

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

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Present: Councilors Banks, 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 City Clerk - Mary White.

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

There was a presentation of a proclamation and inscribed chair to Dr. Herbert T. "Bud" Caverly, II in recognition of his 10 years of service on the City Council.

**C. Public Hearings: 7:10 PM #327**

1) **Ordinance - Chapter 8A General Assistance (second passage)**

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 8A. GENERAL ASSISTANCE

Delete appendices to the Ordinance dealing with maximum allowances and replace with newly attached allowance appendices, Appendix A - Total Allowed GA Maximums, Appendix B - Food Maximums, Appendix C - Housing Maximums. Maximums shall be effective as of October 1, 2001.

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

**VOTE on Ordinance:** (second passage)

**Yeas:** Banks, James, Wyman, Hayden, Reed

**Nays:** Blake, Rogers

**VOTE: Ordinance Passed 5-2**

Chairman set effective date as retroactive to October 1, 2001.

**D. Consent Agenda: 7:16 PM #387**

2) Under the Consent Agenda, Councilor Blake made a motion to accept the minutes for the October 3 and 17, 2001 Council Meetings which was seconded by Councilor Wyman.

**VOTE on Consent Agenda:**

**Yeas:** 7

**Nays:** 0

**Consent Agenda passed unanimously.**

**E. Time Devoted to Residents to Address the City Council: 7:17 PM #404**

No one from the public spoke at this time.

**F. Ordinances, Resolutions and Orders: 7:18 PM**

**Item F3 - Approving Tabulation of Election Returns of November 6, 2001 #420**

*The tabulation results of the State Referendum and Municipal Election is filed with the agenda materials for the November 7, 2001 Council Meeting in the City Clerk's Office.*

Motion by Councilor Wyman, second by Councilor James to approve tabulation of Election Returns of November 6, 2001.

**VOTE on the Approving Tabulation Results:**

**Yeas:** 7

**Nays:** 0

**VOTE: Tabulation Results Approved Unanimously 7-0**

**Item F4 - Resolution: Non-Union Employee Wages #434**

Chairman Hall read the following Resolution:

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, THAT THE ATTACHED PAY SCHEDULE OF SALARIES SHALL BECOME EFFECTIVE JANUARY 1, 2002 FOR NON-UNION EMPLOYEES OF THE CITY OF BATH (AS PER EXHIBIT A ATTACHED). ADDITIONALLY AS A ONE-TIME ADJUSTMENT IN VACATION LEAVE, ALL FULL-TIME NON-UNION EMPLOYEES ACCRUE AN ADDITIONAL 3 DAYS OF VACATION FOR THE TIME PERIOD JULY 1, 2001 THROUGH JUNE 30, 2002.

*"Exhibit A" is filed with the agenda materials for Council Meeting November 7, 2001 in the City Clerk's Office.*

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

**VOTE: on Resolution:**

**Yeas:** 7

**Nays:** 0

**VOTE: Resolution Passed Unanimously 7-0**

**Item F5 - Resolution: Supporting Comprehensive Tax Reform #496**

Chairman Hall read the following Resolution.

**RESOLUTION**

**SUPPORTING COMPREHENSIVE TAX REFORM**

WHEREAS, it is vital to the common interests of the State of Maine, its 492 municipalities and all of its residents that there be a proportionate, fair, and stable balance among the property tax, the sales tax and the income tax to generate the necessary revenues to support state and local governments; and WHEREAS, the sales tax base has become so narrow over the 50 years of its existence that a balance among the tax revenue sources can neither be achieved nor maintained due to the instability and unpredictability of sales tax revenues; and

WHEREAS, historically the burden to fund education has rested disproportionately upon the property tax; and

WHEREAS, although state law declares an intention to fund 55 % of the cost of K-12 education from state tax resources, that intention has never been realized; and

WHEREAS, the extraordinary property tax burden facing the municipalities of this state results in a number of negative social, cultural, and economic consequences, including instances of extremely regressive tax incidence, foreclosure, dislocation, relocation, inefficient patterns of land use development, uneven and uncoordinated economic development opportunities, and deep-structure inequities in tax impact between and among the municipalities;

NOW, THEREFORE BE IT RESOLVED: THAT the Bath City Council strongly supports the work of the Education Funding Reform Committee to meet its charge and respectfully asks its representatives to the Legislature and the Administration of Governor King to assist the Committee in developing a tax reform package that provides more state money for education, provides property tax relief for homeowners and businesses and balances the primary methods of raising taxes between the property tax, sales tax and individual income tax.

Dated: November 7, 2001 CITY OF BATH MAINE

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

**VOTE: on the Resolution:**

Yeas: 7

Nays: 0

**VOTE: Resolution Passed Unanimously 7-0**

**Item F6 - ORDER: Approving Authorization - Main Street Bath #703**

Chairman Hall read the following Order:

**ORDER**

**APPROVING AUTHORIZATION  
-Main Street Bath**

Be It Hereby Ordered By the City Council of the City of Bath that Twenty Thousand Dollars (\$20,000.00) be and hereby is authorized to be spent from Tax Increment Financing District Development Program Fund Project Costs Account for the Main Street Bath Program.

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

**VOTE: on the Order:**

Yeas: 7

Nays: 0

**VOTE: Order Passed Unanimously 7-0**

**Item F7 - ORDER: Approving Contract for McMann Field Bleacher Project #736**

Chairman Hall read the following Order:

**ORDER**

**APPROVING CONTRACT**

## MCMANN FIELD BLEACHER PROJECT

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT A CONTRACT BY AND BETWEEN THE CITY OF BATH AND M.E. O'BRIEN & SONS, INC. FOR THE MCMANN FIELD BLEACHER PROJECT IN THE AMOUNT OF \$117,354.00 BE AND HEREBY IS AWARDED, M.E. O'BRIEN & SONS, INC. BEING THE LOWEST BIDDER, AND THE MANAGER IS AUTHORIZED TO EXECUTE THE CONTRACT AND ANY OTHER DOCUMENTS NECESSARY TO ITS IMPLEMENTATION. THE PROJECT WILL BE FUNDED THROUGH A FIVE YEAR LEASE PURCHASE CONTRACT WITH KEY MUNICIPAL FINANCE WITH THE FIRST PAYMENT BEING MADE FROM AVAILABLE FUNDS IN THE RECREATION BLEACHER REPLACEMENT ACCOUNT (REC05-641); WHICH PURCHASE CONTRACT IS ALSO HEREBY APPROVED.

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

**VOTE: on the Order:**

**Yeas:** 7

**Nays:** 0

**VOTE: Order Passed Unanimously 7-0**

**Item F8 - ORDINANCE: Chapter 5. Businesses, Article 6. Taxicabs, Sections 5-42 through 5-50 (second passage) #839\_**

Motion by Councilor Blake, second by Councilor Banks to waive the reading of the Ordinance. All in favor.

*A copy of the amended Ordinance is on file with the Agenda materials for the November 7, 2001 Council Meeting in the City Clerk's Office.*

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

City Solicitor Therriault went through the changes that had been made to the document.

= deletions Underline = additions

Amendment #1: Page 5 Section C "All licenses required to be issued under this Article, shall be approved by the Chief of Police or his designee, and issued by the City Clerk,"

Amendment #2: Page 6 Section (5) "Number of positions anticipated for the license year;"

Amendment #3: Page 9 Section (4) "The applicant shall not have had his privilege to operate a motor vehicle in any jurisdiction revoked or suspended at any time during the twelve (12) months period immediately preceding the application. Any revocation/suspension shall be related to violations of this State or any other State's Motor Vehicle Code and administrative suspensions not related to motor vehicle operations shall not be considered."

Motion by Councilor Blake, second by Councilor Rogers to accept Amendments #1-#3.

**VOTE on Amendments #1-#3:**

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

**Nays:** None

**VOTE: Amendments #1-#3 Passed Unanimously 7-0**

Amendment #4: Page 10 Section C "The license shall consist of the name and a photo of the driver, the name, address and telephone number of the cab owner, and a City license number assigned to that driver."

It shall not contain any personal information regarding the driver. That photo identification-license shall be prominently displayed in the taxicab that the driver is operating

Amendment #5: Page 11 Section (7) “Refused to transport any orderly person upon request because of that persons’ race, color, creed, religion, national origin, ancestry, age, sex or handicap status

Amendment #6: Page 13 Section (1) “Marking. Each taxicab and vehicle used for hire shall have the name of a design, logo, or monogram, or lettering, containing the owner’s name or trade name and the word “taxi”, taxicab” or “cab”, permanently affixed to one door on each side of the taxicab. Such design, logo, or monogram, or lettering, shall not be less than eight (8) inches in diameter or height.

Motion by Councilor James, second by Councilor Reed to accept Amendments #4-#6.

**VOTE on Amendments #4-#6:**

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

**Nays:** None

**VOTE: Amendments #4-#6 Passed Unanimously 7-0**

Amendment #7: Pages 13 and 14 Section (5); (a) No dents larger than six (6) inches in diameter; (b) No loose trash or large amounts of dirt or sand in the interior passenger area, whether or not the area is currently occupied by a passenger; (c) No missing body work, no visible primer paint, no rust greater than one (1) inch in diameter; (d) no cracks in windshield or windows; (e) Seat belts for all passenger seats visible and in working order; (f) All doors, including front area hatch, shall open and close normally; (g) The dome light and all interior lighting will be in working order.

Motion by Councilor James, second by Blake to reinstate (d) and vote on Amendment #7. All in favor

**VOTE on Amendment #7:**

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

**Nays:** None

**VOTE: Amendment #7 Passed Unanimously 7-0**

Amendment #8: Page 15 Section 5-51. Transition Provision. Inasmuch as there are current licenses in effect which are due to expire, the 30<sup>th</sup> of April, 2002 and inasmuch as the license year under the provisions of this Ordinance begin July 1<sup>st</sup>, the current licenses in effect as of April 30, 2002 shall be extended until June 30, 2002.

**VOTE on Amendment #8:**

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

**Nays:** None

**VOTE: Amendment #8 Passed Unanimously 7-0**

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

Dean Blake of Bath Taxi spoke in favor of the Ordinance.

**VOTE on Amended Ordinance: (second passage)**

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

**Nays:** None

**VOTE: Amended Ordinance Passed Unanimously 7-0**

Chairman Hall stated that the Ordinance would go into effect in 21 days.

**Item F9 - ORDINANCE: LUC Amendment Section 7.07 Lots Located in two Districts (first passage)**  
#1681

Chairman Hall read the following Ordinance:

**ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH ADOPTED JULY 19, 2000, AND SUBSEQUENTLY AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

Amend. Section 7.07 as follows:

**SECTION 7.07 LOTS LOCATED IN TWO DISTRICTS**

**A. Zone Boundary May be Moved 50 Feet**

When a lot is divided by a zoning-district boundary, the regulations that apply to the larger part of the area of such lot also may be deemed to govern the smaller portion, to a distance of not more than 50 feet beyond the zoning-district boundary. The entire lot is measured to determine the lot's size.

**B. Uses not Allowed by Land Use Table May be Permitted**

An existing permitted use or uses accessory to an existing permitted use, located on a lot that is divided by a zone boundary, may be located on that portion of the lot where the use or accessory use is otherwise not permitted by Section 9.02, provided the following are met:

1. The lot, which is divided by the zone boundary, existed as a single lot of record on July 19, 2000.

2. The total cumulative area of land developed after the effective date of this provision for such use and any accessory uses in that portion of the lot where the use or accessory use would otherwise not be permitted, whether being developed at one time or over a period of time, may not exceed 20 percent of the total land area of the use and accessory uses on said lot as of July 19, 2000, and

3. The principal use was in existence as of July 19, 2000, on that portion of the lot where it is a permitted use.

This provision does not allow a use or accessory use, which is not otherwise permitted by Section 9.02, to be located in any overlay district, the Resource Protection Zone, the Shoreland Zone, the Park and Open Space Zone, or any Residential Zone.

*Note: Additions are underlined*

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

The City Planner explained the particulars of this amendment.

Eric Sterling of 616 High Street spoke in favor of this amendment to the LUC.

**VOTE: on the Ordinance:** (first passage)

**Yeas:** Banks, James; Blake; Wyman; Hayden; Rogers; Reed

**Nays:** None

**VOTE: Ordinance Passed Unanimously 7-0**

Chairman Hall set second passage for this Ordinance on December 5, 2001 at 7:31PM.

**G. Petitions & Communications 8:16 PM #2365**

The City Manager shared a letter from Laura Brill of BCTV regarding a donation of equipment to the station from Bath Iron Works.

**H. City Manager's Report: 8:20 PM #2409**

John Bubier spoke regarding the following subjects:

- County Jail System
- Main Street Project
- Hannaford Brothers Project on Route One
- Legislative Policy Committee and Service Center Collation Projects
- Economic Development District - CEDS document
- Joint Project with Brunswick to extend the bike/walkway from Brunswick through Bath
- Update on the Centre Street Project
- Review of Public Hearings on Bond Issues
- Overview of General Assistance Manual and various GA reports

**I. Committee Reports: 8:47 PM #3359**

Edward True, Chairman of the Old Bath Customs House Board of Directors gave the annual report for the Old Bath Customs House.

Councilor Banks gave remarks on the Southend Park meeting that had been held a couple of weeks earlier. She also gave an update on the Student Council Liaison Committee. Councilor Banks gave an overview on the meetings being held by the County Corrections Committee.

Councilor James gave a report on the Sagadahoc County Budget Advisory Committee's meetings.

Councilor Hayden gave an update on the Hazardous Materials Collection Day sponsored by the Bath Recycling Committee.

**J. Old Business: 9:12 PM #4383**

There was no Old Business.

**K. New Business: 9:13 PM #4416**

Councilor Banks on behalf of the Interview Committee nominated William Gilson for the position on the Bath Recreation Commission term to expire November 2004. Nomination was seconded by Councilor Blake. All in favor.

Councilor Banks on behalf of the Interview Committee nominated Dana McCurdy for the position on the Bath Water District Board of Directors term to expire November 2006. Nomination was seconded by Councilor Wyman. All in favor.

Motion by Councilor James, second by Councilor Banks to appoint Jeffrey Shiers as the Bath Harbor Master term to expire in November 2002. All in favor.

The meeting adjourned at 9:17 PM with a motion made by Councilor Reed and seconded by Councilor Rogers. 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.*