

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, March 6, 2002 7:00 PM
City Council Chambers, Bath City Hall

ROLL CALL: Councilors Hall, Banks, James, Blake, Hart, Tibbetts, Rogers, Reed and Chairman Wyman

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

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

C. Public Hearings – 7:01 PM #67

Chairman Wyman opened the Public Hearing by asking Al Smith, Community Development Coordinator, to address Council regarding the Community Planning Grant for televising of sewers. Mr. Smith first gave an update on the status of previous grant applications and an overview of a proposed Public Service Grant. Next Mr. Smith explained the procedures for applying for the grant for televising sewers and what the grant would help to accomplish towards upgrades. He also spoke regarding looking into grants that might be available for use with the Skateboard Park/Community Center.

There was no public comment so Chairman Wyman closed the Public Hearing.

D. Consent Agenda - 7:16 PM #450

Motion by Councilor James, second by Councilor Blake to accept as presented the Minutes to the February 6 and 20, 2002 Council Meetings and Items F3, K9 and K10.

Vote on Consent Agenda:

Yeas: 8

Nays: 0

Consent Agenda Passed Unanimously 8-0

E. Time Devoted for Residents to Address the City Council - 7:17 PM #470

Katherine McClellan of 708 Washington Street spoke against the termination of the position of Fire Codes Inspector held by former-Captain, Kenneth Desmond and the appointment of the Deputy Fire Chief by the City Manager.

F. Ordinances, Resolutions and Orders - 7:20 PM

F3 - Order - Issuing warrant for prosecuting unlicensed dog owners-keepers #450

This item was passed on the Consent Agenda.

F4 - Approval of a Going Out of Business License for Coastal Hardware at Bath located at 630 Washington Street #604

Motion by Councilor Blake, second by Councilor Banks to place the item on the floor for discussion and consideration.

Vote on Going Out of Business License:

Yeas: 8

Nays: 0

License Passed Unanimously 8-0

F5 - Order - Appointing Board of Directors to the Mid Coast Center for Higher Learning #624

Chairman Wyman nominated the following individuals to the Board of Directors to the Mid Coast Center for High Learning:

Herbert Kresser	Honorable Arthur Mayo	Francis Dillon
Sandra Morrell Rooney	Elena D. Vandervoort	William Logan, Esquire
Honorable John E. Hall	Honorable John W. James IV	John D. Bubier

Chairman Wyman read the following Order:

ORDER APPOINTING BOARD OF DIRECTORS

WHEREAS, the City of Bath has acted as the incorporator in the organization of a Maine not for profit, non-stock corporation known as the Mid Coast Center for Higher Learning, and

WHEREAS, said corporation was filed and approved with the Maine Secretary of State's Office on December 21, 2001, and

WHEREAS, the City Council of the City of Bath has adopted and approved By-Laws for the conduct of the affairs of Mid Coast Center for Higher Learning, and

WHEREAS, said By-Laws, in Article V, Section 2, call for a Board of Directors of not less than three nor more than nine individuals, and

WHEREAS, the City Council has the responsibility of electing up to six Directors, who shall initially serve staggered, one-year, two-year and three-year terms, the other three Directors being two members of City Council appointed by the Chairman and the City Manager and his designee,

NOW, THEREFORE, the following listed individuals be and hereby are elected as Directors of the Mid Coast Center for Higher Learning in accordance with the staggered terms listed next to the names of the Directors hereby elected.

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

Vote on Order:

Yeas: 8

Nays: 0

Order Passed Unanimously 8-0

F6 - Order - Accepting the Bath Skate Park Committee Report and Authorizing the Design of the Park #943

Chairman Wyman read the following Order:

ORDER

WHEREAS, the City Council has had the benefit of an extensive workshop presented by the Bath Skate Park Committee regarding the status of the development of a skateboarding facility for the City of Bath, and

WHEREAS, the process of investigating the feasibility of such a facility has progressed to the point where action is appropriate to begin implementation of the strategy for establishing the facility,

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the Report by the Bath Skate Park Committee presented at workshop meeting of the City Council on February 20, 2002, is hereby accepted, and be it FURTHER ORDERED by the City Council of the City of Bath that the design of a skateboard park facility be and hereby is authorized to be funded out of the City's Skateboard Park Account.

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

Jack Hart, Recreation Director, spoke to Council regarding the amendments to the plan.

Four teenage members of the Skate Park Committee spoke in favor of the proposed fees to use the park.

Vote on Order:

Yeas: 8

Nays: 0

Order Passed Unanimously 8-0

F7 - Resolution - Providing for Participation in the Maine Municipal Employees Health Trust #1963

Chairman Wyman read the following Resolution:

**RESOLUTION PROVIDING FOR PARTICIPATION IN
THE MAINE MUNICIPAL EMPLOYEES HEALTH TRUST**

WHEREAS, the City of Bath has been a participant in the Maine Municipal Association Employees Health Trust, and

WHEREAS, the City of Bath has been advised that the Trust has changed its structure in order to be governed under the State of Maine Multiple Employer Welfare Arrangement Law, rather than the Federal

Employee Retirement Income Security Act, inasmuch as continued eligibility under the Federal Act may be in question, and

WHEREAS, the continued participation by the City of Bath in the Health Insurance Trust requires it to enter into a new Participation Agreement with the Maine Municipal Employees Health Trust as restructured,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath, as follows:
That the City of Bath, join with other participating municipal and quasi-municipal employers in a Multiple Employer Welfare Arrangement for the provision of employee health benefits, as authorized by 24-A M.R.S.A. § 6601 et seq., said Arrangement to be known as the "Maine Municipal Employees Health Trust" (Health Trust); and for that purpose and in consideration of the mutual covenants and agreements among the participating employers, to authorize the City Manager to enter into a Participation Agreement on behalf of the City and take whatever other actions may be necessary. The authority granted herein shall remain until revoked.

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

Roger Therriault, City Solicitor, gave the reasons this Resolution was necessary.

Vote on Resolution:

Yeas: 8

Nays: 0

Resolution Passed Unanimously 8-0

F8 - Ordinance - Chapter 17. Vehicles and Traffic, Article 8. Penalties, Section 17-351 Penalties for parking violations (first passage) #2108

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 17. VEHICLES AND TRAFFIC

Article 8. Penalties

Sec. 17-351. Penalties for parking violations.

(c) Payment of waiver fee....

Add:

2. ... (Except Downtown Business District)

2A. Overtime Parking - Downtown Business District Only

- | | | |
|----|--|---------|
| a. | The first violation within a quarter | Warning |
| b. | The second violation within a quarter | \$5.00 |
| c. | The third violation within a quarter | \$10.00 |
| d. | The fourth violation within a quarter | \$15.00 |
| e. | The fifth violation within a quarter | \$20.00 |
| f. | The sixth or more violation within a quarter | \$25.00 |

Delete (e) Waiver of Overtime Parking Penalty - Downtown Business District in its entirety.

Replace with the following:

(e) Warning for Overtime Parking - Downtown Business District: For the first overtime parking violation occurring in the Downtown Business District, as defined below, a warning shall be issued. Any subsequent violation occurring after the warning during any quarter, also as defined below, shall be subject to the waiver fee as set forth in Subsection 2A under Subsection (c) of this Section (17-351). The Downtown Business District shall be defined as that area within the following boundaries: south of Oak Street, west of Kennebec River, north of Vine Street, and east of Washington Street. Quarter shall be defined as any of the time frames inclusive from: January through March, April through June, July through September, and October through December.

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

Police Chief Pete Lizanecz explained the reasons for this Ordinance such as repeat offenders each month under the present Ordinance.

Chairman Wyman asked for a Roll Call vote.

Roll Call Vote on Ordinance (first passage):

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

Nays: None

Ordinance Passed Unanimously 8-0

Chairman Wyman set final passage of the Ordinance for March 20, 2002 at 7:01 PM.

G. Petitions and Communications - 8:22 PM #2579

There were no petitions or communications.

H. City Manager's Report - 8:22 PM #2583

The following is a list of items reported on by the City Manager:

- Public Meeting on the Hannaford Bros Project to be held March 12, 2002.
- Farmer's Market to open May 4, 2002 at the Waterfront Park.
- Bath Criterion Bike Race to be held on May 5, 2002.
- Proposed Third Edition of River Jam to be held the afternoon of May 5, 2002.
- Senior Staff and MDOT working on 2004-2005 Planning Projects.
- Possible Ruth Bancroft Law Day to be held on August 13, 2003.
- Welcomed new City employees: Patrolman Andrew Booth with the Bath Police Department and Alan Hutchinson with maintenance at the Mid Coast Center of Higher Learning.
- Update of the Main Street Program Meetings.
- Met with Pam Bessey, new Adult Education Director.
- Held meetings with the School Board and School Superintendent working on Budget issues.
- Meeting held with Chairman Wyman, Jack Hart of the Recreation Dept., and Rec Commission Chairman Gilson regarding the sending of a letter to surrounding communities talking about their participation in capitalizing recreation projects.
- Update on Legislative Policy Committee Meetings.
- Update on the Food Pantry Meeting.

- Update on the Route One Project.
- A City-wide Yard Sale to be held May 4-5, 2002 being sponsored by the Main Street Project.

I. Committee Reports - 8:45 PM #3327

Councilor Reed stated that the Board of Education is working hard to get the School Budget ready to present to Council.

J. Old Business - 8:47 PM #3512

Chairman Wyman stated that he would like to see the list previously asked for regarding City owned property.

Councilor Hall asked that the Council Goals for 2002 be finalized.

K. New Business

***K9 Appointment of Democratic Election Clerks per MRSA Title 21-A §503 Election Clerks (terms exp. 3/2004)**

K9 was passed on the Consent Agenda.

***K10 Appointment of Republican Election Clerks per MRSA Title 21-A §503 Election Clerks (terms exp. 3/2004)**

K10 was passed on the Consent Agenda.

Motion by Councilor Reed, second by Councilor Rogers to recess to Workshop. All in favor.

Motion by Councilor Hart, second by Councilor Reed to go into Executive Session to discuss personnel matters. All in favor.

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

Motion by Councilor Blake, second by Councilor James to adjourn the meeting. All in favor. Meeting adjourned at 10:30 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.