

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, January 23, 2002 7:00 PM
City Council Chambers, Bath City Hall

Present: Councilors Hall, Banks, James, Blake, Hart, Tibbetts, Rogers, Reed and Chairman Wyman
Also Present: City Manager Bubier, City Solicitor Therriault and City Clerk White

Chairman Wyman called the meeting to order at 7:00 PM and led the Pledge of Allegiance.

City Clerk White called the Roll.

I. Funding of Acquisition of Fire Chief's Department Records 1851 - 1924 - 7:01 PM #80

Fire Chief Leverett Mitchell gave an overview of the history of the book and the terms for purchase.

Motion by Councilor Hart, second by Councilor Rogers to purchase the Fire Department Record Book and Fireman's badge for \$2,000.00.

Vote to Purchase Fire Department Record Book and badge:

Yeas: 5

Nays: 3

VOTE: Passed 5-3

Motion by Councilor Reed, second by Councilor Rogers to take \$2,000.00 from the Council Contingency Fund to Purchase the Fire Department Record Book and badge.

Vote to take \$2,000.00 from Council Contingency Fund:

Yeas: 5

Nays: 3

VOTE: Passed 5-3

II. Ordinance: LUC Amendment, Article 8 Section 8.13, D, 6 - First Passage - 7:16 PM #536

Chairman Wyman 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 Article 8, Section 8.13, D, 6 as follows:

6. Signage must meet the standards for signs in the underlying residential district, unless, the square footage and the number of signs is increased by the contract rezoning procedure (see Section 8.20).

(NOTE: Additions are underlined.)

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

Jim Upham, City Planner, explained the reasons these changes needed to be made.

Chairman Wyman asked for a Roll Call vote.

Roll Call Vote on Ordinance:

Yeas: Hall, Banks, James, Blake, Hart, Tibbetts, Rogers and Reed

Nays: None

VOTE: Ordinance Passed Unanimously 8-0

Chairman Wyman set second passage for February 6, 2002 at 7:02 PM.

III. Ordinance: LUC Amendment, Article 16, Add Section 16.08, Zoning Map (First Passage) - 7:23PM #732

A copy of this Ordinance can be found in the Agenda Materials for January 23, 2002 in the City Clerk's Office.

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

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

Jim Upham, City Planner explained that the document given to Council prior to the meeting would be considered the amendment to the original document in their agenda packets. He gave an overview of the reasons for this change to the LUC.

Motion by Councilor Reed, second by Councilor James to amend the Ordinance as explained by the City Planner.

Chairman Wyman asked for a Roll Call vote on the Amendment to the Ordinance

Roll Call Vote on Amendment to the Ordinance:

Yeas: Hall, Banks, James, Blake, Hart, Tibbetts, Rogers and Reed

Nays: None

VOTE: Amendment Passed Unanimously 8-0

Chairman Wyman asked for a Roll Call vote on the amended Ordinance.

Roll Call Vote on Amended Ordinance:

Yeas: Hall, Banks, James, Blake, Hart, Tibbetts, Rogers and Reed

Nays: None

VOTE: Amended Ordinance Passed Unanimously 8-0

Chairman Wyman set second passage for the Ordinance on February 6, 2002 at 7:03 PM.

IV. Ordinance: Fee Schedule for Universal Waste at Landfill (First Passage) - 7:40 PM #1200

Chairman Wyman 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 13. SOLID WASTE
Article 2. Landfill Fee Schedule

Section 13-31. Operational Standards
B. Prohibited Wastes

Add:
7. Computer Monitors

Section 13-32. Fee Schedule
Add a new Section E:

E. Universal Waste Fee Schedule.

<u>Item</u>	<u>Bath Sources</u>	<u>Out-of-Town Sources</u>
Light Bulbs		
Straight 4' fluorescent	Free	\$1.50 each
Straight 8' fluorescent	Free	\$2.00 each
U-shaped fluorescent	Free	\$3.50 each
Circular fluorescent	Free	\$3.50 each
Other lamps *	Free	\$6.50 each
*High intensity discharge, neon, mercury vapor, high pressure sodium, metal halide		
PCB Ballasts	Free	\$7.00
Rechargeable Batteries*		
*Nickel-Cadmium (Ni-CD), Nickel-Metal Hydride (Ni-MH), Lithium Ion (Li-ion), Small sealed lead (Pb) up to 2 lbs each		
	Free	Free
Mercury Thermostats	Free	\$1.00
Mercury Thermometers	Free	\$1.00

These fees may be adjusted from time to time by Resolution of Council.

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

Lee Leiner, Deputy Public Works Director, explained the Ordinance.

Chairman Wyman asked for a Roll Call Vote.

Roll Call Vote on Ordinance:

Yeas: James, Blake, Tibbetts, Reed, Chairman Wyman

Nays: Hall, Banks, Hart, Rogers

VOTE: Ordinance Passed 5-4

Chairman Wyman set second passage for February 6, 2002 at 7:04 PM.

V. Ordinance: Approving Contract with Tower Optical Company, Inc. (First Passage) - 8:05 PM #2008

Chairman Wyman read the following Ordinance:

ORDINANCE APPROVING CONTRACT

WHEREAS, the City is desirous of maintaining optical equipment at its waterfront₁ and

WHEREAS, this optical equipment is rented from Tower Optical Company, Inc., and

WHEREAS, the company has proposed a Three (3) year contract to provide optical equipment located at the City's waterfront park, and

WHEREAS, the proposed contract, calling for expenditure of monies beyond the current fiscal year, under Section 1102 of the Charter, requires approval by Ordinance of the City Council.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bath that a contract with Tower Optical Company, Inc. of Norwood, Connecticut that provides for optical equipment at the City's waterfront park, at a cost of Four Hundred Fifty Dollars (\$450.00) per year, for a Three (3) year period commencing November 20, 2001 through November 19, 2004, be and hereby is approved and the City Manager is authorized to sign the contract on behalf of the City of Bath.

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

Roll Call Vote on Ordinance:

Yeas: None

Nays: Hall, Banks, James, Blake, Hart, Tibbetts, Rogers and Reed

VOTE: Ordinance Failed 0-8

VI. Order: Approving Acquisition of Mid Coast Hospital Property - 8:12 PM #2223

Chairman Wyman read the following Order:

**ORDER APPROVING ACQUISITION OF
MID COAST HOSPITAL PROPERTY**

WHEREAS, the City of Bath has entered into a Letter of Intent and, subsequently, a Purchase and Sales Agreement regarding acquisition of the Mid Coast Hospital property, and

WHEREAS, the acquisition cost has been an approved project cost by the Maine Department of Economic and Community Development in association with the City of Bath's BIW Tax Increment Financing District, and

WHEREAS, the terms and conditions of the Letter of Intent and Purchase and Sales Agreement calls for the continued occupancy of a portion of the building by Mid Coast Medical Group and development and execution of a Lease Agreement relating to that occupancy.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the City Manager be and hereby is authorized to accept conveyance, on behalf of the City, of the Mid Coast Hospital property, to execute any and all documents necessary to completion of the transfer, to execute a Lease Agreement with the Mid Coast Medical Group for space in the building as they currently occupy, and in accordance with the general outline of Lease conditions in the Letter of Intent and Purchase and Sales Agreement.

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

John Bubier, City Manager, gave an overview of the proposed project.

Vote on Order:

Yeas: 8

Nays: 0

VOTE: Order Passed Unanimously 8-0

VII. Order: Approving Quit-Claim Deed - Bailey - 8:45 PM #3453

Chairman Wyman read the following Order:

ORDER APPROVING QUIT-CLAIM DEED

WHEREAS, Raymond L. Bailey, Jr. and Kathy L. Bailey have proposed to pay tax and sewer arrearages on their residential building as well as a sum representing their proportionate share of the arrearages on a portion of real property owned by the City of Bath and acquired by tax liens assessed against Kenneth Holt, and

WHEREAS, the City is conveying a lot of land of approximately 2 acres, equivalent to the property purportedly conveyed to Raymond L. Bailey, Jr. and Kathy L. Bailey by Deed being unrecorded, with further reference to premises purported to be conveyed by Kenneth D. Holt to Edward M. Skillin and Patricia A. Skillin, dated October 2, 1995, recorded in the Sagadahoc County Registry of Deeds in Book 1377, Page 250.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that a Quit-Claim Deed from the City releasing a 2 acre parcel of land together with buildings thereon to Raymond L. Bailey, Jr. and Kathy L. Bailey, be and hereby is approved, in accordance with and subject to the restrictions contained in the Deed attached hereto, and the City Manager is authorized to execute said Deed on behalf of the City of Bath, subject however to the condition that said Deed shall not be delivered until all outstanding taxes and sewer assessments have been paid in full to the satisfaction of the Finance Director.

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

Vote on Order:

Yeas: 8

Nays: 0

VOTE: Order Passed Unanimously 8-0

VIII. Order: Adoption of Mid Coast Center of Higher Learning By-Laws - 8:48 PM #3566

Chairman Wyman read the following Order:

ORDER APPROVING BY-LAWS

WHEREAS, the City of Bath has acted as incorporator with respect to the organization of a Maine non-profit, non-stock corporation known as the Mid Coast Center for Higher Learning, and

WHEREAS, the stated purpose of this corporation is to provide management of the Mid Coast Hospital buildings and structures to be acquired by the City of Bath from Mid Coast Health Services/Mid Coast Hospital, and

WHEREAS, the corporation has been duly certified and accepted by the State of Maine, effective December 21, 2001, and

WHEREAS, as part of the organizational activities of said corporation, it is necessary and appropriate to approve the By-Laws governing the operation of the corporation.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the By-Laws for the operation of the Maine Non-Profit Corporation known as Mid Coast Center for Higher Learning be and hereby are adopted.

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

Roger Therriault, City Solicitor, explained three changes to the By-Laws themselves.

Motion by Councilor James, second by Councilor Reed to amend the By-Laws as explained by the City Solicitor.

Vote on Amendments to Actual By-Laws:

Yeas: 8

Nays: 0

VOTE: Amendments Passed Unanimously 8-0

Vote on Order:

Yeas: 8

Nays: 0

VOTE: Order Passed Unanimously 8-0

IX. Resolution: Investment Policy - 8:55 PM #3810

Chairman Wyman read the following Resolution:

**RESOLUTION
ADOPTION OF CITY OF BATH INVESTMENT POLICY**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, THAT THE CITY HEREBY ADOPTS THE CITY OF BATH INVESTMENT POLICY FOR THE PRUDENT INVESTMENT MANAGEMENT OF CITY FUNDS BY THE CITY OF BATH FINANCE DIRECTOR OR HIS/HER AUTHORIZED DEPUTY.

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

Vote on Resolution:

Yeas: 8

Nays: 0

VOTE: Resolution Passed Unanimously 8-0

X. Appointment: Two positions on the Forestry Committee - Three year commitment 8:56 PM #3866

Chairman Wyman read the names of the candidates:

Arthur Tainter

Benet Pols

Janet Clements

Councilor Banks speaking on behalf of the Interview Committee nominated Arthur Tainter and Benet Pols be appointed to fill the vacant positions on the Forestry Committee. Councilor Rogers seconded the nomination.

Motion by Councilor Reed, second by Councilor Hall that nominations cease.

Vote on Appointments:

Yeas: 8

Nays: 0

VOTE: Appointments Passed Unanimously 8-0

XI. Appointment: One position on the Personnel Service Commission - Term 3 years Expiration 1/2005 Passage) - 8:57 PM #3900

Chairman Wyman read the name of the candidate:

Thomas Watson

Councilor Banks speaking on behalf of the Interview Committee nominated Thomas Watson to be re-appointed to the Personnel Service Commission. Councilor Rogers seconded the nomination.

Motion by Councilor Reed, second by Councilor Rogers that nominations cease.

Vote on Appointment:

Yeas: 8

Nays: 0

VOTE: Appointment Passed Unanimously 8-0

XII. Appointment: One position on the Bath Housing Authority Board of Directors - Term 5 years Expiration 2/2007 - 8:59 PM #3941

Chairman Wyman read the name of the candidate:

Terrance Gray

Councilor Banks speaking on behalf of the Interview Committee nominated Terrance Gray to be re-appointed to the Bath Housing Authority Board of Directors. Councilor Tibbetts seconded the nomination.

Motion by Councilor Reed, second by Councilor Rogers that nominations cease.

Vote on Appointment:

Yeas: 8

Nays: 0

VOTE: Appointment Passed Unanimously 8-0

Motion by Councilor Hall, second by Councilor Reed to recess to Executive Session to discuss Labor Negotiations and a Personnel Matter. All in favor.

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

The meeting adjourned at 9:45 PM with a motion made by Councilor Reed and second by Councilor Rogers. 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.