

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, July 5, 2006 6:00pm
City 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, City Solicitor - Roger Therriault and City Clerk - Mary White.

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

C. Public Hearings: 6:01 PM

1) Ordinance Approving Firefighters' Contract (second passage)

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 I, 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 July 5, 2006 Council Meeting.

Motion by Councilor Hart, second by Councilor Omo 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 this Ordinance would become effective in 21 days.

D. Consent Agenda: 6:03 PM

- 2) *Acceptance of the Minutes to the meetings of June 7, 14, 21 and 28, 2006. Motion by Councilor Hinds, second by Councilor Pagurko to accept the Consent Agenda as presented. All in favor

E. Time Devoted to Residents to Address the City Council: 6: 03 PM

Chairman Wyman stated that there would be no comment during the Petitions and Communications segment of the agenda so anyone wishing to address that item should do so now.

Nyree Thomas, a Bath resident, asked that Council consider having the referendum regarding the 99 Commercial Street petitions be held in November. She asked the cost of a special election and how the funding of the election would take place. City Clerk White stated that a special election would cost around \$8,500 and it would have to be paid out of City funds.

F. Ordinances, Resolutions and Orders: 6:05 PM

Item 3) Approval of a 30-Day extension to the Going Out of Business License for the Radio Shack at the Bath Shopping Center

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

VOTE:

YEAS: 8

NAYS: 0

Approval passed unanimously. 8-0

Item 4 Fee Schedule for Requests for Permits Required by the Land Use Code

Motion by Councilor Pagurko to waive the reading of the fee schedule. Councilor Quimby seconded the motion. All in favor.

A complete copy of these fees are on file in the Bath City Clerk's Office with the agenda materials for the July 5, 2006 Council Meeting.

Jim Upham explained that the date on the paperwork should have been July 5, 2006 and not July 11, 2006. He explained last year when the fee schedule had been accepted, he had forgotten to include a fee for a subdivision amendment and for a developmental subdivision amendment.

Councilor Blake asked that these fees and other City fees get increased annually so that fees are not increased at a higher rate. City Manager Giroux said he would look into getting this done during the Budget sessions.

VOTE:

YEAS: 8

NAYS: 0

Fee Schedule was passed unanimously. 8-0

Item 5 Order: Approving Easement – Front Street, SSC Ventures Inc. Property

Chairman Wyman read the following Order:

**ORDER
APPROVING EASEMENT**

WHEREAS, the City of Bath has become aware that a curb originally designed to be installed on the easterly side of Front Street adjacent to SSC Ventures, Inc. property has been installed as a stone wall by the abutting owner; and

WHEREAS, the stone wall encroaches upon and exists on City property; and

WHEREAS, a stone wall is not a usual and customary structure within a right of way; and

WHEREAS, the maintenance and repair of the stone wall is appropriately the responsibility of the adjacent property owner; and

WHEREAS, a formal Easement addressing permission to maintain the stone wall on City property and defining the responsibility for maintenance and repair of the stonewall is necessary and appropriate.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the Easement attached hereto is hereby approved and the City Manager is authorized to execute the Easement on behalf of the City of Bath.

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

Mr. Klingaman told Council there should be a correction to the mention of SSC Ventures, Inc. as being the owner of the property. He stated his wife is the owner of said property. Mr. Klingaman explained the project/application schedule and said the reason for the construction of a stone wall was due to site conditions.

VOTE on Order:

YEAS: 8

NAYS: 0

Order was passed unanimously. 8-0

G. Petitions & Communications: 6:15 PM

Mary White, City Clerk presented to Council a petition with 1,068 certified signatures to ask that the Ordinance regarding the 99 Commercial Street be repealed.

Councilor Quimby made the following motion: "Shall the ordinance specified in the referendum petition be repealed?". Councilor Blake seconded motion.

Motion by Councilor Winglass, seconded by Councilor Pagurko to put this item on the floor.

Roger Therriault, City Solicitor, explained that if the Council were in favor of repealing the Ordinance the Council would vote yes. That would rescind the action the Council took and make the Ordinance go away. If the Council wants the Ordinance to stand, they would vote no. The consequence of voting YES action would mean that the matter is all over. The consequence of voting NO would mean the Council would have to set a date for a referendum election. This referendum election would let the public decide whether to rescind the Ordinance as adopted by Council.

Vote on Repeal:

YEAS: Hinds, Pagurko

NAYS: Omo, Quimby, Blake, Hart, Verville, Winglass

Repeal failed. 2-6

Chairman Wyman read the following Order:

**ORDER FOR SUBMISSION OF
REFERENDUM TO ELECTORS**

WHEREAS, a Petition has been received for the repeal of a Contract Zoning Amendment previously approved by the Bath City Council, and

WHEREAS, the Clerk has certified to the City Council that the Petition has the requisite number of signatures, and

WHEREAS, the City Council has been presented with the Clerk's certification, and

WHEREAS, the City Council has declined to repeal the Ordinance.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that a Referendum vote be submitted to the electors at a special/regular election to be held on the _____ from 9 A.M. to 8 P.M.

BE IT FURTHER ORDERED by the City Council of the City of Bath that a complete text of the referred Ordinance be published in a newspaper having a general circulation within the City of Bath, not less than ten days nor more than fifteen (15) days prior to the election.

Councilor Pagurko motioned that the election be held on the regular election date of November 7, 2006, second by Councilor Hinds.

VOTE ON DATE:

YEAS: 8

NAYS: 0

Date (11-7-2006) Passed. 8-0

VOTE ON ORDER:

YEAS: 8

NAYS: 0

Passed. 8-0

H. City Manager's Report: 6:25 PM

Mr. Giroux did not give a report.

I. Committee Reports: 6:25 PM

Councilor Hart reported that the Community Policing group helped with the security and traffic control at the Heritage Days Festival.

Councilor Blake congratulated Main Street Bath for the fine job that they did on the festival. Councilor Verville complimented the Patten Free Library for being a big help to the Sunrise Rotary with the Chicken Barbeque.

J. Old Business: 6:27 PM

There was no old business.

K. New Business: 6:27 PM

Motion by Councilor Pagurko, second by Councilor Quimby to appoint Dana Houston as Harbor Master with a term to expire July 2007. All in favor.

The meeting adjourned at 6:28 PM with a motion by Councilor Hinds, seconded by Councilor Quimby. 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.