

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, December 1, 2004 7:30 pm
City Council Chambers, Bath City Hall

Present: Councilors Hinds, Quimby, Blake, Wyman, Hart, Daigle, Pagurko, 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 and City Chair to Lt. Joel Merry was made for his 25 years of service to the City of Bath with the Bath Police Department.

C. Public Hearings: 7:50 PM

1) 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 (second passage) #648

Councilor Blake mad motion to waive the reading of the Ordinance, seconded by Hinds. All in favor.

A complete copy of this ordinance is available in the agenda materials for the December 1, 2004 Council Meeting.

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

VOTE on Ordinance:

Yeas: Hinds, Quimby, Blake, Wyman, Hart, Daigle, Pagurko, Mitchell

Nays: None

Ordinance passed unanimously.

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

2) CDBG FY 2005 Public Facilities Grant Program Application to be submitted to the Department of Economic and Community Development for funding for up to \$300,000 to support Elmhurst, Inc. in the construction of an ADA designed facility at 400 Centre Street (Hyde Park Neighborhood) #758

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

Councilor Hinds excused himself from this agenda item citing a conflict of interest, as he is employed by Elmhurst, Inc.

Chairman Winglass read the following Notice:

CITY OF BATH PUBLIC HEARING NOTICE

The City of Bath City Council will hold a Public Hearing to provide information about and to receive citizen comments on the CDBG FY 2005 Public Facilities Grant Program Application to be submitted to the Department of Economic and Community Development. The grant application will request funding for up to \$300,000 to support Elmhurst, Inc. in the construction of an ADA designed facility at 400 Centre Street (Hyde Park Neighborhood). The new facility will provide administrative and programmatic space to carry out programs for children and adults with developmental disabilities, mental retardation, and autism. The public hearing will be held on Wednesday, December 1, 2004 at 7:32 p.m. in the City Council Chambers at City Hall.

Al Smith, CDBG Coordinator, introduced Darlene McKinnon, Executive Director of Elmhurst, Inc. Ms. McKinnon gave an overview of the programs and services at Elmhurst and the proposed project.

Mr. Smith explained the application process and timeline.

Councilor Mitchell stated that he had done numerous hours of volunteer work with Elmhurst, Inc. and was in full support of this application and Chairman Winglass commended Elmhurst for doing the City of Bath a great service by providing the types of services they do. The Council was in consensus with their support of Elmhurst, Inc. continuing with the application process

3) CDBG FY 2005 Public Infrastructure Grant application. The City will be applying to the Department of Economic and Community Development for up to \$500, 000 to help the City to implement sewer and water upgrades in identified low-moderate income neighborhoods. #1079

Chairman Winglass read the following Notice:

CITY OF BATH PUBLIC HEARING NOTICE

The City of Bath City Council will hold a Public Hearing to provide information about and to receive citizen comments on the CDBG FY 2005 Public Infrastructure Grant application. The City will be applying to the Department of Economic and Community Development for up to \$500,000 to help the City to implement sewer and water upgrades in identified low-moderate income neighborhoods. The public hearing will be held on Wednesday, December 1, 2004 at 7:33 p.m. in the City Council Chambers at City Hall.

Al Smith, CDBG Coordinator, gave a brief overview of the details of the application process, timeline and program, listing Centre Street from Bluff Road to Charles Street, Hinkley Street, Shaw Street and Tarbox Street as streets for the proposed project list.

Peter Owen, Director of Public Works, reported on the history of the street improvement program and what the City hoped to be accomplished with this grant.

Councilor Quimby praised the Public Works Department on the improvements they had been able to accomplish to this point and gave his support to the application process. All Councilors gave their support to this application process.

D. Consent Agenda: 8:10 PM #1227

1)* Under the Consent Agenda, Councilor Mitchell made a motion to accept the Consent Agenda as presented, which consisted of Minutes to the November 3, 2004 Council Meeting and Items F12 and F13 on the agenda. Councilor Pagurko seconded the motion.

VOTE on Consent Agenda:

Yeas: 8

Nays: 0

Consent Agenda passed unanimously.

E. Time Devoted to Residents to Address the City Council: 8:12 PM #1281

No one from the public spoke at this time.

F. Ordinances, Resolutions and Orders: 8:12 PM

Item F5 – Nominations for the Election of Councilor to attend the Board of Education meetings pursuant to Chapter V, Section 502 of the City Charter #1296

Councilor Blake nominated Councilor Quimby, second by Councilor Hinds.

VOTE:

Yeas: 8

Nays: 0

Passed unanimously.

Item F6 – Nominations for the Election of Councilor to attend the Bath Water District Board of Directors meetings #1350

Councilor Mitchell nominated Councilor Wyman, second by Councilor Quimby.

VOTE:

Yeas: 8

Nays: 0

Passed unanimously.

Item F7 Order - Setting regular meetings of the City Council (motion to pass Order) #1382

Chairman Winglass read the following Order:

ORDER

Be It Ordered by the City Council, as follows:

That, in accordance with Section 214 of Chapter 2 of the Charter of the City of Bath, the City Council will conduct its regular meetings in the Council Room, Third Floor at City Hall, on the first Wednesday of each month at 6:00 o'clock PM.

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

VOTE on Order:

Yeas: 8

Nays: 0

Order Passed unanimously.

Item F8 – Order - Adopting Robert's Rules of Order for parliamentary procedure (motion to pass Order) #1405

Chairman Winglass read the following Order:

ORDER

Be It Ordered by the City Council, as follows:

That, the Rules of Parliamentary Practice comprised in Robert's Rules of Order, Newly Revised, shall govern the City Council in all cases to which they are applicable, and in which they are not inconsistent with the City Charter, and any Orders or Resolutions passed or adopted by the City Council to govern certain procedures or policies, or as may be amended by this Council.

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

VOTE on Order:

Yeas: 8

Nays: 0

Order Passed unanimously.

Item F9 – Order - adopting Working Rules and Regulations for Council year 2004-2005 (motion to pass Order) #1430

Motion by Councilor Mitchell, second by Councilor Pagurko to waive the reading of the Working Rules. All in favor.

VOTE on Order:

Yeas: 8

Nays: 0

Order Passed unanimously.

Item F10 – Order - Contract for Wilbur-Smith Associates for the data collection and analyses work for the Comprehensive Plan Update #1468

Jim Upham, City Planner, gave an overview of the items of data regarding transportation, housing, population and economics the project would acquire. Data collection, goal formulation, strategy development and monitoring are the processes that will be used to obtain the data and do the report.

Chairman Winglass read the following Order:

ORDER

THE CITY COUNCIL OF THE CITY OF BATH HEREBY ACCEPTS THE PROPOSAL FROM WILBUR-SMITH ASSOCIATES TO UNDERTAKE DATA COLLECTION AND ANALYSES WORK FOR THE COMPREHENSIVE PLAN UPDATE FOR THE SUM OF \$12,000. THE CITY MANAGER IS AUTHORIZED TO ENTER INTO A CONTRACT FOR THIS WORK WITH WILBUR-SMITH ASSOCIATES.

VOTE on Order:
Yeas: 6
Nays: 1 (Daigle)
Absent from Vote: 1 (Hart)
Order Passed.

Item F11 – Ordinance: Chapter 8A. General Assistance Maximums for October 1, 2004 to September 30, 2005 (first passage) #2054

Chairman Winglass 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 8A. GENERAL ASSISTANCE

Delete appendices to the Ordinance dealing with maximums allowances and replace with newly attached allowance summary sheets, schedules and appendices, Appendix A - Total Allowed GA Maximums, Appendix B - Food Maximums, Appendix C - Housing Maximums. Maximums shall be effective as of October 1, 2004.

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

Deb Zorach, General Assistance Director, explained the process by which the maximums are obtained.

VOTE on Ordinance:
Yeas: Hinds, Quimby, Blake, Wyman, Hart, Daigle, Pagurko, Mitchell
Nays: None
Ordinance passed unanimously.

Chairman Winglass set second passage of this Ordinance on January 5, 2005 at 6:01PM.

Item F12 - Order - Appointing Registrar of Voters for a 2-year term to expire in December 2006

ORDER APPOINTING REGISTRAR OF VOTERS

WHEREAS, Title 21-A Section 101 requires the Municipal Officers shall appoint a qualified Registrar of Voters by January 1 of each odd numbered year.

NOW, THEREFORE, be it ordered by the City Council of the City of Bath that Mary Jane White be and hereby is appointed Registrar of Voters for the City of Bath with a term to expire December 2006.

This item was passed unanimously under the Consent Agenda.

Item F13 - Order - Council approval on annual Blanket Letter of Approval on all renewals to operate Games of Chance and/or Beano Games (private clubs, etc.)

ORDER

Be It Ordered by the City Council of the City of Bath,

That, the City Clerk be authorized to send a "Blanket Letter of Approval" on all renewals to operate Games of Chance and/or Beano Games in accordance with the provisions of the State.

This item was passed unanimously under the Consent Agenda.

Item 14 - Order - Approving transfer of Real Estate at 88 Dummer Street (motion to approve) #2215

Chairman Winglass read the following Order:

ORDER APPROVING TRANSFER OF REAL ESTATE

WHEREAS, the City of Bath owns property designated as 88 Dummer Street and more particularly described as Lot 137 on City of Bath Tax Map 21, and

WHEREAS, the property is the former site of the Dummer Street Primary School, established in 1874, and

WHEREAS, the Bath Housing Development Corporation, in conjunction with the Bath Rotary Trust and the Bath Regional Vocational Center, has proposed to utilize the site for the construction of a modular housing project,

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the property above designated be conveyed to the Bath Housing Development Corporation for the sole and exclusive purpose of developing a modular housing project for ultimate sale to recoup costs, with construction by the Bath Regional Vocational Center and with the participation of the Bath Rotary Trust. The City Manager is hereby authorized to execute any and all documents necessary to the transfer.

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

Joanne Troy, Director of the Bath Housing Authority, addressed questions regarding accommodating skaters frequenting the pond and small shack located on the property.

VOTE on Order:

Yeas: 7

Nays: 1 (Daigle)

Order Passes.

Motion by Councilor Blake, second by Councilor Mitchell to reconsider Order.

VOTE on Reconsideration of Order:

Yeas: 7

Nays: 1 (Daigle)

Reconsideration Passes.

Motion by Councilor Quimby to amend the Order to add language stating there is to be a 15-foot access right-of-way on the southerly end of the property with enough land retained to accommodate the warming hut. Second by Councilor Blake.

VOTE on Amendment to Order:

Yeas: 7

Nays: 0

Abstained: 1 (Daigle)

Amendment Passes.

VOTE on Amended Order:

Yeas: 7

Nays: 0

Abstained: 1 (Daigle)

Amended Order Passes.

G. Petitions & Communications: 9:04 PM #3300

Chairman Winglass read a resignation letter from Lisa Stover from the Bath Board of Education effective December 1, 2004. Chairman Winglass stated that the Council would be addressing this opening later in the meeting.

Councilor Quimby addressed the communication he had received and brought up at the November 3rd Council Meeting regarding a citizen's issues with the traffic situation in the Southend. Councilor Quimby stated that a meeting had been set to take up these issues and any other concerns of citizens on Tuesday, December 14, 2004 at 7:00PM at the Fisher Mitchell School.

Councilor Wyman spoke regarding the lighting issues in the White Project section of the City. He stated that the City Manager was working on the issue of the new lights shining into the houses.

H. City Manager's Report: 9:15 PM #3474

The City Manager spoke on the following topics:

- BRAC Committee meeting w/Congressional Staff regarding how the Committee is going to proceed
- Maine Service Center Communities support of the Maine Tax Plan vs. the Governor's Plan
- U.S. Forest Service Meeting held in conjunction with the Bath Forestry Committee
- Maine Town and City Managers' Association Sessions. The January Session addressing the co-sponsoring of a project with the Maine Senate for Economic Policy regarding the 2006-2007 State Budget which will look at the potential tax reform schemes and the March Session regarding collaborative change.

I. Committee Reports: 9:24 PM #3805

Chairman Winglass stated there will be a Council Workshop on Monday, December 6, 2004 at 5:00PM in the Second Floor Conference Room regarding the assigning of Council representatives to the various City Committees for the upcoming year.

J. Old Business: 9:25 PM #3830

There was no old business taken up.

K. New Business: 9:25 PM #3831

Item K15 – Appointment One Member to the Bath Board of Education term expiration November 2005.

Nomination by Councilor Daigle, second by Councilor Hart to appoint Kimberly Becker to fill the vacant position. All in favor.

Item K16 – Appointment One Member to the Bath Water District Board of Directors term expiration November 2009.

Nomination by Councilor Mitchell, second by Councilor Blake to appoint Richard Klingaman to fill the vacant position. All in favor.

Chairman Winglass announced there would be a Council Workshop Meeting on December 6, at 5:00 PM in the Second Floor Conference Room to discuss Council Assignments to various City Committees and the next Council Meeting would be on January 5, 2005 at 6:00 PM.

Councilor Hinds made a motion to go into Executive Session to discuss an Abatement Matter pursuant to 36 MRSA, Section 841 (2) (E), a Property Matter pursuant to 1 MRSA, Section 405 (6) (C) and a Labor Negotiations Matter pursuant to 1 MRSA, Section 405 (6) (D). The motion was seconded by Councilor Quimby. All in favor.

Councilor Quimby made a motion to extend the meeting beyond the 10:00 PM time limit. The motion was seconded by Councilor Blake. All in favor.

At 10:30 PM Councilor Quimby made a motion to come out of Executive Session. The motion was seconded by Councilor Hinds. All in favor.

The meeting adjourned at 10:31 PM with a motion by Councilor Wyman, second by Councilor Quimby. 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.