

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, March 20, 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 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. Public Hearing - CDBG Public Service Grants - 7:01 PM #77

Al Smith, Community Development Director, addressed Council regarding the City of Bath's Public Service Grant that will be presented to the State. The Community Development Committee chose "Maine Lead Action Project" to support. Mr. Smith then gave an overview of the program and how it would relate to what the CDBG program is already doing within the City of Bath.

II. Public Hearing - Ordinance - Chapter 17. Vehicles and Traffic, Article 8. Penalties, Section 17-351 Penalties for Parking Violations (second passage) - 7:07 PM #191

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

Police Chief Pete Lizanecz explained the reasons this Ordinance was needed-one, being that it would be easier to administer on a quarterly basis and secondly, the ceasing of habitual monthly violations would be eliminated.

Chairman Wyman asked for a Roll Call vote.

Roll Call Vote on the Ordinance (second passage):

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

Nays: None

VOTE: Ordinance Passed Unanimously 8-0

Chairman Wyman stated that this would become effective in 21 days.

III. Appointment of Registration Appeals Board per Title 21-A MRSA §103 - 7:30 PM #

Chairman Wyman read the following slate of nominees to the Registration Appeals Board:

- Democratic Nominee: Louis Ensel, 1008 Middle Street (term exp. 3/2005)
- Democratic Alternate: Barbara Reinertsen, 69 Western Avenue (term exp. 3/2005)
- Republican Nominee: William Kay, 100 Congress Avenue (term exp. 3/2005)
- Republican Alternate: Joseph Manhardt, 80 Bedford Street (term exp. 3/2005)
- Municipal Clerk's Nominee: Joanne Moore, 21 Trufant Street (term exp. 3/2006)

Motion by Councilor Reed, second by Councilor Rogers to accept the slate of nominees.

Chairman Wyman called for a vote by the raising of hands.

Vote on the Appointments:

Yeas: 8

Nays: 0

VOTE: Appointments Passed Unanimously 8-0

Appointment of One Member to the Bath Recreation Commission (term to expire 11/2002) -

7:31 PM #920

Chairman Wyman read the following list of candidates:

Gregory Page

Shawn Seeley

Councilor Hall nominated Gregory Page, seconded by Councilor Banks.

Chairman Wyman asked for a vote.

Vote on the Appointment:

Yeas: 8

Nays: 0

VOTE: Appointment Passed Unanimously 8-0

V. Ordinance: Chapter 17. Vehicles and traffic, article 6, Stopping, Standing and Parking, Section 17-259. Parking Restrictions, Washington Street, East Side (first passage) 7:32 PM #953

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 6. Stopping, Standing and Parking

Section 17-259. Parking Restrictions

Washington Street East Side

Delete the portion of the present Ordinance indicated as lined out:

From a point 75 feet south of hydrant #19 located southerly and across from Hinckley Street, and running 60 feet northerly, one hour parking

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

Police Chief Pete Lizanecz explained that the need for this Ordinance was to clear up confusion due to signage.

Chairman Wyman asked for a Roll Call vote.

Roll Call Vote on the Ordinance (first passage):

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

Nays: None

VOTE: Ordinance Passed Unanimously 8-0

Chairman Wyman set second passage for April 3, 2002 at 7:01 PM.

VI. Order: Alewife Fishing Rights for Winnegance Lake 7:40 PM #1214

Chairman Wyman read the following Order:

ORDER

Be It Ordered by the City Council of the City of Bath, Maine, that the Alewife Fishing Rights at Winnegance Lake be operated by the Winnegance Alewife Commission as per Ordinance adopted August 28, 1985, and the municipal rights to take alewives will be sold by the Commission. The Harvest Plan will be submitted by the Commission setting forth in detail the exact conditions under which alewives may be taken, all in accordance with good conservation practices. This plan will be submitted to the Department of Marine Resources by the Commission with City of Bath approval.

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

Councilor James, Council representative to the Commission, gave an update on the sales of the 2001 season and the Commission's improvements to conditions this year.

Chairman Wyman called for a vote by the raising of hands.

Vote on the Order:

Yeas: 8

Nays: 0

VOTE: Order Passed Unanimously 8-0

VII. Order: Alewife Fishing Rights for Whiskeag Creek 7:45 PM #1370

Chairman Wyman read the following Order:

ORDER

Be It Ordered by the City Council of the City of Bath, as follows:
that, the taking of alewives at Whiskeag Creek will be restricted to "Rod and Line" only.

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

Councilor James explained that the netting of alewives at Whiskeag Creek was not allowed and only rod and line fishing can be done there.

Chairman Wyman called for a vote by the raising of hands.

Vote on the Order:

Yeas: 8

Nays: 0

VOTE: Order Passed Unanimously 8-0

VIII. Order: Approving Firefighters' Contract 7:47 PM #1401

This item was pulled from the Agenda.

IX. Order: Approving Transfer for Wage Adjustments General Fund FY 2002 7:47 PM #1416

Chairman Wyman read the following portion of this Order:

ORDER

APPROVING TRANSFER FOR WAGE ADJUSTMENTS General Fund FY 2002 Be It Hereby Ordered By the City Council of the City of Bath, pursuant to Section 611(D) of the Charter of the City of Bath, that the transfer of the sum of Forty Thousand Dollars (\$40,000) from Employee Benefits - Personnel Adjustments Account 050-85 and Five Thousand Nine Hundred Dollars (\$5,900) from Council Contingency Account 012-402 into the following Accounts, be and hereby is approved.

Motion by Councilor Tibbetts, seconded by Councilor Banks to waive the reading of the rest of the Order. All in favor.

Greg L'Heureux, Finance Director, explained that this Order is due to the budget adjustment reflected by the Cost of Living raises granted to non-union employees and the negotiations on Public Works Union Wages, Police Union Wages and Fire Union Wages.

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

Councilor Hall made a motion that the Order be adjusted to read "One Thousand Dollars (\$1,000) from Council Contingency Account 012-402" instead of "Five Thousand Nine Hundred Dollars (\$5,900) from Council Contingency Account 012-402" and the list be changed also to reflect this adjustment due to the Firefighters' Contract not being finalized, which was seconded by Councilor Reed. All in favor.

Chairman Wyman called for a vote on the amended Order by the raising of hands.

Vote on the Amended Order:

Yeas: 8

Nays: 0

VOTE: Amended Order Passed Unanimously 8-0

X. Order: Approving Transfer for Wage Adjustments Sewer Utility Fund FY 2002 7:53 PM #1611

Chairman Wyman read the following Order:

ORDER

**APPROVING TRANSFER FOR WAGE ADJUSTMENTS
SEWER UTILITY FUND FY 2002**

Be It Hereby Ordered By the City Council of the City of Bath, pursuant to Section 611(D) of the Charter of the City of Bath, that the transfer of the sum of Three Thousand Nine Hundred Dollars (\$3,900) from Sewer Utility Management Contingencies Account 700-402 into the following Accounts, be and hereby is approved.

700	102	Management- Reg. Pay	150
701	102	Treatment & Pump - Reg. Pay	2,174
701	103	Treatment & Pump - OT Pay	165
702	102	Maintenance - Reg. Pay	1,253
702	103	Maintenance - OT Pay	158

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

Chairman Wyman called for a vote by the raising of hands.

Vote on the Order:

Yeas: 8

Nays: 0

VOTE: Order Passed Unanimously 8-0

XI. Order: approving Budget Transfer - City Map/Brochure 7:55 PM #1659

Chairman Wyman read the following Order:

ORDER
APPROVING TRANSFER
- City Map/Brochure

Be It Hereby Ordered By the City Council of the City of Bath, pursuant to Section 611(D) of the Charter of the City of Bath, that the transfer of the sum of Five Thousand no/100 Dollars (\$5,000.00) from the Council Contingencies Account 012-402 to the Professional Services account 011-15 be and hereby is approved.

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

John Bubier, City Manager, explained the need for this Order.

Jim Unker, Main Street Coordinator, gave an overview of the brochure and the printing process.

Chairman Wyman called for a vote by the raising of hands.

Vote on the Order:

Yeas: 8

Nays: 0

VOTE: Order Passed Unanimously 8-0

XII. Resolution: Supporting Local Tax Options 8:00 PM #1808

Chairman Wyman read the following Resolution:

RESOLUTION
SUPPORTING LOCAL OPTION TAXES

WHEREAS, the Maine State Legislature has before it proposals allowing communities the ability to vote on a local option tax, and

WHEREAS, the fundamental purpose of the general legislation at hand is to allow local governments to ask its citizens to vote on issues relating to self taxation, and

WHEREAS, the purpose of local option taxes in general is to allow Maine Municipalities to raise monies to fund capitol projects and/or special purpose projects from sources other than the local property tax, and

WHEREAS, Municipalities have been restricted to the local property taxes as a primary source of revenue to fund municipal capital activities, and

WHEREAS, the burden on the local taxpayer represented by the local property tax is disproportionately high in relation to other broad based taxes such as the State's sales tax and State's income tax, and

WHEREAS, the cost of municipal services has been significantly increased beyond normal increases driven by adjustments in the cost of living, due to unfunded State and Federal mandates and disproportionately large increases in fixed expenses such as the County tax and health insurance costs, and

WHEREAS, the ability of the local property owners to fund these municipal expenditures has reached saturation, with the prospects of no local property tax relief in terms of other revenues sources, and

WHEREAS, the local property tax in and of itself represents a regressive disproportionate tax unrelated in many instances to the ability to pay,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that the City Council does hereby endorse and support legislation designed to allow local government to ask its citizens if they wish to allow certain local option sales tax methods that are designed to reduce or offset the reliance of the local property taxes and which will have the effect of shifting a portion of the tax burden to a more progressive tax system.

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

Motion by Councilor Hall, second by Councilor Banks to amend the Resolution by deleting Paragraph #3 in its entirety.

Vote on Amendment:

Yeas: 4

Nays: 4

VOTE: Amendment Failed 4-4

Chairman Wyman called for a vote by the raising of hands.

Vote on the Resolution:

Yeas: 6

Nays: 2

VOTE: Resolution Passed 6-2

Motion by Councilor Reed, second by Councilor Rogers to recess to Executive Session to discuss a labor matter. All in favor.

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

The meeting adjourned to Workshop at 9:26 PM with a motion made by Councilor Hall and second by Councilor Banks. 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.