

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, June 9, 1999 7:00 PM
 City Council Chambers, Bath City Hall

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

At Large Seat Vacant

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

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

I. ORDER - approving transfer - Fire and Ambulance Staffing 7:01 PM

Chairman Hall read the following Order:

ORDER
APPROVING TRANSFER
-FIRE AND AMBULANCE STAFFING

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 Ten Thousand and no/100 Dollars (\$10,000) from Council Contingencies Account 012-402 into the Fire and Ambulance Regular Pay Account 100-102, be and hereby is approved.

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

Finance Director, Greg L'Heureux, explained that this Order was needed because of major repairs to a vehicle and added salaries for call back time.

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

VOTE: to pass this Order was Unanimous 7-0

II. ORDER - approving transfer - Finance Office Staffing 7:04 PM

Chairman Hall read the following Order:

ORDER
APPROVING TRANSFER
-FINANCE OFFICE STAFFING

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 Twenty Thousand Three Hundred and no/100 Dollars (\$20,300) from Council Contingencies Account into the following Accounts, be and hereby is approved.

005	102	Regular Pay	Finance	\$12,500
005	242	Services-Other	Finance	7,800
TOTAL				20,300

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

Finance Director, Greg L'Heureux, explained that this Order was needed because of two components; first, approval to have additional staffing in Finance Office for the first half of FY and secondly for increased cost of labor due to retirements.

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

VOTE: to pass this Order was Unanimous 7-0

III. ORDER - approving transfer - Local Match Transit Study 7:06 PM

Chairman Hall read the following Order:

**ORDER
APPROVING TRANSFER
-LOCAL MATCH TRANSIT STUDY**

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 Three Thousand and no/100 Dollars (\$3,000) from Council Contingencies Account 012-402 into the Planning Professional Services Account 077-240, be and hereby is approved.

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

Finance Director, Greg L'Heureux, explained that this Order was needed because of a grant for bus study that needed provisions for a local match. This provision was not in place. The match amounts to \$5,000. Jim Upham, City Planner, has \$2,000 of the required amount within his budget. The Order would supply the rest of the amount needed.

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

VOTE: to pass this Order was Unanimous 7-0

IV. ORDER - approving transfer - Fire Department Capital Transfer 7:08 PM

Chairman Hall read the following:

**ORDER
APPROVING TRANSFER
-Fire Department Capital 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 One Thousand Five Hundred and no/100 Dollars (\$1,500) from Fire Department Ramp Capital fund Account FDO5-522 into the Fire Department Building Capital fund Account FDO5-595, be and hereby is approved.

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

Chairman Hall asked for public and Council comment.

Councilor James asked if the apron in front of the fire station had gotten paved this year.

Acting Fire Chief Leverett Mitchell responded that 2/3 of the apron had been paved. This transfer was needed because of critical upgrade required for the phone system.

Seeing no other public or Council comment, he asked for a vote.

VOTE: to pass this Order was Unanimous 7-0

V. ORDER - approving authorization - Recreation (Tainter Field) 7:12 PM

Chairman Hall read the following Order:

ORDER
APPROVING AUTHORIZATION
-RECREATION (Tainter Field)

Be It Hereby Ordered By the City Council of the City of Bath that up to Two Thousand One Hundred and no/100 Dollars (\$2,100) be and hereby is authorized to be spent from Council Contingencies Account 012-402 for the purpose of completing the Tainter Field Expansion project.

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

Chairman Hall asked for Council comment.

Councilor Rogers stated that he thought that \$27,000 was listed in next year's budget for the completion of the project.

Recreation Director, Jack Hart, replied that the statement in the Order pertaining to "purpose of completing" was misstated. This Order is to cover an overrun on this year's budget and the \$27,000 will still be needed to complete the project.

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

VOTE: to pass this Order was Unanimous 7-0

VI. ORDINANCE - Supplemental Appropriation - Landfill Reserves (first passage) 7:16 PM
Chairman Hall read the following Ordinance:

ORDINANCE
SUPPLEMENTAL APPROPRIATION
-LANDFILL RESERVES

WHEREAS, the City of Bath has significant capital and maintenance requirements for the City's Landfill anticipated in the coming years; and

WHEREAS, the City is entered into a consent decree with the State of Maine and is presently applying for re-licensure with the State of Maine to continue operating with a vertical expansion; and

WHEREAS, the City desires to set aside Two Hundred Thousand Dollars (\$200,000) to support the improvements required as part of the re-licensure; and

WHEREAS, the City desires to fund One Hundred Thousand Dollars (\$100,000) for capital equipment needs; and

WHEREAS, surplus funds in the General Fund Landfill Scales revenue account REV 5445 for the current year are available for this purpose; and

WHEREAS, the sum proposed to be appropriated by this Supplemental Appropriation, totaling Three Hundred Thousand Dollars (\$300,000), will not exceed the expenditure limits for the current year pursuant to Section 617 of the Charter of the City of Bath;

NOW THEREFORE, be it ordained by the City Council of the City of Bath that the total sum of Three Hundred Thousand Dollars (\$300,000), be and hereby it supplementally appropriated from the Landfill Scales Revenue (Account REV 5445) to be applied to the Landfill Capital Improvements Reserve (Account

SW05-509) in the amount of Two Hundred Thousand Dollars (\$200,000) and to the Landfill Capital Equipment Reserve (Account SW05-556) in the amount of One Hundred Thousand Dollars (\$100,000).

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

Finance Director, Greg L'Heureux, explained that this Ordinance was for setting aside money for landfill improvements and capital needs, such as the compactor and the scales replacement when that time comes.

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

VOTE: on this Ordinance - First Passage

YEAS: Williams, James, Blake, Wyman, Hayden, Tibbetts, Rogers

NAYS: None

Ordinance passes Unanimous 7-0

Chairman Hall set the time for the public hearing/second passage on this Ordinance for June 23, 1999 at 7:02 PM.

VII. ORDINANCE - Supplemental Appropriation - Sewer Utility Capital Reserve (first passage)

7:21 PM

Chairman Hall read the following Ordinance:

**ORDINANCE
SUPPLEMENTAL APPROPRIATION
-SEWER UTILITY CAPITAL RESERVE**

WHEREAS, the City of Bath has significant capital and maintenance requirements for the City's Sewer Utility Fund anticipated in the coming years; and

WHEREAS, the City of Bath will be required to upgrade the Farrin Place pump station; and

WHEREAS, additional funds to support the Hyde Park Infrastructure Sewer improvements will be necessary; and

WHEREAS, additional funds to support the Sewer improvements in connection with Street reconstruction will be necessary; and

WHEREAS, surplus funds in the Sewer Utility Fund Undesignated Fund Balance account for the current and prior year are available for this purpose; and

WHEREAS, the sum proposed to be appropriated by this Supplemental Appropriation, totaling Five Hundred Twenty Eight Thousand Five Hundred Ninety Four Dollars (\$528,594), will not exceed the expenditure limits for the current year pursuant to Section 617 of the Charter of the City of Bath;

NOW THEREFORE, be it ordained by the City Council of the City of Bath that the total sum of Five Hundred Twenty Eight Thousand Five Hundred Ninety Four Dollars (\$528,594), be and hereby it supplementally appropriated from the Sewer Utility Fund Undesignated Fund Balance (Account SUF-2500) to the Sewer Utility Capital Reserve (Account 703-307).

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

Finance Director, Greg L'Heureux, explained that this Ordinance was for setting aside money from the surplus in the sewer funds for the need of future improvements to sewer projects and pump stations.

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

VOTE: on this Ordinance - First Passage

YEAS: Williams, James, Blake, Wyman, Hayden, Tibbetts, Rogers

NAYS: None

Ordinance passes Unanimous 7-0

Chairman Hall set the time for the public hearing/second passage on this Ordinance for June 23, 1999 at 7:05 PM.

VIII. ORDER - approving Hyde Park Project Contractor Contract with H.C. Crooker & Sons

7:25 PM

Chairman Hall read the following Order:

ORDER

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE BID OF

H. C. CROOKER & SONS, INC. OF TOPSHAM FOR THE HYDE PARK INFRASTRUCTURE PROJECT, BEING THE ONLY BID RECEIVED, BE AND HEREBY IS ACCEPTED WITH A BASIC BID PRICE OF \$1,562,124.94. THE CITY MANAGER IS HEREBY AUTHORIZED TO EXECUTE APPROPRIATE CONTRACTS FOR THE PROJECT.

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

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

VOTE: to pass this Order was Unanimous 7-0

IX. RESOLUTION - Landfill Fee-Schedule 7:27 PM

Chairman Hall read the following Resolution:

**RESOLUTION
SETTING FEE SCHEDULE
FOR THE BATH LANDFILL**

WHEREAS, Section 13-32 of the Code of the City of Bath provides that Council may by Resolution, from time to time, set a fee schedule for use of the Bath Landfill Facility, and

WHEREAS, Council and staff have conducted a review of fees for competing facilities and policies for use of the Bath Landfill Facility,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that the following landfill schedule be and hereby is approved to be effective immediately:

RESIDENTS may bring in 500 lbs. of metal/demolition	\$ 5.00
Residents over the 500 lbs. for their own material	\$50.00/ton
Natural wood products, brush & yard waste	Free
COMMERCIAL HAULERS with a 5CY body vehicle or less:	
Regular Trash	\$50.00/ton
Bath construction/demolition waste	\$50.00/ton
Outside demolition from other towns	\$70.00/ton
Metal items from Bath	\$50.00/ton
Metal items from other towns	\$70.00/ton
Burnable materials/Brush	\$50.00/ton
Burnable items from other towns	\$70.00/ton
COMMERCIAL HAULERS with larger than a 5CY body:	
ALL OF THE ABOVE PRICES PLUS:	
Loads of Bulky Waste Only (mattresses & overstuffed furniture)	\$100.00/ton
Out of town loads	\$100.00/ton
Mixed loads that contain items we separate (metal/tires)	\$120.00/ton
Out of town loads	\$120.00/ton
RESIDENTS & COMMERCIAL HAULERS:	
Tires:	
Car tire up to 16" diameter, no rim	\$ 1.00/tire
Car tire up to 16" diameter, with rim	\$ 2.00/tire
Car/truck tire greater than 16" diameter, with rim	\$ 7.00/tire
Commercial vehicle & heavy equipment tires "Effective July 1, 1999"	\$ 25.00/tire

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

Chairman Hall asked for Council comment.

Councilor Blake asked what the average fees for the area were.

Deputy Public Works Director, Lee Liener, stated that the average fees were higher, but these fees were set lower in an attempt to catch up with the competitive fees without driving away potential revenues.

City Manager, John Bubier, explained that provisions were built into the fees to discourage certain waste such as bulky waste, but to remain competitive on desirable solid waste products.

City Solicitor, Roger Therriault, suggested that an amendment be made to allow Paula Adam, Landfill Director, time to notify haulers and communities of the fee changes. He thought July 1, 1999 would be sufficient.

Ms. Adam agreed.

Motion by Councilor Williams, seconded by Councilor Hayden to amend the Resolution by adding "Effective July 1, 1999."

Chairman Hall asked for a vote on the Amendment.

VOTE: to pass this Amendment to the Resolution was Unanimous 7-0

Councilor James asked for clarification of "other towns".

Ms. Adam stated that all towns except for Bath are considered other towns, with no exceptions.

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

VOTE: to pass this Resolution was Unanimous 7-0

X. ORDER - approving transfer Professional Services 7:32 PM

Chairman Hall read the following Order:

**ORDER
APPROVING TRANSFER
-Professional Services**

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 Three Thousand and no/100 Dollars (\$3,000) from Council Contingencies Account 012-402 into the Professional Services Legal Specialty Account 011-12, be and hereby is approved.

Motion by Councilor Williams, seconded Councilor Hayden to put this Order on the floor.

Finance Director, Greg L'Heureux, explained that this Order was needed because the account has been over spent and additional appropriation is needed for this account.

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

VOTE: to pass this Order was Unanimous 7-0

XI. ORDER - Specifying the total appropriation for the School Budget Component 7:35 PM

Chairman Hall read the following Order:

**ORDER
ESTABLISHING
SCHOOL BUDGET COMPONENT**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, PURSUANT TO SECTION 609(D) OF THE CHARTER OF THE CITY OF BATH, THAT THE SCHOOL BUDGET COMPONENT, EXCLUSIVE OF THE SCHOOL BUDGET CAPITAL IMPROVEMENT BUDGET, IS SPECIFIED AS AN APPROPRIATION IN THE TOTAL AMOUNT OF \$13,180,992.00.

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

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

VOTE: to pass this Order was Unanimous 7-0

XII. RESOLUTION - adoption of the School Capital Improvement Project Budget component

7:36 PM

Chairman Hall read the following Resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, THAT, THE SCHOOL CAPITAL IMPROVEMENT BUDGET AS REALLOCATED AND/OR APPROPRIATED FOR THE FISCAL YEAR COMMENCING ON JULY 1, 1999 AND TERMINATING ON JUNE 30, 2000, BE AND HEREBY IS ADOPTED WITH TOTAL FUNDED RESOURCES OF \$155,000, EXCLUSIVE OF FISCAL YEAR 1998-99 SCHOOL CAPITAL IMPROVEMENT FUND CARRY-FORWARD REVENUES.

Motion by Councilor James, seconded Councilor Hayden to put this Resolution on the floor.

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

VOTE: to pass this Resolution was Unanimous 7-0

XIII. RESOLUTION - adoption of the School Department Budget component 7:37 PM

Chairman Hall read the following Resolution:

RESOLUTION

1999/2000

Be It Resolved By The City Council of The City of Bath, That:

Article I The City hereby appropriates the total sum of \$13,335,992 for the City of Bath 1999/2000 Fiscal Year School Budget Components in accordance with Section 606 and 609D of the Charter of the City of Bath, and allocates the distribution of said sum among the following cost centers:

Administration	1,310,628
Secondary Instruction	2,786,514
Middle School Instruction	1,455,031
Elementary Instruction	1,994,116
Special Education	1,643,107
Athletic and Co-Curricular	276,161
Support Services	973,411
Operation & Maintenance	1,378,566
Transportation	310,628
Debt Service	1,052,830
Food Service	0
Sub Total	\$13,180,992
Capital Improvement	155,000
Grand Total	\$13,335,992

Article II The City will appropriate from the foundation allocation for school purposes \$8,516,275 and the City will raise as the local share of the foundation allocation \$4,088,162.

Article III The City will appropriate from Debt Service allocation \$668,527 and the City will raise

\$242,125 as the local share of Debt Service.

Article IV The City will raise additional local funds under the provisions of 20A MRSA, Section 15614, \$1,085,737.

Article V The City will appropriate \$13,335,992 for School Department expenditure for Fiscal Year beginning July 1, 1999 and ending June 30, 2000 from the foundation and debt service allocation, unexpended balances, tuition receipts, local appropriations, state subsidy, and other revenues for the support of the schools.

Note: A. Total amount being raised and appropriated locally is \$5,416,024 against a total budget of \$13,335,992.

B. This budget does not include the estimated amount of \$1,558,028 in employer share of teacher retirement costs that is paid directly by the State of Maine.

Motion by Councilor James, seconded Councilor Hayden to put this Resolution on the floor.

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

VOTE: to pass this Resolution was Unanimous 7-0

XIV. RESOLUTION - approve and appropriate School Special Purpose Funds 7:40 PM

Chairman Hall read the following Resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, THAT, THE CITY OF BATH'S PORTION OF THE SCHOOL DEPARTMENT'S BUDGET OF SPECIAL PURPOSE FUNDS FOR THE FISCAL YEAR COMMENCING ON JULY 1,1999, AND TERMINATING ON JUNE 30,2000, BE AND HEREBY ARE APPROPRIATED FOR THE PURPOSES INDICATED UP TO THE TOTAL REVENUES OF \$1,484,798. SUMMARIES OF THESE ESTIMATED REVENUES ARE ATTACHED TO THIS RESOLUTION AS EXHIBIT "D" (Exhibit D is contained in the Agenda 6/9/99 materials)

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

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

VOTE: to pass this Resolution was Unanimous 7-0

XV. RESOLUTION - setting annual compensation for members of the Board of Education 7:42 PM

Chairman Hall read the following Order:

ORDER

Be It Resolved by the City Council of the City of Bath, Maine that each member of the Board of Education shall receive \$1,000.00 compensation (excluding the Council Representative), * for the performance of duties of their office during fiscal year 1999-2000, the same to be paid quarterly, pursuant to Chapter V. Section 510 of the Bath City Charter.

*Amendment to Order "Council Representative shall receive \$500.00 compensation,".

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

Chairman Hall asked Council comment.

Councilor Wyman stated that as the Order read, the Council Representative would not receive any

compensation for performance of duties.

Motion by Councilor Williams, seconded by Councilor Wyman to make an amendment to the Order to read "Council Representative shall receive \$500.00 compensation".

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

VOTE: to pass this Amendment to Order was Unanimous 7-0

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

VOTE: to pass this Amended Order was Unanimous 7-0

Tom MacDonald, Board of Education Chairman, addressed the Council by expressing his gratitude to the Council for support of the School Budget and hoped that the previously passed Order would not discourage any Council members from wanting to participate on the Board.

Motion by Councilor Williams, seconded by Councilor James to recess to Workshop.

Chairman Hall called for a vote.

VOTE: to Recess to Workshop Unanimous 7-0

WORKSHOP: 7:45 PM

1) Update on Bath Iron Works Land-level Transfer Facility -
Kevin Gildart, Vice President of Human Resources and Public Affairs

Reconvened at 8:21 PM.

Motion by Councilor Blake, seconded by Councilor Hayden to go into Executive Session.

Chairman Hall called for a vote.

VOTE: to go into Executive Session Unanimous 7-0

EXECUTIVE SESSION: 8:22 PM

1) To consider action regarding poverty abatements.

Motion by Councilor Rogers, seconded by Councilor Blake to come out of Executive Session.

Chairman Hall called for a vote.

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

Motion by Councilor Wyman, seconded by Councilor Blake to Adjourn.

Chairman Hall called for a vote.

VOTE: to Adjourn Meeting Unanimous 7-0

Meeting adjourned at 9:00 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.