

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, October 4, 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. Consent Agenda: 6:01 PM

1) Motion by Councilor Hart, second by Councilor Pagurko to accept the Minutes as presented for the September 6, 2006 Council Meeting. All in favor.

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

William Edgett of 2 Edgett Street spoke to Council regarding the possibility of removing the 4-way stop sign at the intersection of High and Oak Streets.

E. Ordinances, Resolutions and Orders: 6:06 PM

Item 2) Order - Prepare Notice of Election to notify inhabitants of the Maine State General/Referendum Election to be held on Tuesday, November 7, 2006 (motion to pass Order)

Chairman Wyman read the Order and Notice of Election. *Complete copies of these documents are on file with the agenda materials for October 1, 2006 in the Bath City Clerk's Office.*

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

VOTE on Order:

YEAS: 8

NAYS: 0

Order passed unanimously. 8-0

Item 3) Order - Prepare Election Warrant to notify inhabitants of City of Bath Municipal Election to be held on Tuesday, November 7, 2006 to vote for the following: One Councilor from Ward 2, Ward 3, and Ward 4 (three year terms); Board of Education one member Ward 1 and Ward 6 (three year terms) Ward 5 (two year term) and At Large (one year term) (motion to pass Order)

Chairman Wyman read the following Order:

ORDER

In City Council
October 4, 2006

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT:

Warrants be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the Municipal Election will be held at Bath Middle School, 6 Old Brunswick Road (1-7) inclusive, on the Tuesday following the first Monday of November, the same being the 7th day of said month, in the year of our Lord Two Thousand Six, at 9 O'clock in the forenoon, then and there, to cast their votes at the Municipal Election in their respective Wards for:

City Councilors to be Elected:

Ward Two	One to be Elected for a three year term
Ward Three	One to be Elected for a three year term
Ward Four	One to be Elected for a three year term

Board of Education to be Elected:

Ward One	One to be Elected for a three year term
Ward Five	One to be Elected for a two year term
Ward Six	One to be Elected for a three year term
At Large	One to be Elected for a one year term

One Referendum Question

Two Bond Ordinance Questions

and, be it further ordered, that said polls are to be kept open until eight o'clock in the afternoon of said day and then be closed.

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

VOTE on Order:

YEAS: 8

NAYS: 0

Order passed unanimously. 8-0

Item 4) Order - Appointment of Wardens and Ward Clerks for the November 7, 2006 Election (motion to pass Order)

Chairman Wyman read the following Order:

ORDER

Be It Ordered by the City Council of the City of Bath,

that the following be appointed for the Maine State General/Referendum Election and the City of Bath Municipal Election to be held on Tuesday, November 7, 2006

Ward	Warden	Ward Clerk
1	Darlene Compton	Barry Compton
2	Pamela Murray	Christina Hagan
3	Sally Hordeman	Douglas Knight
4	Carol Duehring	Harriet Smith
5	Cindy Gabelmann	Judith Lemoine
6	Ruthe Pagurko	Barbara Day
7	Jackie Dwinal	Carla Burnham

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

VOTE on Order:
YEAS: 8
NAYS: 0
Order passed unanimously. 8-0

Item 5) Order - Setting hourly schedule of the Office of Voting Registrar (motion to pass Order)

Chairman Wyman read the following Order:

ORDER

Be It Ordered by the City Council of the City of Bath, that the hourly schedule for the office of the Registrar of Voters shall be from 8:30am to 4:30pm Monday through Friday prior to the State of Maine General/Referendum Election and City of Bath Municipal Election to be held Tuesday, November 7, 2006 except for Saturday, November 4, 2006 from 10:00am to 3:00pm at the City Clerk's Office, 55 Front Street.

Voters may register on the Day of the Election from 7:30 AM – 8:00 PM at the City Clerk's Office or from 9:00 AM – 8:00 PM at the polls at the Bath Middle School, 6 Old Brunswick Road.

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

VOTE on Order:
YEAS: 8
NAYS: 0
Order passed unanimously. 8-0

Item 6) Order – LUC Provisional Use Permit, Chapter 11.24, Custom Composites

Chairman Wyman read the following Order:

ORDER APPROVING PROVISIONAL USE PERMIT

WHEREAS, Custom Composite Technologies is a business located in Bath in the WingFarm Business Park; and
WHEREAS, Custom Composite Technologies' building is 125 feet in length; and
WHEREAS, Custom Composite Technologies has a contract to construct items which are longer than 125 feet; and
WHEREAS, to meet this order there is not adequate time to construct an addition to their building; and
WHEREAS, as they desire to attach two 8-foot wide by 40-foot long shipping containers to the rear of their building as a temporary addition; and
WHEREAS, shipping containers are not allowed as per Bath Land Use Code Section 11.22 (D); and
WHEREAS, the City Council has the authority under Land Use Code Section 11.24 to issue provisional use permits for uses otherwise not allowed by the Land Use Code for a period of time up to one year.
NOW, THEREFORE, be it ordered by the City Council of the City of Bath that Custom Composite Technologies is hereby authorized to locate two shipping containers on their lot at the WingFarm Business Park and to attach them to the rear (east side) of their building for a period of time not to exceed six months beginning in October 2006.

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

Steve Hassett owner of Custom Composite explained the reason he needs to expand the building for the particular project, which is to provide the length do a mast mold. Mr. Bassett stated the containers should be removed from site as soon after January 6, 2007 as possible.

VOTE on Order:

YEAS: 7

NAYS: 0

ABSENTION: 1 (Verville)

Order passed. 7-0-1

Item 7) Ordinance: LUC Amendment, Article 16, Add Section 16.14 – South PO2 Contract Zone (first passage)

Chairman Wyman read the Ordinance of which there is a complete copy on file with the agenda materials for the October 4, 2006 Council Meeting in the Bath City Clerk's Office.

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

City Planner, Jim Upham, gave an overview of the project and the proposed landscaping. Mr. Upham stated that the DEP has to approve this project also, but he didn't see the DEP objecting to this project.

James Favreau, Director of Facilities of Bath Iron Works, explained the need for this the project in more detail.

VOTE on Ordinance:

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

NAYS: None

Ordinance passed unanimously. 8-0

Chairman Wyman set second passage of the Ordinance for October 18, 2006 at 6:01PM.

Item 8) Condemnation Order – Marc Mazerolle Property abutting Water Street Parking Lot

This item was pulled from the agenda.

Item 9) Order – Approving Land Swap with Bath Iron Works

Chairman Wyman read the following Order:

ORDER APPROVING LAND SWAP

WHEREAS, the City of Bath needs to acquire premises now owned by the Bath Iron Works Corporation immediately adjacent to the East of the Train Station Property; and
WHEREAS, said acquisition is a required condition precedent to the renovation of the Train Station Property by the City of Bath and with the cooperation and financial assistance provided through the State of Maine; and
WHEREAS, a Contract for the renovation has been awarded.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the property to the East and adjacent to the Train Station Property now owned by the Bath Iron Works Corporation consisting of 6,954 square feet, be acquired by the City in exchange for conveyance of property of the same square footage which is delineated by a fence commencing on the Kennebec River running westerly then easterly and then a strip of land along the southerly boundary of premises acquired by the City of Bath from Guilford Transportation, to include a right-of-way over remaining City of Bath property from Water Street to access the premises being conveyed to the Bath Iron Works Corporation. BE IT FURTHER ORDERED that the City Manager be and hereby is authorized to execute Deeds, Tax Declaration Forms, and any other documents that are necessary to consummate this transaction.

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

City Assessor, Paul Mateosian, explained the process this issue had gone through to get to this point.

VOTE on Order:

YEAS: 8

NAYS: 0

Order passed unanimously. 8-0

Item 10) Resolution – Waiving Landfill Tipping Fees for the Lower Kennebec Land Trust

Chairman Wyman read the following Resolution:

**RESOLUTION
WAIVING LANDFILL TIPPING FEES**

WHEREAS, the City of Bath is supportive of the Lower Kennebec Regional Land Trust, and
WHEREAS, the City has received a request for waiver of landfill tipping fees for the disposal of demolition debris, and
WHEREAS, the sum proposed to be waived will be less than \$3,000;
NOW THEREFORE, be it resolved pursuant to Council resolution dated May 5, 1999, the City Council of the City of Bath waives the total sum not to exceed Three Thousand Dollars (\$3,000), for the purposes of said removal of construction debris.

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

Councilor Omo explained how this item came to his attention and why he was bringing it to Council. He stated that the Land Trust didn't want to burn the debris and wanted to recycle it at the landfill.

VOTE on Resolution:

YEAS: 1 (Omo)

NAYS: 7

Resolution failed. 1-7

G. Petitions & Communications: 7:01 PM

11) Bath Customs House 28th Annual Report to Bath City Council

Edward True, Chairman of the Board of Directors for the Old Customs House gave the 28th Annual Report for the facility. Mr. True stated that all spaces are being rented at the present time and the building was of sound structure. The roof has had a few copper panels replaced this year and increased the fuel and utility account for the upcoming year.

The Council thanked Mr. True and his Board for the hard work they put into the excellent maintenance of this building

12) Pearl Street Railroad Crossing

City Planner, Jim Upham, gave a report on the status of the closure, as a throughway, of Pearl Street due to the railroad crossing.

Councilor Quimby shared a communication from a constituent that has a concern regarding the safety of children crossing the street from Academy Green to the Fisher-Mitchell School and wondered if it would be possible to put a crosswalk in at this point of the street. Roger Therriault, City Solicitor, was directed to draft up the Ordinance to make this happen and bring it back to Council.

Council Blake reported that Representative Watson had contacted her stating there would be a forum on the Tax Payers' Bill of Rights held on October 25th at 7PM at the University College here in Bath.

H. City Manager's Report: 7:15 PM

The City Manager spoke on the following subjects:

- Public Works replacement of culvert at the landfill
- Midcoast Hospital expansion
- Department of Labor City's Inspection Update
- Trufant Street Neighborhood meeting regarding the City's Trufant Street property
- Update on renovations to the Cemetery Department's Barn on Congress Avenue
- Lambert Park Recreation Center Utilization Plan

I. Committee Reports: 7:29 PM

Councilor Quimby gave a brief update on the request from the Winnegance Alewife Commission for an extra \$10,000 due to the bids for the fishway upgrade project coming in higher than expected. He explained the benefits of this fishway and the revenues the City gets back from it. Mr. Giroux was directed by Council to look into some options of securing funds and get back to Council with his findings.

Councilor Winglass reported that Main Street Bath would be holding its annual Autumn Fest downtown during the upcoming weekend.

J. Old Business: PM

There was no old business.

K. New Business: 7:36 PM

13) Appointment 1 member to the Bath Community Forestry Committee term indefinite with a 3-year commitment.

Councilor Pagurko stated that the Interview Committee would like to nominate Aaron Park to the Forestry Committee. Councilor Hinds seconded the nomination. All were in favor of the nomination.

Councilor Blake announced that this would be her last Council Meeting, since she was not running for her seat on Council in November and she would be leaving the next week on a six-month sabbatical.

The meeting adjourned at 7:40 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.