

**REGULAR MEETING MINUTES**  
**City Council of the City of Bath, Maine**  
**Wednesday, May 2, 2007 6:00pm**  
**City Council Chambers, Bath City Hall**

Present: Councilors Hinds, Omo, Mulligan, Rogers, Eosco, 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.

Chairman Wyman read a Certificate of Recognition for Julia DeBery for her years of service to the Recreation Commission.

Reverend Gregory Vinson gave a report on the events planned for Heritage Days to be held on June 29 - July 1<sup>st</sup> and July 4<sup>th</sup>. He stated that the carnival would be here from June 28-July 1<sup>st</sup> and there would be no use of Commercial Street. There will be art in Library Park and live entertainment in both parks.

Following is a list of events and dates:

Chicken BBQ – June 28th

Parade – July 1<sup>st</sup>

Boat Parade – July 1<sup>st</sup>

Fireworks – July 1 & 4<sup>th</sup>

Tratholon – June 30<sup>th</sup>

Councilor Winglass thanked Reverend Vinson for all his hours spent working on Heritage Days.

**C. Public Hearings: 6:11 PM**

**1) CDBG FY 2007 Economic Development Business Assistance application requesting grant funds for assistance to Gagne' Foods Inc. in purchasing of new equipment and with operating capital.**

Community Development Director Al Smith addressed the Council and stated that this application would be going in on Friday to the Department of Economic and Community Development in Augusta. He explained that it is to assist Gagne Foods of Bath in strengthening their operation and preserving the 19 jobs that they currently have there. He then introduced the owner and President of the business, Michael Gagne and said they would take any questions or public comment at this time.

Michael Gagne stated that they have a great business plan that started in the dead of the season on January 8<sup>th</sup> and found themselves with several problems they had not anticipated. He said they were going to hire 11 people and actually hired 22 including administration and marketing sales. He explained that their labor was way too high, their electricity and nitrogen usage was twice what they thought it would be, and they went through all the growing pains. Mr. Gagne said that as a result, they are severely under-capitalized and have such large looming accounts that if they don't begin now to gear up, they won't be able to honor their commitments. He explained that it involves mechanizing two ends of their production line, one of them being a packaging machine. The other problem is that they have no problem getting into accounts but have a hard time maintaining sales because their price point is too high for the market to bear.

He responded to a question that he had heard that Councilor Winglass had as far as what happens when they reduce their prices. He said that they have a very expensive package that is very distinct but said that between the company, the distributor and the profit margin that the retailer puts on, the 39 cent package ends up being \$1.01. He said that if they could reduce the package so that it is approximately 20 cents in addition to reducing the profit margin by taking the eight people that it takes to put the biscuits into the six packs off that line and also the people that pick the biscuits out of the waste material and do it by hand, they could get into automatic wasting, etc. and satellite sheeting. They could then take those people that they re-use and put them into the second shift that they will be need.

Mr. Gagne said that reducing prices will definitely increase sales and said that they have no problem getting people trying and buying the biscuits, but said they are not buying them often enough. They have done in three months of sales what they did in the entire last year. He said that if they approve the CDBG grant, he will need to come up with \$400,000 in operating capital as matching funds, and added that the grant is basically all eaten up in equipment. He said he is in the process of identifying the matching funds. He said that both things would need to happen in order for this to work for them.

It was clarified that this is a grant application and is not City funds – these are federal funds through the State.

There was no public comment.

Al Smith said that this is a pre-application at this point. He said that if it is selected as one that will be considered for funding, they will be coming back with more information and detail on the project and at that time would be looking for a resolution of acceptance of the project for submission to DECD.

**2) Ordinance: Chapter 13. Refuse, Article 1. Garbage and Refuse, Section 13-1. Definitions, Section 13-43. Collection requirements (second passage)**

Motion by Councilor Hinds, second by Councilor Pagurko to waive the reading of the Ordinance.

*A complete copy of this Ordinance is on file with the May 2, 2007 Agenda materials in the Bath City Clerk's Office.*

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

Jackie Dwinal of 1552 Washington Street, a member of the PAYT Committee, spoke in favor of the program. She stated that she had asked John Foster of the Brunswick Landfill how the program is working in Brunswick. Mr. Foster said 103 tons of trash that they were picking up each week before the pay as you throw program has gone down 55-60 tons a week and recycling has gone up appreciably. Ms. Dwinal stated that the PAYT Committee felt the money generated by the program should go towards the closure of the landfill costs.

Fred Hagan of 449 Middle Street stated that he supports the single stream recycling but is concerned that the money brought in from the PAYT is not going to be solely dedicated to the Landfill Account.

Heidi Tucker of 33 Edwards Street spoke in support of PAYT as she likes the environmental aspects. She had concerns with the way the bag fees were being likened to hidden taxes. Ms. Tucker stated she did not look at the fees as a tax but a fee that the each citizen can have some control over.

Charlie Tibbetts of Seekins Drive spoke regarding the \$250,000 that would be going into the General Fund from the PAYT program. He stated that he was concerned with the tax increase, sewer utility fund increase and PAYT that each average household would be paying out of pocket - a minimum of \$500 in this year. Mr. Tibbetts stated that he is in favor of recycling but feels this is just a way of increasing the revenue side of the budget. He explained that if a Special Purpose Fund was created for the landfill closure and transfer station the money received through the PAYT could be dedicated to that account. Mr. Tibbetts asked that Council pass an Order creating the Landfill Closure and Transfer Station Special Purpose Fund and secondly to put a Sunset Clause in the Ordinance stating that if Council fails to create this Special Purpose Fund and/or fails to put \$250,000 a year into the Capital Reserve Account, then this Ordinance would be null and void.

Motion by Councilor Hinds, second by Councilor Omo to amend the Ordinance by changing the price of the 30-gallon bag from \$2.25 to \$2.00.

**VOTE on Amendment:**

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

**NAYS: Rogers, Verville**

**Amendment passed. 6-2**

**VOTE on Amended Ordinance:**

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

**NAYS: Rogers, Verville**

**Amendment passed. 6-2**

**D. Consent Agenda: 7:05 PM**

3) Motion by Councilor Pagurko, second by Councilor Verville to accept the minutes for the April 4, 2007 Council Meetings. All in favor.

**E. Time Devoted to Residents to Address the City Council: 7:05 PM**

No residents spoke at this time.

**F. Ordinances, Resolutions and Orders: 7:06 PM**

**4) Order: Registrar of Voters Hours for the State Referendum and Special Municipal Election to be held June 12, 2007**

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 Special Referendum Election and City of Bath Special Municipal Election to be held Tuesday, June 12, 2007 except for Saturday, June 9, 2007 from 10:00am to 3:00pm at the City Clerks Office, 55 Front Street.

Voters may register on the Day of the Election from 7:30 AM – 4:00 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 Order on the floor for discussion.

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Order passed unanimously. 8-0**

**5) Order: Notice of Election for the State Referendum Election to be held June 12, 2007**

Chairman Wyman read the following Order:

**ORDER**

In City Council

May 2, 2007

BE IT HEREBY ORDERED BY THE CITY COUNCIL, AS FOLLOWS:

That, the Notice of State of Maine Special Referendum Election be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the State of Maine Special Referendum Election will be held at their respective Ward Rooms (1-7 inclusive), on Tuesday, June 12, 2007 for the purpose of determining the following questions:

(2) Two Referendum Questions.

Absentee Ballots shall be processed Election Day at 10:00am, 11:00am, 1:00pm, 2:00pm, 3:00pm and 8:00pm.

The polls shall be opened at 9:00am and closed at 8:00pm.

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

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Order passed unanimously. 8-0**

**6) Order: Issuing of Municipal Warrant for the Special Municipal Election to be held June 12, 2007**

Chairman Wyman read the following Order:

**ORDER**

In City Council

May 2, 2007

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 Special Municipal Election will be held at Bath Middle School, 6 Old Brunswick Road (1-7) inclusive, on the second Tuesday in the month of June, the same being the 12th day of said month, in the year of our Lord Two Thousand Seven, at 9 O'clock in the forenoon, then and there, to cast their votes at the Municipal Election in their respective Wards for:

**One Bond Ordinance Question**

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

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Order passed unanimously. 8-0**

Councilor Verville made a motion to waive the rules to add an Order regarding the Special Purpose Fund for the PAYT funds. The motion was seconded by Councilor Pagurko.

City Solicitor Therriault stated that the Councils should not do an Order at this time as a Special Purpose Account has to be established before revenue can be directed to it. Mr. Therriault stated that he would bring to the June 6<sup>th</sup> Council Meeting a series of orders and amendments to accomplish that goal.

Councilors Verville and Pagurko withdrew their motions.

**7) Arbor Week Proclamation**

Chairman Wyman read the following Proclamation:

**ARBOR WEEK PROCLAMATION**

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world (more often as a weekly observance), and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BATH, MAINE, HEREBY PROCLAIMS THE WEEK OF MAY 20-26 AS

**ARBOR WEEK**

in the City of Bath, and we urge all citizens to celebrate Arbor Week and to support efforts to protect our trees and woodlands, and

FURTHER, We urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

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

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Proclamation passed unanimously. 8-0**

**G. Petitions & Communications: 7:16 PM**

There were no petitions or communications.

**H. City Manager's Report: 7:16 PM**

City Manager Giroux gave a brief overview of the 2007-2008 Proposed Budget. Mr. Giroux started by thanking the city staff for their help with getting the budget as tight as possible and saying there were major problems with the revenue lines for the budget. This equals a 1.91% increase over last year. Mr. Giroux said there would be cuts to city staff positions to help with minimizing tax increases.

Mr. Giroux presented the Council with a 5-year Capital Improvement Plan.

**I. Committee Reports: 7:25 PM**

Councilor Omo reported on behalf of the Schools' Facilities Committee that the roof repair to the Fisher Mitchell School has been completed.

Councilor Pagurko informed Council that the reading of the names of fallen soldiers in the war would be read on Memorial Day and dedicated in memory to former Councilor Jack Hart.

**J. Unfinished Business: 7:26 PM**

There was no unfinished business.

**K. New Business: 7:26 PM**

**8) Appointment: 2 members to the Community Forestry Committee with a 3-year commitment term.**

Councilor Pagurko nominated Suzanne Preisler and Keith Emery to the positions on the Community Forestry Committee. All were in favor of the nominees.

**9) Appointment: 4 members to the Mid Coast Center for Higher Learning - two members with terms expiring March 2009 and two members with terms expiring March 2010**

Councilor Pagurko nominated Elena Vandervoort and Ruth Lawson-Stoppes to the March 2009 term expiration positions and Francis Dillon and Sandra Morrell Rooney to the March 2010 term expiration positions. All were in favor of the nominees.

**10) Appointment: 3 members to the Sidewalk Vending Committee with term expirations of May 2010.**

Councilor Pagurko nominated Mike Fear as Retail Representative, Angela Edgecomb as the Food Retailer Representative and Sharon Drake as the At-Large member. All were in favor of the nominees.

Motion by Councilor Pagurko to go into Executive Session to discuss Legal Matter per 1 MRSA §405(6)(E) and Personnel Matter per 1 MRSA §405(6)(A) at 7:31 PM. Motion was seconded by Councilor Hinds. All in favor.

Motion by Councilor Pagurko to come out of Executive Session at 8:16 PM. Councilor Hinds seconded the motion. All in favor.

The meeting adjourned at 8:18 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.*