

**REGULAR MEETING MINUTES**  
**City Council of the City of Bath, Maine**  
**Wednesday, September 6, 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) Feasibility and Planning Study for Wing Farm Business Park Expansion**

Chairman Wyman opened the Public Hearing.

The City Planner, Jim Upham, explained what the development concept plan for the Wing Farm Expansion Project would entail such as access to the site, estimation of construction costs, identification of market for the lots, determination lot size and funding sources.

Seeing no questions from the public or Council, Chairman Wyman closed the public hearing.

**2) Military Redevelopment Zone**

Chairman Wyman opened the Public Hearing.

The City Assessor, Paul Mateosian, explained what makes up the special Pine Tree Zone. He stated that the Zone would encompass 500 acres outside BNAS thus recognizing the jobs to be lost at the base and BIW, and there is a five-year window to qualify companies into this zone.

Seeing no questions from the public or Council, Chairman Wyman closed the Public Hearing.

**D. Consent Agenda: 6:06 PM**

**3) Motion by Councilor Blake, second by Councilor Hinds to accept the Minutes as presented for the August 2, 2006 Council Meeting. All in favor.**

**E. Time Devoted to Residents to Address the City Council: 6:06 PM**

No one spoke at this time.

**F. Ordinances, Resolutions and Orders: 6:07 PM**

**Item 4) Resolution: CDBG Community Planning Grant – Wing Farm Park Expansion**

Chairman Wyman read the following Resolution:

**CITY OF BATH CITY COUNCIL RESOLUTION**  
**STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**WHEREAS**, the City of Bath wishes to apply to the Department of Economic and Community Development for a Community Development Block Grant to carry out a community development program; and

**WHEREAS**, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income families and individuals and the community has conducted at least one duly advertised public hearing.

**NOW THEREFORE**, be it resolved by the City Council of the Community of Bath that the City Manager

1) Is authorized and directed to submit the Phase II application for the following program and dollar amount within the State of Maine's CDBG Program:

Program: Community Planning Grant

Amount: \$10,000

To the Department of Economic and Community Development on behalf of the Community of Bath, substantially in the form presented to this council;

2) Is authorized to make assurances on behalf of the Community of Bath required as part of such applications, and

3) Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing and said program( s), consistent with the Charter of the Community of Bath and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

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

**VOTE on Resolution:**

**YEAS: 8**

**NAYS: 0**

**Resolution passed unanimously. 8-0**

**Item 5) Resolution: Establishing Midcoast Military Redevelopment Zone**

Motion by Councilor Blake to waive the reading of the Resolution. Councilor Hinds seconded the motion. All in favor.

*A complete copy of this Resolution is on file with the agenda materials for the September 6, 2006 in the City Clerk's Office.*

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

Paul Mateosian, City Assessor, gave a brief overview of the parcels that would be included in this

Zone.

**VOTE on Resolution:**

**YEAS: 8**

**NAYS: 0**

**Resolution passed unanimously. 8-0**

**Item 6) Appointment City Tree Warden**

Chairman Wyman read the following Order:

**ORDER  
APPOINTING CITY TREE WARDEN**

WHEREAS, the City, through the Forestry Division and Community Forestry Committee, has shown concern with the community forest as a valuable part of the Cities infrastructure and,

WHEREAS, State law Title 30A § 3282 provides municipalities the power to appoint a Tree Warden annually and,

WHEREAS, said law gives the Warden control of the care of the municipal trees and the power to enforce all laws relating to the preservation of those trees and,

WHEREAS, Bath City Council adopted a forestry ordinance May 7, 1993 and,

WHEREAS, Thomas Hoerth has worked in the capacity of the City Forester and has shown his abilities in the care and concern for the City's trees and,

WHEREAS, Thomas Hoerth is qualified by virtue of his experience, licensure and position as City Forester/ Arborist,

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that Thomas Hoerth is hereby appointed as the City Tree Warden for one year from this date.

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

**VOTE on Order:**

**YEAS: 8**

**NAYS: 0**

**Order passed unanimously. 8-0**

**Item 7) Appointment Interim Finance Director/Treasurer/Tax Collector**

Chairman Wyman read the following Resolution:

**RESOLUTION**

WHEREAS, the City of Bath Finance Director, Treasurer and Tax Collector, David R. Williams, has resigned those positions effective at the end of business August 31, 2006; and

WHEREAS, the City Manager has appointed Ruth Moore as the Interim Finance Director, Treasurer and Tax Collector, until such time as those positions may be permanently filled; and

WHEREAS, appointments of Department Heads require confirmation by a majority vote of the City Council pursuant to Section 404 of the Charter of the City of Bath.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the appointment of Ruth Moore as the Interim Finance Director, Treasurer and Tax Collector, be confirmed, with full authority in those positions, and until a permanent Finance Director, Treasurer and Tax Collector, is appointed by the Manager and confirmed by this Council.

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

**VOTE on Resolution:**

**YEAS: 8**

**NAYS: 0**

**Resolution passed unanimously. 8-0**

**Item 8) Order: Tax Increment Financing District (FY07)**

Chairman Wyman read the following Order:

**ORDER  
APPROVING AUTHORIZATION  
TAX INCREMENT FINANCING DISTRICT (FY07)**

Be It Hereby Ordered By the City Council of the City of Bath that Eight Hundred Sixty-Two Thousand One Hundred Twenty-One Dollars and 69/100 (\$862,121.69) be and hereby is authorized to be spent from the Tax Increment Financing District Development Program Fund Project Costs Accounts for the fiscal year commencing July 1, 2006 and terminating on June 30, 2007 for the following purposes:

Designate-

Debt Service	717,121.69
Contr. To Bath Local Dev. Corp.	75,000.00
Contr. To Maine Street Bath	20,000.00
Contr. To South End Pier Resurfacing	<u>50,000.00</u>
	862,121.69

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

**VOTE on Order:**

**YEAS: 8**

**NAYS: 0**

**Order passed unanimously. 8-0**

**Item 9) Order: Consent for Bingo Game for the BNAS Officers' Spouses' Club**

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 REQUIRMENTS OF 17 M.R.S.A. §313, THE APPLICATION TO CONDUCT BINGO OF THE ALL OFFICERS' SPOUSES' CLUB FROM THE BRUNSICK NAVAL AIR STATION, TO BE HELD ON SUNDAY, SEPTEMBER 17, 2006, AT THE COSMOPOLITAN CLUB AT 894 WASHINGTON STREET, IN BATH BE AND HEREBY IS CONSENTED TO.

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

**VOTE on Order:**

**YEAS: 8**

**NAYS: 0**

**Order passed unanimously. 8-0**

**Item 10) Quinn Property**

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

William Giroux, City Manager, briefed the Council on the particulars of this item. Mr. Giroux stated that the lot size is non-conforming to build on and that Mr. Quinn would like to purchase enough property from the City to make his lot buildable. He stated that some of the issues the City has with this item is road maintenance, because the land in question is overseen by the Forestry Committee and the amount of the sale being fair market value.

Dorothy McKenna of 5 Redlon Road spoke to Council on behalf of her nephew, Mr. Quinn. Ms. McKenna explained that Mr. Quinn would like to buy enough property so he could build a small seasonal, summer cottage on this long time family property. She asked Council to grant this request.

Jim Upham, City Planner, showed Council where the property location was on the tax map.

Denis Hebert, Cemeteries and Parks Superintendent, explained the easement issues regarding this property.

Paul Mateosian, City Assessor, gave assessment values of properties surrounding the lot in question.

The Council directed Mr. Giroux to consult with the Forestry Committee for their recommendations and negotiate with Mr. Quinn on a settlement that would include stipulations concerning the road maintenance, that only a seasonal building be built and bring back a report to Council on the results of these meetings.

**Item 11) Approving Hazard Mitigation Plan**

Motion by Councilor Omo, second by Councilor Blake to waive the reading of the Plan. All in favor.

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

William Giroux, City Manager, gave an overview of the process of the development of the plan.

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Plan passed unanimously. 8-0**

**Item 12) Ordinance: Chapter 17, Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259 Parking Restriction, Middle Street (first passage)**

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 17. VEHICLES AND TRAFFIC**

##### **Article 6. Stopping, Standing and Parking**

##### **Section 17-259. Parking Restrictions**

Middle Street          East Side

Delete:

"From Pine Street to Spring Street, 2 hour parking."

Add:

"From Pine Street to a point 80 feet north of Shaw Street, 2 hour parking; From a point 80 feet north of Shaw Street and running for a distance of 80 feet, no parking; From a point 160 feet north of Shaw Street to Spring Street, 2 hour parking."

Middle Street          West Side

Delete:

"From Pine Street to Spring Street, 2 hour parking."

Add:

"From Pine Street to Spring Street, no parking."

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

Police Chief, Michael Field, explained how the changes to the Ordinance were decided.

Joel Parson of 8 Libby Court stated the Ordinance changes were needed to make sure that rubbish and emergency vehicles would be able to access Libby Court.

**VOTE on Ordinance:**

**YEAS: Hinds; Omo; Quimby; Blake; Hart; Verville; Pagurko; Winglass**

**NAYS: None**

**Ordinance passed unanimously. 8-0**

Chairman Wyman explained that the second passage of this Ordinance would occur during the next agenda item due to its emergency nature.

**Item 13) Emergency Ordinance: Chapter 17, Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259 Parking Restriction, Middle Street (second passage)**

Motion by Councilor Blake, second by Councilor Pagurko to waive the reading of this Ordinance. All in favor.

*See the preceding item for a description of this Ordinance.*

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

City Solicitor, Roger Therriault, explained that due to the lack of accessibility of the emergency and rubbish vehicles to this street it warranted the emergency passage status.

**VOTE on Ordinance:**

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

**NAYS: None**

**Emergency Ordinance passed unanimously. 8-0**

Chairman Wyman explained that since this was an Emergency Ordinance it would become effective immediately.

**Item 14) Order: Approving Bond Ordinance for Vote in November 2006 regarding building improvements at Morse High School and the Bath Middle School.**

Chairman Wyman read the following Order:

**ORDER**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH AS FOLLOWS:

THAT PURSUANT TO THE AUTHORITY OF THE CITY COUNCIL UNDER SECTION 1014 OF THE CHARTER OF THE CITY OF BATH AND IN ACCORDANCE WITH THE PROVISIONS OF SECTION 617 OF THE CHARTER OF THE CITY OF BATH, THE FOLLOWING PROPOSITION FOR THE ENACTMENT OF AN ORDINANCE FUNDING SCHOOL RENOVATIONS AND IMPROVEMENTS TO THE MORSE HIGH SCHOOL AND BATH MIDDLE SCHOOL, SAID BOND ORDINANCE BEING ATTACHED HERETO, BE SUBMITTED TO THE VOTERS OF THE CITY OF BATH AT A MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2006:

“SHALL A BOND ORDINANCE BE AUTHORIZED IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$3,600,000.00 FOR THE PURPOSE OF SCHOOL RENOVATIONS AND IMPROVEMENTS TO THE MORSE HIGH SCHOOL AND BATH MIDDLE SCHOOL?”

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

City Manager, William Giroux, explained that this bond has been brought forth due to the Harriman Report on the renovations needed to keep the schools in working order.

Wayne Cappen of 1040 Middle Street stated that he felt that the School Board had not done their job in making sure the schools were being taken care of. He said he could see emergency items going to bond but not regular maintenance items. He felt they should be covered in the yearly budget. Mr. Cappen stated that he would like to see the City be able to oversee the Schools' maintenance program in some way.

Roger Therriault, City Solicitor, explained that MRSA states that City Council cannot oversee the School maintenance program. He suggested that next year during the budget sessions Council should pay special attention to the maintenance line in the School's budget.

**VOTE on Order:**

**YEAS: Blake**

**NAYS: Hinds; Omo; Quimby; Verville; Pagurko; Winglass**

**ABSTENTION: Hart**

**Order failed. 1-6-1**

**Item 15) Order: Approving Bond Ordinance for Vote in November 2006 regarding gas remediation and expansion and improvements at the Bath Landfill.**

Chairman Wyman read the following Order:

### **ORDER**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH AS FOLLOWS:

THAT PURSUANT TO THE AUTHORITY OF THE CITY COUNCIL UNDER SECTION 1014 OF THE CHARTER OF THE CITY OF BATH AND IN ACCORDANCE WITH THE PROVISIONS OF SECTION 617 OF THE CHARTER OF THE CITY OF BATH, THE FOLLOWING PROPOSITION FOR THE ENACTMENT OF AN ORDINANCE FUNDING LANDFILL GAS REMEDIATION AND EXPANSION AND IMPROVEMENT TO THE LANDFILL, SAID BOND ORDINANCE BEING ATTACHED HERETO, BE SUBMITTED TO THE VOTERS OF THE CITY OF BATH AT A MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2006:

“SHALL A BOND ORDINANCE BE AUTHORIZED IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$4,500,000.00 FOR THE PURPOSE OF LANDFILL GAS REMEDIATION AND EXPANSION AND IMPROVEMENT TO THE LANDFILL?”

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



City Manager, William Giroux, explained that this bond would cover the construction of the next cell at the landfill, which will run out of space around February 2008 and the gas remediation at the landfill.

Public Works Director, Peter Owen, explained the role of the Department of Environmental Protection in this matter and said they have asked that an Active System be used rather than the Passive System, which is in operation at the landfill now.

**VOTE on Order:**

**YEAS: 8**

**NAYS: 0**

**Order passed unanimously. 8-0**

**Item 16) Order: Approving Bond Ordinance for Vote in November 2006 regarding street and road reconstruction with the City.**

Chairman Wyman read the following Order:

**ORDER**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH AS FOLLOWS:

THAT PURSUANT TO THE AUTHORITY OF THE CITY COUNCIL UNDER SECTION 1014 OF THE CHARTER OF THE CITY OF BATH AND IN ACCORDANCE WITH THE PROVISIONS OF SECTION 617 OF THE CHARTER OF THE CITY OF BATH, THE FOLLOWING PROPOSITION FOR THE ENACTMENT OF AN ORDINANCE FUNDING STREET AND ROAD RECONSTRUCTION, SAID BOND ORDINANCE BEING ATTACHED HERETO, BE SUBMITTED TO THE VOTERS OF THE CITY OF BATH AT A MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2006:

“SHALL A BOND ORDINANCE BE AUTHORIZED IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$2,000,000.00 FOR THE PURPOSE OF STREET AND ROAD RECONSTRUCTION?”

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

City Manager, William Giroux, explained that monies would be borrowed only as needed to complete the projects.

Public Works Director, Peter Owen, gave a brief overview of the regions needing reconstruction.

Wayne Cappen of 1040 Middle Street requested that street maintenance be done through the City Budget and that only reconstruction be done through bonds.

**VOTE on Order:**

**YEAS: 8**

**NAYS: 0**

**Order passed unanimously. 8-0**

**G. Petitions & Communications: 8:14 PM**

Councilor Hart shared some correspondence from two residents in his Ward. One was asking that the City try to get some economic development in the downtown such as the Praver Block and the waterfront and another with a question regarding striping on Washington Street.

**H. City Manager's Report: 8:15 PM**

City Manager, William Giroux, gave a brief report on the City's tax commitment timeline and stated the mill rate would be at 16.2%.

**I. Committee Reports: 8:18 PM**

There were no committee reports.

**J. Old Business: 8:18 PM**

There was no old business.

**K. New Business: 8:18 PM**

**17) Appointment 4 members to the Bath Zoning Board of Appeals 3 members' terms to expire September 2009 and 1 member's term to expire September 2008.**

Councilor Hinds stated that the Interview Committee would be nominating only 3 candidates to the ZBA at this time. He nominated Pamela Murray, Harry Story and Bruce Goodwin to fill the seats with terms expiring in September 2009. Councilor Quimby seconded his motion. All were in favor of the nominations.

**18) Appointment 2 members to the Bath Planning Board terms to expire September 2009.**

Councilor Pagurko nominated Andrew Omo and James Harper to the seats on the Planning Board with the terms to expire in September 2009. Councilor Hinds seconded the nominations. All were in favor of the nominations.

The meeting adjourned at 8:19 PM with a motion by Councilor Pagurko, 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.*