

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, June 21, 2006 6:00 pm
Council Chambers, Bath City Hall

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

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. Ordinance: LUC Amend Article 8. Section 8.20 Contract Rezoning. Article 8. Section 8.07 Downtown Commercial District and Article 12. Section 12.07 Approval Void. (second passage) 6:01 PM

Councilor Hinds made a motion to waive the reading of the Ordinance. Councilor Pagurko seconded the motion. All in favor.

A complete copy of the Ordinance is on file in the City Clerk's Office with the agenda materials for the June 21, 2006 Council Meeting.

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

Jim Upham, City Planner, explained in detail the Ordinance changes.

Councilor Verville made a motion to amend the Ordinance to remove all strikeouts dealing with the Historic Overlay District, which refers to Page 1 Section 8.20 (B) (6) and Page 5 Section 8.12 (C) and (I). Councilor Pagurko seconded the motion.

VOTE on Amendment:

YEAS: Hinds, Omo, Quimby, Blake, Hart, Verville, Pagurko, Winglass

NAYS: None

Amendment was passed unanimously. 8-0

VOTE on Amended Ordinance:

YEAS: Hinds, Omo, Quimby, Blake, Hart, Verville, Pagurko, Winglass

NAYS: None

Amended Ordinance was passed unanimously. 8-0

Chairman Wyman stated that the Ordinance would be effective in 21 days.

II. Ordinance: Approving Amendment to Article 3. Section 6-23 Cemetery Lots (second passage) 6:29 PM

Councilor Hinds made a motion to waive the reading of the Ordinance. Councilor Pagurko seconded the motion. All in favor.

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 6. CEMETERIES AND PARKS

Article 3. Cemetery Lots

Section 6-23.

Be amended in accordance with the attached text. Additional language is identified by being underlined; language being deleted is noted as lined out. Note that changes in the pricing correspond to the previously approved Resolution.

A complete copy of the attached text is on file in the City Clerk's Office with the agenda materials for the June 21, 2006 Council Meeting.

VOTE on Ordinance:

YEAS: Hinds, Omo, Quimby, Blake, Hart, Verville, Pagurko, Winglass

NAYS: None

Ordinance was passed unanimously. 8-0

Chairman Wyman stated that this Ordinance would become effective in 21 days.

III. Ordinance: Chapter 4. Animals Article 1. Dogs, Section 4.07. Prohibitions and Penalties (g) (second passage) 6:31 PM

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 4. ANIMALS

Article 1. Dogs

Section 4.07. Prohibitions and Penalties

Amend Subsection (g) as follows:

(g) Leash requirements. The owners of all dogs within a City park area or designated recreation areas shall at all times control such dog(s) by means of a leash. Failure to do so shall be punished by a fine of not more than Fifty Dollars (\$50.00). This leash requirement shall not apply to the South End Park but other provisions regarding dogs, including the requirements of Subsection (h) below, shall remain applicable.

Motion by Councilor Quimby, seconded by Councilor Hart to put this Ordinance on the floor for discussion.

VOTE on Ordinance:

YEAS: Hinds, Omo, Quimby, Blake, Hart, Verville, Pagurko, Winglass

NAYS: None

Ordinance was passed unanimously. 8-0

Chairman Wyman stated that the Ordinance would become effective in 21 days.

IV. Order: Approving Contract for 2006 Street Improvement Program 6:32 PM

Chairman Wyman read the following Order:

**ORDER
APPROVING CONTRACT
2006 STREET IMPROVEMENT PROGRAM**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT A CONTRACT BY AND BETWEEN THE CITY OF BATH AND BILL WHORFF, INC. FOR THE 2006 STREET IMPROVEMENT PROGRAM IN THE AMOUNT OF \$466,015.00 BE AND HEREBY IS AWARDED, BILL WHORFF, INC. BEING THE LOWEST BIDDER. THE MANAGER IS AUTHORIZED TO EXECUTE THE CONTRACT AND ANY OTHER DOCUMENTS NECESSARY TO ITS IMPLEMENTATION. THE PROJECT WILL BE JOINTLY FUNDED FROM AVAILABLE FUNDS FROM THE 2006 STREETS CAPITAL IMPROVEMENT PROGRAM ACCOUNT (CIP02-875), STREET MAINTENANCE ACCOUNT (PW05 530), A CDBG INFRASTRUCTURE GRANT AND THE BATH WATER DISTRICT.

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

Peter Owen, Public Works Director, explained details of the work to be done, schedule and funding.

VOTE on Order:

YEAS: 8

NAYS: 0

Order was passed unanimously. 8-0

V. Order: Approving Boundary Agreement with the State of Maine 6:37PM

Chairman Wyman read the following Order:

**ORDER
APPROVING BOUNDARY AGREEMENT**

BE IT ORDERED by the City Council of the City of Bath that a Boundary Agreement between the City of Bath and the State of Maine, concerning abutting properties of the State utilized by the State railway system, and property of the City of Bath, located South of Commercial Street and East of Water Street, in accordance with the Boundary Agreement attached to this Order, be and hereby is approved and the City Manager is hereby authorized to execute said Boundary Agreement, in substantially the form presented, together with such other documents as may be required to establish the agreement.

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

Jim Upham and Michael Therriault explained the agreement boundaries using a site map.

VOTE on Order:

YEAS: 8

NAYS: 0

Order was passed unanimously. 8-0

VI. Resolution: City Operation Budget Component 6:44 PM

Chairman Wyman read the following Resolution:

**RESOLUTION
CITY OPERATING BUDGET COMPONENT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, that the City Operating Budget for the fiscal year commencing on July 1, 2006 and terminating on June 30, 2007, be and hereby is adopted with a total expenditure of **\$ 9,314,957.00.** balanced with an equal amount of estimated revenue. Summary of appropriations are attached to this resolution as Exhibit "A".

A complete copy of Exhibit "A" is on file in the City Clerk's Office with the agenda materials for the June 21, 2006 Council Meeting.

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

VOTE on Resolution:

YEAS: 8

NAYS: 0

Resolution was passed unanimously. 8-0

VII. Resolution: City Capital Improvement Budget 6:45 PM

Chairman Wyman read the following Resolution:

**RESOLUTION
CITY CAPITAL IMP. COMPONENT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, that the City Capital Improvement Budget as reallocated and/ or appropriated for the fiscal year commencing on July 1, 2006 and terminating on June 30, 2007, be and hereby is adopted with a total expenditure of **\$472,829.00.** balanced with an equal amount of estimated revenue. Summary of funded projects are attached to this Resolution as Exhibit "B".

A complete copy of Exhibit "B" is on file in the City Clerk's Office with the agenda materials for the June 21, 2006 Council Meeting.

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

VOTE on Resolution:

YEAS: 8

NAYS: 0

Resolution was passed unanimously. 8-0

VIII. Resolution: Sewer Utility Fund Budget 6:47 PM

Chairman Wyman read the following Resolution:

**RESOLUTION
SEWER UTILITY FUND COMPONENT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, that the Sewer Utility Fund Budget for the fiscal year commencing on July 1, 2006 and terminating on June 30, 2007, be and is hereby adopted with a total expenditure of \$1,939,623.00, balanced with an equal amount of estimated revenue. Summary of appropriations are attached to this Resolution as Exhibit "C".

A complete copy of Exhibit "C" is on file in the City Clerk's Office with the agenda materials for the June 21, 2006 Council Meeting.

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

VOTE on Resolution:

YEAS: 8

NAYS: 0

Resolution was passed unanimously. 8-0

IX. Resolution: Bath City Bus Fund Budget 6:48 PM

Chairman Wyman read the following Resolution:

**RESOLUTION
BATH CITY BUS FUND COMPONENT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, that the Bath City Bus Fund Budget for the fiscal year commencing on July 1, 2006 and terminating on June 30, 2007, be and is hereby adopted with a total expenditure of \$90,892.00, balanced with an equal amount of estimated revenue.

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

VOTE on Resolution:

YEAS: 8

NAYS: 0

Resolution was passed unanimously. 8-0

X. Order: Establishing Tax Club for the upcoming year 6:50 PM

Chairman Wyman read the following Order:

**ORDER
TAX CLUB FOR 2006 - 2007**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, as follows:

That the Finance Director, serving as the appointed Treasurer and Tax Collector, be authorized and empowered to continue a tax payment plan known as the "Bath Tax Club", making payments in a method, frequency, and manner set by, and in accordance with, the rules of said Tax Club as determined by the Finance Director; and

That membership shall be limited to one property, that being the taxpayer's primary residence, and specifically not available for commercial, industrial, personal, or rental properties; and

That membership in said Tax Club be limited to those taxpayers who were members in the 2005 Tax Club with accounts paid in full, without a history of delinquency and/or lien; and

That enrollment in the 2006 Tax Club begins July 6, 2006, and ends August 15, 2006, with the first of twelve payments due in September 2006.

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

VOTE on Order:

YEAS: 8

NAYS: 0

Order was passed unanimously. 8-0

XI. Resolution: Establishing interest rate on all delinquent taxes at the rate of 11.0% per annum 6:53 PM

Chairman Wyman read the following Resolution:

**RESOLUTION
ESTABLISH INTEREST RATE ON PROPERTY TAXES**

WHEREAS, pursuant to 36 M.R.S.A. Section 505(4) the City of Bath has the authority to specify an interest rate which shall be applied to delinquent taxes; and

WHEREAS, Section 7-101 of the Code of the City of Bath determines that the rate of interest is to be established yearly by Resolution of this Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath, that the interest rate due and payable for all delinquent taxes shall be set at the rate of 11.0% per annum, from July 1,2006 to June 30, 2007.

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

David Williams, Finance Director, explained the procedure for setting the interest rate as being the maximum the State will allow.

VOTE on Resolution:

YEAS: 8

NAYS: 0

Resolution was passed unanimously. 8-0

XII. Resolution: Establishing interest rate on delinquent sewer bills at the rate of 11.0% per annum 6:55 PM

Chairman Wyman read the following Resolution:

**RESOLUTION
ESTABLISH INTEREST RATE ON SEWER BILLS**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, as follows:

That the interest rate due and payable for all delinquent sewer bills shall be set at the rate of 11.0% per annum, from July 1, 2006 to June 30, 2007.

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

VOTE on Resolution:

YEAS: 8

NAYS: 0

Resolution was passed unanimously. 8-0

XIII. Resolution: Establishing interest rate on refunds due to tax abatements at the rate of 7.0% per annum 6:56 PM

Chairman Wyman read the following Resolution:

**RESOLUTION
ESTABLISH INTEREST RATE ON
REFUNDS DUE TO OVERPAYMENT OF TAXES**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, as follows:

That any taxpayer who pays an amount in excess of what is finally assessed (as in the case of a taxpayer who pays under protest, appeals the assessment, and is granted an abatement; or in the case of accidental overpayment of taxes by a mortgage company, taxpayer, or tax club member) must be repaid the amount of the overpayment, plus interest back to the date of the overpayment, at a rate of 7.0% per annum, from July 1,2006 to June 30,2007; and

That property tax payments can be received only for delinquent or currently due taxes; and

That payments resulting in an overpayment will be applied as much as possible to outstanding balances, then remainder repaid only to the payee.

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

David Williams, Finance Director, explained that the abatements are done within the first 180 days so they don't amount to much. He stated the 7.0% is the minimal level set by the State.

VOTE on Resolution:

YEAS: 8

NAYS: 0

Resolution was passed unanimously. 8-0

XIV. Resolution: City of Bath's Special Purpose Fund Budget 6:59 PM

Chairman Wyman read the following Resolution:

**RESOLUTION
SPECIAL PURPOSE FUND COMPONENT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, that the City of Bath's Special Purpose Fund as reallocated and/or appropriated for the fiscal year commencing on July 1, 2006 and terminating on June 30, 2007, be and is adopted for the purpose of funding the accounts attached to this Resolution as Exhibit "D".

A complete copy of Exhibit "D" is on file in the City Clerk's Office with the agenda materials for the June 21, 2006 Council Meeting.

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

VOTE on Resolution:

YEAS: 8

NAYS: 0

Resolution was passed unanimously. 8-0

XV. Ordinance: Approving Firefighters' Contract (first passage) 7:01 PM

Chairman Wyman read the following Ordinance:

**ORDINANCE
APPROVING FIREFIGHTERS' CONTRACT**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT A BARGAINING AGREEMENT WITH THE MEMBERS OF THE BATH FIREFIGHTERS ASSOCIATION, LOCAL NO. 1611 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, A.F.L. - C.I.O., COMMENCING JULY 1, 2005 AND EXTENDING THROUGH JUNE 30, 2007, A COPY OF WHICH IS ATTACHED HERETO, BE AND HEREBY IS APPROVED, AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SAID CONTRACT ON BEHALF OF THE CITY OF BATH.

A complete copy of the contract referenced is on file in the Bath City Clerk's office with the agenda materials for the June 21, 2006 Council Meeting.

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

VOTE on Ordinance:

YEAS: Hinds, Omo, Quimby, Blake, Hart, Verville, Pagurko, Winglass

NAYS: None

Ordinance was passed unanimously. 8-0

Chairman Wyman set second passage for July 5, 2006 at 6:01 PM.

The meeting adjourned at 7:04 PM with a motion from Councilor Hinds and a second from 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.