

REGULAR MEETING MINUTES  
**City Council of the City of Bath, Maine**  
**Wednesday, December 5, 2001 7:30pm**  
City Council Chambers, Bath City Hall

---

Present: Councilors Hall, Banks, James, Blake, Hart, Tibbetts, Rogers and Chairman Wyman  
Absent: Councilor Reed

Also in attendance were the City Manager – John Bubier, City Solicitor - Roger Therriault and City Clerk - Mary White.

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

**C. Public Hearings: 7:45 PM #503**

- 1) Grant Liquor License for the Oriental Restaurant located at the Bath Shopping Center on Chandler Drive.

Motion by Councilor Tibbetts, second by Councilor Hall to accept this liquor license.

**VOTE on Granting the Liquor License:**

**Yeas:** 7

**Nays:** 0

Passed unanimously.

- 2) Ordinance: LUC Amendment Section 7.07 Lots Located in Two Districts (second passage) #528

Motion by Councilor Blake, second by Councilor Banks to put this Ordinance on the floor.

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

The City Planner gave an overview of this Ordinance.

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

**Yeas:** Hall; Banks; James; Blake; Hart; Tibbetts; Rogers

**Nays:** 0

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

Ordinance effective in 21 days.

**D. Consent Agenda: 7:55PM #610**

- 5) Under the Consent Agenda, Councilor James made a motion to accept the minutes for the November 7 and 19, 2001 Council Meetings and Items F6, F7, F8, and F9, which was seconded by Councilor Blake.

**VOTE on Consent Agenda:**

**Yeas:** 7

**Nays:** 0

Consent Agenda passed unanimously.

**Time Devoted to Residents to Address the City Council: 7:56 PM #834**

Peter Wilhelm of Goddard Street spoke regarding the Parking Ban in effect and that there may be allowances made to residents in the instance of no snow on streets.

Chief Lizanecz stated that the ban is working very well as it is being implemented now.

**F. Ordinances, Resolutions and Orders: 8:03 PM**

**Item F4 - Nominations for the Election of a Councilor to attend the Board of Education meetings pursuant to Chapter V. Section 502 of the City Charter #1143**

Chairman Wyman asked for nominations for the position.

Councilor James nominated Councilor Gordon E. Reed for the position and it was seconded by Councilor Hall.

Motion by Councilor Tibbetts that nominations cease and the City Clerk cast a unanimous ballot for Councilor Reed.

**VOTE: on the Clerk casting a unanimous ballot for Councilor Reed as Representative to the Board of Education:**

**Yeas: 7**

**Nays: 0**

**VOTE: Councilor Reed Elected Unanimously 7-0**

**Item F5 - Nominations for the Election of a Councilor to attend the Bath Water District Board of Directors' meetings #1170**

Chairman Wyman asked for nominations for the position.

Councilor Hall nominated Councilor Bernard Wyman, Jr. for the position and it was seconded by Councilor Tibbetts.

Motion by Councilor Tibbetts that nominations cease and the Clerk cast the unanimous ballot for Councilor Wyman.

**VOTE: on the Clerk casting a unanimous ballot for Councilor Wyman as Representative to the Bath Water District Board:**

**Yeas: 7**

**Nays: 0**

**VOTE: Councilor Wyman Elected Unanimously 7-0**

**Item F6 - ORDER: Setting Regular Meetings of the Bath City Council**

**ORDER**

*Be It Ordered by the City Council as follows:*

That, in accordance with Section 214 of Chapter 2 of the Charter of the City of Bath, the City Council will conduct its regular meetings in the Council Room, Third Floor at City Hall, on the first Wednesday of each month at 7:00 o'clock PM.

Passed Unanimously on Consent Agenda.

**Item F7 - ORDER: Adopting Robert's Rules of Order for Parliamentary Procedure**

**ORDER**

*Be It Ordered by the City Council, as follows:*

That, the Rules of Parliamentary Practice comprised in Robert's Rules of Order, Newly Revised, shall govern the City Council in all cases to which they are applicable, and in which they are not inconsistent with the City Charter, and any Orders or Resolutions passed or adopted by the City Council to govern certain procedures or policies, or as may be amended by this Council.

Passed Unanimously on Consent Agenda.

**Item F8 - ORDER: Adopting Working Rules and Regulations for Council Year 2000-2001**

A copy of these Working Rules and Regulations are filed in the Agenda materials for December 5, 2001.

Passed Unanimously on Consent Agenda.

**Item F9 - ORDER: Council Approval on Annual Blanket Letter of Approval on all Renewals to Operate Games of Chance and/or Beano Games**

**ORDER**

*Be It Ordered by the City Council of the City of Bath,*

That, the City Clerk be authorized to send a "Blanket Letter of Approval" on all renewals to operate Games of Chance and/or Beano Games in accordance with the provisions of the State.

Passed Unanimously on Consent Agenda.

**Item F10 - ORDER: Approving Contract for the Purchase of an Excavator for Public Works #1200**

Chairman Wyman read the following Order:

**ORDER**

APPROVING CONTRACT

- PUBLIC WORKS EXCAVATOR PURCHASE

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT A CONTRACT BY AND BETWEEN THE CITY OF BATH AND CHADWICK BAROSS INC. FOR THE PURCHASE OF AN EW170 VOLVO RUBBER TIRED EXCAVATOR IN THE AMOUNT OF \$112,000 BE AND HEREBY IS AWARDED, AND THE MANAGER IS AUTHORIZED TO EXECUTE THE CONTRACT AND ANY OTHER DOCUMENTS NECESSARY TO ITS IMPLEMENTATION. THE PURCHASE WILL BE FUNDED FROM AVAILABLE FUNDS FROM THE PUBLIC WORKS VEHICLE REPLACEMENT CAPITAL ACCOUNT (PWO5-550) AND THE SEWER UTILITY MAINTENANCE CAPITAL ACCOUNT (703-308).

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

The City Manager and the Public Works Director gave an explanation for the need and the particulars of this Order.

Motion by Councilor Tibbetts, second by Councilor Hart to move this Order.

**VOTE: on the Order:**

**Yeas: 5**

**Nays: 2**

**VOTE: Order Passed 5-2**

**Item F11 - ORDER: Approving Property Exchange for Farrin Street Pump Station #2035**

Chairman Wyman read the following Order:

**ORDER APPROVING PROPERTY EXCHANGE**

WHEREAS, the City of Bath is the owner of certain property and the beneficiary of certain easements conveyed to the City by William P. Haney and Venecia L. Haney by Deed dated May 25, 1970, and

WHEREAS, these property rights pertain to the Farrin Street Pumping Station and access rights for pipes and maintenance of the Pumping Station, and

WHEREAS, the Pumping Station has been renovated and the property rights need to be further defined and established,

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that an exchange of Deeds reconveying the original easement and property back to the current owners, W. Rainer Pitthan and Cris Oppenheimer-Pitthan, in exchange for reconveyance of the Pump Station property together with access easements and pipe easements, be and hereby is approved, and the City Manager is authorized to sign conveyance documents and such other documents as may be necessary to accomplish this exchange.

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

City Solicitor explained the reason this Order had been brought before the Council.

**VOTE: on the Order:**

**Yeas:** 7

**Nays:** 0

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

**Item F12 – Discuss procedures for filling vacancy on the Board of Education resulting from the resignation of Thomas MacDonald #2170**

The Council decided to advertise in the Times Record and the Weekend Edition of the Portland Press Herald for letters of intent and resumes from candidates with a deadline of December 21, 2001. An interview session will be held soon after that date and the selection will be announced at the January 16, 2002 Council Meeting.

**G. Petitions & Communications 8:35 PM #2366**

City Clerk White announced that it was now time for licensing dogs for the year 2002.

Chairman Wyman read a letter from the Patten Free Library requesting a Council Representative replacement for Councilor Hayden. Councilor Banks volunteered to accept that position.

**H. City Manager's Report:** 8:45 PM #2567

The City Manager spoke on the following subjects:

- Praver Building Property Project
- Mid Coast Center for Higher Education
- Various Legislative Issues
- Main Street Project
- Brunswick Coastal Humane Society

Mr. Bubier asked the Council to consider giving the City's employees December 24, 2001 as a paid holiday to show "Good Will" as the Governor had done for State employees.

Motion by Councilor Tibbetts, second by Councilor James to waive the rules to put this subject on the floor for discussion. All in favor.

Motion by Councilor Hart, second by Councilor James to give the City employees December 24, 2001 off as a paid holiday.

**VOTE: on this Motion:**

**Yeas:** 4

**Nays:** 3

**VOTE: Motion Passed** 4-3

**I. Committee Reports:** 9:00 PM # 3096

The Chairman Wyman appointed the following people to the Main Street Committee:

Halcyon Blake, Edwin Rogers, John Hall, John Bubier

Alternates: John Hart, Jim Upham, Greg L'Heureux

Councilor James gave a report on the Sagadahoc Budget Advisory Committee.

**J. Old Business:** 9:20 PM #3875

Councilor Hall thanked fellow Councilors and City Staff for outstanding support during his tenure as Council Chairman.

**K. New Business:** 9:25PM #3904

Councilor Blake spoke regarding her participation in the Open Book Community Reading Program. She asked if she could hold a Workshop in January on the program.

Councilor Tibbetts expressed his gratitude to his wife and family, Bath Fire Department, City Staff and the community for their prayers and expressions of Get Well Wishes during his recent illness.

Motion by Councilor Hall, second by Councilor Banks to recess to Executive Session. All in favor.

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

Councilor James made a motion to waive the rules to vote on the approval of the Police Contract, seconded by Councilor Banks. All in favor.

Motion by Councilor Tibbetts, second by Councilor Hart to approve the Police Contract.

**VOTE: on the Police Contract:**

**Yeas:** 6

**Nays:** 1

**VOTE: Contract Passed 6-1**

The meeting adjourned at 10:00 PM with a motion made by Councilor James and seconded by Councilor Hart. 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.*