

**REGULAR MEETING MINUTES**  
**City Council of the City of Bath, Maine**  
**Wednesday, March 1, 2006 6:00pm**  
**City Council Chambers, Bath City Hall**

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

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 made a presentation of a Proclamation and City Chair to Roy Lutz of the Bath Fire Department.

Chairman Wyman made a presentation of Plaques of Appreciation to former Councilors Mitchell and Daigle.

The presentation to Kerry Kay, State Youth Volunteer for 2006, was postponed to the March 15, 2006 Council Meeting.

**C. Public Hearings: 6:12 PM**

**1) Public Hearing - Supplemental Appropriation Sewer Utility Fund (second passage)**

Chairman Wyman read the following Ordinance:

**ORDINANCE**  
**SUPPLEMENTAL APPROPRIATION**

WHEREAS, there are significant balances in the Sewer Utility Fund Balance Account (estimated at 2.2 Million Dollars as of June 30, 2004), and

WHEREAS, there are significant needs in upgrading the sewer collection system, and

WHEREAS, there are specific needs for the construction of Pump Station upgrades, Sewer and Collection System repairs, and to reduce stormwater inflow, and

WHEREAS, the sum proposed to be appropriated by this Supplemental Appropriation, totaling at least One Hundred Thousand Dollars (100,000.00), will not exceed the expenditure limits for the current fiscal 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 One Hundred Thousand Dollars (\$100,000.00) be and hereby is supplementally appropriated from the Sewer Utility Fund Balance Account 7-2500, to Account CF05-938 for \$100,000.00.

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

**Roll Call Vote on Ordinance:**

**Yeas: Hinds, Omo, Quimby, Blake, Hart, Verville, Winglass**

**Nays: None**

**Ordinance Passed Unanimously. 7-0**

Chairman Wyman stated this would become effective in 21 days.

**D. Consent Agenda: 6:15 PM**

2) \*Acceptance of the Minutes to the meetings of February 1 and 8, 2006. Motion by Councilor Hart, second by Councilor Hinds to accept the Consent Agenda as presented. All in favor.

**E. Time Devoted to Residents to Address the City Council: 6:15 PM**

No one spoke at this time.

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

**Item 3) Order: Approving Contract with City Manager, William D. Giroux**

Chairman Wyman read the following Order:

**ORDER**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE CONTRACT WITH THE CITY MANAGER WILLIAM D. GIROUX, FOR A FOUR (4) YEAR PERIOD BEGINNING MARCH 13, 2006, BE AND HEREBY IS APPROVED.

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

**VOTE on Order:**

**Yeas: 7**

**Nays: 0**

**Order Passed Unanimously. 7-0**

**Item 4) Order: 2006 Dog Warrant for Unlicensed Dogs**

Chairman Wyman read the following Order:

**ORDER**

*Be It Ordered by the City Council of the City of Bath, that, a warrant for prosecuting unlicensed dog owners-keepers be prepared and issued in accordance with the provisions of Title 7 MRSA Section 3943.*

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

Councilor Pagurko took her seat at this time.

**VOTE on Order:**

**Yeas: 8**

**Nays: 0**

**Order Passed Unanimously. 8-0**

**Item 5) Order: Exercising the Alewife fishing rights at Winnegance Lake to be administered by the Winnegance Alewife Commission as per Harvest Plan**

Chairman Wyman read the following Order:

**ORDER**

*Be It Ordered by the City Council of the City of Bath, Maine, that the Alewife Fishing Rights at Winnegance Lake be operated by the Winnegance Alewife Commission as per Ordinance adopted August 28, 1985, and the municipal rights to take alewives will be sold by the Commission. The Harvest Plan (Condition and Regulations) will be submitted by the Commission setting forth in detail the exact conditions under which alewives may be taken, all in accordance with good conservation practices. This plan will be submitted to the Department of Marine Resources by the Commission with City of Bath approval.*

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

**VOTE on Order:**

**Yeas: 8**

**Nays: 0**

**Order Passed Unanimously. 8-0**

**Item 6) Order: Exercising the Alewife fishing rights at Whiskeag Creek to “Rod and Line” only**

Chairman Wyman read the following Order:

**ORDER**

*Be It Ordered by the City Council of the City of Bath, as follows:  
that, the taking of alewives at Whiskeag Creek will be restricted to “Rod and Line” only.*

Motion by Councilor Blake, seconded by Councilor Pagurko to put this item on the floor for discussion.

**VOTE on Order:**

**Yeas: 8**

**Nays: 0**

**Order Passed Unanimously. 8-0**

**Item 7) Order: Bingo games to be held at the Bath Area Senior Citizens Center at 45 Floral Street**

Chairman Wyman read the following Order:

**ORDER**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT, IN ACCORDANCE WITH THE REQUIREMENTS OF 17 M.R.S.A. §313 *et seq*, THE APPLICATION TO OPERATE OR CONDUCT “BEANO” OR “BINGO” AT THE BATH AREA SENIORS’ ACTIVITY CENTER ON 45 FLORAL STREET, IN BATH, BE AND HEREBY IS CONSENTED TO AND THAT THE CITY MANAGER IS AUTHORIZED BY THIS ORDER TO EXECUTE WHATEVER DOCUMENTS ARE NECESSARY TO EFFECTUATE THIS CONSENT.

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

**VOTE on Order:**

**Yeas: 7**

Nays: 0  
Abstention: Pagurko  
Order Passed Unanimously. 7-0-1

**Item 8) Ordinance: Amendment LUC Contract Rezoning Article 16, Section 16.12, 99 Commercial Street (first passage)**

This item was pulled from the agenda as the applicants are going back to the Planning Board with the new plan.

**Item 9) Ordinances: Amendment LUC Zoning Map changing the zoning on the parcel of land at 65 Bowery Street from Marine Business Zone (C5) to Waterfront Activity**

Motion by Councilor Blake, seconded by Councilor Quimby to waive the reading of the following Ordinance. All in favor.

**ORDINANCE**

WHEREAS, THE CITY COUNCIL OF THE CITY OF BATH, AS PART OF THE ADOPTION OF THE BATH LAND USE CODE ON JULY 19, 2000, EFFECTIVE AUGUST 9, 2000, DEPICTED THE BOUNDARIES OF ALL LAND USE DISTRICTS ON A ZONING MAP OF THE CITY OF BATH, ALSO DATED JULY 19, 2000, INCORPORATED BY REFERENCE INTO THE LAND USE CODE PURSUANT TO THE PROVISIONS OF SECTION 7.02 OF THE SAID CODE, AND

WHEREAS, IT IS NECESSARY AND APPROPRIATE THAT THE BOUNDARIES OF THE LAND USE DISTRICTS BE, FROM TIME TO TIME, ADJUSTED AND AMENDED, IN ORDER TO CREATE NEW DISTRICTS AND ADJUST BOUNDARY LINES OF EXISTING DISTRICTS,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE ZONING MAP OF THE CITY OF BATH, DATED JULY 19, 2000, BE AND HEREBY IS AMENDED IN ACCORDANCE WITH THE SKETCH PLAN ATTACHED HERETO AND MADE A PART HEREOF. THIS CHANGE SHALL BE INCORPORATED INTO AND BE PART OF THE OFFICIAL ZONING MAP OF THE CITY OF BATH. THE SPECIFIC ADJUSTMENT IS:

Changing the zoning on the parcel of land at 65 Bowery Street (tax map 20, lot 341) from Marine Business Zone (C5) to Waterfront Activity Zone (R5).

The applicant for this Zoning Map amendment is Dirigo Holdings, LLC (Bruce Poliquin).

Motion by Councilor Hinds, seconded by Quimby to put this item on the floor for discussion.

Bruce Poliquin, project developer, gave a brief overview of the proposed project.

Doris Ford of 94 Whiskeag Road spoke in favor of this project citing the need for housing of this type.

Rainer Pitthan of 38 Trufant Street spoke in support of development on the site and would like to see commercial development.

Harry Story of 20 Western Avenue spoke in support of the project stating that there is enough marine related use of waterfront area in Bath at the present and this project would bring jobs into Bath such as cleaning crews, plowing and trash pick up. Mr. Story cited truck traffic issues in the neighborhood as a problem of industrial use of this property.

Richard Hill of 71 South Street stated that it was time for the City to go forth with development. He proposed the Coal Pocket as a site for proposed marine related industry.

William Edgett of 2 Edgett Street asked for a show of hands of people in the room that were in favor of the project. Four people raised their hands.

Michael Kiernan of 870 Washington Street spoke regarding the proposed developments of residential condominiums for all of the area north of the bridge and that if they did indeed come to fruition they would equal a nautical mile. He stated that the cannery site would be an appropriate marine industry site.

Toni Rowe, real estate broker, stated that at this point in time there has not been any other offers satisfactory to the Bumble Bee Corporation.

**Roll Call Vote on Ordinance:**

**Yeas: Hart, Winglass**

**Nays: Hinds, Omo, Quimby, Blake, Verville, Pagurko**

**Ordinance Failed. 2-6**

**G. Petitions & Communications: 8:31**

There were no petitions or communications.

**H. City Manager's Report: 8:31**

Acting City Manager Paul Mateosian addressed the Council thanking them, City staff and the citizens of Bath for their support during his tenure as Acting City Manager. Mr. Mateosian gave his support to the Council's choice of William Giroux as the new City Manager.

**I. Committee Reports: 8:33**

Councilor Hart reported that Officer Jason Aucoin had been appointed to the Elder Services Program and Officer Brett McIntire has been assigned to the Maritime Apartments. He stated that the Student Liaison Council at Morse High School had raised money to be used towards the disaster relief on the Louisiana coast.

Councilor Verville informed Council there would be a breakfast held at the Starlite Cafe to support the Patten Free Library.

**J. Old Business: 8:38**

There was no Old Business.

**K. New Business: 8:38 PM**

Councilor Hinds nominated Stephen Wilson to fill the position on the Winnegance Alewife Commission with a term to expire in November of 2008. The motion was seconded by Councilor Pagurko. All were in favor of the nomination.

The meeting adjourned at 8:42 PM with a motion by Councilor Hinds, 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.*