

Regular Meeting Minutes  
**City Council of the City of Bath, Maine**  
**Wednesday, January 5, 2000 7:00pm**  
City Council Chambers, Bath City Hall

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

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.

**C. Public Hearings: 7:01 PM #140**

1) Liquor License for the Maryellen 2 Caffe at 99 Commercial Street

There was no public or Council comment. Mary Ellen Pecci, co-owner of the establishment, spoke concerning the establishment and food offerings they would be providing.

**VOTE:**

**Yeas:** 7

**Nays:** 0

**Abstention:** 1

Approval of Liquor License passed unanimously.

**D. Consent Agenda: 7:05 PM #196**

Under the Consent Agenda, the Minutes for the December 1 and 15, 1999 Council Meetings and the appointments of Mark Westrum - Personnel Service Commission (term exp. 1-2003); Annual Appointment of J. Scott Davis - Codes Enforcement Officer, Health Officer and Plumbing Inspector; Annual Appointment of Robert Williamson - Alternate Codes Enforcement Officer and Plumbing Inspector; and the Annual Appointments to Committees by Council: Bath Housing Authority - Charles Tibbetts; Patten Free Library - William Hayden; Recreation Commission - Edwin Rogers; Sidewalk Vending License Committee - Bernard Wyman, Roberta Williams; Student Community Liaison Council - Roberta Williams; Welfare Review Board - Bernard Wyman, Roberta Williams, John Hall.

Motion by Councilor Blake, seconded by Councilor Williams to put the Consent Agenda on the floor for discussion.

**VOTE:**

**Yeas:** 8

**Nays:** 0

Consent Agenda passed unanimously.

**A. Time Devoted to Residents to Address the City Council: 7:07 PM #248**

There were no Resident comments.

**B. Ordinances, Resolutions and Orders: 7:08 PM #264**

**Item F3 - ORDER: Approving Transfer of Forfeiture Property #264**

**ORDER  
APPROVING TRANSFER OF FORFEITURE PROPERTY**

WHEREAS, the Bath Police Department substantially contributed to the investigation of a criminal matter that resulted in the forfeiture of \$818.00 under the provisions of Title 15, Chapter 517, MRSA, and

WHEREAS, the City of Bath, through its legislative body, must approve of the transfer of the forfeited funds to the City pursuant to 15 MRSA §5824(3),

NOW, THEREFORE, it is hereby Ordered by the City Council of the City of Bath that the transfer of the \$818.00 forfeited funds is approved and the Chairman authorized to execute the approval of transfer in form substantially similar to the Approval of the Transfer attached hereto and made a part of this Order.

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

**VOTE:**

**Yeas: 8**

**Nays: 0**

Order approving transfer of forfeiture property passed unanimously.

**Item F4 - RESOLUTION: North Bound Route One Traffic #351**

**RESOLUTION  
NORTHBOUND ROUTE 1 TRAFFIC**

WHEREAS, the City of Bath has been dealing with issues concerning the speed of northbound traffic entering the City of Bath, and

WHEREAS, there is an increase in traffic volume from tourists, Bath Iron Works employees, and other motorists, and an expected increase over current levels projected as part of the new bridge project, and

WHEREAS, average speeds of vehicles entering the City and the built up portion of Leeman Highway are consistently in the 55 to 65 miles per hour range in a zone that is posted at 35 miles per hour, and

WHEREAS, there is little opportunity for adequate enforcement due to the configuration of the area and the danger of having police cruisers enter speeding traffic,

NOW, THEREFORE, be it resolved by the City Council of the City of Bath that the City supports and urges changing the speed limit from the rest area in West Bath through to the 35 miles per hour zone in Bath by creating incremental reductions in the speed limit and that the 35 miles per hour zone be shifted southward so as to slow traffic entering the built up portion of Leeman Highway Be it further resolved that a copy of this Resolution, certified by the City Clerk, be forwarded to the Maine Department of Transportation for their consideration.

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

Anita Clark of 688 Middle Street addressed the Council regarding the accident numbers. City Manager

Bubier responded that the accident count is low but the severity of the accidents are significant.

**VOTE:**

**Yeas:** 8

**Nays:** 0

Resolution regarding Route I northbound traffic passed unanimously.

**Item F5: ORDER: Declaration of Slum or Blighted Area #793**

**ORDER OF  
DECLARATION SLUM OR BLIGHTED AREA**

WHEREAS, there exists within the City of Bath areas that are deemed to be depressed areas as those areas are described under 30-A M.R.S.A. Section 5201(1), and

WHEREAS, the existence of such areas require the disproportionate expenditure of public funds for the preservation of public health and safety, police and fire protection and other public services, and

WHEREAS, such areas impair the sound growth of a community, and

WHEREAS, these areas are not subject to remediation by regulatory processes or private enterprise, and

WHEREAS, it is deemed to be in the best interests of the health, safety and welfare of the Inhabitants of the City of Bath and the development of the City to identify and remediate the blighted and slum areas,

NOW, THEREFORE, by this Order the City Council of the City of Bath declares that there exists an area of blight within the City of Bath, described as the Praver Block and Buildings, and more particularly shown on the attached map The condition of the lot and structures conforms to and is consistent with CDBG Regulations, 30-A M.R.S.A. Chapter 205 Section 5202(1) and United States Department of Housing and Urban Development Regulations, 24 CFR Part 570. This conclusion regarding condition of the property and Declaration is based on a study of the area and buildings by Pine Tree Engineering, Inc. That study noted the following conditions, which are adopted as findings of fact in support of this Declaration:

1. The buildings suffer generally from neglect with portions in an extreme state of disrepair, portions in poor condition and portions not maintained and deteriorating.
2. The buildings are not secured with many broken windows and boarded windows and openings providing access by rodents.
3. The lot area is overgrown with remnants of construction and demolition debris, abandoned material, broken pavement and concrete, and a deteriorating wooden crib retaining wall.
4. The area as a whole is unsightly, is dilapidated and deteriorating and is wholly incompatible with surrounding downtown and waterfront areas and their development.

The study as a whole is adopted as part of, and in support of, this Declaration.

The blighted area will be addressed with Community Development Block Grant (CDBG) and other funds through eligible activities, in accordance with all CDBG regulations and Maine State Statute 30-A, Chapter 205, Sections 5201 through 5205.

The activities to be conducted are designed to eliminate the causes of slum and blight and prevent their spreading to adjacent properties or areas.

The Declaration with attendant documentation is hereby enacted on the 5<sup>th</sup> day of January, 2000, and is

effective from this day forth until such conditions have been remedied through completion of the CDBG project.

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

Al Smith, Community Development Director for the City of Bath, gave an overview of the need for this Order.

Steve DeWick of Pine Tree Engineering answered questions regarding the gas tanks at the adjacent abandoned gas station.

**VOTE:**

**Yeas:** 8

**Nays:** 0

Order declaring a slum or blighted area passed unanimously.

**Item F6 - ORDER: Approval of Transfer of Funds for Public Transportation (Shuttle Bus) #1375**

**ORDER  
APPROVING TRANSFER  
-Public Transportation (Shuttle Bus)**

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 Four Thousand and no/100 Dollars (\$24,000.00) from the Council Contingencies Account 012-402 to the Public Transportation Account 040-69 be and hereby is approved.

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

**VOTE:**

**Yeas:** 8

**Nays:** 0

Order approving transfer of funds passed unanimously.

**Item F7 - RESOLUTION: Showing Support for Grant Application by the Library #1431**

**RESOLUTION IN  
SUPPORT OF GRANT APPLICATION**

WHEREAS, the Bath Patten Free Library is applying for a New Century Community Library Grant, and

WHEREAS, the Grant is intended to fund the development of a tour focusing on the history of the Bath cemeteries, and

WHEREAS, the Bath cemeteries represent a cultural and historical resource that has been underdeveloped and underutilized, and

WHEREAS, the Grant funds will be used to conduct appropriate research and to provide appropriate materials such as tour pamphlets, guide signs, and the like, in order to develop meaningful use of the cemeteries, and

WHEREAS, this utilization of the cemeteries within the City of Bath has the full support of the Bath Cemeteries and Parks Department and coincides with the Department's philosophy of multiple use of cemetery properties,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that the application of the Bath Patten Free Library for a New Century Community Library Grant is hereby endorsed as a means of providing access to a portion of the rich history of the City of Bath and its Inhabitants.

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

Denis Hebert, Superintendent of Cemeteries and Parks, gave an overview of the program that would be offered to visitors that would take historic tours of the City's cemeteries.

**VOTE:**

**Yeas:** 8

**Nays:** 0

Resolution supporting the grant application by the Patten Free Library passed unanimously.

**G. Petitions and Communications:** 7:52 PM #1700

There were no petitions or communications to report.

**H. City Manager's Report:** 7:55 PM #1788

City Manager Bubier spoke on the following items:

- Working with Thornes Head Committee to get the proposal ready to bring back to Council.
- Met with Peter Owen, Ritch Wardwell, Lee Leiner and Greg L'Heureux over the new consent agreements for the landfill.
- Based on the National League of Cities effort to develop a relationship with students, have begun to work with John Farrell, Bath Police Liaison, setting up meetings with students and city government officials.
- Been working on a resolution of the Colby and Bodwell properties on Route One.
- The "2000" Maine Town and City Managers' Association will be held at Sebasco Estates and they will be touring Bath for an afternoon.
- Involved with the Maine Municipal Association Transportation Advisory Committee which is very interested in what happens with transportation funding.
- Gave a brief update of the CSO project.

Mr. Bubier introduced Dicky Walker of 87 Bedford Street who was attending the Council Meeting as a requirement of earning his Communication Merit Badge for Boys Scouts.

**I. Committee Reports:** 8:05 PM #2174

Jim Upham, City Planner, gave an overview of the review draft of the proposed Land Use Code.

**J. Old Business:** 8:30 PM

There was no old business.

**K. New Business:** 8:32 PM

All appointments and re-appointments were done under the Consent Agenda. See D. Consent Agenda.

At 8:35 PM Councilor Hayden made a motion to waive the rules to go into Executive Session, seconded by Councilor Reed.

**Vote:**

**Yeas:** 8

**Nays:** 0

Motion to waive rules passed unanimously.

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

**Vote:**

**Yeas:** 8

**Nays:** 0

Motion to go into Executive Session passed unanimously.

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

**Vote:**

**Yeas:** 8

**Nays:** 0

Motion to come out of Executive Session passed unanimously.

The meeting adjourned at 8:56 PM with a motion made by Councilor Williams and seconded by Councilor Wyman. All in favor.

Respectfully submitted:

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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.*