

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, October 5, 2005 6:00pm
City Council Chambers, Bath City Hall

Present: Councilors Hinds, Blake, Wyman, Hart, Pagurko, Mitchell and Chairman Winglass.

Late: Councilor Quimby

Absent: Councilor Daigle

Also in attendance was the Acting City Manager – Paul Mateosian, 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: 6:03 PM

- 1) **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 (second 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 October 5, 2005 Council Meeting.*

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

Motion by Councilor Mitchell, second by Councilor Pagurko to amend the Ordinance changing under Commercial Street, West Side, “2 hour parking” to “4 hour parking”.

Roll Call Vote on amendment:

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

Nays: None

Amendment Passed Unanimously. 6-0

Roll Call Vote on Amended Ordinance:

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

Nays: None

Ordinance Passed Unanimously. 6-0

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

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

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

Motion by Councilor Blake, second by Councilor Hinds to waive the reading of this Ordinance. *A complete copy of the Ordinance is on file in the Bath City Clerk's Office with the agenda materials for the October 5, 2005 Council Meeting.*

Charles Turcotte of 677 Middle Street asked why this didn't need to go to public referendum.

The City Solicitor explained that bond issues only have to go to referendum if they are to be considered outside of the tax cap.

Roll Call Vote:

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

Nays: None

Ordinance Passed Unanimously. 6-0

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

3) Ordinance: LUC Amend Article 2, Section 2.02 - Kennel (second 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 Mitchell, second by Councilor Hinds to put this Ordinance on the floor for discussion.

Roll Call Vote:

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

Nays: None

Ordinance Passed Unanimously. 6-0

4) Provide information and receive citizen comments on a Special Projects Matching fund of \$3,000 from the Department of Economic and Community Development to help support the annual Bath Citizen Involvement Day Event

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

Al Smith, Community Development Coordinator, stated that the 2006 Block Grant Program would be for public infrastructure grant next month. He explained the awarding of the \$3,000 grant that supported the 7th annual Citizen Involvement Day event held on September 17th. Mr. Smith stated that the grant covered the expenses for the 7th Annual event and there was some left over to help toward next year's event. He announced the winners of the awards this year: the Citizen of the Year to George and Pamela Snyder for their work at the Soup Kitchen, Community Spirit Award went to the Artworks mobile art van, Community Project of the Year went to the Spirit of the Sea Committee, the Garden Club and Cemeteries and Parks Department for their work on the restoration of "the Spirit of the Sea" statue. There were 37 organizations represented at the event and music, food and networking was enjoyed by everyone in attendance.

A. Consent Agenda: 6:20 PM

5)* Acceptance of the Minutes to the meeting of September 7, 2005. Motion by Councilor Wyman, second by Councilor Blake to accept the minutes as presented. All in favor.

A. Time Devoted to Residents to Address the City Council: 6:21 PM

No one spoke at this time.

F. Ordinances, Resolutions and Orders: 6:21 PM

Item 6 Order: Prepare Notice of Election to notify inhabitants of the Maine State Referendum Election to be held on Tuesday, November 8, 2005

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

Chairman Winglass read the following Order:

ORDER

In City Council
October 5, 2005

BE IT HEREBY ORDERED BY THE CITY COUNCIL, AS FOLLOWS:

That, the Notice of State of Maine Referendum Election be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the Referendum Election will be held at Bath Middle School, 6 Old Brunswick Road (1-7 inclusive), on Tuesday, November 8, 2005 for the purpose of determining the following questions:

To determine seven (7) Referendum Questions.

Absentee Ballots shall be processed Election Day at 10:00am, 11:00am, 1:00pm, 2:00pm, 3:00pm and 7:00pm.

The polls shall be opened at 9:00am and closed at 8:00pm.

Councilor Quimby took his seat on Council at this time.

Vote on Order:

Yeas: Hinds; Quimby; Blake; Wyman; Hart; Pagurko; Mitchell
Nays: None
Order Passed Unanimously. 7-0

Item 7 – Order: Prepare Election Warrant to notify inhabitants of City of Bath Municipal Election to be held on Tuesday, November 8, 2005

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

Chairman Winglass read the following Order:

ORDER

In City Council
October 5, 2005

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 Bath Middle School, 6 Old Brunswick Road (1-7) inclusive, on the Tuesday following the first Monday of November, the same being the 8th day of said month, in the year of our Lord Two Thousand Five, at 9 O'clock in the forenoon, then and there, to cast their votes at the Municipal Election in their respective Wards for:

City Councilors to be Elected:

Ward One	One to be Elected for a three year term
Ward Two	None to be Elected
Ward Three	None to be Elected
Ward Four	None to be Elected
Ward Five	None to be Elected
Ward Six	One to be Elected for a three year term
Ward Seven	None to be Elected
At Large	One to be Elected for a three year term
At Large	None to be Elected

1 Member to the Board of Education – Ward 3 - 3 year term
1 Member to the Board of Education – Ward 5 - 3 year term
1 Member to the Board of Education – Ward 7 - 3 year term

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: Hinds; Quimby; Blake; Wyman; Hart; Pagurko; Mitchell
Nays: None
Order Passed Unanimously. 7-0

Item 8 Order: Appointment of Wardens and Ward Clerks for the November 8, 2005 Election

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

Chairman Winglass read the following Order:

ORDER

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

that the following be appointed for the Maine State Referendum Election and the City of Bath Municipal Election to be held on Tuesday, November 8, 2005:

<u>Ward</u>	<u>Warden</u>	<u>Ward Clerk</u>
1	Darlene Compton	Barry Compton
2	Pamela Murray	Douglas Soucie
3	Sally Hordeman	Douglas Knight
4	Carol Duehring	Harriet Smith
5	Cindy Gabelmann	Judith Lemoine
6	Ruthe Pagurko	Barbara Day
7	Jackie Dwinal	Rachel Bennett

Vote Order:

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

Nays: None

Order Passed Unanimously. 7-0

Item 9 Order: Setting hourly schedule of the Office of Voting Registrar

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

Chairman Winglass read the following 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 of Maine General/Referendum Election and City of Bath Municipal Election to be held Tuesday, November 8, 2005 except for Saturday, November 5, 2005 from 10:00am to 3:00pm at the City Clerks Office, 55 Front Street.

Voters may register on the Day of the Election from 7:30 AM – 8:00 PM at the City Clerk’s Office or from 9:00 AM – 8:00 PM at the polls at the Bath Middle School, 6 Old Brunswick Road.

Vote Order:

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

Nays: None

Order Passed Unanimously. 7-0

Item 10 Approval of Central Maine Power Company/Verizon Pole location on Whiskeag Road

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

Motion by Councilor Mitchell to table this item until the November 2, 2005 Council Meeting and have the Acting City Manager and the City Solicitor look further into this matter and bring back a better detailed map of the area and pole locations. The motion was seconded by Councilor Hinds. All in favor.

Item 11 Appointments of Candidates to the Gateway 1 Response Panel

Chairman Winglass read the following list of candidates:

Peter Robohm – Chairman	William King
Eric Allen	William Blake
Joseph Byrnes	William Reed
Craig Burgess	Leverett Mitchell
James Harper	Jane Morse
John Fox, Jr.	Ned Sewall
James Hopkinson	Jim Upham, City Planner

Alternates:

Robin Haynes
Elena Vandervort
Keith Hinds

Vote on Appointments:

Yeas: 7

Nays: 0

Appointments passed unanimously 7-0

G. Petitions & Communications: 6:48 PM

Edward True, Chairman of the Board of Directors for the Old Customs House gave the 27th Annual Report for the facility. Mr. True stated that all spaces are being rented at the present time and the building was in sound structure. He reported that the elevator was upgraded at a cost of \$24,800 so the revenues were down due to that payment. The repairs to the roof were still ongoing.

Councilor Quimby thanked Mr. True and the Board for their work in keeping the building in such good repair.

Councilor Hart reported on two complaints from citizens in his ward regarding speeding issues.

Chairman Winglass read a letter from Mary Ellen Stanton requesting that the Lambert Park Recreation Center Building be dedicated in honor of the previous Recreation Director, John “Jack” Hart for his many years of service in that role and as the driving force behind the building becoming a reality. There was unanimous consensus of the Council that this dedication takes place. The Acting City Manager was directed to see that this happens.

H. City Manager’s Report: 6:48 PM

The Acting City Manager reported on the following topics:

- Thanked the Council for their support of him in taking the position of Acting City Manager.
- Stated the 5th Annual Downtown Conference would be held in Bath this year on October 12th.
- Stated he would be attending the MMA meeting regarding the BNAS closure.

I. Committee Reports: 6:51 PM

Councilor Hart reported that the Community Policing Committee held their 10th year anniversary party at James Gillies.

J. Old Business: 6:53 PM

Councilor Hart thanked the City Council for their support in getting two issues taking care of in his ward, the striping of North Street and the hook up at the Oak Grove Cemetery. He also stated that he had received a letter from a constituent regarding the wonderful service he received while registering his vehicle in the Treasurer’s Office.

Councilor Blake addressed an issue that occurred during the recent street closure/detour project on Front Street. The fact that stores were open during this closure time needed to be posted for the public’s information. It was suggested that the Acting City Manager pass this suggestion on to the Public Works Department should this issue happen again.

Chairman Winglass reported that the second phase of the Southend Park project has been completed. The Park Committee is planning a gathering of citizens to celebrate the opening of the Park in the near future.

K. New Business: 6:56 PM

There was no new business.

Motion by Councilor Hart, second by Councilor Pagurko to go into Executive Session to discuss the following items:

Abatement Matters per 1 MRSA §405(6)(F) and 36 MRSA§8511(2)(E) and Personnel Matter per 1 MRSA §405(6)(A). All in favor.

Motion by Councilor Wyman, second by Councilor Pagurko to come out of Executive Session. All in favor.

The meeting adjourned at 7:31 PM with a motion made by Councilor Hart 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.