

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, November 7, 2007 6:00pm
City Council Chambers, Bath City Hall

Present: Councilors Hinds, Omo, Mulligan, Rogers, Eosco, Pagurko, Winglass and Chairman Wyman.
Excused: Councilor Verville

Also in attendance were 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 Hinds, second by Councilor Pagurko to accept the minutes for the October 3, 2007 Council Meeting. All in favor.

D. Time Devoted to Residents to Address the City Council: 6:02 PM

Jerry Provencher of 15 Winslow Court spoke to Council regarding recent events that had taken place at the Patten Free Library as the library is funded with taxpayer dollars. He asked Council to put the Patten Free Library at the top of the list for ways to cut taxes.

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

- 2) **Approving tabulation of Election Returns of the State of Maine Referendum Election and the City of Bath Municipal Election of Tuesday, November 6, 2007**

CITY OF BATH STATE ELECTION TOTALS - Nov. 6, 2007

WARDS STATE	TOTAL
Question 1: Citizen Initiative Maine Tribe run harness racing in Washington County	
YES	1062
NO	1098
Question 2: Bond Issue Economic development and job creation	
YES	1262
NO	884
Question 3: Bond Issue Interior and exterior school building renovations, improvements and additions	
YES	1249
NO	906
Question 4: Bond Issue Invest in land conservation, water access, wildlife habitat, outdoor recreation	
YES	1504
NO	657
Question 5: Referendum Extending Term Limits for Legislators	
YES	869
NO	1276

WARDS MUNICIPAL	1	2	3	4	5	6	7	Absent ee	TOTAL
City Councilor Ward Five									
Mari Huotari Eosco					268			47	315
City Councilor Ward Seven									
Ruthe Pagurko							247	25	272
Leverett "Tink" Mitchell							169	33	202
City Councilor at Large									
Wayne H. Cochrane	111	79	76	127	146	99	227	175	1040
Renee Chevalier	107	79	61	69	102	86	118	85	707
Board of Education Ward Two									
<i>Write In</i>									
Richard Davis		2							2
William Torrey		1							1
Fran Fontanez		1							1
Michelle Peck		1							1
Curt Hagenbuch		1							1
Barry Rodrigue		1							1
Timothy S. Kindred		1							1
Mary Gardini		1							1
Robert Westfall		1							1
Kathleen Seeley		1							1
Mary Jane Warren		1							1
Joann C. Finn		1							1
Wil Wolf		1							1
Board of Education Ward Four									
<i>Write In</i>									
Ed Benedikt				12					12
Maynard Walton				1					1
Andrew Wright				1					1
Rich Rodrigue				1					1
Kim Brackett				1					1
Mary A. Cunningham				1					1
Susan Chichetto-Weston				1					1
Ken Weston				1					1
Victoria Simpson				1					1
Harriet Smith				1					1
Board of Education At Large									
Ross E. Berkowitz	117	153	134	186	247	186	342	250	1615

	TOTAL
Bond Ordinance	
Question 1: Landfill Closure	
YES	949
NO	1188
Referendum	
Question 1: Form Regional School Unit	
YES	1559
NO	543
Charter Amendment	
Question 1: Amend Charter to conform with LD910	
YES	1521
NO	562

Total Registered Voters: 6512
Total Voters Casting Ballots: 2175
% of Turnout: 33%

Motion by Councilor Pagurko, seconded by Councilor Hinds to accept the election tabulations.

VOTE:

YEAS: 7

NAYS: 0

Passed Unanimously. 7-0

3) Ordinance: Chapter 8A. General Assistance Maximums for October 1, 2007 to September 30, 2008 (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 8A. GENERAL ASSISTANCE

Delete appendices to the Ordinance dealing with maximum allowances and replace with newly attached allowance summary sheets, schedules and appendices, Appendix A - Total Allowed GA Maximums, Appendix B - Food Maximums, Appendix C - Housing Maximums. Maximums shall be retroactive to October 1, 2007.

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

Roll Call Vote:

YEAS: Hinds, Omo, Mulligan, Rogers, Eosco, Pagurko, Winglass

NAYS: None

Ordinance passed unanimously. 7-0

Chairman Wyman set second passage of this Ordinance for December 5, 2007 at 7:31PM.

4) Ordinance: Authorizing Permanent Financing Sewer Collection System (first passage)

Chairman Wyman read the following Ordinance:

ORDINANCE AUTHORIZING PERMANENT FINANCING

AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS/NOTES FOR THE CITY OF BATH, MAINE, IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$1,400,000.00 FOR THE PURPOSE OF FUNDING THE REPAIR, REPLACEMENT, AND/OR RENOVATION OF THE CITY'S SEWER COLLECTION SYSTEM.

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH, AS FOLLOWS:

Section 1. That a sum up to, but not to exceed, \$1,400,000.00 is hereby appropriated for the purpose of funding the repair, replacement, and/or renovation of the City's sewer collection system.

Section 2. That, for the purpose of financing the aforesaid appropriation, authorization is hereby given to incur indebtedness by the issuance of bonds/notes of the City of Bath, in an amount up to, but not to exceed, \$1,400,000.00 under, and pursuant to, the Charter of the City of Bath.

Section 3. That any and all bonds/notes issued pursuant to this Ordinance shall be payable in monthly installments.

Section 4. That the term of any bonds/notes issued under the within Ordinance shall not exceed ten (10) years.

Section 5. That the proceeds of any bonds/notes issued pursuant to this Ordinance shall be used only for those purposes specified in Section 1 above.

Section 6. That any proceeds of the bonds/notes issued not used for the purposes specified in Section 1 shall be applied to repayment of the principal and/or interest of any such bonds/notes.

Section 7. That any suit questioning the validity of this Ordinance shall be barred unless commenced within forty-five (45) days following publication of the Ordinance, said publication in accordance with Section 809 of the Charter of the City of Bath.

Section 8. That 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 any other details of each issue of bonds and/or notes issued or any bonds and/or notes issued in anticipation of this permanent financing.

Section 9. That any and all bonds and/or notes issued by the City pursuant to Chapter 6 of the Charter of the City of Bath or Chapter 8 of the Charter of the City of Bath shall be signed by the City Treasurer and countersigned by the Chairman of the City Council and the City Manager.

Section 10. That any and all bonds and/or notes issued pursuant to Chapter 8 of the Charter of the City of Bath shall be general obligation securities of the said City.

Section 11. The City Treasurer, with the approval of the Chairman of the City Council and the City Manager, is hereby authorized to make any such bonds or notes authorized hereby subject to call for redemption with or without premium at the election of the City before the dates fixed for the final payment thereof.

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

City Manager William Giroux explained that the fund balance for the Emergency Appropriation that Council had approved a year ago was overstated. Because the sewer fund was running in the red, the sewer rates were adjusted up but didn't take effect for a while. Because of the lapse in time the fund balance was drawn down. With all the work that still needs to be done, it is necessary to do this low interest loan which would be paid back with sewer utility fees, not taxpayer money.

Peter Owen, Public Works Director, explained the funds would be paying for 5 projects. The construction will start in the summer of 2008.

Roll Call Vote:

YEAS: Hinds, Omo, Mulligan, Rogers, Eosco, Pagurko, Winglass

NAYS: None

Ordinance passed unanimously. 7-0

Chairman Wyman set second passage of this Ordinance for December 5, 2007 at 7:32PM.

5) Order: Approving Land Transfer – Creamer

Chairman Wyman read the following Order:

ORDER APPROVING LAND TRANSFER

WHEREAS, the City of Bath has owned property designated as Lot 93 on City of Bath Tax Map 22 for at least thirty (30) years; and

WHEREAS, Lot 93 is a small lot designated in the tax records as .08 acres located on the westerly side of Windjammer Way; and

WHEREAS, the size and location of the Lot make it unsuitable for development; and

WHEREAS, the abutter to the west, Joseph I. Creamer, Sr. and Laura J. Creamer, would benefit from annexing the Lot to their property designated as Lot 113, on City of Bath Tax Map 25, for the purpose of further developing that Lot; and

WHEREAS, the Creamers have agreed to pay the City of Bath the sum of Six Thousand Dollars (\$6,000.00) for the Lot; and

WHEREAS, the City Council of the City of Bath has authority under Section 7-14(B)(1)(d) to sell property to an abutter where only that abutter would have an interest in acquiring the property.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the premises designated as Lot 93 on City of Bath Tax Map 22 be sold to the westerly abutters, Joseph I. Creamer, Sr. and Laura J. Creamer, for the sum of Six Thousand Dollars (\$6,000.00) and that the City Manager be authorized to execute a Municipal Quit-Claim Deed for purposes of transferring the property and to execute such other documents as may be necessary and appropriate to consummate the transaction.

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

City Manager, William Giroux, explained that the property to be split has a couple of businesses on the property. A piece of the property is being sold but the house will stay. There is a street frontage issue due to the sale. He recommended to Council to move the Order forward so that the business can be sold and the house can remain separate.

Mr. Creamer explained that the reason he is asking for this is so that he can split the lot to sell the business on it and he doesn't have the necessary road frontage to do that.

Councilor Eosco asked to be recused from the vote due to being related to one of the parties of the deal.

VOTE:

YEAS: 6

NAYS: 0

Order passed unanimously. 6-0

F. Petitions & Communications: 6:16 PM

6) Bath Customs House 29th Annual Report to Bath City Council

Daniel Donovan, Chair of the Board of Directors, reported that the Patriot's Day storm caused considerable damage. Mr. Donovan stated that Max Dawson had been an extreme help getting the repair work done.

G. City Manager's Report: 6:23 PM

The City Manager reported on the following items:

- Sidewalk Construction
- Bridge in Oak Grove Cemetery
- Southend Park Construction Update

H. Committee Reports: 6:26 PM

Councilor Eosco reported on the Smart Growth Conference she attended. She stated that they learned about what tax savings could be realized by reducing the carbon footprint. These ideas are being worked on by the group Cool Communities and she would be reporting back on how the group progresses.

I. Unfinished Business: 6:28 PM

There was no unfinished business.

J. New Business: 6:28 PM

7) Appointment One Member to the Bath Water District Board of Directors term to expire November 2012 (motion to appoint)

Councilor Pagurko, spokesperson for the Interview Committee, nominated Roberta Banks to fill the position.

VOTE:
YEAS: 7
NAYS: 0

8) Appointment One Member to the Bath Recreation Commission terms to expire November 2010 (motion to appoint)

Councilor Pagurko, spokesperson for the Interview Committee, nominated William Gilson to fill the position.

VOTE:
YEAS: 7
NAYS: 0

9) Appointment Two Members to the Bath Zoning Board of Appeals terms to expire September 2008 and Two Members to the Bath Zoning Board of Appeals terms to expire September 2010 (motion to appoint)

Councilor Pagurko, spokesperson for the Interview Committee, nominated Eleanor Holland and Richard Davis to fill the positions to expire in September 2008 and Thomas Watson and William Truesdell to fill the positions to expire in September 2010.

VOTE:

YEAS: 7

NAYS: 0

The meeting adjourned at 6:31 PM with a motion by Councilor Pagurko, seconded by Councilor Hinds. 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.