

**REGULAR MEETING MINUTES**  
**City Council of the City of Bath, Maine**  
**Wednesday, April 7, 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.

Chairman Winglass opened the meeting at 6:00 PM with the Pledge of Allegiance and City Clerk White called the Roll.

Chairman Winglass made a presentation to Scott Wilhelm, Superintendent of the Wastewater Treatment Department, of a Proclamation and City Chair on his retirement after 22 years of service to the City of Bath.

Peter Owen, Public Works Director, addressed Council with an overview on the Streets Improvement Program for 2004. He stated that work would be done on 18 streets this year. Mr. Owen gave a report on the Street Improvement Program for the years 1999-2003.

Mr. Owen continued his presentation with an update on the progress of the Waterfront Float Expansion Project at Waterfront Park. He stated that the project was now in the Bid stage and the hiring of an engineer would be in the near future. Mr. Owen explained the project's design and costs.

John Marsh and Mari Huotari, members of the Waterfront Park Spruce-up Committee, gave a report on the recommendations from the Committee on the improvements needing to be done to the Park. Ms. Huotari related what an important asset the Waterfront Park as a gateway by water to the City has become. They stated that the lighting, pathways, signage, benches/picnic tables and waste receptacles were in great need of upgrading. Mr. Marsh explained the costs of these improvements.

**C. Public Hearings: 6:43 PM**

**1) Ordinance: Chapter 9 – Building and Electrical Codes, Article 1 – Building Code (second passage) #1373**

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 9 -Building and Electrical Codes Article 1 -Building Code

Amend the building code, the 1996 Edition of the BOCA National Building Code, as follows:

Add section

504.2.1: In buildings of Type 5 construction equipped throughout with an automatic sprinkler system and a smoke detection system meeting the requirements of section 919 of this code, the building height limitation for buildings of Use Groups Band E shall be increased 2 stories and 20' above those specified in Table 503.

Add section

1014.6.3, Exception: Stairs with winders shall be permitted in a required means of egress in existing buildings equipped throughout with an automatic sprinkler system, with at least one other means of egress from the floor(s) served by that stairway that do not contain winders, and an occupant load of the floors served by the stairway not to exceed 16. The dimensional requirements of the stairways allowed by this exception shall be as detailed in section 1014.6.3.

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

Scott Davis, Codes Enforcement Officer, explained the reason this Ordinance change had been brought before Council for consideration of passage.

**ROLL CALL VOTE on Ordinance:**

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

**Nays: None**

**Ordinance Passed Unanimously 8-0**

Chairman Winglass stated this Ordinance would be in effect in 21 days.

**2) CDBG Art Works Summer Arts Outreach Program Grant Application. #1659**

Chairman Winglass opened the Public Hearing.

Brenda Cummings of the Community Development Office spoke regarding the City of Bath's 2004 CDBG Public Service grant application to benefit the Art Works Summer Arts Outreach program at the Bath Recreation Department. She stated that a grant for \$10,549 would be sought to assist Artworks in providing an eight-week on-site arts program for low and moderate-income neighborhoods and other targeted populations in Bath.

Jamie Silvestri, Coordinator of the Art Works, explained how the program would be administered and outlined the program's components. She shared statements of support for the program gathered from a survey of targeted neighborhoods.

The Council was in unanimous support of the proposed application and program presented by Ms. Cummings and Silvestri.

Chairman Winglass closed the Public Hearing.

**D. Consent Agenda: 7:04 PM #2071**

3)\* Under the Consent Agenda, Councilor Rogers made a motion to accept the minutes for the March 3, 2004 Council Meetings 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: 7:05 PM #2085**

Katherine McClellan, owner of apartments at 708 Washington Street, spoke to Council regarding fees charged for rescue calls to West Bath and Woolwich, concerns for safety issues of property on Huse Street and the jobs and revenues created by the new jail.

**F. Ordinances, Resolutions and Orders: 7:10 PM**

**Item F4 – Proclamation Community Development Week #2323**

Chairman read Proclamation:

**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**, on this 7<sup>th</sup> day of April 2004, the Bath City Council of the Bath, Maine, do hereby proclaim the week of **April 12 – 18, 2004** as

**COMMUNITY DEVELOPMENT WEEK**

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

**VOTE on Proclamation:**

**Yeas: 8**

**Nays: 0**

**Proclamation passed unanimously.**

**Item F5 – Ordinance: LUC Amendment Section 8.12, Subsection C. Approval Required, Historic District (first passage) #2398**

Motion by Councilor Wyman, second by Councilor Blake to waive the reading of the Ordinance and have the City Planner explain the amendments.

**VOTE on Waiving of Reading:**

**Yeas: 7**

**Nays: 1 (Hall)**

**Waiving of Reading passed.**

*A complete copy of the Ordinance is on file in the Bath City Clerk's Office with the Agenda Items for the*

*April 7, 2004 Council Meeting.*

Jim Upham, City Planner, explained the reason this amendment was brought before the Council.

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

**ROLL CALL VOTE on Ordinance:**

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

**Nays: None**

**Ordinance Passed Unanimously 8-0**

Chairman Winglass set second passage of this Ordinance for May 5, 2004 at 6:01PM.

**Item F6 – Ordinance: LUC Amendment Section 9.02 – Land Use Table and Article 2, Section 2.02 – Definitions (first passage) #2797**

Motion by Councilor Wyman, second by Councilor Mitchell to waive the reading of the Ordinance and have the City Planner explain the amendments.

**VOTE on Waiving of Reading:**

**Yeas: 6**

**Nays: 1 (Hall)**

**Waiving of Reading passed. Councilor Rogers absent from Chambers during vote.**

*A complete copy of the Ordinance is on file in the Bath City Clerk's Office with the Agenda Items for the April 7, 2004 Council Meeting.*

Jim Upham, City Planner, explained the reason this amendment was brought before the Council.

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

**ROLL CALL VOTE on Ordinance:**

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

**Nays: None**

**Ordinance Passed Unanimously 8-0**

Chairman Winglass set second passage of this Ordinance for May 5, 2004 at 6:02PM.

**Item F7 – Ordinance: LUC Zoning Map Change. Change zoning on the parcel of land at 781 High Street, Lot 14, Map 27 (first passage) #3060**

Chairman Winglass read the following Ordinance:

**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 PURSUANT TO THE PROVISIONS OF SECTION 7.02 OF THE SAID 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 at 781 High Street, the parcel identified as lot 14 on Assessor's Tax Map 27, dated April 1, 2003, from High-density Residential (RI) District to Downtown Commercial (CI) District.

Motion by Councilor Rogers, second by Councilor Daigle to put this Ordinance on the floor for discussion.

Jim Upham, City Planner, explained the reason this amendment was brought before the Council.

Brad Cahill, owner of the property, explained he would like to use the property for office space.

**ROLL CALL VOTE on Ordinance:**

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

**Nays: None**

**Ordinance Passed Unanimously 8-0**

Chairman Winglass set second passage of this Ordinance for May 5, 2004 at 6:03PM.

**Item F8 – Order: Approval of City Auction of Surplus Items #4010**

Chairman Winglass read the following Order.

**ORDER**

Be it ordered by the City Council of the City of Bath that an auction for the disposal of surplus City goods and articles be held on May 1, 2004 at 10:00 AM at the Public Works Garage on Oak Grove Avenue and the attached items be included in that sale.

*A complete list of all items to be auctioned is on file in the Bath City Clerk's Office with the Agenda Materials for the April 7, 2004 Council Meeting.*

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

**VOTE on Order:**

**Yeas: 8**

**Nays: 0**

**Order Passed Unanimously 8-0**

**Item F9 – Order: Public Hearing and Notice of Public Hearing of Vote on Charter Amendment regarding the expansion of the number of members on the Bath Board of Education #4062**

Chairman Winglass read the following Order:

**ORDER FOR PUBLIC HEARING  
AND NOTICE OF PUBLIC HEARING**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, IN THEIR CAPACITY AS MUNICIPAL OFFICERS OF THE CITY, HAVING DETERMINED, IN ACCORDANCE WITH THEIR AUTHORITY UNDER 30-A M.R.S.A. § 2104(1), THAT A CERTAIN

AMENDMENT TO THE CHARTER OF THE CITY OF BATH SHOULD BE CONSIDERED BY THE VOTERS OF THE CITY, THAT NOTICE SHALL BE GIVEN OF A PUBLIC HEARING RELATED TO THE PROPOSED CHARTER AMENDMENT, SAID PUBLIC HEARING TO BE HELD ON WEDNESDAY THE 21<sup>ST</sup> DAY OF APRIL, 2004, AT 6:00 P.M. IN THE CITY COUNCIL CHAMBERS ON THE 3<sup>RD</sup> FLOOR OF THE BATH CITY HALL. THE CLERK IS INSTRUCTED TO CAUSE A NOTICE OF THIS PUBLIC HEARING TO BE PUBLISHED IN A PAPER HAVING A GENERAL CIRCULATION WITHIN THE CITY OF BATH AT LEAST SEVEN (7) DAYS PRIOR TO THE DATE OF THE HEARING, SAID NOTICE TO CONTAIN THE TEXT OF THE PROPOSED CHARTER AMENDMENT WITH A BRIEF EXPLANATION. SUCH NOTICE SHALL ALSO BE POSTED IN THE SAME MANNER AS REQUIRED OF ORDINANCES UNDER § 221 OF THE CHARTER OF THE CITY OF BATH.

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

Councilor Hart read a letter from Kimberly Becker that stated she was in favor of this Charter Amendment. *Letter on file in the Bath City Clerk's Office with the Agenda materials for the April 7, 2004 Council Meeting.*

Katherine McClellan, owner of apartments at 708 Washington Street, stated she was in favor of this change to the Charter.

**VOTE on Order:**

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

**Nays: None**

**Order Passed Unanimously 8-0**

**Item F10 – Transfer of Assets from a Drug Bust by the Bath Police Department #5080**

Chairman Winglass read the following portion of the memorandum:

Once again, we have received notice from the Attorney General's Office of cash assets that are up for forfeiture to the City of Bath. In this case drug agents including our own Detective Dave Beauregard, executed a Search Warrant at Douglas' home in Richmond in mid-October of last year. They seized about 5 lbs of locally grown marijuana, and illegal prescription medications (Oxy-Contin). Douglas, age 59, was arrested for trafficking in marijuana and two other persons at the residence were also charged with drug possession.

Detective Beauregard made a "substantial contribution" to the case and thus 50% of the cash seized during the raid will be turned over to the City. This procedure requires Council approval.

*A copy of all materials relating to this transfer is on file in the Bath City Clerk's Office with the Agenda Materials for the April 7, 2004 Council Meeting.*

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

**VOTE on Transfer:**

**Yeas: 6**

**Nays: 0**

**Transfer Passed Unanimously 6-0 Councilors Hall and Daigle absent from Council Chambers during vote.**

**Item F11 – Appointment: Nomination from the Republican and Democratic Parties of Election Clerks for two year terms pursuant to Maine State Law, for appointment by Municipal Officers #5160**

*A complete copy of the list of nominations are on file in the Bath City Clerk's Office with the Agenda Materials for the April 7, 2004 Council Meeting.*

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

**VOTE on Order:**

**Yeas: 7**

**Nays: 0**

**Appointments Passed 7-0 Councilor Hall absent from Council Chambers during vote.**

**G. Petitions & Communications: 7:42 PM #5212**

Councilor Blake read a communication from Raymond Fredrick of 2 Raymond Court regarding undesirable activities in Monument Park on Centre Street. He asked the Council to make Monument Park a memorial park to prevent these activities from happening again. Solicitor Therriault was asked to look into having this request happen.

At this time, Chairman Winglass asked to have agenda item K taken out of sequence. Motion by Councilor Blake, second by Councilor Wyman to move Item K. New Business to this time. All in favor.

**K. New Business: 8:23 PM #5293**

**K12 – Appointment of one member to the Bath Water District Board of Directors Term to expire November 2007.**

Motion by Councilor Hart, second by Councilor Wyman to appoint Margaret Allen to this position. All in favor.

**K13 – Appointment of two members to The Park Board of Directors.**

Motion by Councilor Rogers, second by Councilor Wyman to appoint Robert Jordan and Mari Houtari to these positions. All in favor.

**K14 – Appointment of three members to Recreation Commission Term to expire November 2006.**

Motion by Councilor Rogers, second by Councilor Blake to re-appoint Kelly McKellar, Susan Goodfellow and Julia DeBery to these positions. All in favor.

*Councilor Hall returned to Council Chambers at this time.*

**H. City Manager's Report: 8:27 PM #5433**

The City Manager spoke on the following topics:

- Thank you to all that had wished him a happy 60<sup>th</sup> Birthday
- Budget Update
- Car Registration Plates now being done through Treasurer's Office
- Odor Issues at Landfill Update
- Tax Reform Update
- Woolwich & West Bath Rescue Rates Increase

**I. Committee Reports: 8:40 PM #6196**

Councilor Quimby gave a report on the Alewife Commission Meeting held March 25 at the Phippsburg Town Hall. He stated that Gareth Small, Jr. and Gareth Small III of Phippsburg got the bid to harvest alewives at Winnegance Lake this season at \$3.63 per bushel. Mr. Quimby said an upgrading of the fishway is planned for this year.

Councilor Winglass updated the Council on the Route One Feasibility Study status. He read a letter from Raymond Faucher, Project Manager from the DOT, which stated that rehabilitation of the Route One viaduct structure would occur in the year 2007 and replacement of the structure is scheduled between the years 2018 and 2022.

**J. Old Business: 8:45 PM #11 Tape #2**

There was no old business.

Motion by Councilor Rogers, second by Councilor Blake to recess into Executive Session at 8:46 PM to discuss Labor Negotiations and a Real Estate Matter. All in favor.

Motion by Councilor Mitchell, second by Councilor Quimby to come out of Executive Session at 9:30 PM. All in favor.

The meeting adjourned at 9:31 PM with a motion by Councilor Hall, second by Councilor Quimby. All in favor.

Attest:

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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.*