

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, December 5, 2007 7:30pm
City Council Chambers, Bath City Hall

Present: Councilors Cochrane, Omo, Mulligan, Rogers, Eosco, Verville, Pagurko, Winglass,
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.

Chairman Wyman presented former Councilor Halcyon Blake with a plaque and a City of Bath Chair in appreciation for her years of service to the City of Bath.

C. Public Hearings: 7:45 PM

1) Ordinance: Chapter 8A. General Assistance Maximums for October 1, 2007 to September 30, 2008 (second 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 maximums 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 effective as of October 1, 2007.

A complete copy of these maximums is on file in the Bath City Clerk's Office with the agenda materials for 12/05/2007 Council Meeting.

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

Chairman Wyman opened the public hearing. Seeing no comments from Council or the public Chairman Wyman closed the public hearing.

ROLL CALL VOTE:

YEAS: Cochrane, Omo, Mulligan, Rogers, Eosco, Verville, Pagurko, Winglass

NAYS: None

Ordinance passed unanimously. 8-0

Chairman Wyman stated this Ordinance was retroactive to October 1, 2007.

2) Ordinance: Authorizing Permanent Financing Sewer Collection System (second 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.

Chairman Wyman opened the public hearing.

City Manager Giroux explained this would allow the City to bring the EPA issues on Park and Willow Streets into compliance.

Seeing no other comments, Chairman Wyman closed the public hearing.

Roll Call Vote:

YEAS: Cochrane, Omo, Mulligan, Rogers, Eosco, Verville, Pagurko, Winglass

NAYS: None

Ordinance passed unanimously. 8-0

Chairman Wyman stated this Ordinance would be in effect in 21 days.

D. Consent Agenda: 7:45 PM

3) Motion by Councilor Pagurko, second by Councilor Verville to accept the Minutes as presented for the November 7, 2007 Council Meetings and Items F6, F7, F8 and F9 as listed on the agenda. All in favor.

E. Time Devoted to Residents to Address the City Council: 7:46 PM

Christina Hagan of 449 Middle Street stated that she had an issue with the PAYT bags not being sturdy enough to hold the garbage and they are too expensive. She suggested that a decal be sold instead of the bags than people could use the garbage bags available in stores. Ms. Hagan asked where the money from the PAYT was being deposited.

Wayne Cappen 1040 Middle Street told Council that he would like to see all of the City boards and committees use Roberts Rules of Order to conduct their meetings just as the City Council does.

Leslie Hill of 20 Crawford Drive stated she hoped the Council would vote to close the landfill and she would like to have her neighborhood monitored.

William Cutlip of 1492 High Street stated that he doesn't agree with the City running a landfill in such a heavily populated area.

Donna Pellegrino of 1575 High Street told Council she didn't think the City should be running a landfill and would like to see the City clean up the mess made by the landfill being there for the past 62 years.

F. Ordinances, Resolutions and Orders: 8:04 PM

4. Nominations for the Election of Councilor to attend the Board of Education meetings pursuant to Chapter V, Section 502 of the City Charter

Councilor Pagurko nominated Councilor Omo to be the Council Representative to the Board of Education until July 1, 2008. Councilor Winglass seconded the nomination. There were no other nominations. All were in favor of Councilor Omo as the Council Representative to the Bath Board of Education.

5. Nominations for the Election of Councilor to attend the Bath Water District Board of Directors meetings.

Councilor Winglass nominated Chairman Wyman to be the Council Representative to the Bath Water District Board of Directors until the first Wednesday in December 2008. Councilor Verville seconded the nomination. There were no other nominations. All were in favor of Councilor Wyman as the Council Representative to the Bath Water District Board of Directors.

***6. Order - setting regular meetings of the City Council (motion to pass Order)**

This was passed under the Consent Agenda.

***7. Order - adopting Robert's Rules of Order for parliamentary procedure (motion to pass Order)**

This was passed under the Consent Agenda.

***8. Adoption Working Rules and Regulations for Council year 2007-2008 (motion to pass)**

This was passed under the Consent Agenda.

***9. Order - Council approval on annual Blanket Letter of Approval on all renewals to operate Games of Chance and/or Beano Games (private clubs, etc.) (motion to grant approval)**

This was passed under the Consent Agenda.

10. Order – Rescinding previous Order to close landfill (motion to pass Order)

Chairman Wyman read the following Order:

**ORDER
RESCINDING LANDFILL CLOSURE**

WHEREAS, the City Council of the City of Bath on June 6, 2007 considered and approved a Landfill Closure Order; and

WHEREAS, that Order instructed City staff and others to “initiate the closure of the facility in accordance with applicable closure procedures and regulations;” and

WHEREAS, the City Council, pursuant to its authority under Section 1014 of the Charter of the City of Bath submitted to the electorate a Bond Ordinance, pursuant to Chapter VIII, and Section 617 of said Charter, in order to fund the landfill closure; and

WHEREAS, at the election held on November 6, 2007 the electorate failed to approve the Bond Referendum.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the previous Order of June 6, 2007 approving the Landfill Closure be and hereby is rescinded.

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

Richard Hill of 71 South Street told Council he didn't see how they could not vote to rescind the Order since the voting public voted to keep the landfill open.

Wayne Cappen of 1040 Middle Street took issue with the statement from a Councilor in the Times Record stating that people didn't know what they were voting for regarding the landfill issue.

Frank Taylor of 20 Crawford Drive begged Council to close the landfill as he is experiencing headaches.

Ruth Gay of 1528 High Street asked that Council vote to close the landfill as she is very sick because of it.

VOTE on tabling Motion:

YEAS: 2 (Rogers, Pagurko)

NAYS: 6

Tabling motion failed. 2-6

VOTE on Order:

YEAS: 5

NAYS: 3 (Mulligan, Rogers, Pagurko)

Order passed. 5-3

11. Order – Accepting Mariner Way as a Street (motion to pass Order)

Chairman Wyman read the following Order:

**ORDER
ACCEPTING MARINER’S WAY**

WHEREAS, the owner of Mariner’s Way located in the Washington Heights Subdivision, being more specifically described in the deed attached hereto and made a part hereof, has offered to voluntarily transfer its interest to the City of Bath, in fee simple; and

WHEREAS, the road has been inspected by staff and it has been determined that it has been built to applicable City standards and is currently utilized for public way purposes.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that, pursuant to the authority of the City Council, under the provisions of 23 M.R.S.A. Section 3025, that Mariner’s Way described in the deed attached hereto be and hereby is accepted for dedication for highway purposes.

IT IS FURTHER ORDERED that the deed attached hereto be recorded in the Sagadahoc County Registry of Deeds as evidence of acceptance of the way for highway purposes and that the City Manager be authorized to execute any and all documents necessary to carry out this dedication and acceptance.

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

VOTE on Order:

YEAS: 7

NAYS: 0

Order passed unanimously. 7-0

G. Petitions & Communications: 8:52 PM

There were no petitions or communications.

H. City Manager’s Report: 8:52 PM

There was no City Manager Report.

I. Committee Reports: 8:52 PM

No Committee Reports.

J. Old Business: 8:52 PM

Wayne Cappen of spoke to Council regarding an email he had sent a year and a half ago referencing modifications to the spending limitations. Mr. Cappen asked that Council reconsider his suggestions and get back to him with their thoughts on his suggestions.

K. New Business: 8:56 PM

Chairman Wyman reported to Council that there would be an Open House Friday, December 7, 2007 from 2-9 PM at the Skatepark to celebrate its 5th Anniversary.

Councilor Omo reported that the nomination papers for the seats on the School Board were now available at the Superintendent's Office.

Motion by Councilor Omo at 8:59 PM to go into an Executive Session to discuss Poverty Abatement per 36 M.R.S.A. §841. Councilor Pagurko seconded the motion. All in favor.

Motion by Councilor Pagurko at 9:03 PM to come out of Executive Session. All in favor.

The meeting adjourned at 9:04 PM with a motion by Councilor Pagurko, seconded by Councilor Omo. 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.