

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, April 16, 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 John Bubier, City Solicitor Roger Therriault and City Clerk Mary White

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

City Clerk White called the Roll.

I. Presentations:

There were no presentations at this meeting.

II. Committee Reports: 7:03 PM #86

Councilor Wyman stated that the Sidewalk Vending Committee had been diligently working on the rewrite of the Sidewalk Vending Ordinance and should have it ready for Council approval at the next meeting.

Councilor Blake reported that the Parking Committee had their first meeting and they would be addressing residential and downtown parking issues. They are beginning with the Park Street issues.

Councilor Winglass said the Southend Waterfront Park Committee would be meeting at City Hall on April 22, 2003 at 5:30 PM to discuss the opening of the park.

Councilor Hall reported the School Budget had been passed by the School Board and presented to Council that evening.

Councilor Hart advised Council that the landfill would be conducting Spring Cleanup hours during the week of May 3-10 and a Fall Cleanup week would be held in the fall. He also stated that the Recycling Department has compost bins for sale at the landfill.

Councilor Rogers stated that the Recreation Commission would be presenting two ways to increase income for the Recreation Department later in the evening.

Chairman James reported on the new Route One Feasibility Study Advisory Committee.

III. Correspondence: 7:13 PM #302

Chairman James shared a letter from MidCoast Council of Business Development & Planning stating that the municipalities of Lincoln and Sagadahoc Counties and the Town of Brunswick would soon be enjoying the status of a federally designated Economic Development District (EDD). This would mean the municipalities could get an extra 10% in funding and some loan applications could get increases in funding.

Chairman James handed out copies of his testimony before the Joint Standing Committee in Augusta regarding opposition to the proposed "Two-County Jail". He gave an overview of the makeup of the Two-County Jail Commission.

IV. Manager's Report: 7:26 PM #787

The City Manager spoke regarding the following subjects:

- Overview of the Tax Reform Workshop in Augusta on April 15th.
- Letter to the Railroad Transportation Services dealing with the clean up of litter from the rail replacement project in the Crescent Street area.
- FY 2003-2004 City Combined Budget to be presented at the next Council Meeting.

V. Proclamation: Community Development Week 7:31 PM #940

Chairman James read the following Proclamation:

**CITY OF BATH, MAINE
PROCLAMATION**

WHEREAS, the Community Development Block Grant (CDBG) program has operated since 1975 to provide local governments with the resources required to meet the needs of persons of low-and-moderate-income, and CDBG funds are used by thousands of neighborhood-based, non-profit organizations throughout the nation to address pressing neighborhood and human service needs; and

WHEREAS, the Community Development Block Grant program has had a significant impact on our local economies through job creation and retention, physical redevelopment and improved local tax bases; and

WHEREAS, local governments in Maine have clearly demonstrated the capacity to administer and customize the CDBG program to identify, prioritize and resolve pressing local problems, such as affordable housing, neighborhood and human service needs, job creation and retention and physical redevelopment; and

NOW, THEREFORE, WE, City of Bath City Council, do hereby proclaim the week of **April 21 – 27, 2003** as

COMMUNITY DEVELOPMENT WEEK

throughout the City of Bath, and urge all citizens to join us in recognizing the Community Development Block Grant program and the important role it plays in Maine.

Motion by Councilor Blake, second by Councilor Wyman to put the Proclamation on the floor for discussion.

VOTE:

YEAS: 8

NAYS: 0

Vote on Proclamation was unanimous. 8-0

VI. Resolution: Waiving of Landfill Tipping Fee for St. Mary's Church 7:32 PM #991

Chairman James read the following Resolution:

**RESOLUTION
WAIVING LANDFILL TIPPING FEES**

WHEREAS, the City of Bath is supportive of the St. Mary's Church, and

WHEREAS, the City has received a request for waiver of landfill tipping fees for the disposal of generated debris by the repair of defective ceilings, and

WHEREAS, the sum proposed to be waived will be less than \$3,000 with prior amount of \$22.00 waived;

NOW THEREFORE, be it resolved pursuant to Council resolution dated May 5, 1999, the City Council of the City of Bath waives the total sum not to exceed Three Thousand Dollars (\$3,000), for the purposes of said removal of asbestos siding and miscellaneous items left on the property.

Motion by Councilor Hart, second by Councilor Winglass to put the Resolution on the floor for discussion.

VOTE:

YEAS: 7

NAYS: 0

Vote on Resolution was unanimous. 7-0 (Councilor Rogers was absent during voting)

VII. Order: Appointing Finance Director, Tax Collector and Treasurer 7:35 PM #1037

Chairman James read the following Order:

ORDER

PURSUANT TO SECTION 403(B) OF THE CHARTER OF THE CITY OF BATH, AND IN CONCERT WITH THE MANAGER'S RECOMMENDATION, RALPH W. LENFESTEY IS HEREBY APPOINTED FINANCE DIRECTOR, TAX COLLECTOR AND TREASURER OF THE CITY OF BATH.

Motion by Councilor Wyman, second by Councilor Mitchell to put this Order on the floor for discussion.

Councilor Rogers return to his seat on Council.

John Bubier, City Manager, gave an introduction of Mr. Lenfestey.

VOTE:

YEAS: 8

NAYS: 0

Vote on Order was unanimous. 8-0

VIII. Resolution: Waiving of Landfill Tipping Fee for Bath Area Senior Citizens Center 7:37 PM #1131

Chairman James read the following Resolution:

**RESOLUTION
WAIVING LANDFILL TIPPING FEES**

WHEREAS, the City of Bath is supportive of the Bath Area Senior Citizens Center, and

WHEREAS, the City has received a request for waiver of landfill tipping fees for the disposal of asbestos siding and miscellaneous items left on the property, and

WHEREAS, the sum proposed to be waived will be less than \$3,000;

NOW THEREFORE, be it resolved pursuant to Council resolution dated May 5, 1999, the City Council of the City of Bath waives the total sum not to exceed Three Thousand Dollars (\$3,000), for the purposes of said removal of asbestos siding and miscellaneous items left on the property.

Motion by Councilor Hart, second by Councilor Mitchell to put the Resolution on the floor for discussion.

VOTE:

YEAS: 8

NAYS: 0

Vote on Resolution was unanimous. 8-0

I. Ordinance: Chapter 3 – Advertising, Article 2, Signs, Amend Section 3.207 and Add Section 3.210 (first passage) 7:40 PM #1195

Chairman James 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 3 ADVERTISING

Article 2. Signs

Amend Section 3.207 – Sign Types Prohibited, as follows:

The following sign types are prohibited in the City of Bath:

- I. Off premises signs: A sign that advertises activities, goods, products, etc. that are available elsewhere than within the building or on the lot where the sign is located, except as permitted ~~under directional signing in Section 3.209 – Wayfinding, and 3.210 Advertising on City of Bath Recreation Department Facilities.~~

Add new Section 3.210, as follows, and renumber current Section 3.210 and subsequent Sections accordingly:

3.210 – Advertising on City of Bath Recreation Department Facilities.

- I. Signs are allowed on certain City of Bath Recreation Department Facilities with the approval in advance of the Recreation Commission and subject to the following restrictions:
- A. Location: Signs may be located only on the following facilities:
1. Chain link fencing, facing the playing area, except backstops, at Legion, Kelley, McMann, Kimball, and Hawkes fields.
 2. The north side of the Congress Avenue basketball and tennis court fencing, facing Kelley Field.
- B. Size Limitation: No sign shall be larger than 32 square feet and two or more signs may not be connected to provide a larger square footage.
- C. Text and Contents: The information on the sign shall refer only to the business name, address, company logo, and identifying information as to how the enterprise can be accessed, such as telephone numbers, faxes, e-mails etc. The text of the sign may not advertise any specific good, product, activity or service.

(Note: Additions are underlined and deletions are ~~crossed out~~.)

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

Susan Goodfellow, representative of the Recreation Commission, gave an overview of the proposed project this amendment would allow to happen and the increase in revenues for the Recreation Department that could be realized.

Jack Hart, Director of the Recreation Department, gave specifics of the proposed signage.

Kimberly Becker of 945 High Street spoke against inappropriate signage being allowed in ballparks visited by kids.

Gordon Reed of 15 Mechanic Street and Bruce Goodwin of 71 Russell Street spoke in favor of the amendment to allow the signage project.

ROLL CALL VOTE:

YEAS: 8

NAYS: 0

Vote on Ordinance was unanimous. 8-0

Chairman James set the second passage of the Ordinance for May 7, 2003 at 7:15 PM.

X. Ordinance: Chapter 13. Refuse, Article 3. Landfill Fee Schedule (first passage) 8:15 PM #2373

Motion by Councilor Mitchell, second by Councilor Rogers to waive the reading of the Ordinance. All in favor.

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 13. REFUSE

Article 3. Landfill Fee Schedule

Section 13-33. Fee Schedule

Delete Section 13-33 as originally adopted by Ordinance of Council and adjusted from time to time by Resolution of Council and replace with the following:

Section 13-33. Fee Schedule

RESIDENTS

Metal/demolition up to 500 lbs.	\$5.00
Metal/demolition over 500 lbs. (& non Bath residents)	\$60.00/ton
Natural wood products, brush, leaves, yard waste up to 500 lbs.	\$5.00
Natural wood products, brush, leaves, yard waste over 500 lbs. (& non Bath residents)	\$50.00/ton
Porcelain up to 500 lbs.	\$5.00
Porcelain over 500 lbs. (& non Bath residents)	\$35.00/ton

COMMERCIAL HAULERS:

Municipal Solid Waste	\$70.00/ton
Construction/Demolition waste from Bath	
\$60.00/ton	
Construction/Demolition waste from outside Bath	
\$80.00/ton	
Metal items from Bath	\$60.00/ton
Metal items from outside Bath	\$80.00/ton
Bulky Waste from Bath (mattresses, overstuffed furniture, etc.) (> 500 lbs only)	\$100.00/ton
Bulky Waste from outside Bath (> 500 lbs. only)	\$100.00/ton
Mixed Loads from Bath containing items we separate (metals, tires, etc.)	\$120.00/ton
Mixed Loads from outside Bath	\$120.00/ton

RESIDENTS & COMMERCIAL HAULERS:

Tires:

Car tire up to 16" diameter, no rim	
\$2.00/tire	
Car/Truck tire greater than 16" diameter, no rim	\$10.00/tire
Heavy Equipment Tires	\$0.15 per pound with \$25.00 minimum

Asphalt Roof Shingles:

Clean Asphalt Roof Shingles from Bath	\$50 per Ton
Clean Asphalt Roof Shingles from outside Bath	\$55 per Ton
Mixed Asphalt Roof Shingle	Not Accepted

Tanks:

Propane - 20 lb.	\$2.00 each
Helium – any size	\$5.00 each
Fire Extinguishers – any size	\$5.00 each

Porcelain:

Bath Residents	\$35 per Ton
With first 500 lbs @\$5	
Commercial from Bath	\$35 per Ton
With \$5 minimum	
From outside Bath	\$40 per Ton
With \$5 minimum	

Natural wood products (brush, tree parts & leaves):

Residential from Bath Residents	\$50 per Ton
With first 500 lbs @ \$5	
Commercial from Bath	\$50 per Ton
With \$5 minimum	
Residential or Commercial from outside Bath	\$70 per Ton
With \$5 minimum	

Universal Wastes

Item	Bath Sources	Out-of-Town Sources
Light Bulbs		
	Straight 4' fluorescent	Free \$1.50 each
	Straight 8' fluorescent	Free \$2.00 each
	U-shaped fluorescent	Free \$3.50 each
	Circular fluorescent	Free \$3.50 each
	Other lamps*	Free \$6.50 each
	*High intensity discharge, neon, mercury vapor, high pressure sodium, metal halide	
PCB Ballasts		Free \$7.00 each
Rechargeable Batteries*		
	*Nickel-Cadmium (Ni-CD), Nickel-Metal Hydride (Ni-MH), Lithium Ion (Li-ion), Small sealed lead (Pb) up to 2 lbs each	
		Free Free
Mercury Thermostats		Free \$1.00
Mercury Thermometers		Free \$1.00

Fees for the above-described items may be deleted or adjusted, and other items may be added by

Resolution of Council.

Motion by Councilor Winglass, second by Councilor Mitchell to put the Ordinance on the floor for discussion.

Peter Owen, Public Works Director, gave an overview of the thought behind the figures stated and answered questions regarding the landfill.

ROLL CALL VOTE:

YEAS: 8

NAYS: 0

Vote on Ordinance was unanimous. 8-0

Chairman James set the second passage of the Ordinance for May 7, 2003 at 7:16 PM.

Motion by Councilor Mitchell, second by Councilor Hart to recess to a Workshop regarding the Recreation Department. All in favor.

Motion by Councilor Mitchell, second by Councilor Blake to go into Executive Session to discuss an Abatement matter. All in favor.

Motion by Councilor Blake, second by Councilor Wyman to come out of Executive Session. All in favor.

The meeting adjourned at 9:38 PM with a motion made by Councilor Blake and second by Councilor Mitchell. 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.