

**REGULAR MEETING MINUTES**  
**City Council of the City of Bath, Maine**  
**Wednesday, December 7, 2005 7:30pm**  
**City Council Chambers, Bath City Hall**

Present: Councilors Hinds, Omo, Quimby, Blake, Hart, Verville, Pagurko, Winglass and Chairman Wyman.

Also in attendance was the Acting City Manager – Paul Mateosian, City Solicitor - Roger Therriault and City Clerk - Mary White.

Chairman Wyman led the Pledge of Allegiance and City Clerk White called the Roll.

Chairman Wyman read a certificate of appreciation to Henry Mann for his participation in the “Candidates’ Night” program.

Mr. David Smith of the Greater Bath Elder out reach Program gave a history of the program. He stated that the program has been in operation for 2 ½ years and has been addressing concerns of the elderly, such as safety, transportation and financial. Mr. Smith introduced Kathy Chappini, Program Coordinator.

Ms. Chappini stated that the program has 15 volunteers serving one on one with a resident that needs assistance. She explained that the volunteers are putting in over 100 hours of care to the elderly a month in Bath.

**C. Public Hearings:**

**1) Ordinance: Chapter 8A. General Assistance Maximums for October 1, 2005 to September 30, 2006 (second passage)**

Chairman 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, 2005.

Chairman Wyman opened the Public Hearing for public comment. Seeing none he closed the Public Hearing and asked for Council Comment seeing none he asked for a Roll Call Vote from the City Clerk.

**Roll Call Vote on Ordinance:**

**Yeas: Hinds; Omo; Quimby; Blake; Hart; Verville; Pagurko; Winglass**

**Nays: None**

**Ordinance Passed Unanimously. 8-0**

**2) Ordinance: Supplemental Appropriation Public Works Vehicles (second passage)**

Chairman Wyman read the following Ordinance:

**ORDINANCE**

WHEREAS, the double axle dump truck previously utilized by the Public Works Department has become inoperable and will not pass inspection, and

WHEREAS, this vehicle was not scheduled for replacement in this fiscal year under the City of Bath Public Works Capital Improvement and Vehicle Replacement Plan, and

WHEREAS, the Public Works has sold by bid, in order to raise additional funds to support the truck replacement surplus equipment consisting of a 1988 triaxle dump truck and a 1987 single axle plow truck and has received bids for \$12,000.00 for the triaxle and \$1,500.00 for the plow truck, and

WHEREAS, the total of the bids, \$13,500.00, constitutes revenue in excess of those estimated in the Budget for the current year and are available for the purpose of supplemental appropriation, and

WHEREAS, the sum proposed to be appropriated by this Supplemental Appropriation, totaling \$13,500.00 will not exceed the expenditure limits for the current year pursuant to Section 617 of the Charter of the City of Bath.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bath that the total sum of \$13,500.00 be and hereby is supplementally appropriated to the Public Works Capital Replacement Reserves Account (Account PW05-550).

Chairman Wyman opened the Public Hearing and asked for public comment seeing none he asked for Council comment.

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

**Roll Call Vote on Ordinance:**

**Yeas: Hinds; Omo; Quimby; Blake; Hart; Verville; Pagurko; Winglass**

**Nays: None**

**Ordinance Passed Unanimously. 8-0**

Chairman Wyman stated that this Ordinance would be effective in 21 days.

**3) Ordinance: Authorizing the issuance of general bonds/note for \$1,000,000.00 for renovations to the fire department and public works building (second passage)**

Councilor Blake motioned to waive the reading of the ordinance. Councilor Hart seconded the motion. All in favor.

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

Chairman Wyman opened the Public Hearing and asked for public comment. Seeing none, he closed the Public Hearing and asked for Council comment.

David Williams explained that the loan would be like a line of credit and what had been spent to this point.

**Roll Call Vote on Ordinance:**

**Yeas: Hinds; Omo; Quimby; Blake; Hart; Verville; Pagurko; Winglass**

**Nays: None**

**Ordinance Passed Unanimously. 8-0**

Chairman stated that the Ordinance would become effective in 21 days.

**D. Consent Agenda: 8:00 PM**

4) \*Acceptance of the Minutes to the meeting of November 2 and 9, 2005 and items F7, F8, F9 and F10. Motion by Councilor Hart, second by Councilor Winglass to accept the Consent Agenda as presented. All in favor.

**E. Time Devoted to Residents to Address the City Council: 8:01 PM**

William Edgett of 2 Edgett Street spoke regarding the previous evening's Planning Board Meeting. He stated that he considered the public was treated undemocratically and the meeting was unorganized. Mr. Edgett stated issues with the gathering of facts.

**F. Ordinances, Resolutions and Orders: 8:08 PM**

**Item 5 - Nominations for the Election of Councilor to attend the Board of Education meetings pursuant to Chapter V. Section 502 of the City Charter**

Councilor Winglass nominated Councilor Quimby to be the Council's representative to the Bath Board of Education for the following year. Councilor Hinds seconded the motion. All in favor.

**Item 6 - Nominations for the Election of Councilor to attend the Bath Water District Board of Directors meetings**

Councilor Quimby nominated Councilor Wyman to be the Council's representative to the Bath Water District Board of Directors for the following year. Councilor Blake seconded the motion. All in favor.

**Item \*7 - Order – Setting Regular Meetings of the City Council**

**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.

This was approved on the Consent Agenda.

**Item \*8 - Order – Adopting Robert’s Rules of Order for parliamentary procedure**

**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 polices, or as may be amended by this Council.

This was approved on the Consent Agenda.

**Item \*9 - Adoption Working Rules and Regulations for Council Year 2005-2006**

*A complete copy of the Working Rules and Regulations for Council Year 2005-2006 is on file in the Bath City Clerk’s Office with the agenda materials for the December 7, 2005 Council meeting.*

This was approved on the Consent Agenda.

**Item \*10 – 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 was approved on the Consent Agenda.

**Item 11 – Ordinance – Amendment to LUC Zoning Map for Special Purpose Commercial Contract Overlay District to Lots 200 and 255 City of Bath Tax Map and Amendment to Luc Article 16, Adding Section 116.12- 963 Washington Street (first passage)**

Motion to waive the reading Councilor Hinds, second Councilor Quimby. All in favor.

*A complete copy of this Ordinance is on file in the Bath City Clerk’s Office with the agenda materials for the December 7, 2005 Council Meeting.*

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

John Bliss of 32 Oak Street owner of the property. Mr. Bliss addressed Council stating that Bath needs to make a choice between a quiet small town set of values with privatized parking, traffic and strict separation of land uses and building types or an urban set of values with wider assortment of building types a more open public access to the municipality to help support a more lively set of life styles. He asked Council to consider the benefits of the extended tax base this change would make possible for the city.

Jayne Palmer of 300 Front Street spoke against this Ordinance bring attention to the fact that the Sewall House has historically been a used a residence. She asked Council to keep in mind what a change like this would mean to the neighborhood.

Elizabeth Knowlton of 969 Washington Street spoke against the change but had no object to what the R1 zoning would allow that is now in place.

Patricia Sample of 16 Winter Street spoke against the change due to parking issues that it would cause.

Jim Upham, City Planner, explained the details of the changes that were proposed and the Planning Board's decision not to recommend the ordinance change.

Motion by Councilor Blake, second by Councilor Hart to table the Ordinance.

**Vote on Tabling:**

**Yeas: Blake; Hart**

**Nays: Hinds; Omo; Quimby; Verville; Pagurko; Winglass**

**Tabling Failed. 2-6**

**Roll Call Vote on Ordinance:**

**Yeas: None**

**Nays: Hinds; Omo; Quimby; Blake; Hart; Verville; Pagurko; Winglass**

**Ordinance Failed Unanimously. 0-8**

**Item 12 – Ordinance – Amendment Chapter 17 Vehicles and Traffic, Article 4. Pedestrians, Section 17-154. Crosswalks (first passage)**

Chairman Wyman 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 17. VEHICLES AND TRAFFIC  
Article 4. Pedestrians

Section 17-154. Crosswalks.

add:

"Crosswalk on Washington Street leading from the Union Office Building at 722 Washington Street and running to the gate in the B.I.W. main parking lot."

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

**Roll Call Vote on Ordinance:**

**Yeas: Hinds; Omo; Quimby; Blake; Hart; Verville; Pagurko; Winglass**

**Nays: None**

**Ordinance Passed Unanimously. 8-0**

Chairman Wyman set second passage of this Ordinance for January 4, 2005 at 6:01PM.

**Item 13 – Ordinance – Amendment Chapter 17 Vehicles and Traffic, Article 5. Operation, Section 17-209. Speed Limits (first passage)**

Chairman Wyman read the Ordinance.

*A complete copy of this Ordinance is on file in the Bath City Clerk's Office with the agenda materials for the December 7, 2005 Council Meeting.*

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

**Roll Call Vote on Ordinance:**

**Yeas: Hinds; Omo; Quimby; Blake; Hart; Verville; Pagurko; Winglass**

**Nays: None**

**Ordinance Passed Unanimously. 8-0**

Chairman Wyman set second passage of this Ordinance for January 4, 2005 at 6:02PM.

**Item 14 – Ordinance – Chapter 8A. General Assistance (first passage)**

Chairman Wyman 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 Chapter 8A in its entirety including all Appendices and replace with the attached text, Articles 1 through 9 and Appendices A through I.

*A complete copy of this Ordinance is on file in the Bath City Clerk's Office with the agenda materials for the December 7, 2005 Council Meeting.*

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

**Roll Call Vote on Ordinance:**

**Yeas: Hinds; Omo; Quimby; Blake; Hart; Verville; Pagurko; Winglass**

**Nays: None**

**Ordinance Passed Unanimously. 8-0**

Chairman Wyman set second passage of this Ordinance for January 4, 2005 at 6:03PM.

**Item 15 – Order – Approving Second Transfer of South End Park Property**

Chairman Wyman read the following Order:

**ORDER APPROVING SECOND TRANSFER  
OF SOUTH END PARK PROPERTY**

WHEREAS, the Bath Iron Works is required to transfer to the City of Bath the premises known as the South End Storage Facility for purposes of establishing a public park, as one of the conditions of approval for the Land Level Facility at Bath Iron Works as issued by the Maine Department of Environmental Protection, and

WHEREAS, the City has been advised that the property has been remediate to the satisfaction of the Maine Department of Environmental Protection and issues relating to certain hazardous substances on site have been resolved, and

WHEREAS, the southerly 6-acre portion of the premises has been conveyed to the City and currently operates as a City park, and

WHEREAS, the northerly 3.66 acres  $\pm$  has now, upon information and belief, been remediated and is in a status ready for conveyance, and

WHEREAS, Declaration of Environmental Covenant has been executed on November 15, 2005 by the Bath Iron Works, said Declaration to be recorded in the Sagadahoc County Registry of Deeds (executed copy attached\*), and

WHEREAS, a Commissioner's Certificate of Completion of Remedial Actions Under a Voluntary Response Action Plan has been drafted and submitted to the Commissioner of the Maine Department of Environmental Protection and is currently under consideration (proposed copy attached), and

WHEREAS, the premises have been surveyed and a survey description has been developed and is attached to the Declaration of Covenants as Exhibit A.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the transfer of the premises described as Exhibit A to the Declaration of Environmental Covenants, being the northerly 3.66 $\pm$  acres of the property formerly known as the South End Storage Facility, be and hereby is accepted and the City Manager is authorized, on behalf of the City, to accept transfer documents in a form acceptable to the City Manager, and to execute any and all documents required to consummate this transaction. The transfer is subject to the prior condition that Commissioner's Certificate be executed by the Commissioner of the Maine Department of Environmental Protection, in a form acceptable to the City of Bath, and recorded in the Sagadahoc County Registry of Deeds and that a recordable Plan be produced for recording in said Registry.

*\*deed with Council Meeting 12/7/05 agenda materials on file in the Bath City Clerk's Office.*

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

Roger Therriault, City Solicitor, spoke regarding the details of the transfer.

**Vote on Order:**

**Yeas: Hinds; Omo; Quimby; Blake; Hart; Verville; Pagurko; Winglass**

**Nays: None**

**Order Passed Unanimously. 8-0**

**G. Petitions & Communications: 9:16 PM**

Councilor Hart brought to the Council's attention that he had communications regarding concerns over the new Morse High School open lunch policy. Councilor Quimby stated that the school will be monitoring this program closely and would appreciate any comments from the surrounding area residents. Councilor Hart stated that he had received a letter from a resident on Andrews Road regarding the sighting of hazardous waste (batteries) on North Street. Councilor Hart has contacted the City Codes Officer and he will take care of the situation.

Councilor Winglass addressed Council regarding a citizens' letter stating concerns at an intersection on Whiskeag Road and North Bath Road. He would like to see the City Manager and the Police Chief look into these concerns. Paul Mateosian explained that he had discussed this issue with the Public Works Director and the Police Chief and they suggested that a traffic study would be the best solution to the situation.

Councilor Wyman reported on a communications from residents in North Bath regarding sewage backups leaving raw sewage on the ground. Mr. Mateosian stated that the Public Works Director was addressing this problem, but it was a difficult situation to fix as it was an instance of the connections being overtaxed by the high levels of rainwater recently experienced. Regarding the same subject of water overrun, Councilor Omo related some concerns on Richardson Street with a safety issue of icing.

#### **H. City Manager's Report: 9:26 PM**

The Acting City Manager reported on the following topics:

- Washington Street replacement of traffic light system
- Public Works work schedule Update
- Governor's Advisory Council on BNAS Closure Meeting Update
- 797 High Street - Maine Lead Safe Kid Fund Project Program on 12/9/2005
- Police report on the return of \$1,500 to the Wash Tub Laundromat from Ms. Nancy Hughes who found it in a shopping cart at the Bath Shopping Center
- A letter of commendation from a resident on a job well done by the Bath Fire Department during a furnace malfunction incident at his home

#### **I. Committee Reports: 9:30 PM**

Councilor Hart reported on the Waterfront Park Committee and the meeting with Larry Bartlett regarding the lighting issues at the park. He reported that the Community Policing Committee will be starting with the training on the operating of the hand held radar system.

Councilor Quimby reported that he had read a recent report regarding the Town of Brunswick's proposal of a pay per bag program and that this issue is very relevant to Bath's Landfill is filling up very fast also and a pay per bag program could be warranted here soon. Councilor Blake stated that the Comprehensive Plan Committee is addressing this issue in their meetings. Councilor Winglass suggested a look at the tipping fees might help this situation.

#### **J. Old Business: 9:40 PM**

None.

#### **K. New Business: 9:40 PM**

None.

Motion by Councilor Hart, second by Councilor Pagurko to go into Executive Session to discuss the following items: Real Estate Matters per 1 MRSA §405(6)(C) and Personnel Matters per 1 MRSA §405(6)(A) at 9:41 PM. All in favor.

Motion by Councilor Hart, second by Councilor Pagurko to come out of Executive Session at 10:20 PM. All in favor.

The meeting adjourned at 10:20 PM with a motion made by Councilor Quimby and seconded by Councilor Pagurko. All in favor.

Attest:

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.*