

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

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

Absent: Councilor Tibbetts

Also in attendance were the City Manager - John Bubier, City Solicitor - Roger Therriault and Deputy City Clerk - Pam Gray.

Chairman Hall led the Pledge of Allegiance and Deputy City Clerk Gray called the Roll.

**C. Public Hearings: Liquor License for Harbor Light Café at 164 Front St. 7:02 PM**

Councilor James made a motion to table this agenda item to July 19, 2000 pending additional information. Councilor Williams seconded the motion.

**Vote to table Liquor License:**

**Yeas: 5**

**Nays: 1**

**Abstentions: 1**

**Passed: 5-1-1**

**Public Hearings: Special Amusement License for Harbor Light Café at 164 Front St. 7:05 p.m.**

Councilor James made a motion to table this agenda item to July 19, 2000 pending additional information. Councilor Williams seconded the motion.

**Vote to table Special Amusement License:**

**Yeas: 5**

**Nays: 1**

**Abstentions: 1**

**D. Consent Agenda: 7:06 PM**

Under the Consent Agenda, Councilor Williams made a motion to approve the minutes for the June 7, 14 and 21 Council Meetings and the appointments of Paul Cunio and Beverly Emero to the Board of Assessment Review with terms to expire in July 2003. The motion was seconded by Councilor Blake.

**VOTE:**

**Yeas: 7**

**Nays: 0**

Consent Agenda passed unanimously.

**E. Time Devoted to Residents to Address the City Council**

There were no public comments.

**Item F4 - ORDINANCE: First Passage of Land Use Code** - 7:07 p.m. #137

Chairman Hall read the following ordinance:

**ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE PLACED IN EFFECT ON DECEMBER 3, 1983 AND SUBSEQUENTLY AMENDED, BE AND HEREBY IS RESCINDED AND REPLACED WITH A NEW LAND USE CODE CONSISTING OF CHAPTERS 1 THROUGH 16 A COPY OF WHICH IS APPENDED TO AND MADE A PART OF THIS ORDINANCE.

Planning Board Chairman Bob Oxtan addressed the Council on behalf of the Planning Board and read a prepared statement regarding the intent of the Land Use Code. He thanked the Council for their many hours of deliberation on the Land Use Code and urged them to adopt the Land Use Code.

Fernando Pelligrini of 70 Court Street addressed the Council and also urged them to pass the Land Use Code.

William F. King III, who owns property at 116-118 Front Street, expressed his support for making full use of the buildings in the Commercial District, noting that the healthiest downtowns have an ample amount of foot traffic. He pointed out that it was pointless to have land not used to its fullest extent in commercial areas and recommended that the Council adopt the Land Use Code.

**ROLL CALL VOTE:**

**Yeas: 7**

**Nays: 0**

First passage of the Land Use Code was passed unanimously 7-0. Second passage of the Land Use Code was set for July 19, 2000 at 7:01 p.m.

**RESOLUTION F5: Solid Waste Fee Schedule** - 7:25 p.m. #635

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 greater:

Municipal Solid Waste	\$60.00/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	\$25.00/tire
"Effective August 1, 2000"	

Councilor Rogers made a motion to pass the Solid Waste Fee Schedule, which was seconded by Councilor Williams.

**VOTE:**

**Yeas: 7**

**Nays: 0**

The resolution was passed unanimously.

**RESOLUTION F6: Non-Union Pay Schedule of Wages and Salaries - 7:27 p.m.**

Chairman Hall read the following resolution:

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, THAT THE FOLLOWING PAY SCHEDULE OF SALARIES SHALL BECOME EFFECTIVE FOR NON-UNION EMPLOYEES OF THE CITY OF BATH (AS PER EXHIBIT A ATTACHED\*) FOR THE FISCAL YEAR 2000-2001.

\*Attachment with agenda materials for 7/5/00.

Chairman Hall expressed his support for the City of Bath employees and commented that we have some of the best quality employees in the State of Maine. Councilor Reed made a motion to approve a 3.5% cost of living increase for the non-union employees, which was seconded by Councilor Hayden.

**VOTE:**

**Yeas: 7**

**Nays: 0**

The resolution was passed unanimously.

**RESOLUTION F7: Amendment to Rules and Regulations for the use of City Boat Landing at Bath Waterfront Park - 7:30 p.m #853**

Chairman Hall read the following amended resolution:

AMENDMENT TO RULES AND REGULATIONS  
FOR USE OF THE CITY BOAT LANDING  
AT BATH WATERFRONT PARK

WHEREAS, the City Council approved Rules and Regulations for Use of the City Boat Landing at Bath Waterfront Park by action on April 20,1983, and

WHEREAS, current proposals for use of the landing on a scheduled basis have been proposed, and

WHEREAS, these proposals have indicated the necessity of reviewing and adjusting the procedure for allocating landing space.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the Rules and Regulations For Use of the City Boat Landing at Bath Waterfront Park be and hereby are amended as follows:

Time Limit

(b) Commercial Vessels

No Commercial vessel shall be secured to the City landing for a period of time in excess of one-half hour without permission of the Harbor Master. Commercial Vessels shall have the right to secure their vessels to the Public Landing for a period not to exceed twenty-four hours in duration, or such other period approved by Harbor Master, upon securing advanced written permission from the Harbor Master. Permission may be rendered on a seasonal basis in accordance with the schedules of these vessels, subject to the approval of the City Council. Nothing herein shall be deemed to prohibit the Harbor Master or his designee from refusing any such permission when deemed to be in the best interest of the City of Bath.

- - Reservation of Dock Space

All use of the public landing as dockage shall be on first come, first serve, basis, except for commercial vessels who wish to reserve space on a recurring or seasonal basis. The reservation of such space shall require the concurrence of the Harbor Master, the City Manager, and approval by the City Council. That approval shall be contingent upon the vessel owner/operator providing proof of adequate liability insurance, satisfactorily demonstrating compliance with all safety and crew issues and any other factors particular to the request for reservation of space. The agreement for reservation of space may provide for designation of the reserved space by painting, signage or other appropriate method. Fees for the reservation shall be negotiated as part of the approval based on such factors as the City's costs, the length of time the space is tied up, and any other appropriate factors and shall be in addition to fees for dockage. The agreement may provide for the posting of a schedule for the vessel.

Councilor James expressed his opinion that he feels that the boat should be registered in Bath. City Manager Bubier explained that this would not necessarily be appropriate as some boats will be here in summer and in Florida in the winter, so will not be used exclusively in Bath. Chairman Reed made a motion to approve the amendment, which was seconded by Councilor Hayden.

**VOTE:**

**Yeas: 6**

**Nays: 1**

**ORDER F8 - Ambulance Contracts - 7:40 p.m. #1188**

Chairman Hall read the following:

**ORDER**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT AMBULANCE AGREEMENTS TO PROVIDE EMS SERVICES TO THE TOWNS OF ARROWSIC, WEST BATH AND WOOLWICH, AS APPENDED TO THIS ORDER, ARE HEREBY APPROVED AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE THESE CONTRACTS ON BEHALF OF THE CITY OF BATH.

Chairman Hall then asked Finance Director Greg L'Heureux to give a synopsis of the proposed ambulance contracts. Mr. L'Heureux addressed the Council and gave an overview of the contract, explaining that the only change would be for Woolwich. Their ambulance runs are proposed to be \$98.00 per run retroactive to July 1, 1999, going up to \$114.00 ending July 1, 2001, and then increased to \$129.00 ending July 2002.

Councilor James made a motion to approve the ambulance contracts as presented, which was seconded by Councilor Williams.

**VOTE:**

**Yeas: 7**

**Nays: 0**

**ORDER F9 - Approval and Authorization of Main Power Options with New Energy East L.L.C.  
Contract - 7:58 p.m. #1735**

Chairman Hall read the following:

**ORDER**

WHEREAS, the City of Bath has received an offer to provide Bath's accounts classified as medium rate-class accounts with electricity, and

WHEREAS, NewEnergy East, L.L.C. is a new electrical provider, and

WHEREAS, a Six (6) month Contract has been offered which purportedly will provide a savings to the City of Bath on its power rates,

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the Energy Service Fixed Price Agreement with NewEnergy East, L.L.C., to be in substantially the form as evidenced by the Agreement attached hereto, be and hereby is approved, subject to the approval of the final terms of the Contract by the City Manager. It is further ordered that the City Manager be and hereby is authorized to execute the Contract and any other documents necessary and appropriate to implementation of the Contract.

Finance Director Greg L'Heureux gave a brief overview of the proposed contract to Council. Councilor John James made a motion to approve the contract as presented, which was seconded by Councilor Reed.

**VOTE:**

**Yeas: 7**

**Nays: 0**

The order was passed unanimously.

**G. Petitions and Communications**

There were no petitions and communications.

**H. City Manager's Report**

City Manager Bubier spoke regarding the following items:

- Continuing to work with Parkview Hospital to put several doctors in the downtown area
- Following the Waterfront Program with DOT and the Master Plan for Route 1
- Thanked the public for their support of the City's two bond issues in the March election regarding the building of the Cemeteries and Parks garage and making the Donald Small School and City Hall handicapped accessible
- Making an Economic Development District to make the City more eligible for planning grants
- Welcomed David Williams as Administrator for the Town of West Bath
- Attended a Growth of Transportation program in Saco regarding rail revival
- Attended meeting to discuss rebuilding and regenerating energy in some of the older single family or low density neighborhoods; possibility of forming a taxable trust to buy larger subdivided buildings and rolling them back into being more consistent with single family or two to three units, making them available for first time home buyers.

- Has been negotiating to pick up a quarter of an acre by the Police Station on Water Street. Have a tentative deal which will allow the City to double its footprint area. Possible option for this area would be for a proposed parking garage, which is a real viable alternative.
- Reached agreement on Lincoln Zadoc Lane
- Expressed the City's thanks to people who worked on the Heritage Days festivities.
- Working to develop another Music Festival which will probably focus on Blues and Jazz, possibly hand in hand with Heritage Days, utilizing other areas such as the Customs House or other unused areas

Councilor Blake made a motion to adjourn to workshop on the Joint Dispatch at 8:25 p.m. The motion was seconded by Councilor James and was passed unanimously.

Respectfully Submitted,

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Pamela J. Gray, Deputy 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.*