

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, October 6, 2004 6:00 pm
City Council Chambers, Bath City Hall

Present: Councilors Hall, Quimby, Blake, Wyman, Hart, Daigle, Rogers, Mitchell and Chairman Winglass

Also in attendance were the City Manager - John Bubier, City Solicitor – Roger Therriault and City Clerk - Mary White.

C. Public Hearings: 6:09 PM

1) Bond Ordinance: Renovations to the former Midcoast Health Services property (second passage) #59

Chairman Winglass read the following Ordinance:

ORDINANCE
AUTHORIZING PERMANENT FINANCING

AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS/NOTES FOR THE CITY OF BATH, MAINE, IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$550,000.00 FOR THE PURPOSE OF FUNDING REIMBURSEMENT OF CONSTRUCTION, RENOVATIONS AND IMPROVEMENTS TO THE FORMER MIDCOAST HEALTH SERVICES PROPERTY.

IT IS HEREBY ORDAINED BY THE CITY COUNCIL, OF THE CITY OF BATH, AS FOLLOWS:

Section 1. That a sum up to, but not to exceed, \$550,000.00 is hereby appropriated for the purpose of providing reimbursement for moneys expended by the City of Bath for the construction, renovations and improvements to the former Midcoast Health Services property.

Section 2. That, for the purpose of financing the aforesaid appropriation, authorization is hereby given to incur indebtedness by the issuance of bonds/notes of the City of Bath, in an amount up to, but not to exceed, \$550,000.00 under, and pursuant to, the Charter of the City of Bath.

Section 3. That any and all bonds/notes issued pursuant to this Ordinance shall be payable in monthly installments.

Section 4. That the term of any bonds/notes issued under the within Ordinance shall not exceed twenty (20) years.

Section 5. That the proceeds of any bonds/notes issued pursuant to this Ordinance shall be used only for those purposes specified in Section 1 above.

Section 6. That any proceeds of the bonds/notes issued not used for the purposes specified in Section 1 shall be applied to repayment of the principal and/or interest of any such bonds/notes.

Section 7. Any suit questioning the validity of this Ordinance shall be barred unless commenced within forty-five (45) days following publication of the Ordinance, said publication in accordance with Section 809 of the Charter of the City of Bath.

Section 8. The City Treasurer with the approval of the City Manager and the Chairman of the City

Council may borrow money temporarily by the issuance of notes in anticipation of the issuance of bonds/notes, subsequent to the authorization of this permanent financing by the City Council of the City of Bath.

Section 9. That the City Treasurer, with the approval of the Chairman of the City Council and the City Manager, shall determine the date or dates, maturities, denominations, interest rate or rates and any other details of each issue of bonds and/or notes issued in anticipation of this permanent financing.

Section 10. That any and all bonds and/or notes issued by the City pursuant to Chapter 6 of the Charter of the City of Bath or Chapter 8 of the Charter of the City of Bath shall be signed by the City Treasurer and countersigned by the Chairman of the City Council and the City Manager.

Section 11. That any and all bonds and/or notes issued pursuant to Chapter 8 of the Charter of the City of Bath shall be general obligation bonds of the said City.

Section 12. The City Treasurer, with the approval of the Chairman of the City Council and the City Manager, is hereby authorized to make any such bonds or notes authorized hereby subject to call for redemption with or without premium at the election of the City before the dates fixed for the final payment thereof.

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

Tom MacDonald, Project Director for the Mid Coast Center for Higher Learning, spoke regarding the figures in the fund accounts related to this project.

Arthur Mayo, Chairman of the Board of the Center, explained that the Council didn't give the Board the authority to borrow funds when it was established and that is why the Board is using the City to borrow the funds.

Roger Therriault, City Solicitor, explained the amendments made to the Ordinance being passed since the last passage on September 1, 2004. He explained in the first paragraph the word "continuing" had been deleted and added "funding reimbursement of", in Section 1, deleted "continuing", added "providing reimbursement for moneys expended by the City of Bath" and added the word "note" in the second line of Section 2.

Motion by Councilor Blake, second by Councilor Mitchell to accept amendments to the Ordinance. All in favor.

Motion by Councilor Rogers, second by Councilor Blake to eliminate Section 8 from the Ordinance. All in favor.

ROLL CALL VOTE on Amended Ordinance:

Yeas: Hall, Blake, Wyman, Hart, Rogers

Nays: Quimby, Daigle, Mitchell

Amended Ordinance Passed 5-3

D. Consent Agenda: 6:40 PM #1137

2)* Under the Consent Agenda, Councilor Quimby made a motion to accept the minutes for the September 1, 2004 Council Meeting as presented, which was seconded by Councilor Wyman.

VOTE on Consent Agenda:

Yeas: 8

Nays: 0

Consent Agenda passed unanimously.

E. Time Devoted to Residents to Address the City Council: 6:41 PM #1151

No one from the public spoke at this time.

F. Ordinances, Resolutions and Orders: 6:41 PM

Item F3 – Order: Notice of State Election #1161

Chairman Winglass read the following Order:

ORDER

In City Council
October 6, 2004

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 2, 2004 for the purpose of determining the following questions:

STATE OFFICES:

President and Vice President of the United States
United States Senate
Representative to Congress: District 1
State Senate - District 19
Representative to the Legislature - Districts 62 and 65

COUNTY OFFICES:

Judge of Probate
Register of Probate
Sheriff

and to determine two (2) Referendum Questions.

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

VOTE on Order:

Yeas: 8

Nays: 0

Order passed unanimously.

Item F4 – Order: Warrant for Municipal Election #1232

Chairman Winglass read the following Order:

ORDER

In City Council
October 6, 2004

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 2nd day of said month, in the year of our Lord Two Thousand Four, 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	None to be Elected
Ward Two	None to be Elected
Ward Three	None to be Elected
Ward Four	None to be Elected
Ward Five	One to be Elected for a three year term
Ward Six	None to be Elected
Ward Seven	One to be Elected for a three year term
At Large	One to be Elected for a three year term
At Large	None to be Elected

- 1 Member to the Board of Education – Ward 2 - 3 year term
- 1 Member to the Board of Education – Ward 3 – 1 year term
- 1 Member to the Board of Education – Ward 6 - 2 year term
- 1 Member to the Board of Education – Ward 7 - 1 year term
- 1 Member to the Board of Education - At Large – 3 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 Mitchell, second by Councilor Wyman to put this Order on the floor for discussion.

VOTE on Order:

Yeas: 8

Nays: 0

Order passed unanimously.

Item F5 – Order: Appointing Wardens and Ward Clerks for the November 2, 2004 Election #1287

Chairman Winglass 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/Referendum Election and the City of Bath Municipal Election to be held on Tuesday, November 2, 2004:

Ward	Warden	Ward Clerk
1	Darlene Compton	Barry Compton

2	Paula Adam	Marie Peaslee
3	Sally Hordeman	Douglas Knight
4	Carol Duehring	Vickey Beckman
5	Cindy Gabelmann	Judith Lemoine
6	Ruthe Pagurko	Barbara Day
7	Jackie Dwinal	Rachel Bennett

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

VOTE on Order:

Yeas: 8

Nays: 0

Order passed unanimously.

Item F6 – Order: Setting Registrar’s Hours #1325

Chairman Winglass 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 of Maine General/Referendum Election and City of Bath Municipal Election to be held Tuesday, November 2, 2004 except for Saturday, October 30, 2004 from 10:00am to 3:00pm and Election Day from 8:00am to 8:00pm.

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

VOTE on Order:

Yeas: 8

Nays: 0

Order passed unanimously.

G. Petitions & Communications: 6:47PM #1393

Edward True, Chairman of the Board of Directors, gave the 26th Annual Report for the Old Bath Customs House. Mr. True stated that all spaces are now rented and the Board has repaid \$4,000 towards the loan from the City and expect to pay the balance of \$4,000 this Fall. The Board is anticipating roof repair in the coming year and a change to custodial staff, reflecting a savings in insurance costs.

H. City Manager’s Report: 6:50 PM #1475

John Bubier gave a report on the details of the Palesky Referendum and how it would affect City services. He stated that should the referendum go through, the revenue in the City Budget would be cut by 49%. Some of the changes could be loss of 5-7 firefighters, 10-11 policemen, up to 78 positions in the school department and 33 city employees, a \$500,000-\$700,000 cut in program cuts and an increase in fees for services.

I. Committee Reports: 7:29 PM #2783

Councilor Hart stated the SCLC had elected its officers for the upcoming year and the Community

Policing Committee did some training in a school in Lincoln County. He reported that a neighbor had been deployed to Iraq this week and on a fire on Middle Street.

Chairman Winglass reported on the Open House held at the newly renovated wing of the Plant Home.

J. Old Business: 7:30 PM #2885

Councilor Daigle updated the Council on the activities going on in the City regarding the observance of Breast Cancer Awareness Day.

Councilor Daigle stated he had received a communication regarding the School Board Meetings being conducted under Parliamentary Procedures. He suggested the newly elected School Board meet with the City Council in Workshop in December.

Chairman Winglass stated that Kimberly Becker would be appointed to the School Board at the December Meeting of the Council.

K. New Business: 7:35 PM #3054

There was no new business.

Chairman Winglass announced the next Council Meeting would be November 3, 2004 at 6:00 PM.

Motion by Councilor Hart, second by Councilor Mitchell to go into Executive Session to discuss Abatement Matters pursuant to 36 MRSA, Section 841 (2) (E), a Land Acquisition Matter pursuant to Title 1 MRSA, Section 405 (6) (C) and a Legal Matter pursuant to Title 1 MRSA, Section 405 (6) (E). All in favor.

Motion by Councilor Mitchell, second by Councilor Quimby to come out of Executive Session at 8:55 PM. All in favor

The meeting adjourned at 8:55 PM with a motion by Councilor Daigle, second by Councilor Blake. All in favor.

Attested:

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.