

**REGULAR MEETING MINUTES**  
**City Council of the City of Bath, Maine**  
**Wednesday, September 7, 2005 6:00pm**  
**City Council Chambers, Bath City Hall**

Present: Councilors Hinds, Quimby, Blake, Wyman, Hart, Pagurko, Mitchell and Chairman Winglass.  
Absent: Councilor Daigle

Also in attendance was the City Manager - John Bubier, City Solicitor - Roger Therriault and City Clerk - Mary White.

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

**C. Public Hearings:**

There were no public hearings.

**D. Consent Agenda: 6:01 PM**

1)\* Acceptance of the Minutes to the meeting of August 3, 2005. Motion by Councilor Mitchell, second by Councilor Pagurko to accept the minutes as presented. All in favor.

**E. Time Devoted to Residents to Address the City Council: 6:02 PM**

Charles Turcotte of 677 Middle Street asked that the Council have the list of all re-evaluations printed in the Times Record newspaper for the public's access. Chairman Winglass explained that these figures are available through the City's Web Page and at the Assessing Office in City Hall.

Ronald McElman of 24, 26 and 33 Office Drive asked if he could have an explanation as to why the taxes had increased so much this year. John Bubier, City Manager, explained that the amount reflects the increase in valuation of property not an increase in the taxes.

**F. Ordinances, Resolutions and Orders: 6:15 PM**

**Item 2 Ordinance: Amendment Chapter 17 – Vehicle and Traffic, Article 6 – Stopping, Standing and Parking, Section 17-259. Parking Restrictions regarding Commercial Street, Summer Street and Front Street (first passage)**

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

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

Jim Upham, City Planner, listed the Parking Committee members and explained the changes to the Ordinance and reasons for the changes.

**Roll Call Vote:**

**Yeas: Hinds; Quimby; Blake; Wyman; Hart; Pagurko; Mitchell**

**Nays: None**

**Ordinance Passed Unanimously. 7-0**

Chairman Winglass set second passage of the Ordinance for October 5, 2005 at 6:01 pm.

**Item 3 Ordinance: Authorizing the issuance of general bonds/notes for \$1,000,000.00 for renovations to the Fire Department and Public Works building (first passage)**

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

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

John Bubier, City Manager, explained the need for this Ordinance and how the financing would be implemented.

Councilor Mitchell asked if Council would have a problem with him addressing this issue as he had been Fire Chief and understood the issue dealing with the Fire Department. The consensus of Council was there was no problem with Councilor Mitchell speaking regarding this item. Councilor Mitchell explained the repair issues concerning the Fire Department building and spoke in favor of the Ordinance.

Councilor Quimby asked that Council be given a financial breakdown of the expenses. The City Manager stated that such a breakdown would be given to Council before second passage.

Charlie Turcotte of 677 Middle Street asked why this item didn't need to go to referendum for bonding. City Manager Bubier explained that this wouldn't require new borrowing, as it was already included in the City's budget.

**Roll Call Vote:**

**Yeas: Hinds; Quimby; Blake; Wyman; Hart; Pagurko; Mitchell**

**Nays: None**

**Ordinance Passed Unanimously. 7-0**

Chairman Winglass set second passage for this Ordinance for October 5, 2005 at 6:02 pm.

**Item 4 Ordinance: LUC Amend Article 2, Section 2.02 - Kennel (first passage)**

Chairman Winglass read the following Ordinance:

**ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH ADOPTED JULY 19, 2000, AND SUBSEQUENTLY AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

Amend Article 2, Section 2.02, by amending the definition of "kennel" as follows:

Kennel. Any place, building, tract of land, or enclosure where a person, for compensation:

1. provides food, shelter, care, or training for household pets for purposes not primarily related to medical care, or
2. engages in the breeding of more than 2 female household pets for the sale of their offspring

Except that any building where non-medical care such as washing, grooming, and similar services are provided to household pets is considered a service use (Use Category 3.1.1), provided that the animals are not kept overnight kept within the building.

(Note: Additions are underlined, and deletions are ~~crossed out~~.)

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

Jim Upham, City Planner, gave a background of the reason this Ordinance change was needed. He explained that the Planning Board unanimously recommended this Ordinance change for passage.

**Roll Call Vote:**

**Yeas: Hinds; Quimby; Blake; Wyman; Hart; Pagurko; Mitchell**

**Nays: None**

**Ordinance Passed Unanimously. 7-0**

**Item 5 LUC Amend Article 16, Section 16.13 – 950 Middle Street Contract Zone (first passage)**

**The Chairman pulled this item from the agenda.**

Councilor Quimby asked that placement of items not be put on the Council agenda until the Planning Board approves them. It was agreed that items like these be put on the Council agenda only when the Planning Board has processed them.

**Item 6 Resolution: Authorizing borrowing in anticipation of taxes**

Chairman Winglass read the following Resolution:

**RESOLUTION AUTHORIZING BORROWING  
IN ANTICIPATION OF TAXES**

WHEREAS, the City of Bath will not receive substantial income from the billing of ad valorem property taxes until approximately the beginning of October of this fiscal year, and

WHEREAS, the City of Bath has certain ongoing financial obligations that must be met including, but not limited to, payroll expenses and debt service payments that come due within that time frame, and

WHEREAS, certain investments of City funds have been made and it would be disadvantageous to the City to cash in those investments, and

WHEREAS, the Charter of the City of Bath, under Chapter VI, Section 6.16, authorizes the Council to approve the issuance of Notes in anticipation of tax receipts, and

WHEREAS, there is further authority for borrowing in anticipation of revenue under the provisions of 30-A M.R.S.A. Section 5771;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that temporary borrowing is hereby authorized in anticipation of tax revenues in an amount not to exceed Three and One-Half Million Dollars (\$3,500,000.00). Pursuant to the terms of the Charter, such anticipatory borrowing must be repaid in full by the end of the current fiscal year. The City Treasurer, with the approval of the Chairman of the City Council and the City Manager, shall determine the date or dates, maturities, denominations, interest rate or rates, and other details of each issue of Notes and shall provide for the sale thereof.

(NOTE: Proposed terms of tax anticipation notes are set forth in correspondence from Bath Savings Institution attached to this Resolution as Exhibit A. It should be further noted that the intent of the City is to utilize tax anticipation funding as a line of credit and only the amounts that become necessary to provide adequate cash flow will be borrowed. It is further anticipated that any tax anticipation borrowing will be repaid within Three (3) months of the borrowing.)

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

John Bubier, City Manager, explained the reason this Resolution was being brought before Council.

David Williams, Finance Director, explained the financing portion of the Resolution.

**Vote:**

**Yeas: 6**

**Nays: 1 (Hinds)**

**Resolution passed 6-1**

**Item 7 Order: Appointment of Director of Recreation Department**

Chairman Winglass read the following Order:

ORDER

PURSUANT TO SECTION 404 OF THE CHARTER OF THE CITY OF BATH, THE CITY COUNCIL OF THE CITY OF BATH HEREBY CONFIRMS THE CITY MANAGER'S APPOINTMENT OF DORENE BUNNELL AS DIRECTOR OF THE RECREATION DEPARTMENT, IN CONCERT WITH THE RECREATION COMMISSION'S RECOMMENDATION, SAID APPOINTMENT TO BE RETROACTIVE TO AUGUST 1, 2005.

Dorene Bunnell, Recreation Director Appointee, spoke thanking the Council and City Staff for their

support and stated she was looking forward to the work ahead.

**Vote:**

**Yeas: 7**

**Nays: 0**

**Order passed unanimously 7-0**

**Item 8 Order: Appointment of City Tree Warden**

Chairman Winglass read the following Order:

**ORDER**  
**APPOINTING CITY TREE WARDEN**

WHEREAS, the City, through the Forestry Division and Community Forestry Committee, has shown concern with the community forest as a valuable part of the Cities infrastructure and,

WHEREAS, State law Title 30A § 3282 provides municipalities the power to appoint a Tree Warden annually and,

WHEREAS, said law gives the Warden control of the care of the municipal trees and the power to enforce all laws relating to the preservation of those trees and,

WHEREAS, Bath City Council adopted a forestry ordinance May 7,1993 and,

WHEREAS, Thomas Hoerth has worked in the capacity of the City Forester and has shown his abilities in the care and concern for the City's trees and,

WHEREAS, Thomas Hoerth is qualified by virtue of his experience, licensure and position as City Forester/ Arborist,

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that Thomas Hoerth is hereby appointed as the City Tree Warden for one year from this date.

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

Tom Hoerth, Tree Warden Appointee, thanked the Council, City Manager and Denis Hebert for their support during the past year. He stated that the Forestry Ordinance needed to be revised and he would approach the Forestry Committee to do that.

Councilor Mitchell asked that a workshop with Mr. Hoerth be planned for the near future.

**Vote:**

**Yeas: 7**

**Nays: 0**

**Order passed unanimously 7-0**

**G. Petitions & Communications: 7:20 PM**

Chairman Winglass reminded the public of the 7<sup>th</sup> Annual Citizen Involvement Day that would be taking place on September 17 at Waterfront Park and urged the public to attend.

Chairman Winglass read the following letter:

Dear Chairman Winglass,

On behalf of the officers and crew of the BAINBRIDGE, I would like to extend my most sincere thanks to the Bath City Council for the presentation of the Key to the City. The Bath community's patriotism and support for our Navy is truly overwhelming. Our time here in Bath has been a great experience for all of us and your efforts are certainly appreciated. We will miss the warmth and hospitality of your great community.

Sincerely,  
John M. Dorey  
Commander, U.S. Navy

#### **H. City Manager's Report: 7:23 PM**

John Bubier, City Manager, gave his farewell statement and thanked Council for their support during the past 8-1/2 years of his service to the City of Bath. The Council in turn thanked John for his dedicated work and support of the City's interests.

#### **I. Committee Reports: 7:33 PM**

Councilor Hart informed Council of the recent training of members of the Community Policing in the use of the speed radar. This project is to gather data of speeding problems throughout the City.

Chairman Winglass advised the Council and the public that the City is addressing the 15-mile per hour speed limit issue by sending a letter to Mr. Randy Dutton of the Maine Department of Transportation trying to work out a solution to the matter.

Chairman Winglass spoke regarding the recent wedding of Main Street Coordinator, Mari Huotari and Daniel Eosco. In lieu of gifts the couple started a capital campaign to help fund the preservation of the Winter Street Church. He urged the public to check out the web site for this campaign and to donate to the cause.

#### **J. Old Business: 7:35 PM**

There was no old business.

#### **K. New Business: 7:40 PM**

Councilor Hart gave a report on the expenses of hosting the KVAC Track meets and how the money received is used. He also asked that Council schedule a workshop to go over their goals. Council decided to take them up during the Workshop on September 12<sup>th</sup>.

Motion by Councilor Mitchell to appoint Timothy Beaulieu and Madeline Williams to the Bath Zoning Board of Appeals with terms to expire in September 2008. Councilor Hinds seconded the motion. All in favor.

Motion by Councilor Mitchell to appoint Robin Haynes, James Hopkinson, and Jennifer DeChant to the Bath Planning Board with terms to expire in September 2008. Councilor Hinds seconded the motion. All in favor.

The meeting adjourned at 7:45 PM with a motion made by Councilor Hinds and seconded by Councilor Mitchell. 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.*