

**SPECIAL MEETING MINUTES**  
**City Council of the City of Bath, Maine**  
**Wednesday, March 19, 2003 7:00 PM**  
City Council Chambers, Bath City Hall

**Present:** Councilors Hall, Winglass, Blake, Wyman, Hart, Daigle, Rogers, Mitchell and Chairman James  
**Also Present:** City Manager Bubier, City Solicitor Therriault and Deputy City Clerk Gray

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

**I. Presentations – 7:03 PM - #0067**

Frederick Clarke, Chairman of the Board of Directors of the Bath Housing Authority, addressed the City Council representing the Bath Housing Authority and Bath Development Corporation. He stated that the Bath Housing Authority was established in 1943 and gave an overview of the Housing Authority's programs, in addition to identifying the Commission members. He explained that they are overseen by Housing and Urban Development and they are inspected by HUD. Mr. Clarke then proceeded to describe the housing units owned by Bath Housing Authority and the eligibility requirements. There is currently a waiting list of 150 households, and there has been no new assistance from HUD since 1996. He then gave a breakdown of grants and monies that have been received.

Mr. Clarke then stated that the Bath Housing Development Corporation was created in 1984 for the purpose of providing affordable housing for low-moderate income families in Bath. Nine residential properties have been received from Tarbox Hill, seven of which have been renovated, sold and returned to the tax rolls. He stated that the CDBG Committee has worked hand in hand with them and has played an integral part in the updating of some of Bath's housing stock, particularly in the Middle St. area. He explained that the Board of Directors has increased to 17 members and is not controlled by the Bath Housing Authority, and concluded by saying that they are partnering with the Rotary Club and the Vocational School to develop a modular housing program.

**II. Committee Reports – 7:25 PM. - #0816**

There were no Committee reports this evening.

**III. Correspondence – 7:25 PM - #0822**

Chairman James stated that he received a note saying that long-time citizen and volunteer Di Francis passed away today and there was an informal consensus by the Council to fly the flags at half mast.

Councilor James Daigle will be holding a neighborhood meeting for his Ward 6 constituents tomorrow evening in the City Hall Auditorium at 6:30 p.m.

**IV. Manager's Report – 7:28 PM - #0857**

- Nine Finance Director candidates have been interviewed. The successful candidate will be announced by e mail over the next several days
- The old Cemetery and Parks building is being worked on by the Bath Vocational Center. The City Manager encouraged the public to go and see it.
- Negotiation processes for waste and waste handling; looking at regionalization
- A new business, Composite Technologies, will be coming before the Planning Board. They will be part of Wing Farm, either Lot 4 or 5. The City is looking forward for opportunities to expand Wing Farm
- Ocean Properties is trying to put final details on the hotel project
- The Legislative Policy Committee is continuing to deal with tax reform and budget shortfalls
- There are three new potential clients at the Midcoast Center for Higher Education, who are working with Tom McDonald

- This year will be the 5<sup>th</sup> annual Riverjam, which is put on by Morse High seniors. The Fire Dept., Police Dept., Public Works, and City administration are working hand in hand with school administrators to put on this event

**I. Public Hearing – 7:37 PM - #1211**

- City of Bath’s \$400,000 Public Infrastructure Grant/Loan

Community Development Director Al Smith addressed the Council on this agenda item. He stated that the 2003 infrastructure grant loan has been awarded, and they are back to the second Public Hearing process. In Phase II, the money is going for sewer and water upgrade and will cover Union to Shepard, Highland and Elm Streets. They will be contracting soon for the \$400,000.

Chairman James then opened the meeting to the public for comment. There was no public comment. He then closed the Public Hearing.

- Al Smith then explained that the second Public Hearing scheduled this evening is the 2003 Public Service Grant application. He said that this is a partnership of several organizations including the Bath Skatepark and Youth Center. He explained that they are withdrawing the Public Hearing on this agenda item this evening because they are in the process of putting together this project and hope to come back to the next meeting.
- Phase II EPA Brownfield Assessment application. Al Smith gave an overview of the Brownfield Assessment application for the public and said that there were over 1,000 applications received, which has been pared down to about 500. He then introduced Robert Patten from EER. Robert Patten covered the components of what this will allow the City to do. He explained that the vision of developing the waterfront reflects very positively on the City’s application. He added that the Brownfield Assessment application is designed for projects with environmental stigma, and then broke down the Phase I and II investigations as follows:
  - 1) Inventory within the City – which sites can be investigated first
  - 2) Phase I environmental site assessment
  - 3) Phase II environmental investigation
  - 4) Looking at the environmental data and coming up with remediation alternatives

\$200,000 is being requested in this application.

Chairman James opened the Public Hearing for public comment. There was no public comment at this time. He then closed the Public Hearing.

**VI. Resolution: CDBG Phase II Infrastructure Grant Program – 8:00 PM - #1881**

**CITY OF BATH  
CITY COUNCIL RESOLUTION**

**WHEREAS**, the City of Bath has applied to the Department of Economic and Community Development for a Community Development Block Grant to carry out a community development infrastructure improvements program; and

**WHEREAS**, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income

families and individuals and the community has conducted at least one duly advertised public hearing.

**NOW THEREFORE**, be it resolved by the City Council of the City of Bath that the City Manager:

- 1) Is authorized and directed to submit a Phase II application for the Public Infrastructure Grant Program within the State of Maine's CDBG Program to address necessary sewer and water improvements in low-moderate income neighborhoods. This application will be submitted to the DECD/OCD on behalf of the City of Bath, substantially in the form presented to this council;
- 2) Is authorized to make assurances on behalf of the City of Bath required as part of such applications, and
- 3) Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing and said program(s), consistent with the Charter of the City of Bath and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

*Signed this 19<sup>th</sup> day of March 2003 on behalf of the City of Bath.*

Councilor Hart made a motion to place this item on the floor for consideration and discussion, which was seconded by Councilor Rogers. Chairman James opened the meeting to the public for comment. There was no public comment. Councilor Blake made a motion to pass the resolution, which was seconded by Councilor Hart.

**Vote: Unanimous 8 –0**

**VII. Resolution: CDBG Fair Housing – 8:05 PM - #1956**

**City of Bath  
FAIR HOUSING RESOLUTION  
MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**LET IT BE KNOWN TO ALL PERSONS** of the City of Bath that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, sex, handicap, familial status or national origin is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law). It is the policy of the City of Bath to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap, familial status or national origin. Therefore, the Town does hereby pass the following Resolution.

**BE IT RESOLVED** that within available resources the City of Bath will assist all persons who feel they have been discriminated against because of race, color, religion, sex, handicap, familial status or national origin to seek equity under federal and state laws by filing a complaint with the Maine Human Rights Commission or the U.S. Department of Housing and Urban Development, Boston Regional Office Compliance Division.

**BE IT FURTHER RESOLVED** that the City of Bath shall publicize this Resolution and through this publicity shall cause owners of real estate, developers and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law and any applicable state and local laws or ordinances.

**SAID PROGRAM** will at a minimum include but not be limited to: (1) the printing and publicizing of this policy and other applicable fair housing information through local media and community contacts; (2) distribution of posters, flyers and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

**EFFECTIVE DATE** This Resolution shall take effect March 19, 2003.

Councilor Wyman made a motion to place this item on the floor for consideration and discussion, which was seconded by Councilor Mitchell. Chairman James opened the meeting to the public for comment. There was no public comment. Councilor Mitchell made a motion to pass the resolution, which was seconded by Councilor Winglass.

**Vote: Unanimous 8-0**

**VIII. Resolution: Equal Employment Opportunity Policy Statement – 8:07 PM - #2100**

**City of Bath  
Resolution for  
Equal Employment Opportunity Policy Statement**

The City Council of Bath declares its intent that the City of Bath will pursue a policy of non-discrimination in personnel practices, including: recruiting, hiring, opportunities for transfer and promotion, conditions or privileges of employment, as well as compensation and benefits. Such practices or procedures shall not favor or penalize any person because of race, creed, color, sex, marital status, national origin, age, physical handicap, where these are not found to be bona fide occupational qualifications.

The City of Bath recognizes its responsibility to enhance the purposes set forth in the Maine Human Rights Act as well as Federal statutes which may apply as a result of its Federal grant activities.

Compliance with EEO requirements may be enhanced through adoption of appropriate personnel policies. Assistance in drafting such policies may be obtained through the Maine Municipal Association or your Community Development Office.

AUTHORIZED SIGNATURES dated this 19<sup>th</sup> day of March, 2003

Councilor Mitchell made a motion to place this item on the floor for consideration and discussion, which was seconded by Councilor Wyman. Chairman James opened the meeting to the public for comment. There was no public comment. Councilor Hart made a motion to pass the resolution, which was seconded by Councilor Wyman.

**Vote: Unanimous 8-0**

**IX. Appointment of one member to the Forestry Committee – 8:09 PM - #2158**

Councilor Hall explained that there is one opening for the Forestry Committee and there is one applicant, James Hummer. The Nominating Committee is recommending that James Hummer be appointed to fill this vacancy. Councilor Winglass made a motion to appoint James Hummer to the Forestry Committee for an indefinite term, which was seconded by Councilor Wyman.

**Vote: Unanimous 8-0**

**X. Ordinance: Amendment to the LUC Zoning Map – Waterfront Zone Change at request of landowner – 8:12 PM - #2205**

**Ordinance**

Whereas, the City Council of the City of Bath, as part of the adoption of the Bath Land Use Code on July 19, 2000, effective August 9, 2000, depicted the boundaries of all Land Use Districts on a Zoning Map of the City of Bath, also dated July 19, 2000, incorporated by reference into the Land Use Code, and

Whereas, it is necessary and appropriate that the boundaries of the Land Use Districts be, from time to time, adjusted and amended, in order to create new districts and adjust boundary lines of existing districts,

Now, Therefore, be it ordained by the City Council of the City of Bath that the Zoning Map of the City of Bath, dated July 19, 2000, be and hereby is amended in accordance with the sketch plan attached hereto and made a part hereof. This change shall be incorporated into and be part of the official zoning map of the City of Bath. The specific adjustment is:

Changing the zoning on the parcel of land designated as Map 45 lot 5 from R6 and RP (Resource Protection) to R6.

[The applicant is the landowner, Beverly Emero, 57 High Street, Bath]

Councilor Hart made a motion to put this item on the floor for discussion, which was seconded by Councilor Winglass. Chairman James then asked City Planner Jim Upham to address the Council regarding this agenda item. Jim Upham explained that the landowner is requesting to have a zone change as she feels that she has inappropriately been placed in the Resource Protection Zone. He explained to the Council on a map why this waterfront zone change should take place and indicated how the surrounding properties are zoned. Chairman James then opened the meeting to the public for comment. There was no public comment. Councilor Winglass made a motion to approve this amendment to the Land Use Code Zoning Map, which was seconded by Councilor Wyman.

**Vote: Unanimous 8-0**

The Public Hearing for second passage was set for Wed., April 2, 2003 at 7:10 p.m.

**XI. Order: Issuing warrant for prosecuting unlicensed dog owners-keepers – 8:18 PM - #2543**

**Order**

*Be It Ordered by the City Council of the City of Bath*, that, a warrant for prosecuting unlicensed dog owners-keepers be prepared and issued in accordance with the provisions of Title 7 MRSA Section 3943.

Councilor Mitchell made a motion to put this item on the floor for discussion, which was seconded by Councilor Hart.

**Vote: Passed with 6 in favor, 1 opposed (Rogers), 1 abstention (Daigle)**

Councilor Wyman made a motion to adjourn to workshop at 8:25 p.m., which was seconded by Councilor Hart.

**Vote: Unanimous**

Respectfully Submitted:

Pamela J. Gray  
Deputy 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.*