

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, November 2, 2005 6:00pm
City Council Chambers, Bath City Hall

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

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.

Chairman Winglass read a proclamation in observance of World Town Planning Day, which recognizes and promotes the role of planning in the creating of livable communities. The Council voted unanimously in favor of this proclamation

Councilor Quimby took his seat during the reading of the proclamation.

C. Consent Agenda: 6:10 PM

1) *Acceptance of the Minutes to the meeting of October 5, 2005. Motion by Councilor Mitchell, second by Councilor Pagurko to accept the minutes as presented. All in favor.

D. Time Devoted to Residents to Address the City Council: 6:11 PM

Heather Cressey of Woolwich asked to speak to Council. Motion by Councilor Blake, second by Councilor Daigle to waive the rules and let Ms. Cressey to speak.

Vote on motion:

Yeas: Hinds, Quimby, Blake, Wyman, Daigle, Pagurko

Nays: Mitchell, Hart

Motion Passed 6-2

Ms. Cressey voiced concerns over the proposed development of the Bathport property. She urged that close attention be given to the plans in relation to the Comprehensive Plan and C1 zoning and would like to see more of an integration of downtown business and public waterfront uses in the development of the waterfront.

Amy Leonard of Bath spoke regarding her concerns over the proposed development on the waterfront. Ms. Leonard asked that the development plans protect the citizens and land as outlined in the Comprehensive Plan. She hoped that waterfront development would incorporate both stores and residences.

Harry Story of 20 Western Avenue spoke in favor of the proposed waterfront development. Mr. Story stated that this project would produce a much needed tax base.

John Ring of 60 North Street spoke in favor of the Bathport project as long as it is done in accordance with the in-place guidelines. He stated that Bath is in need of more up scale housing.

Jacqueline Zimowski of Washington Street stated that she was against the project because it was ugly and didn't fit in with the downtown buildings.

John Bliss of 32 Oak Street stated that Bath is suffering from suburban values (known as snob zoning) that are compromising Bath's ability to compete economically with other cities, bring new jobs to the City, create new businesses, and diversify the economy away from dependence on one employer. Mr. Bliss asked Council to recognize the need for mixed-use developments, not single use, segregated, residential land uses and for a more welcoming attitude toward commercial job-creating opportunities for everyone that lives in Bath.

Channing Jones of 1077 Washington Street stated that it is important to keep the downtown connected to the waterfront. He would like to see a lot more consideration given to development along the waterfront as once the waterfront is given over to condos, it is very hard to get back to a working waterfront.

Laurie Small of Middle Street stated that she feels that what is proposed is totally inappropriate for Bath.

Councilor Hart stated that the proposed project fits into the waterfront plan done in 1999.

E. Ordinances, Resolutions and Orders: 6:40 PM

Item 2 - Ordinance: Chapter 8A. General Assistance Maximums for October 1, 2005 to September 30, 2006 (first 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.

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

Deb Zorach, General Assistance Director, explained the process.

Councilor Daigle left his seat at this time.

Motion by Councilor Mitchell, second by Councilor Pagurko to move the vote.

Roll Call Vote on Ordinance:

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

Nays: None

Order Passed Unanimously. 7-0

Chairman Winglass set second passage of this ordinance for December 7, 2005 at 6:01PM.

Item 3 – Ordinance: Supplemental Appropriation Public Works Vehicles (first passage)

Chairman Winglass read the following Order:

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).

Peter Owen, Public Works Director, explained the condition of the vehicles and that the monies generated by the sale would go back into the Department's capital replacement account.

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

Roll Call Vote on Ordinance:

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

Nays: None

Order Passed Unanimously. 7-0

Chairman Winglass set second passage of this ordinance for December 7, 2005 at 6:02PM.

Item 4 - Approval of Central Maine Power/Verizon Pole location on Whiskeag Road

Chairman Winglass explained the history of this item. He asked the City Solicitor to report to Council his findings during his investigation of this item.

Roger Therriault, City Solicitor, explained that the findings concluded that one of the pole locations was indeed on the property of Ms. Russell. Central Maine Power Company agreed to move the pole location to be within the right of way. Therefore, Mr. Therriault urged Council to approve Central Maine Power's permit request.

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

Councilor Blake asked that in the instance of these type of items in the future, she would like to see a map to back up the request.

City Solicitor Therriault stated that he didn't believe Central Maine Power Company does a map for these requests.

Vote Order:

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

Nays: None

Order Passed Unanimously. 7-0

Item 5 - 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)

Peter Owen, Public Works Director, explained the proposed improvement to the roofing over the fueling station would only be taken out of the bond monies if there were sufficient funds to cover the already listed other improvements to the Department's facility.

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

Councilor Daigle returned to his seat at this time.

Roll Call Vote on Ordinance:

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

Nays: None

Abstention: Daigle

Order Passed. 7-0-1

Chairman Winglass set second passage of this Ordinance on December 7, 2005 at 6:03 PM.

Item 6 - Order: Award Sale Under Section 7.114 Public Works Truck

Chairman Winglass read the following Order:

**ORDER
AWARD SALE UNDER SECTION 7.114
PUBLIC WORKS TRUCKS**

PURSUANT TO THE REQUIREMENTS OF SECTION 7.114 OF THE CODE OF THE CITY OF BATH, THE CITY COUNCIL OF THE CITY OF BATH HEREBY APPROVES THE SALE OF A PUBLIC WORKS 1988 TRIAXLE DUMP TRUCK AND A 1987 SINGLE AXLE PLOW TRUCK, SAID EQUIPMENT NO LONGER BEING USEABLE BY THE CITY. IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE BID OF BILL WHORF, BEING THE HIGHEST BID, IN THE AMOUNT OF \$12,000.00 FOR THE TRIAXLE AND \$1,500.00 FOR THE PLOW TRUCK, FOR THE PURCHASE OF THE EQUIPMENT, BE AND HEREBY IS ACCEPTED AND THE MANAGER IS HEREBY AUTHORIZED TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS IN ORDER TO CONSUMMATE THE SALE.

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

Vote on Order:

Yeas: 8

Nays: 0

Order Passed Unanimously. 8-0

F. Petitions & Communications: 7:05 PM

Councilor Hart reported on a communication from a Mr. Ross on Old Brunswick Road, which dealt with a CMP streetlight that was out. Councilor Hart shared a form that he had gotten from the City Manager's Office that puts in a Fix Order for streetlights that are out. Sherry in the City Manager's Office will fax the forms off to CMP.

Councilor Mitchell stated that he had talked to a citizen on Edgett Street that had concerns with parking issues that would arise with the proposed Tedford Shelter project on Edgett Street. He suggested that Edgett Street become a "No Parking" zone.

William Edgett of 2 Edgett Street spoke against the "No Parking" zone.

Chairman Winglass read a letter from Caroline Hall, program coordinator for the "Read with Me" Family Literacy Project. She thanked Council for their financial support of the program. Mr. Winglass also shared some letters from Middle School 7th grade students that are enrolled in a City trees inventory project under the direction of Tom Hoerth, City Tree Warden.

G. City Manager's Report: 7:19 PM

The Acting City Manager reported on the following topics:

- Update on the Governor's Advisory Council meeting on the BNAS Closure
- Economic Development Committee Meetings
- Drainage issues due to recent rain storms
- Suscom's sale to Comcast Corporation
- \$20,000 Waterfront, Public Land and Harbor Operation Plan Grant
- Update on Train Station project
- He thanked Brenda, Sherry and Council for their continued support

H. Committee Reports: 7:35 PM

Councilor Quimby reported that the Alewife Committee met with an engineer to discuss the building of a new fishway. He thanked the towns of West Bath, Phippsburg and Bath City Council for their financial support of the project.

Councilor Quimby gave an overview on the success of Candidates Night and asked that Council give Henry Mann a Certificate of Appreciation for his participation as host of the evening. All in favor.

Council Hart reported on the SCLC Meetings. Citizen Policing held a Halloween Party at the Maritime Apartments. The Waterfront Park Committee will be meeting with CMP to discuss lighting issues in Waterfront Park. He gave an update on the Community Speed program.

Chairman Winglass reported on the Main Street Bath Annual Meeting. He complimented Elena Vandervoort on her exemplary leadership as President for the past three years and Jane Morse on her election as the new President.

I. Old Business: 7:40 PM

Councilor Daigle asked Council to keep in mind the possibility of renting out space at the Train Station to bring in revenue.

Councilor Mitchell asked that Council consider doing a Workshop regarding the Waterfront Park Committee.

J. New Business: 7:43 PM

7) Appointment of two members to the Bath Forestry Committee with a 3-year commitment.

Councilor Mitchell nominated Margo Oliver and Bruce Brennan to the Bath Forestry Committee. Councilor Hinds seconded the nominations. All in favor.

8) Appointment of two members to the Bath Recreation Commission with terms to expire in November 2008.

Councilor Mitchell nominated Gregory Page and Shawn Seeley to the Bath Recreation Commission. Councilor Hinds seconded the nominations. All in favor.

Motion by Councilor Quimby, second by Councilor Pagurko to go into Executive Session to discuss the following items: Personnel Matter per 1 MRSA §405(6)(A). All in favor.

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

The meeting adjourned at 8:15 PM with a motion made by Councilor Hinds and seconded by Councilor Daigle. 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.