City of Bath Community Planning Grant Application to Conduct a Feasibility Study of a Cooperative Housing Project – 7:03 PM

Chairman Hall introduced Al Smith, Community Development Director, who gave an overview of the components for the feasibility study. Mr. Smith began by stating that the submission to the Department of Economic and Community Development Office of Community Development on March 12, 1999 of the application would start the process. If Bath is selected, there will be another public hearing for the purpose of further discussion on the proposal and the Council will be asked to accept the Grant and authorize the City Manager to implement the contract. The following is a list of highlights from Mr. Smith's overview of the "Model of Co-op Housing" the feasibility study would provide:

Cooperative Housing

- It's a form of ownership.
- Open membership without discrimination.
- Democratic control.
- Limited return.
- Education of membership to their responsibilities and education of the general public.
- Co-ops give support to other cooperatives.
- In the United States, more than one million families of all income levels live in co-ops.
- Co-ops come in many physical forms: single-family, duplexes, townhouses etc.
- Co-ops offer control of one's living environment and a security of tenure not available in rental housing.
- Members have no reason to increase monthly charges unless taxes of operating costs go up.
- For income tax purposes, the co-op member is usually considered a "homeowner" and as such can deduct his share of the real estate taxes and mortgage interest paid by the co-op.
- Members participate at various levels in the decision-making process.
- Members are able to provide services for themselves that otherwise would be impossible to obtain.
- Shared maintenance responsibility.

- Co-op members vigorously protect their property, which results in the reduction of vandalism and improves security.
- Provide a first time home ownership opportunity to lower income residents.
- Provide not only home ownership for low income, but for mixed levels of income.
- A way of addressing some of the upgrading of housing maintenance needs in the Bath community and maintaining those improvements.
- Strengthen the neighborhood with a better balance of owner occupied housing.

Feasibility Study into Co-op Housing

- Community education and identification of interested tenants;
- Identification of potential properties;
- Research local zoning for cooperative housing in general and for the specific project to be developed;
- Membership development for proposed cooperative;
- Design a Development Plan, including identifying financing for the project;
- Establish legal framework and supporting documents;
- Organize partnership to support implementation of the project;
- Maintain community relations.

Mr. Smith stated that one of the benefits of this effort, would be to give a “Model” that could be looked to here in Maine. The implementation of this study will be done in conjunction with a similar project in Rockland. This will be important to the effort, as the project will be able to get support from another group. The joint effort will also be cost-effective with the sharing of educational materials, training sessions, problem solving and project evaluation.

Councilor James asked Mr. Smith what the incentive of such a project would be for current landlords such as Bath Housing Authority?

Mr. Smith stated that during a meeting with current landlords to announce housing rehab loans some showed interest in selling, if they could. This project would give an option to those landlords. Joanne Troy from Bath Housing Authority has shown her support in helping this project along, also.

Councilor Blake asked what the time frame for the starting of such a project might be?

Mr. Smith stated that the earliest they would hear back from the grant would probably be in May and it would take another year to go step by step to the implementation level. This would relate to 12 to 15 months before implementation.

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

Chairman Hall closed the public hearing.

D. CONSENT AGENDA: – 7:26 PM

Chairman Hall introduced the Consent Agenda consisting of the following:

2) Minutes of Previous Meetings of February 3 and 17, 1999 (motion to accept)

It was motioned by Councilor Blake, seconded by Councilor James to make an Amendment to the February 3, 1999 minutes to include Councilor Blake’s name in the Roll Call as it had been omitted.

VOTE: on Amendment to February 3, 1999 Minutes Approved by Unanimous Vote 7-0

F-3) Order - Exercising the Alewife fishing rights at Winnegance Lake to be administered by the Winnegance Alewife Commission as per Harvest Plan (motion to pass)

F-4) Order - Exercising the Alewife fishing rights at Whiskeag Creek to “Rod and Line” only (motion to pass)

F-5) Order - Issuing warrant for prosecuting unlicensed dog owners-keepers (motion to pass)

Motion to accept Consent Agenda by Councilor Tainter, seconded by Councilor Rogers.

VOTE: Consent Agenda Approved by Unanimous Vote 7-0

E. TIME DEVOTED TO RESIDENTS TO ADDRESS THE CITY COUNCIL: - 7:30 PM

No members of the public spoke at this time.

F. ORDINANCES, RESOLUTIONS AND ORDERS: - 7:31 PM

6) Order - Waiver of Tipping fee for Habitat for Humanity (motion to pass)

Chairman Hall read the following Order:

ORDER

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE CIITY WAIVE THE LANDFILL TIPPING FEES OF HABITAT FOR HUMANITY/BATH-BRUNSWICK AREA, INC. AS IT RELATES TO DEBRIS ASSOCIATED WITH THE DEMOLITION OF PROPERTY LOCATION AT 444 HIGH STREET, AS WELL AS ANY OTHER INCIDENTAL "DEPOSITS" IT MIGHT MAKE OVER THE COMING YEAR, LIMITED TO THE 444 HIGH STREET LOCATION.

Motioned by Councilor James, seconded by Councilor Blake to put Order on the floor.

Chairman Hall asked for any Council comments.

Councilor Wyman asked if there wasn’t supposed to be a workshop regarding the landfill.

Chairman Hall stated that this workshop would be scheduled in the very near future.

Chairman Hall asked for Public comment on this order.

There was no public comment.

Chairman Hall went back to Council for comment.

Chairman Hall stated that the City Manager had done a survey of other Cities regarding waiving of tipping fees in such cases. The results of the survey had been that no waivers be granted, but no policy had been adopted by Council regarding this subject.

VOTE:

Yeas: Tainter, Rogers, Hayden, Blake, James, Williams

Nays: Wyman

G. PETITIONS & COMMUNICATIONS: - 7:33 PM

There were no petitions or communications.

H. CITY MANAGER'S REPORT: – 7:34 PM

- 1) Trolley Bid update. He had spoke with MDOT staff and they are interested in purchasing both trolleys for the “Go” program in Augusta. For the #1 trolley, Bath bid \$61,250 and the State bid \$50,001. For the #2 trolley, Bath bid \$48,000-\$50,000 and the State bid \$49,999. This would seem to result in Bath winning the #1 trolley and the State getting the #2. Bubier had spoken with the Deputy Commissioner at the MDOT stating that this is how he hoped the result would be. At this time, there is no guarantee of this happening. These discussions are on going.
- 2) There are three confirmations on the requests to become board members of the Bath Local Development Corporation. These are: Duane Fitzgerald, William Haggett, and Richard Klingaman. Bubier asked the City Solicitor since they now have the nine members required to form the Corporation, if this is an option. The City Solicitor said all that is needed for Council to vote to waive the Rules and accept these three as members to the Board.

Councilor James motioned to waive the rules, seconded by Councilor Rogers to allow a vote on accepting the memberships to the Bath Local Development Corporation of Duane Fitzgerald, William Haggett, and Richard Klingaman.

VOTE: on Waiving of Rules to allow a vote Approved by Unanimous Vote 7-0

Motioned by Councilor James, seconded by Councilor Blake to accept the memberships of Duane Fitzgerald, William Haggett, and Richard Klingaman to the Bath Local Development Corporation Board.

Chairman Hall asked for public and Council comments. There were none.

VOTE: on Accepting Memberships to the LDC Approved by Unanimous Vote 7-0

- 3) Met with Joseph Cuetara, Moors & Cabot, Inc., on the bond issue. The plan is to up the bond standing from an A3 to AA. The \$45,000 gained from this could help fund a department
- 4) There are meetings on-going with DOT and Flatiron on the solution to the outfall pipe problem on Vine Street. The proposed solution is to ratchet back portions of it and use a “T”

wall construction, which wouldn't put the vertical weight on the pipe. DOT and Flatiron are working on this. Traffic patterns for that area for mid-summer are also being worked on.

- 5) Meetings with Robert Baldacci, Ocean Properties and Elks Lodge members are on-going regarding the proposed hotel on the Elks Lodge location. Hopefully, a solution can be reached soon.
- 6) Met with Darla Jewett, County Commissioner, concerning what the City's role with the County would be concerning the dispatching and the National Guard building issues. The need to work together so as to keep the Sagadahoc Sheriff's Department functions here in Bath is crucial.
- 7) The City met with the General Manager of Shaws, Lee Patenaude, to help work out some issues they are having concerning the shopping center block. These issues seem to be working themselves out.

I. COMMITTEE REPORTS - 7:46 PM

Councilor James reported that the School Board had begun budget deliberations.

City Planner, Jim Upham, stated that the Southend Boat Launch Committee would like to meet with Council in a workshop to discuss rules and regulations, parking and maintenance issues. He will be setting the workshop up in the near future.

J. OLD BUSINESS: – 7:48 PM

Councilor Wyman asked for some clarification on the issue of the appointment of Frederick Clarke to the Bath Housing Authority Board.

City Solicitor, Therriault stated that Mr. Clarke would still be able to serve on the Board until he is re-appointed or a successor is named. Therefore, the lapse in time for this position's appointment is not causing any hardship to the Board.

K. NEW BUSINESS: – 7:50 PM

Chairman Hall informed the group that the Council had received a "Merit Award", from the Partnership for a Tobacco Free Maine, for their efforts in promoting a tobacco free environment through their recent passing of the Tobacco Sale Access Ordinance.

ADJOURN:

Motion by Councilor Wyman, seconded by Councilor Williams to go into Workshop

VOTE: to go into Workshop Approved by Unanimous Vote 7-0

WORKSHOPS: 7:53 PM

- 1) Waterfront Plan -
Wilbur Smith Associates - Bruce Hyman and Charles
- 2) Transit Plan Report -
Wilbur Smith Associates - Bruce Hyman and Charles

EXECUTIVE SESSION: 9:35 PM

- 1) Legal Matter

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

VOTE: to go into Executive Session Approved by Unanimous Vote 7-0

Motion by Councilor James, seconded by Councilor Tainter to come out of Executive Session.

VOTE: to come out of Executive Session Approved by Unanimous Vote 7-0

On motion by Councilor James, seconded by Councilor Blake, it was moved to adjourn the meeting.

VOTE: To Adjourn Approved by Unanimous Vote 7-0

Meeting Adjourned at 9:58 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.