

SPECIAL MEETING MINUTES  
City Council of the City of Bath, Maine  
Wednesday, April 14, 1999 5:00 PM  
City Council Chambers, Bath City Hall

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

**Arrived During Item III:** Councilor James and Councilor Blake

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

Chairman Hall called the meeting to order at 5:00 PM.

**I. BOND ORDINANCE** (second passage) - 5:01 PM

Chairman Hall asked to have the reading of the Ordinance waived.

Motion by Councilor Wyman, seconded by Councilor Williams to waive the reading of the Ordinance.

**Vote:** to waive reading of the Ordinance

Yeas: 6

Nays: 0

Unanimous vote to waive reading of Ordinance

**BOND ORDINANCE**

AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE CITY OF BATH, MAINE, IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$1,500,000.00 FOR THE PURPOSE OF THE ELIMINATION AND IMPROVEMENT OF COMBINED SEWER OVERFLOWS, SEWER AND STORMWATER SEPARATION, AND OTHER IMPROVEMENTS TO THE CITY'S SEWER AND STORMWATER COLLECTION SYSTEM.

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH, AS FOLLOWS:

Section 1. That a sum up to, but not to exceed, \$1,500,000.00 is hereby appropriated for the purpose of the elimination and improvement of combined sewer overflows, sewer and stormwater separation, and other improvements to the City's sewer and stormwater collection system.

Section 2. That, for the purpose of financing the aforesaid appropriation, authorization is hereby given to incur indebtedness by the issuance of bonds of the City of Bath, in an amount up to, but not to exceed, \$1,500,000.00 under, and pursuant to, the Charter of the City of Bath.

Section 3. That any and all bonds issued pursuant to this Ordinance shall be payable in annual installments which shall be substantially equal in amount or which shall be so arranged so that no installment shall be less than the amount of any installment payable in a subsequent year.

Section 4. That the term of any bonds issued under the within Ordinance shall not exceed twenty (20) years.

Section 5. That the proceeds of any bonds issued pursuant to this Ordinance shall be used only for those

purposes specified in Section 1 above.

Section 6. That any proceeds of the bonds issued not used for the purposes specified in Section 4 shall be applied to repayment of the principal and/or interest of any such bonds.

Section 7. Any suit questioning the validity of this Ordinance shall be barred unless commenced within forty-five (45) days following publication of the Ordinance, said publication in accordance with Section 809 of the Charter of the City of Bath.

Section 8. The City Treasurer with the approval of the City Manager and the Chairman of the City Council may borrow money temporarily by the issuance of notes in anticipation of the issuance of bonds, subsequent to the authorization of this bond issue by the City Council of the City of Bath.

Section 9. That the City Treasurer, with the approval of the Chairman of the City Council and the City Manager, shall determine the date or dates, maturities, denominations, interest rate or rates and any other details of each issue of bonds and/or notes issued in anticipation of this bond issue.

Section 10. That any and all bonds and/or notes issued by the City pursuant to Chapter 6 of the Charter of the City of Bath or Chapter 8 of the Charter of the City of Bath shall be signed by the City Treasurer and countersigned by the Chairman of the City Council and the City Manager.

Section 11. That any and all bonds and/or notes issued pursuant to Chapter 8 of the Charter of the City of Bath shall be general obligation bonds of the said City.

Section 12. The City Treasurer, with the approval of the Chairman of the City Council and the City Manager, is hereby authorized to make any such bonds or notes authorized hereby subject to call for redemption with or without premium at the election of the City before the dates fixed for the final payment thereof.

Chairman Hall asked for any public or Council comment on the Bond Ordinance. Seeing none he asked for a roll call vote.

**Vote** on Second Passage of this Bond Ordinance:

Yeas: Williams, Wyman, Hayden,, Tibbetts, Rogers, Tainter

Nays: None

Bond Ordinance got Second Passage 6-0.

**II. BOND ORDINANCE** – (second passage) 5:04 PM

Chairman Hall asked to have the reading of the Ordinance be waived.

Motion by Councilor Williams, seconded by Councilor Wyman to waive the reading of the Ordinance.

**Vote:** to waive reading of the Ordinance

Yeas: 6

Nays: 0

Unanimous vote to waive reading of Ordinance

**BOND ORDINANCE**

AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE CITY OF BATH, MAINE, IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$3,000,000.00 FOR THE PURPOSE OF THE REPAIR, RENOVATION, RECONSTRUCTION, IMPROVEMENT AND UPGRADE OF CITY STREETS, CURBS AND SIDEWALKS, INCLUDING RELATED SEWER AND STORMWATER LINES.

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH, AS FOLLOWS:

Section 1. That a sum up to, but not to exceed, \$3,000,000.00 is hereby appropriated for the purpose of repair, renovation, reconstruction, improvement and upgrade of City streets, curbs and sidewalks, including related sewer and stormwater lines.

Section 2. That, for the purpose of financing the aforesaid appropriation, authorization is hereby given to incur indebtedness by the issuance of bonds of the City of Bath, in an amount up to, but not to exceed, \$3,000,000.00 under, and pursuant to, the Charter of the City of Bath.

Section 3. That any and all bonds issued pursuant to this Ordinance shall be payable in annual installments which shall be substantially equal in amount or which shall be so arranged so that no installment shall be less than the amount of any installment payable in a subsequent year.

Section 4. That the term of any bonds issued under the within Ordinance shall not exceed twenty (20) years.

Section 5. That the proceeds of any bonds issued pursuant to this Ordinance shall be used only for those purposes specified in Section 1 above.

Section 6. That any proceeds of the bonds issued not used for the purposes specified in Section 1 shall be applied to repayment of the principal and/or interest of any such bonds.

Section 7. Any suit questioning the validity of this Ordinance shall be barred unless commenced within forty-five (45) days following publication of the Ordinance, said publication in accordance with Section 809 of the Charter of the City of Bath.

Section 8. The City Treasurer with the approval of the City Manager and the Chairman of the City Council may borrow money temporarily by the issuance of notes in anticipation of the issuance of bonds, subsequent to the authorization of this bond issue by the City Council of the City of Bath.

Section 9. That the City Treasurer, with the approval of the Chairman of the City Council and the City Manager, shall determine the date or dates, maturities, denominations, interest rate or rates and any other details of each issue of bonds and/or notes issued in anticipation of this bond issue.

Section 10. That any and all bonds and/or notes issued by the City pursuant to Chapter 6 of the Charter of the City of Bath or Chapter 8 of the Charter of the City of Bath shall be signed by the City Treasurer and countersigned by the Chairman of the City Council and the City Manager.

Section 11. That any and all bonds and/or notes issued pursuant to Chapter 8 of the Charter of the City of

Bath shall be general obligation bonds of the said City.

Section 12. The City Treasurer, with the approval of the Chairman of the City Council and the City Manager, is hereby authorized to make any such bonds or notes authorized hereby subject to call for redemption with or without premium at the election of the City before the dates fixed for the final payment thereof.

Chairman Hall asked for any public or Council comment on the Bond Ordinance.

Chairman Hall asked for a roll call vote.

**Vote** on Second Passage of this Bond Ordinance:

Yeas: Williams, Wyman, Hayden,, Tibbetts, Rogers, Tainter

Nays: None

Bond Ordinance got Second Passage 6-0.

**III. ORDER: Authorize to expend an additional \$4,075.93 from Council Contingency Account in the settlement of the Portland Bangor Waste Oil Site in Wells, ME. - 5:05 PM**

Chairman Hall read the following Order:

**ORDER**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE SUM OF \$4,075.93 BE AND HEREBY IS AUTHORIZED TO BE EXPENDED FROM THE COUNCIL CONTINGENCY ACCOUNT, IN ADDITION TO THE \$1,400.00 ALREADY AUTHORIZED FROM THAT ACCOUNT, TO FUND THE SETTLEMENT OF ALL LIABILITIES OF THE CITY OF BATH IN CONNECTION WITH THE PORTLAND BANGOR WASTE OIL SITE.

Motion by Councilor Wyman, second by Councilor Williams to put this Order on the floor for discussion.

City Solicitor said the additional funding needed came from documents that weren't in the City of Bath's files, but have been produced showing additional gallonage of contaminated materials. This puts Bath back into a Tier I status which is why we need the additional funding.

There was no public comment.

Councilor Tainter asked if this would be the end of payment for this site.

Solicitor Therriault stated that should the threshold amount of \$14,000,000 be met, then we would be clear of all liability on this site.

City Manager Bubier stated that we would be clear on this site, but there is always a possibility that another site might come up and Council would have to deal with each situation as it arises.

Councilor Wyman asked if it was true that there is a bill in the legislature that might allow the City to get its money back.

Solicitor Therriault stated the legislature is working on such a bill, but there is no guarantee that it will

pass.

Chairman Hall asked for any further Council comment. Seeing none, he asked for a vote on the Order.

**Vote on Order:**

Yeas: 8

Nays: 0

Order Passed Unanimous 8-0.

**IV. ORDER APPROVING TRANSFER: Pursuant to Section 611 D of the City Charter of the City of Bath - Transfer the sum of \$82,868 from Employee Benefits-Personnel Adjustments Account (050-85) and \$6,768 from Employee Benefits-Performance Evaluation Account (050-79) into accounts as listed in the Order. 5:10 PM**

Chairman Hall read the following Order:

**ORDER  
APPROVING TRANSFER**

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 Eighty Two Thousand Eight Hundred Sixty Eight and no/100 Dollars (\$82,868) from Employee Benefits - Personnel Adjustments Account 050-85 and Six Thousand Seven Hundred Sixty Eight (\$6,768) from Employee Benefits - Performance Evaluation Account

050-79, into the following Accounts, be and hereby is approved.

010	102	Regular Pay	Admin	2,944
035	102	Regular Pay	City Hall Mgmt	800
055	102	Regular Pay	Finance	4,772
056	102	Regular Pay	Treasurer/Tax Collector	1,300
060	102	Regular Pay	Assessor	2,173
065	102	Regular Pay	Transfer to Recreation	4,489
070	102	Regular Pay	General Assistance	875
075	102	Regular Pay	Codes	1,446
077	102	Regular Pay	Planning/Comm Devel	1,673
080	102	Regular Pay	Public Works	10,849
080	103	Overtime Pay	Public Works	1,349
085	102	Regular Pay	Solid Waste	2,515
085	103	Overtime Pay	Solid Waste	204
090	102	Regular Pay	Cemetery & Parks	2,258
100	102	Regular Pay	Fire & Ambulance	17,012
100	103	Overtime Pay	Fire & Ambulance	3,075
100	104	Temporary Pay	Fire & Ambulance	117
100	105	Premium Pay	Fire & Ambulance	1,923
105	102	Regular Pay	Police	23,924
107	102	Regular Pay	Communications	4,575
108	102	Regular Pay	Parking Management	744
109	102	Regular Pay	Animal Control	619
			<b>TOTAL</b>	<b>89,636</b>

Motion by Councilor Tibbetts, second by Councilor Blake to put the Order on the floor for discussion.

Chairman Hall asked the Finance Director to explain what Orders IV through VIII were dealing with.

Mr. L'Heureux explained the following:

Order IV deals with cost of living rises, a couple of trueups that were left out during the first trueups, retro relating to police contract

Order V deals with cost of living raises for Wastewater Treatment Fund

Order VI deals with contractual obligation from the Fire Contracts

Order VII deals with the City Manager Retirement Account

Order VIII deals with the Community Development Director being brought on as a City employee

Chairman Hall asked for Council and public comment. Seeing none, he asked for a vote on the Order.

**Vote on Order:**

Yeas: 8

Nays: 0

Order Passed Unanimous 8-0.

**V. ORDER APPROVING TRANSFER: Pursuant to Section 611 D of the City Charter of the City of Bath - Transfer the sum of \$9,792 from Sewer Utility Management: Contingencies (7-700-0-0-80-402) to the Sewer Utility Fund Accounts as listed in the Order.** 5:16 PM

Chairman Hall read the following Order:

**ORDER  
APPROVING TRANSFER**

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 Nine Thousand Seven Hundred Ninety Two and no/100 Dollars (\$9,792) from 7-700-0-0-80-402 Sewer Utility Management: Contingencies to the following Sewer

Utility Fund Accounts identified below, be and hereby is approved.

700	102	Regular Pay	Sewer - Management	700
701	102	Regular Pay	Sewer - Treatment & Pump	5,075
701	103	Overtime Pay	Sewer - Treatment & Pump	405
701	105	Premium Pay	Sewer - Treatment & Pump	171
702	102	Regular Pay	Sewer - Maintenance	3,007
702	103	Overtime Pay	Sewer - Maintenance	208
702	105	Premium Pay	Sewer - Maintenance	226
<b>TOTAL</b>				<b>9,792</b>

Motion by Councilor Tainter, seconded by Councilor James to put this Order on the floor.

Chairman Hall asked for Council and public comment. Seeing none, he asked for a vote.

**Vote on Order:**

Yeas: 8  
Nays: 0  
Order Passed Unanimous 8-0.

**VI. ORDER APPROVING TRANSFER: Pursuant to Section 611 D of the City Charter of the City of Bath - Transfer the sum of \$5,243 from Employee Benefits-Performance Evaluation Account (085-79) into the Fire Department Overtime Account (100-103).** 5:17 PM

Chairman Hall read the following Order:

**ORDER  
APPROVING TRANSFER**

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 Five Thousand Two Hundred Forty Three and no/100 Dollars (\$5,243) from the Employee Benefits - Performance Evaluation Account 050-79 into the Fire Department Overtime Account 100-103, be and hereby is approved.

Motion Councilor James, seconded Councilor Wyman to put this Order on the floor.

Chairman Hall asked for Council comment.

Councilor Tibbetts made a motion to have the Order amended to reflect the correct account number for the Employee Benefits - Performance Evaluation Account, which is 050-79, seconded by Councilor James.

Chairman Hall asked for a vote on the amendment to the Order.

**Vote** on Amendment to Order:

Yeas: 8  
Nays: 0  
Amendment to Order Passed Unanimous 8-0.

Chairman Hall asked for clarification of the Order.

City Solicitor stated that this was to make up the difference of days off in lieu of sick leave.

Chairman Hall suggested that the Council make note of this for next year.

Chairman Hall asked for further Council or public comment. Seeing none, he asked for a vote.

**Vote** on Order:

Yeas: 8  
Nays: 0  
Order Passed Unanimous 8-0.

**VII. ORDER APPROVING TRANSFER: Pursuant to Section 611 D of the City Charter of the City of Bath - Transfer the sum of \$6,674 from the Administration Regular Pay Account**

**(010-102) into the Employee Benefits Retirement Account (050-81).** 5:20 PM

Chairman Hall read the following Order:

**ORDER  
APPROVING TRANSFER**

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 Six Thousand Six Hundred Seventy Four and no/100 Dollars (\$6,674) from the Administration Regular Pay Account 010-102 into the Employee Benefits - Retirement Account 050-81, be and hereby is approved.

Motion by Councilor Blake, seconded by Councilor Wyman to put Order on the floor.

Chairman Hall asked for any Council or public comment. Seeing none, he asked for a vote on the Order.

**Vote** on Order:

Yeas: 8

Nays: 0

Order Passed Unanimous 8-0.

**VIII. ORDER APPROVING TRANSFER: Pursuant to Section 611 D of the City Charter of the City of Bath - Transfer the sum of \$14,000 from the Professional Specialty Account (011-15) into the various accounts as listed in the Order.** 5:22 PM

Chairman Hall read the following Order:

**ORDER  
APPROVING TRANSFER**

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 Fourteen Thousand and no/100 Dollars (\$14,000) from the Professional Specialty Account 011-15 into the following accounts, be and hereby is approved.

077	102	Planning Regular Pay	11,000
050	81	Retirement	1,100
050	82	Health Insurance	1,900
<b>TOTAL</b>			<b>14,000</b>

Motion Councilor James, seconded by Councilor Wyman to put this Order on the floor.

Chairman Hall asked for any Council comment.

Chairman Hall asked for clarification on Mr. Smith's contract.

City Manager Bubier stated that Mr. Smith was on a year to year contract.



Greg L'Heureux stated that according to the IRS Mr. Smith would be considered a City Employee because of the structure of his contract.

City Manager Bubier stated that another reason Mr. Smith is considered a City Employee was because of the DECD stipulation that no contracts would go to him if he were considered a contractor and he would have to bid on them.

Chairman Hall asked for any further Council or public comment. Seeing none, he asked for a vote on the Order.

**Vote** on Order:

Yeas: 8

Nays: 0

Order Passed Unanimous 8-0.

**IX. ORDINANCE (First Passage): Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259. Parking Restrictions (Washington Street West Side - Lemont/Robinson Streets) 5:28 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  
Washington Street West Side

Delete:

"From Lemont Street to a point 20 feet south of Marshall Street, no restrictions." Replace With:

"From Lemont Street to Robinson Street, no restrictions;

From a point 20 feet north of the northerly side of Robinson Street to a point 70 feet south of the southerly side of Hunt Street, no trailers allowed at anytime;

From Hunt Street to a point 20 feet south of Marshall Street, no restrictions."

Motion by Councilor Wyman, seconded by Councilor Tainter to put the Ordinance on the floor.

Chairman Hall asked for City Planner Jim Upham to explain this Ordinance.

Mr. Upham stated that the Southend Boat Launch Committee felt that if there were any spill-over from the boat launch the neighborhood should not have to cope with it. The Committee and

Police Chief Lizanecz did not feel that 2 hour parking would help and would only penalize the neighborhood. Therefore, the restriction of trailers from that area should take care of the problem.

Councilor James asked about parking on the east side of Washington Street in that area.

Mr. Upham stated that presently there is no parking on the east side and would recommend that it stay that way.

Councilor James asked if there would be signs to direct boaters to the other boat ramp facilities when this one is filled.

Mr. Upham stated that the Committee had not thought of that. He agreed it was a good idea and they would consider it.

Councilor Blake asked what the parking capacity of the various boat ramps were.

Mr. Upham stated that he wasn't sure. He felt that the boat launch was well laid out and preferred that no one park on the grass. Mr. Upham said that he would find out how many parking spaces were at all of the launch facilities.

Chairman Hall asked for any public comment.

Bruce Macklin of 86 Washington Street, stated that due to the narrow street and the blind spot on Hunt Street it was important for safety reasons to restrict boat trailer parking in this area.

Chairman Hall asked for Council comment.

Councilor Tibbetts stated that he could see the likelihood for a spill-over onto Robinson Street.

Chairman Hall agreed and stated Council may have to address that issue at a later time.

Chairman Hall asked for any further Council comment. Seeing none, he asked for a roll call vote.

**Vote** on First Passage of this Ordinance:

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

Nays: None

Ordinance got First Passage 8-0.

Chairman Hall set second passage of this Ordinance for May 5, 1999 at 7:01 PM in Council Chambers.

City Manager John Bubier distributed the 1999-2000 School Budget to all of the councilors.

Motion by Councilor Blake, seconded by Councilor Williams to adjourn to workshops.

**Unanimous in favor**

Meeting adjourned at 5:37 PM

**WORKSHOP:**

- 1) Southend Boat Launch Committee -Jim Upham, City Planner
- 2) Fire Department Restructuring -Leverett Mitchell, Acting Fire Chief/  
David Driver, Assistant Fire Chief

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.*