

**SPECIAL MEETING MINUTES**  
**City Council of the City of Bath, Maine**  
**Wednesday, April 19, 2006 6:00 pm**  
**Council Chambers, Bath City Hall**

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

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

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

**I. Public Hearing: Liquor License for OPPO LLC located at 38 Centre Street 6:01 PM**

Chairman Wyman opened the Public Hearing and explained the details of the license.

There was no public comment.

Chairman Wyman closed the Public Hearing and called for a vote. The license was approved by unanimous approval.

**II. Public Hearing: CDBG WingFarm 2 Feasibility Study Grant 6:02 PM**

Jim Upham, City Planner, gave a brief history of the WingFarm project and an update of the businesses that are now located there. He explained the need for this grant and gave an overview of a proposed timeline and plan by which the study would occur. Mr. Upham summarized the types of businesses that might be able to use the referenced property if it is determined to be developable.

William Edgett of 2 Edgett Street stated that he was not against the project, but there were a couple things he wanted to mention. Mr. Edgett pointed out that the area next to the dance studio and the warehouse are for sale so there was open space in the WingFarm Park at the present time.

There was a consensus among the Council member present that the Community Development Department should go ahead with the application process for the Feasibility Study Grant.

**III. Emergency Supplemental Appropriations Ordinance regarding Sewer Utilities 6:17 PM**

Chairman Wyman read the following Ordinance:

**EMERGENCY SUPPLEMENTAL APPROPRIATIONS ORDINANCE**  
**EMERGENCY PREAMBLE**

WHEREAS, the City Council of the City of Bath has the authority and obligation to address public emergencies which affect the life, health, and property of the Inhabitants of the City of Bath; and

WHEREAS, such a situation has been brought to the attention of the City Council whereby effluent and raw sewerage is escaping from the City's sewer collection system and affecting private property on and near Park Street; and

WHEREAS, this effluent and raw sewerage contains pathogens and other disease causing elements and represents a hazard to adults, children, and animals, affects the property owner's use of their property, creates odors and is an unsuitable and inappropriate condition; and

WHEREAS, this condition has occurred on at least eleven (11) occasions since October of 2005, and now occurs even during modest rain events.

NOW, THEREFORE BE IT HEREBY DECLARED by the City Council of the City of Bath that emergency circumstances exist with regard to the malfunction in the City's sewer collection system in the area of Park Street, which meets the terms and conditions of Section 611(B) and Section 222 of the Charter of the City of Bath.

### **ORDINANCE**

BE IT HEREBY ORDAINED by the City Council of the City of Bath, pursuant to the provisions of Section 611(B) of the Charter of the City of Bath and by reference, Section 222 of the Charter of the City of Bath, after having first determined and declared a public emergency to exist, and continuing to exist as of the date of this Ordinance, as follows:

1. The City Council does hereby appropriate, on an emergency basis, from the Sewer Utility Fund Balance Account 7-2500, the amount of \$1,500,000.00, to be appropriated for the purpose of repairing, replacing and renovating the sewer collection system and if required to separate storm water from the sewer collection system, in the Park Street area and in any other areas in the City where effluent is escaping the system and affecting public or private property. The amount shall be appropriated to Account CF05-938 for accounting purposes.

2. The amount being supplementally appropriated under this Emergency Ordinance, is based on the last annual audit of the Sewer Utility Fund, and based on certification by the City's Finance Director and the City Manager. Based on the provisions of Section 611(B), this Emergency Ordinance shall not expire sixty (60) days after its enactment, but shall remain in full force and effect until such time as the emergency conditions have been fully abated. Any amount remaining from the appropriation at that point in time after payment of all costs and expenses will lapse back into the Sewer Utility Fund Balance Account. The appropriation of these funds on an emergency basis does not create an issue with respect to the limitation on municipal expenditures contained in Section 617 of the Charter based on the exemption contained in Subsection (6) for emergency appropriations approved by City Council under Section 611(B) of the Charter.

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

William Giroux, City Manager, stated that the city staff is reviewing this project and plan to start work this summer, adding that this project will take considerable time to complete.

Peter Owen, Public Works Director, gave an overview of the areas that were being looked at for upgrades and reported on the process of fixing the problems.

Steve Bradstreet, Consultant from Edwards & Kelcey, gave an overview of the preliminary findings of the initial investigation of the problems of sewer system.

Aaron Park of 24 Park Street thanked the Council for moving ahead with the action to correct the problems and asked that they support the ordinance.

Jon Brandon of 33 Park Street thanked the Council for the ordinance.

Alfred Brown of 1 Juniper Street reported on the problem he has on his property every time it rains. Mr. Brown stated he appreciated the Council acting on this.

**VOTE on Ordinance:**

**Yeas: Omo, Blake, Hart, Verville, Pagurko, Winglass**

**Nays: None**

**Ordinance Passed Unanimously 6-0**

**IV. Appointment to the Forestry Committee 6:40 PM**

Councilor Pagurko nominated Edmund Benedikt to fill the vacant position on the Forestry Committee. Councilor Omo seconded the nomination. All in favor.

**V. Proclamation Community Development Week 6:41 PM**

Chairman Wyman read the following Proclamation:

**PROCLAMATION**

**WHEREAS**, the week of April 17-23, 2006 has been designated as National Community Development Week, and the City of Bath is a participant in the Community Development Block Grant (CDBG) program which funds a myriad of social service, infrastructure, economic development and housing programs in the state, and

**WHEREAS**, in the City of Bath and in communities throughout the nation, thirty years of Community Development Block Grant program funding has developed a strong network of relationships between state and local governments, residents and the many non-profit agencies that provide services and make possible our commitment to those neighborhoods, and

**WHEREAS**, the City of Bath recognizes that the Community Development Block Grant program is a partnership of Federal, State, and local government, business, non-profit and community efforts, and that the services funded by the Federal CDBG program, administered by the local government and often delivered by local non-profit organizations, relies heavily on the dedication of and good will of our combined efforts, and

**THEREFORE BE IT RESOLVED**, that during National Community Development Week 2006 the City of Bath will give special thanks and recognition to all participants whose hard work and devotion to the neighborhood and their low-and moderate-income residents help insure the effectiveness of the Community Development Block Grant program, and

**NOW, THEREFORE**, Bath City Council does hereby proclaim the week of April 17-23, 2006 as

**COMMUNITY DEVELOPMENT WEEK**

and urge all communities, citizens, civic leaders, and non-profit organizations to join us and hereby petition the U.S. Congress and Administration to recognize the outstanding work being done in Maine and nationally by the Community Development Block Grant program, and of its vital importance to the community and to the people who live in its lower income neighborhoods, to strongly support the

preservation and full funding of the Community Development Block Grant program and maintenance of its essential features over the course of the next session of Congress.

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

All were in favor of the proclamation.

Al Smith, Community Development Director, thanked Council for the Proclamation and explained the program and the needs it addresses in the community.

The meeting adjourned at 6:45 PM with a motion from Councilor Pagurko and a second from Councilor Omo. 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.*