

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, November 3, 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.

Presentation of a Proclamation for Bath resident Marion Morse Oliver in recognition of her 100 years of age to her nephew, William Morse.

C. Public Hearings:

None

D. Consent Agenda: 6:07 PM #226

1)* Under the Consent Agenda, Councilor Blake made a motion to accept the minutes for the October 6, 2004 Council Meeting as presented, which was seconded by Councilor Mitchell.

VOTE on Consent Agenda:

Yeas: 8

Nays: 0

Consent Agenda passed unanimously.

E. Time Devoted to Residents to Address the City Council: 6:08 PM #246

No one from the public spoke at this time.

F. Ordinances, Resolutions and Orders: 6:098 PM

Item F2 – Approval of the Tabulation of Election Results for the November 2, 2004 Election #252

Motion by Councilor Wyman, second by Councilor Hart to approval the tabulation.

Chairman Winglass read some of the local results for the public.

VOTE:

Yeas: 8

Nays: 0

Passed unanimously.

Item F3 – Ordinance: LUC Amendment Article 8, Section 8:01, C, Setbacks and Yard Areas for Single and 2-Family Residential Uses Article 10, Section 10.34 Setback Plan (first passage) #414

Motion to waive the reading of the Ordinance by Councilor Blake, second by Daigle. All in favor.

A complete copy of this ordinance is available in the agenda materials for the November 3, 2004 Council Meeting.

Jim Upham, City Planner, explained the details of this Ordinance.

VOTE on Ordinance:

Yeas: Hall, Quimby, Blake, Wyman, Hart, Daigle, Rogers, Mitchell

Nays: None

Ordinance passed unanimously.

Chairman Winglass set second passage of this Ordinance for December 1, 2004 at 7:31 PM.

Item F4 – Approval of a Central Maine Power Company and Verizon Pole Location Permit on the Varney Mill Road #769

Motion by Councilor Mitchell, second by Councilor Quimby to put this item on the floor for discussion.

Motion to waive the reading of the Ordinance by Councilor Blake, second by Councilor Quimby. All in favor.

VOTE on Order:

Yeas: 8

Nays: 0

Item F5 – Acceptance of Drug Forfeiture #821

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

Chairman Winglass read the following Memo:

MEMORANDUM

October 27, 2004

To: John Bubier, City Manager

From: Peter P. Lizanecz, Chief of Police

Re: Drug Assets Forfeiture to City

On January 21, 2004 officers of our Police Department, along with other law enforcement agencies, executed a search warrant at the home of James E. Oliver Jr. in North Bath. Numerous firearms, a quantity of illegal drugs and cash were seized. Mr. Oliver was arrested on drug charges and another resident was charged with possession of a firearm by a felon.

Due largely to the investigative work of Drug Detective David Beauregard, a criminal drug conviction was secured. As part of the court process, \$20,000 in cash and four firearms are being forfeited by the defendant, Mr. Oliver.

The transfer of these forfeited items to the City of Bath requires approval. If possible, I would ask that this document be reviewed and signed at the next Council meeting so that we can return it to the Attorney Generals Office for further processing.

Thanks Pete

VOTE:

Yeas: 8

Nays: 0

Passed unanimously.

Item F6 – Approval of the Revised Management Plan for Butler Head #864

Chairman Winglass removed this item from the agenda.

Item F7 – Order: Approving Acquisition of 2 Town Landing Road #880

Chairman Winglass read the following Order:

**ORDER
APPROVING ACQUISITION OF
2 TOWN LANDING ROAD**

WHEREAS, the City of Bath has entered into an Option Agreement regarding acquisition of the 2 Town Landing Road property, and

WHEREAS, the acquisition cost of \$300,000 is well below the appraisal value of \$360,000 as determined by Associated Appraisers of Maine, Inc. dated August 20, 2004.

WHEREAS, the terms and conditions of the Option Agreement states that the purchase of property is contingent upon the CDBG Economic Development Infrastructure Grant funds from the Department of Economic and Community Development.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the City Manager be and hereby is authorized to accept conveyance, on behalf of the City, of the 2 Town Landing Road property, to execute any and all documents necessary to completion of the transfer. All leases with prospective tenants will be subject to prior approval of Council.

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

VOTE on Order:

Yeas: 7

Nays: 1 (Hall)

Order passed.

Item F8 – Order: Award Bid for Demolition Work at the Praver Block to Harry C. Crooker and Sons, Inc. and to authorized the City Manager to enter into a contract. #1086

This item was tabled. No date given.

G. Petitions & Communications: 6:37PM #1100

Councilor Quimby shared a communication he had received from a Russell Street resident regarding the increase in the amount of traffic experienced on that street. Councilor Quimby will be spearheading a meeting/workshop to discuss the problem.

Chairman Winglass reminded everyone of the Lambert Park Celebration on Saturday, November 6, 2004 from 2pm-4pm. Councilor Hart stated that the same organization is being planned in the Hyde Park and Maritime Apartments.

H. City Manager's Report: 6:41 PM #1318

The City Manager spoke on the following topics:

- Thanked City staff on getting out the word on the Palesky Proposal
- Updated on future possible tax relief
- Reported on his time spent in the Clerk's Office during Election Time
- Train Station Project Update
- Welcomed the new Councilors and thanked the outgoing Councilors for their years of service to the City

I. Committee Reports: 6:51 PM #1611

Councilor Hart stated the SCLC was working on their projects and everything is going fine.

J. Old Business: 6:52 PM #1622

Councilor Rogers asked the Council work on the reorganization of city services that had been visited in the Spring during budget season.

K. New Business: 6:52 PM #1668

Item K9 – Appointment One Member to the Bath Recreation Commission term expiration November 2007.

Motion by Councilor Rogers, second by Councilor Mitchell to appoint William Gilson to the Recreation Commission. All in favor.

Item K10 – Appointment of Jeffery Shiers of the Bath Police Department as the Harbor Master for 1-year term.

Motion by Councilor Hart, second by Councilor Wyman to appoint Jeffery Shiers as Harbor Master. All in favor.

Chairman Winglass announced the next Council Meeting would be on December 1, 2004 at 7:30 PM.

The meeting adjourned at 6:55 PM.

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.