

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, August 2, 2006 6:00pm
City Council Chambers, Bath City Hall

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

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) Liquor License for the Bath Country Club

Chairman Wyman opened the Public Hearing.

Jason Marco, co-owner, explained that he and Shawn Arsenault were buying the Bath Country Club and since there would be new ownership a new liquor license would need to be granted.

Seeing no other comments from Council or the public, Chairman Wyman closed the Public Hearing and asked for a vote.

VOTE:

YEAS: 7

NAYS: 0

Approval passed unanimously. 7-0

D. Consent Agenda: 6:03 PM

2) *Acceptance of the Minutes to the meetings of July 5 and 26, 2006. Motion by Councilor Hinds, second by Councilor Quimby to accept the Consent Agenda as presented. All in favor.

E. Time Devoted to Residents to Address the City Council: 6: 04 PM

Jason Marco and Lori Kormanik gave a presentation of a proposal regarding a possible dog park. *A complete copy of the proposal is on file in the agenda materials for the August 2, 2006 Council meeting in the Bath City Clerk's Office.*

F. Ordinances, Resolutions and Orders: 6:13 PM

Item 3) Order: Transfer of Property at 22 Trufant Street to the Bath Housing Authority

Chairman Wyman read the following Order:

ORDER
APPROVING TRANSFER OF REAL ESTATE

WHEREAS, the City of Bath owns property designated as 22 Trufant Street and more particularly described as Lot 312 on City of Bath Tax Map 20, and

WHEREAS, the property is the former site of a single family residential structure, acquired by the City for non-payment of real estate taxes, and

WHEREAS, the Bath Housing Development Corporation, in conjunction with the Bath Regional Vocational Center, has proposed to utilize the site for the construction of a modular housing unit,

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the property above designated, be conveyed to the Bath Housing Development Corporation for the sole and exclusive purpose of developing a modular housing unit, for ultimate sale to recoup costs, with construction by the Bath Regional Vocational Center. The City Manger is hereby authorized to execute any and all documents necessary to the transfer.

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

Joanne Troy, Director of Bath Housing Authority, explained that the choice of the location on Trufant Street came from John Bubier, previous City Manager. She stated that the house on Dummer Street will be sold in an open bid process and explained how the monies received would be disbursed.

Cris Oppenheimer of 38 Trufant Street asked Council to postpone action on this item until public input could be heard.

Councilor Quimby made a motion to let Linda Dutton speak to Council regarding a different matter than the Trufant Street item. Councilor Winglass seconded the motion. All of the Council was in favor of letting Ms. Dutton speak after the Trufant Street item was completed.

Richard Lincoln of 17 Trufant Street asked why the neighbors had not been told about the plans for this lot as the question had been asked many times. He asked that the proposed structure be in the same type of architecture as the homes already on the street.

Joanne Troy explained the proposed house is a two-story cape with a dormer and separate front porch.

Rainer Pittham of 38 Trufant Street stated that he had offered to buy the lot but hadn't gotten a straight answer. He asked Council to look at the money return and to ensure that the design fits the neighborhood.

Larry Gusto of 20 Trufant Street asked that the Council give the neighborhood a chance to have input on this project.

Joanne Troy stated that there is another possible location on Federal Street to put this modular home.

Councilor Blake motioned to table this matter. Councilor Quimby seconded the motion.

VOTE:

YEAS: 7

NAYS: 0

Vote to Table was Unanimous 7-0

Linda Dutton of 4 Libby Court addressed Council regarding a parking issue on Libby Court and Middle Street, which has led to the inability of the trash pick-up company to access the street. She said there had not been any trash pick on Libby Court for two weeks. She stated that she was concerned about the inability of rescue or fire vehicles being able to access the street.

Kevin Riley of 4 Libby Court also expressed his concerns about the inability of emergency vehicles to access the street.

Council reassured the residents that the Parking Committee would be working on a permanent solution to the parking issue and arrangements would be made that the trash would be picked up this week.

Item 4) Resolution: Landfill Tip Fees

Chairman Wyman read the following Resolution:

**RESOLUTION
LANDFILL FEES**

WHEREAS, Section 13-32 of the Code of the City of Bath provides for assessing fees for use of the City's Solid Waste Facility; and

WHEREAS, the City Council of the City of Bath has deemed it appropriate, upon recommendation of Staff, that such fees be adjusted, and

WHEREAS, Section 13-32, above-referenced, provides for the amendment of the fee schedule by Resolution of Council,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that the Solid Waste Facility fees are adjusted, effective August 21, 2006, as follows:

A complete listing of fees is on file in the Bath City Clerk's Office with the agenda packet for the August 2, 2006.

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

Lee Leiner, Deputy Public Works Director, answered questions pertaining to specific items and charges.

VOTE:

YEAS: 7

NAYS: 0

Fee Schedule was passed unanimously. 7-0

Item 5) Resolution: Anticipation of Taxes 2006

Chairman Wyman read the following Resolution:

**RESOLUTION
AUTHORIZING BORROWING
IN ANTICIPATION OF TAXES 2006**

WHEREAS, the City of Bath does not receive substantial income from ad valorem property taxes until approximately the beginning of October of any fiscal year, and

WHEREAS, the City of Bath has certain ongoing financial obligations that must be met including, but not limited to, payroll expenses and debt service payments that come due prior to the receipt of substantial tax revenues, and

WHEREAS, certain investments of City funds have been made and it would disadvantageous to the City to cash in those investments based on advantageous interest rates and the imposition of penalties for cashing investments prior to maturity, and

WHEREAS, the Charter of the City of Bath, under Chapter VI, Section 6.16, authorizes the Council to approve the issuance of Notes in anticipation of tax receipts in order to provide adequate cash flow for required expenditures, and

WHEREAS, further authority for borrowing in anticipation of revenue is provided under the provisions of 30-A M.R.S.A. Section 5771;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that temporary borrowing is hereby authorized in anticipation of tax revenues in an amount not to exceed Three and One-Half Million Dollars (\$3,500,000.00). Pursuant to the terms of the Charter, such anticipatory borrowing must be repaid in full by the end of the current fiscal year, June 30, 2007. The City Treasurer, with the approval of the Chairman of the City Council and the City Manager, shall determine the date or dates, maturities, denominations, interest rate or rates, and other details of each issue of Notes and shall provide for the sale thereof.

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

VOTE on Resolution:

YEAS: 7

NAYS: 0

Resolution was passed unanimously. 7-0

Item 6) Midcoast Center for Higher Education Boiler

Motion by Councilor Winglass, second by Councilor Pagurko to waive the reading of the memo regarding this item.

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

Chairman Wyman opened the floor for Council and public comment.

Jeffrey Sneddon, Site Coordinator for MCCHE, explained the need for a low pressure boiler and upgrade to the temperature controls. He explained the process by which Mechanical Services was chosen to perform the work. Mr. Sneddon went through the costs of the repairs.

Erik Norman of Mechanical Services explained the repairs needed and project schedule.

Motion by Councilor Winglass, seconded by Councilor Pargurko to approve the system study and a conversion from high to low pressure.

VOTE:

YEAS: 7

NAYS: 0

Motion was passed unanimously. 7-0

G. Petitions & Communications: 7:40PM

There were no petitions and communications.

H. City Manager's Report: 7:40 PM

Mr. Giroux gave a brief update status report regarding the progress of the Regionalization of Schools Committee.

I. Committee Reports: 7:43 PM

Councilor Hart reported that the Community Policing Group will be holding a Safety Fun Day at the Maritime Apartments on August 5, 2006. He told Council that the new Police Boat had arrived and it was working very well. Mr. Hart stated that Senator Collins had been instrumental in the City obtaining this vessel. Ms. Collins will be in Bath on August 16th to inspect the craft.

J. Old Business: 7:45 PM

There was no old business.

K. New Business: 7:45 PM

K7 – Election of a member to the vacant Ward Six seat on the Bath Board of Education

Councilor Hinds recused himself from the voting process as his brother was one of the candidates.

City Clerk White distributed, collected and counted the ballots, witnessed by Chairman Wyman and City Manager Giroux.

The Vote was as follows:

Ross E. Berkowitz, 18 Seekins Drive	0
Duane Hinds, 44 Meadow Way	0
Sandra Stenquist, 22 Oliver Street	0
Mark Westrum, 119 Dummer Street	7

Mark Westrum was elected to fill the vacant Ward Six seat on the Board of Education with the term expiration to be December 2006.

K8 – Appointment of two members to the Board of Assessment Review

Motion by Councilor Quimby, second by Councilor Hinds to nominate Beverly Emero and John Conover to the Board of Assessment Review with terms to expire July 2009. All in favor.

K9 – Appointment of a member to the Bath’s Old Customs House

Motion by Councilor Hinds, second by Councilor Pagurko to nominate Daniel Donovan to the Board of Directors for the Bath’s Old Customs House with a term to expire August 2009. All in favor.

K10 – Appointment of a member to the Bath Water District Board of Directors

Motion by Councilor Hinds, second by Councilor Quimby to nominate Roberta Banks to the Board of Directors for the Bath Water District with a term to expire November 2007. All in favor.

The meeting adjourned at 7:54 PM with a motion by Councilor Winglass, 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.