

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, December 6, 2006 7:30pm
City Council Chambers, Bath City Hall

Present: Councilors Hinds, Omo, Mulligan, Rogers, Verville, Pagurko, Winglass, Chairman Wyman.
Absent: Councilor Hart

Also in attendance was the City Manager – William Giroux, City Solicitor - Roger Therriault and City Clerk - Mary White.

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

Thomas Barrington, Co-Chairman of the Bath Forestry Committee, gave a report on the findings of the Forestry Committee regarding the Quinn property located at Butler Head. Mr. Barrington stated The Committee had the following reservations to the sale of property to Mr. Quinn: that the selling price be of fair equity value, the sale might set a precedent and there could be detrimental impact to the habitat.

The Committee came up with three proposed approaches to handle the issue. The first was to sell Mr. Quinn the property he had requested. Mr. Barrington listed the advantages that would result from the sale: Mr. Quinn getting his land, increase to the City's tax base and the proceeds being directed to the preservation of the Butler Head region. The disadvantages would be setting a precedent and possible detriment to the ecology. The second approach would be to trade some non-waterfront land to Mr. Quinn. The advantages would entail Mr. Quinn being able to build his cottage, increase to the City's tax base and Butler Head would retain shoreland property. The disadvantage would be no proceeds realized. The third proposal was to sell the Butler Head property to a non-profit agency. The advantages to that would be funds from the sale, Butler Head properties would be permanently protected, no future building would be done and there would be no precedent set. The disadvantages would be Mr. Quinn wouldn't be able to build and 1 time sell price and no increase in the City's tax base.

Mr. Barrington stated the Committee would like the City to hold Mr. Quinn to what he says he will do if it should be worked out that he would be able to build his cottage.

Dorothy McKenna, Mr. Quinn's aunt, told Council that she believed Mr. Quinn might indeed be interested in a swap of land if he could retain a right-of-way to the waterfront.

Councilor Winglass made a motion that the City Staff meet with Mr. Quinn and work out a swap or sale that would make it possible for him to build his cottage and that the Forestry Committee get in touch with some non-profit agencies that might be interested in buying the Butler Head property and work with City Staff to see that issue through to resolution. The motion was seconded by Councilor Pagurko.

Vote on Motion:

Yeas: 6

Nays: 0

Abstention: 1 (Rogers)

Mari Eosco, Coordinator for Main Street Bath, gave an update of what Main Street Bath had been working on over the past few months. The following is a list of items Main Street Bath had worked on this year: updated Map of the City of Bath, revamp of the archway between Front Street and the City

Parking Lot with murals done by James Stilphen, a new walking tour of downtown building architecture, Heritage Days, May Fair and Christmas in Bath.

Some projects that Main Street Bath is continuing to work on include upgrades to Waterfront Park, parking issues in the downtown, benches for downtown and improving signage throughout the City.

She stated that some upcoming projects were an architectural coloring book and a “So You Think You Know Bath” Program in March.

Ms. Eosco told Council that she would be resigning in a couple of weeks but a new coordinator would be on board by then. She said she would continue to be involved where needed in the City. She thanked Council for their continued support of Main Street Bath. The Council thanked Ms Eosco for her dedication to the City of Bath and on a job well done for Main Street Bath.

C. Public Hearings: 8:43 PM

1) Ordinance: Chapter 8A. General Assistance Maximums for October 1, 2006 to September 30, 2007 (second 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 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, 2006.

A complete copy of these maximums is on file in the Bath City Clerk's Office with the agenda materials for 12/06/2006 Council Meeting.

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

Chairman Wyman opened the public hearing. There were no comments from Council or the public.

ROLL CALL VOTE:

YEAS: Hinds, Omo, Mulligan, Rogers, Verville, Pagurko, Winglass

NAYS: None

Ordinance passed unanimously. 7-0

Chairman Wyman stated this Ordinance was retroactive to October 1, 2006.

D. Consent Agenda: 8:45 PM

2) Motion by Councilor Pagurko, second by Councilor Hinds to accept the Minutes as presented for the October 4 and 18, 2006 Council Meetings and Items F5, F6, F7 and F8 as listed on the agenda. All in favor.

E. Time Devoted to Residents to Address the City Council: 8:46 PM

No residents spoke at this time.

F. Ordinances, Resolutions and Orders: 8:46 PM

3. Nominations for the Election of Councilor to attend the Board of Education meetings pursuant to Chapter V, Section 502 of the City Charter

Councilor Hinds nominated Councilor Omo to be the Council Representative to the Board of Education until the first Wednesday in December 2007. The nomination was seconded by Councilor Pagurko. There were no other nominations. All were in favor of Councilor Omo as the Council Representative to the Bath Board of Education.

4. Nominations for the Election of Councilor to attend the Bath Water District Board of Directors meetings.

Councilor Pagurko nominated Chairman Wyman to be the Council Representative to the Bath Water District Board of Directors until the first Wednesday in December 2007. The nomination was seconded by Councilor Hinds. There were no other nominations. All were in favor of Councilor Wyman as the Council Representative to the Bath Water District Board of Directors.

***5. Order - setting regular meetings of the City Council (motion to pass Order)**

This was passed under the Consent Agenda.

***6. Order - adopting Robert's Rules of Order for parliamentary procedure (motion to pass Order)**

This was passed under the Consent Agenda.

***7. Adoption Working Rules and Regulations for Council year 2006-2007 (motion to pass)**

This was passed under the Consent Agenda.

***8. Order - Council approval on annual Blanket Letter of Approval on all renewals to operate Games of Chance and/or Beano Games (private clubs, etc.) (motion to grant approval)**

This was passed under the Consent Agenda.

9. Order – Appointing Finance Director (motion to pass Order)

Chairman Wyman 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 ABIGAIL C. YACOBEN AS FINANCE DIRECTOR, TAX COLLECTOR

AND TREASURER OF THE CITY OF BATH, SAID APPOINTMENT TO BE EFFECTIVE JANUARY 15, 2007.

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

Motion by Councilor Hinds to amend the Order by deleting “January 15, 2007” and adding “December 29, 2006”. Motion was seconded by Councilor Pagurko.

VOTE on Amendment to Order:

YEAS: 7

NAYS: 0

Amendment passed unanimously. 7-0

VOTE on Amended to Order:

YEAS: 7

NAYS: 0

Amended Order passed unanimously. 7-0

City Clerk White administered the Oath of Office to Ms. Yacoben at this time.

10. Order – Appointing Registrar of Voters for January 2007- December 2008 (motion to pass Order)

Chairman Wyman read the following Order:

ORDER APPOINTING REGISTRAR OF VOTERS

WHEREAS, Title 21-A Section 101 requires the Municipal Officers shall appoint a qualified Registrar of Voters by January 1 of each odd numbered year.

NOW, THEREFORE, be it ordered by the City Council of the City of Bath that Mary Jane White be and hereby is appointed Registrar of Voters for the City of Bath with a term to expire December 31, 2008.

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

VOTE on Order:

YEAS: 7

NAYS: 0

Order passed unanimously. 7-0

11. Order – Adopting the Bath CityBus Anti Drug and Alcohol Misuse Policy

Chairman Wyman read the following Order:

ORDER

IN ACCORDANCE WITH THE REQUIREMENTS OF 49 CFR PT. 655.15, WHICH REQUIRES THE ADOPTION OF AN ANTI DRUG AND ALCHOL MISUSE POLICY BY THE GOVERNING BODY OF THE EMPLOYER OR OPERATOR OF A SUBSIDIZED BUS SYSTEM, IT IS HEREBY ORDERED BY THE CITY COUNCIL THE CITY OF BATH THAT THE BATH CITYBUS DRUG

AND ALCOHOL TESTING POLICY AND PROCEDURES, SUBSTANTIALLY IN THE FORM PRESENTED WITH AND ATTACHED TO THIS ORDER, BE AND HEREBY IS APPROVED, TO BE APPLICABLE FROM ITS ORIGINAL DATE OF ADOPTION BY THE CITY MANAGER, JANUARY 1, 1997.

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

VOTE on Order:

YEAS: 7

NAYS: 0

Order passed unanimously. 7-0

G. Petitions & Communications: 8:54 PM

There were no petitions or communications.

H. City Manager's Report: 8:54 PM

There was no City Manager Report.

I. Committee Reports: 8:55 PM

Councilor Winglass told the Council that a new President of Main Street had been elected. Benjamin Burden has been chosen to replace outgoing President Jane Morse.

J. Old Business: 8:55 PM

There was no old business.

K. New Business: 8:55 PM

Councilor Omo asked when Goddard's Pond might be ready for skating. Mr. Giroux stated there was a little sand removal work to be done but thought the skating pond would be opened soon.

The meeting adjourned at 8:56 PM with a motion by Councilor Omo, seconded by Councilor Pagurko. All in favor.

Attest:

Mary J. White, City Clerk

Please note: These minutes are not recorded verbatim. A DVD recording of the meeting is available for review in the City Clerk's office during regular business hours.