

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, April 24, 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 - Liquor License Front Street Deli at 128 Front Street - 7:01 PM #73

Motion by Councilor Hall, second by Councilor Hart to put this Ordinance on the floor for discussion.

Chairman Wyman opened the Public Hearing.

There was no Council or public comment.

Chairman Wyman closed the Public Hearing.

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

Vote on Order:

Yeas: 8

Nays: 0

VOTE: License Passed Unanimously 8-0

II. Order Approving Contract with Public Works/Cemeteries & Parks/Wastewater Unit - 7:02 PM #98

Chairman Wyman read the following Order:

ORDER APPROVING CONTRACT

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE BARGAINING AGREEMENT WITH THE PUBLIC WORKS / CEMETERIES & PARKS / WASTEWATER UNIT, ATTACHED HERETO AND MADE A PART HEREOF, BE APPROVED FOR THE PERIOD OF TIME COMMENCING JULY 1, 2002 AND EXTENDING THROUGH JUNE 30, 2003, AND THAT THE CITY MANAGER BE AUTHORIZED TO EXECUTE SAID CONTRACT ON BEHALF OF THE CITY OF BATH.

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

The City Solicitor explained the particulars contained in the contract covered by this Order.

Councilor Hall thanked all union and non-union employees for their cooperation and understanding towards the City of Bath during these hard financial times.

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

Vote on Order:

Yeas: 8

Nays: 0

VOTE: Order Passed Unanimously 8-0

III. Order Approving Contract with Police Department Unit - 7:13 PM #368

Chairman Wyman read the following Order:

ORDER APPROVING POLICE CONTRACT

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE BARGAINING AGREEMENT WITH THE BATH POLICE DEPARTMENT UNIT, ATTACHED HERETO AND MADE A PART HEREOF, BE APPROVED FOR THE PERIOD OF TIME COMMENCING JULY 1, 2002 AND EXTENDING THROUGH JUNE 30, 2003, AND THAT THE CITY MANAGER BE AUTHORIZED TO EXECUTE SAID CONTRACT ON BEHALF OF THE CITY OF BATH.

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

There was no Council or public comment.

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

Vote on Order:

Yeas: 8

Nays: 0

VOTE: Order Passed Unanimously 8-0

IV. Order Approving Contract with Firefighters Unit - 7:14 PM #400

Chairman Wyman read the following Order:

ORDER APPROVING FIREFIGHTERS CONTRACT

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE BARGAINING AGREEMENT WITH THE BATH FIREFIGHTERS UNIT, ATTACHED HERETO AND MADE A PART THEREOF, BE APPROVED FOR THE PERIOD OF TIME COMMENCING JULY 1, 2001 AND EXTENDING THROUGH JUNE 30, 2002, AND THAT THE CITY MANAGER BE AUTHORIZED TO EXECUTE SAID CONTRACT ON BEHALF OF THE CITY OF BATH.

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

The City Manager clarified the dates on the contract to be correct and that this contract has been

outstanding.

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

Vote on Order:

Yeas: 8

Nays: 0

VOTE: Order Passed Unanimously 8-0

V. Resolution for Pay Schedule of Salaries for Non-Union Employees Effective July 1, 2002 - 7:16 PM #475

Chairman Wyman 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 JULY 1, 2002 FOR NON-UNION EMPLOYEES OF THE CITY OF BATH (AS PER EXHIBIT A ATTACHED*).

** Exhibit A is contained in the Agenda materials for 4/24/02 in the City Clerk's Office*

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

The City's Finance Director explained that the rate of increase in these salaries were identical to the Unions. There would be a 2.75% increase on July 1, 2002 and 1.75% increase on January 1, 2003.

There was no Council or public comment.

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

Vote on Resolution:

Yeas: 8

Nays: 0

VOTE: Resolution Passed Unanimously 8-0

VI. Order Approving Transfer for Wage Adjustments Fire Department Union FY 2002 - 7:22 PM #632

Chairman Wyman read the following Order:

**ORDER
APPROVING TRANSFER FOR WAGE ADJUSTMENTS
Fire Department Union 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 Five Thousand Three Hundred Dollars (\$5,300) from Council Contingency Account into the following Fire Department accounts be and is hereby approved.

100-102	Fire Regular Pay	\$3,950
100-103	Fire Overtime Pay	\$750
100-105	Fire Premium Pay	\$600

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

The Finance Director explained that this was the part of an Order passed back in February that had been pulled from that Order.

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

Vote on Order:

Yeas: 8

Nays: 0

VOTE: Order Passed Unanimously 8-0

VII. Resolution Regarding Increases in Workers' Compensation - 7:25 PM #698

Chairman Wyman read the following Resolution:

**RESOLVE THAT THE MAINE LEGISLATURE SHOULD ACT TO
PREVENT INCREASES IN WORKERS' COMPENSATION COSTS**

WHEREAS, Municipalities are struggling to balance budgets in the face of escalating costs for education, road maintenance, and basic municipal services; and

WHEREAS, The cost of offering health insurance to municipal employees is spiraling out of control and putting a strain on local budgets; and

WHEREAS, After years of decline, workers' compensation rates have increased significantly over the past two years; and

WHEREAS, The Maine Supreme Law Court rendered a decision in the Kotch Case on February 7, 2002 requiring the consideration of pre-existing, non work-related conditions for the calculation of workers' compensation benefits; and

WHEREAS, The National Council of Compensation Insurers, the organization whose recommendations provide the basis upon which premiums are based in Maine, has estimated that workers' compensation premiums will increase by fifteen percent for all employers and retroactive costs will be between \$160 and \$240 million because of the Kotch loophole; and

WHEREAS, Municipalities will have to reduce services or increase taxes to pay for any increases in workers' compensation premiums; Now, therefore, be it

RESOLVED: that we, the members of the Bath City Council, urge the Maine State Legislature to immediately close the Kotch loophole without increasing employer costs while maintaining a workers' compensation system that continues to provide benefits to workers who have been injured while on the job.

Signed this 24th day of April 2002.

Motion by Councilor Tibbetts, second by Councilor Blake to put this Resolution on the floor for discussion.

The City Manager and City Solicitor explained the reason this Resolution had been brought before Council was to get the Council's view on the current legislation.

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

Vote on Resolution:

Yeas: 8

Nays: 0

VOTE: Resolution Passed Unanimously 8-0

VIII. Ordinance Approving Contract with Little River Compost Service (first passage) - 7:30 PM
#854

Chairman Wyman read the following Ordinance:

ORDINANCE APPROVING CONTRACT

WHEREAS, the City of Bath has used a ground spreading method for disposal of its residuals from the Wastewater Treatment Plant, and

WHEREAS, that method for disposing of residuals has fallen into disfavor with the emergence of environmental issues, storage issues, and odor complaints from neighbors, and

WHEREAS, the City has an opportunity to provide for an alternative means of disposal of its residuals from the Wastewater Treatment Plant, and

WHEREAS, a Contract for the exclusive disposal of those residuals with the Little River Company will provide for the residuals to be part of a composting facility, and

WHEREAS, the proposed Contract is a multi-year Contract for a minimum of three years and calls for approval by Council by Ordinance in accordance with Section 1102 of the Charter of the City of Bath,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bath that a Contract with the Little River Company substantially in the form attached hereto, be and hereby is approved and the City Manager is authorized to execute said Contract on behalf of the City of Bath.

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

The City Manager explained the reasons for the need of passage of this Ordinance.

Chairman Wyman asked for a Roll Call Vote.

Roll Call Vote on Ordinance:

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

Nays: None

VOTE: Ordinance Passed Unanimously (first passage) 8-0

Chairman Wyman set second passage of this Ordinance for June 5, 2002 at 7:01 PM.

IX. Report from the Skateboard Park Committee - 7:45 PM #1399

Jack Hart, Director of the Recreation Department and Skateboard Park Committee member, told the Council that United National Insurance had been chosen to provide the liability insurance for the Skate Park. He stated that the Committee was still working on the insurance for the building and its contents. Mr. Hart gave a slide presentation of the proposed design for the new skateboard park to be located at the old YMCA on Summer Street. During this presentation, Mr. Hart and Jessie Pilgrim, a teenage member of the Skateboard Park Committee, explained the different aspects of the Park and answered specific questions from Council regarding the design and equipment used in the sport and proposed costs and revenues. Mr. Hart gave an overview of the schedule of progress of the Skateboard Park. There was a brief discussion on the "owner entity" of the Park. It was the consensus of the Council to go forward with the acquisition process for the old YMCA and to form a non-profit.

X. Presentation of the Fiscal Year 2002-2003 City of Bath Budget by the City Manager - 8:40 PM #3270

John Bubier, City Manager, gave an overview of the combined City Budget for fiscal year 2002-2003. He stated that there are two elements present in this budget, one is the expenditure limitation and the other the property tax rate. He explained this year's budget was difficult due to the combined expenditure budget for the City, School, County, Capital and the Wastewater had a total increase of 6.24% over the previous year. These combined elements also require an increase of 17% in the property tax rate. In order to carry the budget, the tax rate would go from \$22 to \$25.75. The combined budget is still \$360,000 over the municipal expenditure limitation as defined in the Charter. Mr. Bubier explained that the School Budget was \$646,000 over the expenditure limitation, the City Budget is \$324,900 under the expenditure limitation, Capital Improvements \$83,288 under the expenditure limitation, the Wastewater Utility is \$2,300 over the expenditure limitation and the County Budget is \$161,000 over the expenditure limitation. The percent of increase of each budget component over last year was as follows: City/Capital/Wastewater is a minus of 3/10th of 1%, the School component is up 8.08%, the County Budget is up 18.65% and the total combined budget is up 6.24%.

The meeting adjourned at 9:16 PM with a motion made by Councilor Reed and second by Councilor James. 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.