

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, May 5, 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.

There was a presentation from the “Odyssey of the Mind” program by Judi Mansfield and Elise Copeland of the gifted and talented program. Ms. Mansfield, Gifted and Talented Program Coordinator in grades K-12, gave an overview of the program stating that there were now 18 teams represented in the Bath School system. Ms. Copeland explained this year’s winning team’s project and what is expected from the team during the competition. The children on the winning team explained what happens at the World’s Competition held May 29-June 1, 2004.

Councilor Hall made a motion that the Council make a donation of \$1,000 towards the team’s trip to the World’s Competition. Councilor Mitchell seconded the motion. All in favor of the donation.

Rick Tetrev, Chairman of the Base Realignment and Closure Committee, gave a history and purpose of the Committee. He explained what the Committee was doing at the present to address the current round of possible base realignments and closures.

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

C. Public Hearings: 6:35 PM

1) Ordinance: LUC Amendment Section 8.12, Subsection C. Approval Required, Historic District (second passage) #925

Motion by Councilor Mitchell, second by Councilor Hart to amend the Amendment to read under Paragraph G, “The Planning Board, or Historic District Committee under Subsection C, paragraph 2, above,”. All in favor.

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

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

A complete copy of the Ordinance is on file in the Bath City Clerk’s Office with the Agenda Items for the May 5, 2004 Council Meeting.

Chairman Winglass opened the Public Hearing. No one spoke.

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) Ordinance: LUC Amendment Section 9.02 – Land Use Table and Article 2, Section 2.02 – Definitions (second passage) #1044

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

VOTE on Waiving of Reading:

Yeas: 8

Nays: 0

A complete copy of the Ordinance is on file in the Bath City Clerk's Office with the Agenda Items for the May 5, 2004 Council Meeting.

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

Motion by Councilor Wyman, second by Councilor Mitchell 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 stated this Ordinance would be in effect in 21 days.

3) Ordinance: LUC Zoning Map Change. Change zoning on the parcel of land at 781 High Street, Lot 14, Map 27 (second passage) #1148

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

VOTE on Waiving of Reading:

Yeas: 8

Nays: 0

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.

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

Brad Cahill, owner of the property, answered a question regarding opening another curb cut, stating he would have only one curb cut.

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.

D. Consent Agenda: 6:47 PM #1247

3)* Under the Consent Agenda, Councilor Blake made a motion to accept the minutes for the April 7,

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: 6:48 PM #1260

No resident spoke at this time.

F. Ordinances, Resolutions and Orders: 6:48 PM

Item F5 – Foster Care Awareness Month Proclamation #1279

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

Chairman read Proclamation:

PROCLAMATION

WHEREAS, approximately 2,950 children in Maine are in the care of the Department of Human Services; and

WHEREAS, nearly all of these children have special needs because of physical, mental or emotional disabilities, because they must be placed with other siblings, because they are children of color or because they are school-aged; and

WHEREAS, these children need extra patience and support to help them overcome past and present hardships; and

WHEREAS, many of these children are cared for by one of 1,300 licensed foster families; and

WHEREAS, approximately 450 children are currently in foster homes where they expect to be adopted; and

WHEREAS, families are able and willing to care for children who have special needs; and

WHEREAS, children waiting for adoptive parents, and families who are caring for these children or have decided to adopt these children require and deserve public and agency support.

NOW, THEREFORE, BE IT RESOLVED, THAT WE, the Bath City Council of Bath, Maine, do hereby declare May 2004 as Foster Care Awareness Month in Bath, Maine. In recognition of this event, we encourage community agencies, religious organizations, businesses and others to celebrate foster care, to honor families that grow through foster care, to further an awareness of the changes and issues in foster care and to focus attention on those who live in the shadow of an uncertain future while they await “forever families”.

Dated this 5th day of May 2004.

VOTE on Proclamation:

Yeas: 8

Nays: 0

Proclamation passed unanimously.

Item F6 – Arbor Week Proclamation #1358

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

Chairman read Proclamation:

ARBOR WEEK PROCLAMATION

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world (more often as a weekly observance), and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BATH, MAINE, HEREBY PROCLAIMS THE WEEK OF MAY 17-22 AS

ARBOR WEEK

in the City of Bath, and we urge all citizens to celebrate Arbor Week and to support efforts to protect our trees and woodlands, and

FURTHER, We urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED this 5th day of May 2004.

VOTE on Proclamation:

Yeas: 8

Nays: 0

Proclamation passed unanimously.

Item F7 – Order: Prepare Warrant to notify inhabitants of the Municipal Election to be held June 8, 2004 #1508

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

Chairman read Order:

ORDER

In City Council
May 5, 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 second Monday of June, the same being the 8th 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:

CHARTER AMENDMENT – QUESTION NO. 1

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.

VOTE on Order:

Yeas: 8

Nays: 0

Order passed unanimously.

Item F8 – Order: Setting Hourly schedule for the Office of Voting Registrar for the State Primary/Referendum and Municipal Election to be held June 8, 2004 #1562

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

Chairman read 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 Candidate/Referendum Election and City of Bath Municipal Election to be held Tuesday, June 8, 2004. The Office will be open on Saturday, June 5, 2004 from 10:00am to 3:00pm and Election Day from 8:00am to 8:00pm.

VOTE on Order:

Yeas: 8

Nays: 0

Order passed unanimously.

Item F9 – Order: Appointing Wardens and Ward Clerks for the State Primary/Referendum and Municipal Election to be held June 8, 2004 #1605

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

Chairman read Order:

ORDER

Be It Ordered by the City Council of the City of Bath, that the following be appointed for the Maine State Candidate/Referendum Election and the City of Bath Municipal Election to be held on Tuesday, June 8, 2004:

Ward	Warden	Ward Clerk
1	Darlene Compton	Barry Compton
2	Paula Adam	Ruth Castagno
3	Sally Hordeman	Betsy Alley
4	Carol Duehring	Vickey Beckman
5	Cindy Gabelmann	Judith Lemoine
6	Ruthe Pagurko	Barbara Day
7	Jackie Dwinal	Rachel Bennett

VOTE on Order:

Yeas: 8

Nays: 0

Order passed unanimously.

Item F10 – Order: Approving Revaluation Contract with the Cole-Layer-Trumble Company #1652

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

Paul Mateosian, City Assessor, gave an overview of the revaluation program.

Chairman Winglass read the following Order.

ORDER APPROVING REVALUATION CONTRACT

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT A REVALUATION CONTRACT BY AND BETWEEN THE CITY OF BATH AND THE COLE-LAYER-TRUMBLE COMPANY, OF TOLLAND, CONNECTICUT, IN THE FORM ATTACHED HERETO, FOR THE PURPOSE OF AND IN CONNECTION WITH THE REVALUATION OF PROPERTY WITHIN THE CITY OF BATH, BE AND HEREBY IS APPROVED AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SAID DOCUMENT, IN SUBSTANTIALLY THE FORM PRESENTED, ON BEHALF OF THE CITY.

VOTE on Order:

Yeas: 8

Nays: 0

Order Passed Unanimously 8-0

Item F11 – Order: Approve Contract for Waterfront Dock Improvement #1972

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

Chairman Winglass read the following Order.

**ORDER APPROVING CONTRACT
WATERFRONT PARK IMPROVEMENT-PHASE 1 PROJECT**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT A CONTRACT BY AND BETWEEN THE CITY OF BATH AND WYMAN & SIMPSON INC. FOR THE IMPROVEMENTS TO THE WATERFRONT FLOAT SYSTEM AT THE WATERFRONT PARK IN THE AMOUNT OF \$176,450.00 BE AND HEREBY IS AWARDED, WYMAN & SIMPSON INC. BEING THE LOWEST BIDDER. THE CITY MANAGER IS AUTHORIZED TO EXECUTE THE CONTRACT, TO CONTAIN SUCH TERMS AND CONDITIONS AS ARE ACCEPTABLE TO THE CITY MANAGER AND IN THE BEST INTEREST OF THE CITY, AND TO EXECUTE ANY OTHER DOCUMENTS NECESSARY TO ITS IMPLEMENTATION. THE PROJECT WILL BE JOINTLY FUNDED FROM A ONE-TIME EXPENDITURE FROM THE BATH IRON WORKS TAX INCREMENT FINANCING AND FROM GRANTS FROM THE MAINE DEPARTMENT OF TRANSPORTATION.

VOTE on Order:

Yeas: 7

Nays: 0

Order Passed Unanimously 7-0 (*Councilor Rogers was absent during the vote*)

Item F12 – Approve Exchange of Properties with SSC Ventures, Inc. #2035

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

Chairman Winglass read the following Order.

ORDER

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT AN EXCHANGE OF PROPERTIES BETWEEN THE CITY OF BATH AND SSC VENTURES, INC. RELATING TO A PORTION OF THE EASTERLY SIDE OF FRONT STREET AND PROPERTIES OF SSC VENTURES, INC. IMMEDIATELY TO THE EAST OF FRONT STREET BE AND HEREBY IS APPROVED AND THE MANAGER IS AUTHORIZED TO SIGN DEEDS AND ANY OTHER DOCUMENTS NECESSARY AND APPROPRIATE TO THE TRANSACTION. THE PURPOSE OF THIS EXCHANGE OF PROPERTIES IS TO RELOCATE THE PAVED WAY OF FRONT STREET WITHIN THE RIGHT OF WAY AND TO REMOVE THE ENCROACHMENT OF A CONCRETE FOUNDATION ON PROPERTY OF SSCVENTURES, INC. INTO THE RIGHT OF WAY OF FRONT STREET.

Roger Therriault, City Solicitor, explained the conditions of the exchange of properties.

Richard Klingamann, a Principal in SSC Ventures, Inc., explained the future use of the structure in conveyance.

VOTE on Order:

Yeas: 8

Nays: 0

Order Passed Unanimously 8-0

Item F13 – Approve Easement for SSC Ventures, Inc. at the Front Street Pump Station #2271

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

Chairman Winglass read the following Order.

ORDER

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT A PROPOSED EASEMENT OVER AND ACROSS PROPERTY OF THE CITY OF BATH ACQUIRED BY DEED RECORDED IN THE SAGADAHOC COUNTY REGISTRY OF DEEDS IN BOOK 370, PAGE 207, AND UPON WHICH IS LOCATED THE FRONT STREET PUMP STATION, FOR THE PURPOSE OF PROVING INGRESS, EGRESS AND UTILITIES TO PROPERTY OF SSC VENTURES, INC. IMMEDIATELY ADJACENT AND EAST OF THE CITY'S PUMP STATION PROPERTY BE AND HEREBY IS APPROVED AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SAME EASEMENT AND ANY AND ALL OTHER DOCUMENTS NECESSARY TO THE TRANSACTION. THE RIGHT OF WAY SHALL BE 50 FEET IN WIDTH AND SHALL BE SUBJECT TO THE CONDITION THAT IT SHALL EXPIRE TWO YEARS FROM THE DATE OF CONVEYANCE IF THERE HAS NOT BEEN SUBSTANTIAL PROGRESS IN THE DEVELOPMENT OF THE PROPERTY, REFERRING TO ACTUAL CONSTRUCTION ON SITE.

Roger Therriault, City Solicitor, explained the extent of the easement and reason for the need of the Order.

Richard Klingamann, a Principal in SSC Ventures, Inc., explained the abutting property owner is not ready to join in on this easement so therefore he is not included.

VOTE on Order:

Yeas: 8

Nays: 0

Order Passed Unanimously 8-0

G. Petitions & Communications: 7:25 PM #2598

Chairman Winglass shared a recent article in the Yankee Magazine stating that Bath had been rated as one of the top five best communities in New England and the only community chosen in Maine.

H. City Manager's Report: 7:27 PM #2667

The City Manager spoke regarding the following items:

- Overview of Spring Cleanup Week
- Thanked Peter Owen, Al Smith and Brenda Cummings for their hard work in receiving \$55,000 in Bond Funds for the "Safe Routes" program

John Bubier, City Manager, presented an overview of the proposed City Budget for 2004-2005. Some highlights mentioned by the Manager that influenced the line figures are as follows:

- BCTV adding a half-time person

- Insurance fees up 9%
- Realigning Wastewater Treatment Department
- 53 weeks of payroll
- County Budget

Mr. Bubier stated that to fund this budget the rate would be \$26.25 up only \$1.05 from last year. He explained that 4 of the 5 components that make up the budget are being brought in under the spending cap. Only the County Budget is now over the cap.

I. Committee Reports: 8:24 PM #4922

There were no Committee Reports.

J. Old Business: 8:24 PM #4928

There was no Old Business.

K. New Business: 8:25 PM #4934

There was no New Business.

Motion by Councilor Quimby, second by Councilor Wyman to amend the agenda to add an Executive Session to discuss a real estate matter. All in favor.

Motion by Councilor Daigle, second by Councilor Blake to recess into Executive Session at 8:25 PM to discuss a real estate matter. All in favor.

Motion by Councilor Hart, second by Councilor Daigle to come out of Executive Session at 8:46 PM. All in favor.

The meeting adjourned at 8:47 PM with a motion by Councilor Mitchell, 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.