

REGULAR MEETING MINUTES  
**City Council of the City of Bath, Maine**  
**Wednesday, October 2, 2002 7:00 PM**  
City Council Chambers, Bath City Hall

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**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.

Judith Barrington, President of the Sagadahoc Preservation Inc. presented the City of Bath with an award for it's above and beyond efforts in improvements to the following areas: Southend neighborhoods, Southend Boat Launch, Downtown Waterfront and Centre Street.

**C. Public Hearings – 7:04 PM #138**

**C-1 Ordinance: Amendments to the LUC, Article 6, Section 6.06, Expansion of Nonconforming Structures in All Districts of the Shoreland Zone Except R4 and R5 and Section 6.07, Expansion of Nonconforming Structures in the R4 and R5 Districts of the Shoreland Zone. (second passage)**

A complete copy of this item is on file with agenda materials in City Clerk's Office.

Chairman Wyman read the Ordinance.

Chairman Wyman opened the Public Hearing.

Jim Upham, City Planner, explained the process that brought this before the Council.

There was no other public comment.

Chairman Wyman closed the Public Hearing.

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

Council Hart made a motion to table the Ordinance until such time that the Planning Board could bring it back to Council with all Districts in the Shoreland Zone being included, seconded by Blake.

Christopher Mann of 1569 Washington Street spoke to Council regarding the problem with his project that had brought this matter before the Planning Board and Council.

**Vote on Tabling Motion:**

**Yeas: 3**

**Nays: 5**

**Tabling Motion Failed 3-5**

**Vote on Ordinance:**

**Yeas:** Hall, James, Blake, Tibbetts, Rogers, Reed

**Nays:** Banks, Hart

**Ordinance Passed** 6-2

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

**D. Consent Agenda - 7:24 PM #801**

D-2 Motion by Councilor Hall, second by Councilor Blake to accept as presented the Minutes to the September 4 and 18, 2002 Council Meetings.

**Vote on Consent Agenda:**

**Yeas:** 8

**Nays:** 0

**Consent Agenda Passed Unanimously** 8-0

**E. Time Devoted for Residents to Address the City Council – 7:25PM #820**

No one spoke.

**F. Ordinances, Resolutions and Orders – 7:25 PM #830**

**F3 – Order: Prepare Notice of Election to notify inhabitants of the Maine State General/Referendum Election to be held on Tuesday, November 5, 2002** #830

Chairman Wyman read the following Order:

**ORDER**

In City Council  
October 2, 2002

BE IT HEREBY ORDERED BY THE CITY COUNCIL. AS FOLLOWS:

That, the Notice of State of Maine General/Referendum Election be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the General/Referendum Election will be held at their respective Ward Rooms (1-7 inclusive), on Tuesday, November 5, 2002 for the purpose of determining the following questions:

See attached Notice of  
General/Referendum Election

Absentee Ballots shall be processed Election Day at 10:00am, 11:00am, 1:00pm, 2:00pm, 3:00pm and 7:00pm.

The polls shall be opened at 9:00am and closed at 8:00pm.

Motion by Councilor Tibbetts, second by Councilor Banks to waive the reading of the Notice of General/Referendum Election. All in favor.

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

**Vote on Order:**

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

**Nays:** None

**Order Passed Unanimously 8-0**

**F4 - Order: Prepare Election Warrant to notify inhabitants of City of Bath Municipal Election to be held on Tuesday, November 5, 2002 #896**

Chairman Wyman read the following Order:

**ORDER**

In City Council  
October 2, 2002

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT:

Warrants be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the Municipal Election will be held at their respective Ward Rooms 1-7 inclusive, on the Tuesday

following the first Monday of November, the same being the 5th day of said month, in the year of our Lord Two Thousand and Two, at 9 O'clock in the forenoon, then and there, to cast their votes at the Municipal

Election in their respective Wards for:

City Councilors to be Elected:

- Ward One      One to be Elected for a three-year term
- Ward Two      None to be Elected
- Ward Three    None to be Elected
- Ward Four     None to be Elected
- Ward Five     None to be Elected
- Ward Six      One to be Elected for a three-year term
- Ward Seven    None to be Elected
- At Large      One to be Elected for a three-year term
- At Large      None to be Elected
- One Member to the Board of Education-At Large for a four-year term

and, be it further ordered, that said polls are to be kept open until eight o'clock in the afternoon of said day and then be closed.

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

**Vote on Order:**

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

**Nays:** None

**Order Passed Unanimously 8-0**

**F5 – Order: Appointment of Wardens and Ward Clerks for the November 5, 2002 Election #956**

Chairman Wyman read the following Order:

**ORDER**

Be It Ordered by the City Council of the City of Bath, that the following be appointed for the Maine State General Election and the City of Bath Municipal Election to be held on Tuesday, November 5, 2002:

Ward	Warden	Ward Clerk
1	Cynthia Mitchell	Marion Craige
2	Paula Adam	Donna Hays
3	Betsy McPhee	Jean Trafton
4	Carol Duehring	Vickey Beckman
5	Cindy Gabelmann	Judith Lemoine
6	Barbara Day	Ruthe Pagurko
7	Jackie Dwinal	Rachel Bennett

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

**Vote on Order:**

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

**Nays:** None

**Order Passed Unanimously 8-0**

**F6 – Order: Setting Hourly Schedule of the Office of Voting Registrar #1000**

Chairman Wyman read the following Order:

**ORDER**

Be It Ordered by the City Council of the City of Bath, that the hourly schedule for the office of the Registrar of Voters shall be from 8:30am to 4:30pm Monday through Friday prior to the State Referendum Election and City of Bath Municipal Election to be held Tuesday, November 5, 2002 except for Election Day when the Office will be opened from 8:30am to 8:00pm.

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

**Vote on Order:**

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

**Nays:** None

**Order Passed Unanimously 8-0**

**F7 – Resolution: Establishing a non-profit corporation for skate park facility #1040**

Chairman Wyman read the following Order:

**RESOLUTION TO ESTABLISH A NON-PROFIT CORPORATION**

WHEREAS, the City of Bath has acquired the former Bath Area Family YMCA property on Summer Street, and

WHEREAS, the City of Bath is nearing completion of the construction of a skatepark facility in the former YMCA gymnasium, and

WHEREAS, the City of Bath has worked with the Bath Skatepark" Committee to provide a skatepark facility for the youth of the City of Bath and to pursue and develop other youth related activities, and

WHEREAS, the Skatepark Committee needs to become a viable legal entity for the purpose of providing management and operation of the skatepark and youth meeting house, and

WHEREAS, the development of a non-profit entity is an appropriate mechanism for providing appropriate management of the facility and of the programs and activities within the facility,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that the City of Bath act as incorporator and form a domestic non-profit corporation pursuant to the provisions of Chapter 13-B of the Maine Revised Statutes Annotated, said corporation being organized for the purpose of providing for the operation and management of a skatepark and other youth related programs and activities at the 26 Summer Street property and such other properties as may in the future become available, to provide for maintenance and upkeep of the building and structure and for all other legal purposes as permitted by law. BE IT FURTHER RESOLVED that the City Manager of the City of Bath is hereby authorized to execute any and all documents regarding this incorporation and that the City Solicitor act as Registered Agent for the corporation.

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

Motion by Councilor Reed, second by Councilor Hall to delete “within the Bath Area YMCA” and add “at the 26 Summer Street property” in the sixth paragraph first sentence.

**Vote on Amendment:**

**Yeas:** 7

**Nays:** None

**Abstention:** 1 (Rogers)

**Amendment Passed 7-0-1**

Motion by Councilor Hall, second by Councilor Rogers to delete “and such other properties as may in the future become available” in the sixth paragraph first sentence.

**Vote on Amendment:**

**Yeas:** 3

**Nays:** 5

**Amendment Failed 3-5**

**Vote on Amended Resolution:**

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

**Nays:** Hall

**Amended Resolution Passed 7-1**

**F8 – Order: Approving By-Laws for Bath Meeting House and Skatepark Center #1680**

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 BATH MEETING HOUSE AND SKATEPARK CENTER, and

WHEREAS, the stated purpose of the corporation is to provide for the operation and management of youth related activities carried on within the former Bath YMCA building which property has been acquired by the City of Bath, and

WHEREAS, this Council has approved the submission of Articles of Incorporation which will be forwarded for certification and acceptance by the State of Maine Secretary of State's Office, Bureau of Corporations, and

WHEREAS, as part of the organizational activities of this 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 BATH MEETING HOUSE AND SKATEPARK CENTER be and hereby are approved.

A complete copy of the by-laws is on file in the City Clerk's office in the Agenda Materials for 10/02/02.

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

Motion by Councilor Blake, second by Councilor Banks to amend the by-laws Paragraph 3 line 4 delete "YMCA", line 6 delete "within the YMCA properties", Page 2, Paragraph 1 delete "young Men's Christian Association" and add "the facility and" Page 13, Paragraph A. change all references to "(14)" to "(3)"

**Vote on Amendment to By-Laws:**

**Yeas:** 8

**Nays:** 0

**Amendment Passed 8-0**

Motion by Councilor Hall, second by Councilor Reed to amend the by-laws by deleting from Paragraph 3, Line 6 "and such other properties as may be provided by the City of Bath or from other sources"

**Vote on Amendment to By-Laws:**

**Yeas:** 7

**Nays:** 1

**Amendment Passed 7-1**

**Vote on Order with Amended By-Laws:**

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

**Nays:** None

**Order with Amended By-Laws Passed Unanimously 8-0**

**F9 – Order: Appointing Board of Directors for the Bath Meeting House and Skatepark Center #2110**

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 non-profit, non-stock corporation known as the BATH MEETING HOUSE AND SKATEPARK CENTER, and

WHEREAS, a certificate of organization of a non-profit, non-stock corporation has been approved and authorized to be filed with the Maine Secretary of State's Office, Bureau of Corporations, and

WHEREAS, the City Council of the City of Bath has adopted By-Laws for the governance of this corporation, and

WHEREAS, the By-Laws in Article V, Section 2, call for a Board of Directors of not less than Nine (9) and not more than Fifteen (15) members, and

WHEREAS, the City Council has the responsibility for appointing Two (2) of its members to serve One (1) year terms and up to Nine (9) citizen members to serve Three (3) year terms,

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that Councilors Halcyon Blake and Bernard A. Wyman, Jr. are appointed to fill the positions of Councilors on the BATH MEETING HOUSE AND SKATEPARK CENTER Board of Directors, and the following individuals with their initial term, are appointed as citizen members of the Board of Directors:

Martin O'Brien	One (1) Year
Sheila Rouland	One (1) Year
Susan Craney	Two (2) Years
Herbert Kresser	Two (2) Years
Gretchen Jaeger	Three (3) Years
Jamie Silvestri	Three (3) Years

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

**Vote on Order:**

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

**Nays:** None

**Order Passed Unanimously 8-0**

Chairman Wyman stated that Items F10 and F11 would be taken up at the end of the meeting after an Executive Session.

**G. Petitions and Communications – 8:14PM #2310**

G12 - Edward True, Chairman of the Board of Directors, gave an annual Report for the Old Bath Customs House. Mr. True stated that the facility is now rented at 100%, the landscaping project is continuing and they have repaid the City of Bath 1/3 of the loan they received last year.

G13 - Roger Therriault, City Solicitor, gave an overview of the draft of the proposed amendments to the Street Ordinance. He hoped that a workshop and first passage would be forthcoming in the near future.

**H. City Manager's Report - 8:19 PM #2460**

The City Manager spoke regarding the following topics:

- Recognized Chris Cousins for his help in getting moving assistance for an elderly resident.
- Toured the Bath Center of Higher Learning with the Times Record.
- Overview of meeting in Saco of the Economic Restructuring Committee for Main Street.
- Update on the Regional Domestic Violence Committee projects
- Update on meeting with Representative Arthur Mayo.
- Update on Medical resources in the Bath Area.

**I. Committee Reports – 8:29 PM #2791**

There were no committee reports.

**J. Old Business - 8:29 PM #2793**

There was no old business taken up at this time.

**K. New Business – 8:29 PM #2796**

There was no new business taken up at this time.

Motion by Councilor Reed, second by Councilor James to waive the rules to go into Executive Session. All in favor.

Motion by Councilor Hall, second by Councilor Reed to go into Executive Session to discuss labor matter. All in favor.

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

**F10 – Order: Approving Firefighters’ Contract 8:46 PM #2896**

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 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.

NOTE: Only text changes attached.

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

**Vote on Order:**

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

**Nays:** None

**Order Passed Unanimously 8-0**

**F11 – Order: Approving Transfer of Funds for the Firefighters’ Agreement 8:48 PM #2949**

Chairman Wyman read the following Order:



**ORDER**  
**APPROVING TRANSFER FOR WAGE ADJUSTMENTS**  
**Fire Department Union FY 2003**

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 Nineteen Thousand Six Hundred Dollars (\$19,600) from Employee Benefits Wage Adjustment Account (050-85) into the following Fire Department accounts be and is hereby approved.

100-102 Fire Regular Pay	\$14,600
100-103 Fire Overtime Pay	\$1,380
100-105 Fire Other Pay	\$2,360
100-109 Sick Pay	\$1,260

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

**Vote on Order:**

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

**Nays:** None

**Order Passed Unanimously 8-0**

Motion by Councilor Reed, second by Councilor Blake to adjourn the meeting to Workshop to discuss Council's 2002 Goals. All in favor. Meeting adjourned at 8:51 PM.

Respectfully submitted:

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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.*