

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, July 11 ,2001 7:00pm
City Council Chambers, Bath City Hall

Present: 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 Pledge of Allegiance and City Clerk White called the Roll.

C. Public Hearings:

There were no public hearings.

D. Consent Agenda: 7:04 PM #85

5) Under the Consent Agenda, Councilor Wyman made a motion to accept the minutes for the June 6, 13, and 20, 2001 Council Meetings which was seconded by Councilor Banks.

VOTE on Consent Agenda:

Yeas: 8

Nays: 0

Consent Agenda passed unanimously.

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

No one from the public spoke at this time.

F. Ordinances, Resolutions and Orders: 7:07 PM #114

Item F2 - Ordinance: Chapter 17. Vehicles and Traffic, Article 3A. Towing of Vehicles (first passage) #821

Motion by Councilor James, second by Councilor Wyman to waive the reading of the Ordinance. All in favor.

The original document of this Ordinance is filed in the City Clerk's office with the Agenda materials for July 11, 2001.

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

Tom Day, council for Mr. Withers of Papa Jacks Towing, spoke regarding changes to the Ordinance. He presented the following changes: Rotation List - define operators; Rotation List - do a week rotation; Equipment - strike requirement of go-jacks; Equipment - vehicles required to have permanent logos and no magnetic signs; Towing and Storage Facilities - either 6 mile for both or 8 miles for both; Maximum Rates - delete rate for accident scenes.

Joel Merry, Acting Police Chief, spoke on the procedures for dispatching towing vehicles regarding the rotation list and the protection of evidence concerning a vehicle.

Motion by Councilor James, second by Councilor Banks to have the City Solicitor clarify language in the Ordinance regarding the verbiage “City Ordered” and “City Requested” and the issue of permanent signage on towing vehicles.

ROLL CALL VOTE on the Motion:

Yeas: Banks, James, Blake, Wyman, Hayden, Tibbetts, Rogers, Reed

Nays: None

VOTE: Motion Passed 8-0

Motion by Councilor Reed, second by Councilor Rogers to amend the Ordinance to read in Section 17-125 (1) delete “go-jack, dolly” and add “go-jack and dolly (suggested)”.

Mike from Sanford’s Towing spoke concerning the use of go-jacks in towing situations.

Acting Police Chief Joel Merry stated that there are times that the next person on the rotation list may not have the equipment to perform the towing task. In that instance the next person with the correct equipment is called.

ROLL CALL VOTE on the Amendment:

Yeas: James, Blake, Tibbetts, Reed

Nays: Banks, Wyman, Hayden, Hall

Abstention: Rogers

VOTE: Amendment Failed 4-4

ROLL CALL VOTE on the Ordinance (first passage):

Yeas: Banks, James, Blake, Wyman, Hayden, Tibbetts, Rogers

Nays: Reed

VOTE: Ordinance Passed 7-1

Chairman Hall set second passage of this Ordinance for July 25, 2001 at 7:01 PM.

Item F3 - Resolution: Membership to Maine Service Centers Coalition #2782

Chairman Hall read the following Resolution:

**RESOLUTION
TO JOIN
MAINE SERVICE CENTERS COALITION**

WHEREAS, the Report of the Task Force on Regional Service Center Communities (Reviving Service Centers, State Planning Office, September, 1998) provided important information regarding municipalities which serve as “service centers” in their respective regions;

WHEREAS, the Task Force reported identified the crucial role of these communities as centers of job creation and for the delivery of critical services to surrounding regions;

WHEREAS, the Task Force report provided important insights into the remarkable similarities of issues

faced by service center communities, regardless of significant variations in size, appearance and location;

WHEREAS, the Task Force report identified more than twenty five factors to assess the status of Maine's service center communities;

WHEREAS, the Task Force report concluded that the demographic and economic vitality of many of the State's service center communities has been seeping away for a number of years, as the exodus of middle income families, the reverse migration of dependent populations, the erosion of retail trade, slow job growth, and high property tax rates and burdens to maintain infrastructure and regional services take their toll; and

WHEREAS, the Task Force report identified a series of policy recommendations;

WHEREAS, the Maine Municipal Association Executive Committee has endorsed the establishment of an organization, on within the policy and governance framework of the Association, to provide a framework for representatives of service center communities to meet with their counterparts in communities throughout the state to discuss issues of common concern and to enhance their effectiveness in articulating and advocating for service center communities; and

WHEREAS, the Maine Service Centers Coalition is being formed with a mission to provide a mechanism to articulate the needs of service centers to elected officials; to educate the citizenry as to the importance of healthy and thriving service centers; and to network and collaborate with all municipalities in the pursuit of promoting opportunities for all who visit, work or live in Maine.

THEREFORE, BE IT RESOLVED that the Bath City Council approves membership in the Maine Service Centers Coalition and authorizes payment of the Membership Dues for 2001-2002 as determined on the proposed invoice. For purposes of voting at the September 6, 2001 Inaugural Meeting and other future activities, our municipality's designated representative will be John D. Bubier, City Manager.

Motion by Councilor Rogers, second by Councilor Hayden to put this Resolution on the floor for discussion.

VOTE: on Resolution:

Yeas: 8

Nays: 0

VOTE: Resolution Passed Unanimously 8-0

Item F4 - Order: Approving Transfer for Landfill Scale

Chairman Hall pulled this item from the Agenda.

Item F5 - Order: Approving Loan for Old Bath Customs House #2929

Chairman Hall read the following Order:

**ORDER
APPROVING LOAN
OLD BATH CUSTOMS HOUSE**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT A LOAN FROM THE CITY OF BATH TO THE OLD BATH CUSTOMS HOUSE, INC. IN THE AMOUNT OF \$12,000 BE AND HEREBY IS APPROVED. THE TERM OF THE NOTE SHALL BE UP TO (3) THREE YEARS, TO BE PAID BACK IN EQUAL INSTALLMENTS, SAID REPAYMENT TO BE WITHOUT INTEREST. THE OUTSTANDING BALANCE OF THE LOAN SHALL BE CARRIED ON CITY ACCOUNTS AS AN ACCOUNTS RECEIVABLE.

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

VOTE: on Order:

Yeas: 7

Nays: 0

Absent from Vote: Rogers

VOTE: Order Passed Unanimously 7-0

Item F6 - Order: Approving Lease and Use Agreement

Chairman Hall pulled this item from the Agenda.

Item F7 - Order: Accepting Conditional Gift for Skateboard Facility #3038

Chairman Hall read the following Order:

**ORDER
ACCEPTING CONDITIONAL GIFT**

WHEREAS, the City of Bath has received notification of a conditional gift in the amount of \$5,000.00, for the purpose of funding a skateboard facility in the City of Bath, and

WHEREAS₁ the gift is in the form of a \$5,000.00 matching grant to be matched by funds raised by the Recreation Commission on or before June 30, 2002.

NOW, THEREFORE, the City Council of the City of Bath hereby accepts the conditional gift in accordance with the terms and conditions stated herein and those of the June 22, 2001 letter from Attorney Dennis Jumper and the City Council further thanks the anonymous donor for his/her generous donation, and further directs that a copy of this Order be sent to Attorney Dennis Jumper to be communicated to the anonymous donor.

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

VOTE: on Order:

Yeas: 8

Nays: 0

VOTE: Order Passed Unanimously 8-0

Item F8 - Order: Approving Quit-Claim Deed #3120

Chairman Hall read the following Order:

**ORDER
APPROVING QUIT-CLAIM DEED**

WHEREAS, Timothy I. Holt has paid all tax arrearages on his residential building and other buildings and has paid a sum representing his proportionate share of the arrearages on property owned by the City of Bath but upon which his residential buildings are located, and

WHEREAS, the City is conveying a lot of land of 2 acres, equivalent to the property purportedly conveyed to Timothy J Holt by Kenneth D. Holt by Warranty Deed dated May 14, 1993, and recorded in the Sagadahoc County Registry of Deeds in Book 1481, Page 301.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the Quit-Claim Deed from the City releasing a 2 acre parcel of land together with the structures thereon to Timothy J. Holt be and hereby is approved, subject to the conditions, restrictions and limits on the City's liability regarding the use of Bumpy Hill Road contained therein, and the City Manager is authorized to execute said Deed on behalf of the City of Bath.

Motion by Councilor Banks, second by Councilor James to put this Order on the floor for discussion.

VOTE: on Order:

Yeas: 8

Nays: 0

VOTE: Order Passed Unanimously 8-0

G. Petitions & Communications 8:39 PM

There were no comments at this time.

H. City Manager's Report: 8:40 PM #3208

The City Manager addressed the following topics:

- Update on Centre and Washington Street Intersection Project
- Overview of the Maine Service Center Coalition issues
- Update on the proposed higher learning educational center to be located in the Old Bath Hospital
- Annual Meeting of the Maine Town and City Managers' Association meeting to be held at
- Sebasco Estates
- Submission of the Main Street Application
- Route One Planning Study
- New Hotel Project
- Bath/Brunswick Riverfront Walkway Project
- Maine Bike Ways Conference
- Summary Bath Heritage Days

I. Committee Reports: 8:55 PM

There were no Committee Reports.

J. Old Business: 8:55 PM

There was no Old Business.

K. New Business: 8:56 PM

Motion by Councilor Banks, second by Councilor Blake to nominate Doris Ford and Thomas Barrington to the Board of Assessment Review with the term expiration of July 2004. All in favor.

Motion by Councilor Reed, second by Councilor Banks to go into Executive Session. All in favor.

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

The meeting adjourned at 9:57 PM with a motion made by Councilor Wyman and seconded by Councilor Hayden. All in favor.

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.