

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, April 4, 2001 7:00 PM
City Council Chambers, Bath City Hall

ROLL CALL: Councilors Banks, 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 Council in the Pledge of Allegiance and City Clerk White called the Roll.

C. Public Hearings – 7:01 PM #75

There were no Public Hearings.

D. Consent Agenda - 7:02 PM #77

Motion by Councilor Blake, second by Councilor Wyman to accept as presented the Minutes to the March 7 and 21, 2001 Council Meetings.

Vote on Consent Agenda:

Yeas: 8

Nays: 0

Consent Agenda Passed Unanimously 8-0

E. Time Devoted for Residents to Address the City Council – 7:05PM #91

Chairman Hall thanked the City Manager and City Staff for all the good work they do in getting the many grants that have led and will lead to major improvements for the City that would otherwise not be realized.

F. Ordinances, Resolutions and Orders – 7:13 PM #233

Chairman Hall took the following items out of order on the agenda.

F3 - Order: Approving authorization of spending for fuel pumps at Public Works Department #249

Chairman Hall read the following Order:

ORDER
APPROVING AUTHORIZATION
- Fuel Pumps Public Works

Be It Hereby Ordered By the City Council of the City of Bath that up to Six Thousand Five Hundred and no/100 Dollars (\$6,500) be and hereby is authorized to be spent from the Capital Contingencies Reserve Account CF05-504 for the purpose of replacing one of the Fuel pumps at the Public Works garage with new double hose pump.

Motion by Councilor Banks, second by Councilor Wyman to put this order on the floor for discussion and consideration.

Greg L'Heureux, Finance Director, explained the need for this Order.

Vote on Order:

Yeas: 8

Nays: 0

Order Passed Unanimously 8-0

F4 – Order: Approving Contract between the City of Bath and the Town of Arrowsic for fire coverage #315

Chairman Hall read the following Order:

ORDER APPROVING CONTRACT

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT AN AGREEMENT BY AND BETWEEN THE CITY OF BATH AND THE INHABITANTS OF THE TOWN OF ARROWSIC WITH REGARD TO THE PROVISION OF PRIMARY RESPONSE AND FIRE SUPPRESSION SERVICES FOR STRUCTURAL FIRES WITHIN THE TOWN OF ARROWSIC, SAID AGREEMENT BEING ATTACHED HERETO, IS HEREBY APPROVED AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF BATH AND ANY OTHER DOCUMENTS NECESSARY AND APPROPRIATE WITH RESPECT TO THE IMPLEMENTATION OF THE AGREEMENT.

Motion by Councilor Banks, second by Councilor Wyman to put this order on the floor for discussion and consideration.

Fire Chief Leverett Mitchell stated that all requirements of the agreement had been met.

Vote on Order:

Yeas: 8

Nays: 0

Order Passed Unanimously 8-0

F2 – Order: Creating parks fees and special purpose fund #392

Chairman Hall read the following Order:

**ORDER CREATING
PARKS FEES AND CHARGES SPECIAL PURPOSE FUND**

WHEREAS, maintenance to the park facilities is an ongoing responsibility and may be unpredictable and
WHEREAS, the vehicle to build a fund through the charges and fees is well established and
WHEREAS, people seem more willing to pay for use of a facility when their fee goes directly into the maintenance of that facility,

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath all monies from fees and charges related to the use of the parks will be placed into a Special Purpose Account to be used for the sole purpose of maintaining, in good repair, the facilities in the City's parks and boat launch areas. This account will be known as the Parks fees and charges special purpose account and all expenditures from this account shall be subject to the City Manager's approval.

Motion by Councilor Reed, second by Councilor Hayden to place the order on the floor for discussion and consideration.

The Finance Director, Greg L'Heureux, and Cemeteries and Parks Superintendent, Denis Hebert, explained the reasons for this Order.

Vote on Order:

Yeas: 2

Nays: 6

Order was Defeated 2-6

F5 – Resolution: Cemetery Fees #1155

Motion by Councilor James, second by Councilor Blake to waive the reading of this Resolution past the fourth paragraph.

Vote on Waiving of Reading:

Yeas: 7

Nays: 0

Waiving of Reading Passed 7-1

Chairman Hall read the following section of the Resolution:

**RESOLUTION
CEMETERY FEES**

WHEREAS, Provisions in Chapter 6 of the Ordinances of the City of Bath provides for an adjustment of fees by Resolution of Council, and

WHEREAS, upon review and recommendations of staff, the time is appropriate to adjust such fees.

NOW THEREFORE, be it resolved by the City Council of the City of Bath that the following described fees be and hereby are adjusted:

Pursuant to the authority under Section 6-17, the fees for burials and monument foundations are adjusted as follows:

The entire document is on file in the Agenda Materials for April 4, 2001 in the City Clerk's Office.

Motion by Councilor Blake, second by Councilor Reed to put this Resolution on the floor for discussion and consideration.

After a lengthy discussion, the Resolution was put to vote.

Vote on Resolution:

Yeas: 8

Nays: 0

Resolution Passed Unanimously 8-0

F6 – Ordinance: Chapter 6 Cemeteries and Parks, Article 2 Burials, Section 6-17 (Section A(1)(c); Section 6-23(Section A(1) A(3) A(5); Section 6-23 (e.) (first passage) #1702

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 6. CEMETERIES AND PARKS

Article 2. Burials Section 6-17. Burial and Monument Foundation Fees

Section A(1)(c) Amend to read as follows:

"In the case of adult graves for any person who, at the time of his or her death, was a bona-fide recipient of City general assistance, there shall be no charge.

Section 6-23. Lot Prices

Amend the following to read as follows:

Section A(1)

"Adult lots shall be sold to residents of Bath, Maine, or individuals who, upon determination by the Superintendent, have been deemed to have been a resident of Bath for a majority of their lives...

Section A(3)

"A child's lot shall be sold to residents of Bath, Maine, or individuals who, upon determination by the Superintendent, have been deemed to have been a resident of Bath for a majority of their lives...

Section A(5)

"Cremation lots (3'X5') shall be sold to residents of Bath, Maine, or individuals who, upon determination by the Superintendent, have been deemed to have been a resident of Bath for a majority of their lives...

Add new Section as follows:

"Section 6-23(e.) Dedication of Revenue

All revenue collected for lot prices established under this Section will be dedicated to, and become a part of, the perpetual care fund denoted in Section 6-26 of this Chapter."

Motion by Councilor James, second by Councilor Hayden to put this Ordinance on the floor for discussion and consideration.

Vote on Ordinance:

Yeas: 8

Nays: 0

Ordinance Passed Unanimously 8-0

Chairman Hall set second passage of this Ordinance for April 18, 2001 at 7:01 PM.

G. Petitions and Communications - 7:58PM #1949

There were no Petitions or Communications.

H. City Manager's Report - 8:00PM #1954

Update on the Waterfront Park wall stabilization project.

Meet weekly with Chairman of the School Board, School Superintendent, Council Chairman and Council Representative Reed to talk about issues of the day.

Was on the Interview Committee of MCBBD for the new directorship of the MCBBD Planning Jeffrey Snedden was selected to take that position.

Meetings on the Southend Urban Design Program.

Testified in front of the Local Government Committee dealing with joint dispatch issues.

Meets regularly with the BBA Joint Legislative Committee to discuss a number of projects around the City such as the Leeman Highway/Washington Street lighting system.

Met with Woolwich residents and DOT Representatives regarding the speeding problem on Route One/Bridge.

Update on the CEDS development project.

Update on the hotel project.

Attended the Job Fair at Morse High School.

Will be applying for a DECD Grant for \$400,000 for the demolition of the Praver Building.

Three members of Boys Scout Troop 621 were then introduced. They were attending the Council Meeting to meet requirements for their Communications Badge and Citizenship in the Community Badge

I. Committee Reports - 8:18 PM #2625

Councilor Wyman, Chairman of the Sidewalk Vending Committee, notified the Council that the Committee had approved an ice cream vending stand in front of the Times Record Building and a hot dog stand in Waterfront Park.

Councilor Wyman stated the Skateboard Committee will be coming before Council in the near future with possible locations for the new skateboard park.

J. Old Business - 8:20 PM #2676

There was no Old Business.

K. New Business – 8:21PM #2680

K7) Appointment: One position on the Bath Planning Board term to expire September 2002.

Candidates:

Charles Burnham
Gerald Pepin
Michele Cooper
James Daigle
Robin Haynes
Herbert Kresser, Jr.

Councilor Banks of the Interview Committee nominated Robin Haynes for the position. There were no other nominations.

Vote on Appointment:

Yeas: 8

Nays: 0

Appointment Passed Unanimously 8-0

K8) Appointment: Two downtown merchant representatives to the Sidewalk Vending Committee terms indefinite.

Candidates:

Michael Fear – “Now You’re Cooking”
Michelle Tibbetts – “Bohemian Rose”

Councilor Banks of the Interview Committee nominated Mr. Fear and Ms. Tibbetts for the positions.

There were no other nominations.

Vote on Appointments:

Yeas: 8

Nays: 0

Appointments Passed Unanimously 8-0

Workshop for Heritage Days was postponed.

Motion by Councilor Tibbetts, second by Councilor Rogers to waive the rules to go into Executive Session. All in favor.

Motion by Councilor Wyman, second by Councilor Blake to go into Executive Session to discuss land acquisition matter. All in favor.

Motion by Councilor Rogers, second by Councilor Reed to come out of Executive Session. All in favor.

Motion by Councilor James, second by Councilor Blake to adjourn the meeting. All in favor. 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.