

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

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

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: 6:02 PM

2)* Minutes of the previous meetings of May 2, 2007 Council Meeting and May 16, 2007 Budget Public Hearing Minutes.

3)*Order: Appointment of Wardens and Ward Clerks for the State Referendum and Special Municipal Election to be held June 12, 2007 (Motion to Accept as Presented)

Motion by Councilor Hinds, second by Councilor Mulligan to accept the minutes for the May 2 and 16, 2007 Council Meetings and appoint Wardens and Ward Clerks for the Election on June 12, 2007.

VOTE:

YEAS: 7

NAYS: 0

Passed unanimously. 7-0

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

John MacGregor of 828 Middle Street spoke to Council regarding the proposed lay-offs in the city.

E. Ordinances, Resolutions and Orders: 6:13 PM

4) Order: Changing date of the Regular Council Meeting July 4, 2007 to July 11, 2007

Chairman Wyman read the following Order:

ORDER

WHEREAS, the date for the Regular Meeting of the Bath City Council for July comes on July 4, 2007 and

WHEREAS, July 4, 2007 is a Federal Holiday;

NOW, THEREFORE, BE IT ORDERED THAT THE BATH CITY COUNCIL approves changing the date of the Regular Meeting of the Bath City Council for Wednesday, July 4, 2007 to Wednesday, July 11, 2007.

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

VOTE:

YEAS: 8

NAYS: 0

Order passed unanimously. 7-0

5) Order: MidCoast Center for Higher Learning purchase of Eder Property

Chairman Wyman read the following Order:

**RESOLUTION
APPROVING PURCHASE OF REAL ESTATE**

WHEREAS, the Board of Directors of the Mid Coast Center for Higher Learning have requested that the City Council approve the purchase of certain property to expand the Mid Coast Center parking lot on the South side of Park Street; and

WHEREAS, Ron R. Eder and Diane C. Eder, owners of property adjacent to the East of the parking area have agreed to sell a certain portion of their property, being a 70' by 120' lot or approximately 8,400 square feet, which is the western most portion of Lot 296, on City of Bath Tax Map 20, including any interest in and to the former Henderson Street abutting the 70' by 120' lot; and

WHEREAS, the parties have agreed on a purchase price of \$18,000.00, to be funded by the Mid Coast Center for Higher Learning.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Bath that the portion of the Eder property described above be purchased for the sum of \$18,000.00, and

BE IT FURTHER RESOLVED that the City Manager be authorized to enter into and execute a Purchase and Sales Agreement for the premises and to execute such other and further documents as may be necessary to consummate the transfer.

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

Arthur Mayo, Board Chairman, stated that the City would purchase the property but the Board would reimburse the cost back to the City. He explained that this property would make it possible to expand the parking area in the future.

Councilor Hinds recused himself from the vote due to him being on the MCH Board of Directors.

VOTE:

YEAS: 6

NAYS: 0

Order passed unanimously. 6-0

6) Order: Landfill Closure

Councilor Verville took his seat at this time.

Chairman Wyman read the following Order:

**ORDER
LANDFILL CLOSURE**

WHEREAS, the City Council of the City of Bath has been in discussions with City Staff regarding options for the disposal of solid waste within the City; and

WHEREAS, one option involves closure of the City's solid waste disposal site without further expansion or the creation of new disposal cells; and

WHEREAS, the closure option requires that the City begin the planning and initiate the process for closure immediately, requiring the City Council 'to make a decision to exercise this option.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the operation of the City's solid waste disposal site be terminated on or before December 31, 2008; and

BE IT FURTHER ORDERED that City Staff, along with such other outside engineers, contractors and consultants as may be appropriate and necessary, initiate the closure of the facility in accordance with applicable closure procedures and regulations; and

BE IT FURTHER ORDERED that the City Manager provide recommendations to Council for alternate methods of disposition of the City's solid waste, so that an alternative means of disposition will be in effect at the point in time when the landfill ceases to accept solid waste.

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

VOTE:

YEAS: Hinds, Mulligan, Rogers, Pagurko, Winglass

NAYS: Omo, Eosco, Verville

Order passed. 5-3

- 7) **Ordinance: LUC Amendment – Changing the zoning on a portion of the parcel of land at 65 Bowery Street (tax map 20, apportion of lot 341) from Marine Business Zone (C5) to Mixed Use Light Commercial Zone (C2). (first passage)**

Chairman Wyman read the following Ordinance:

ORDINANCE

WHEREAS, THE CITY COUNCIL OF THE CITY OF BATH, AS PART OF THE ADOPTION OF THE BATH LAND USE CODE ON JULY 19,2000, EFFECTIVE AUGUST 9, 2000, DEPICTED THE BOUNDARIES OF ALL LAND USE DISTRICTS ON A ZONING MAP OF THE CITY OF BATH, ALSO DATED JULY 19, 2000, INCORPORATED BY REFERENCE INTO THE LAND USE CODE PURSUANT TO THE PROVISIONS OF SECTION 7.02 OF THE SAID CODE, AND

WHEREAS, IT IS NECESSARY AND APPROPRIATE THAT THE BOUNDARIES OF THE LAND USE DISTRICTS BE, FROM TIME TO TIME, ADJUSTED AND AMENDED, IN ORDER TO CREATE NEW DISTRICTS AND ADJUST BOUNDARY LINES OF EXISTING DISTRICTS,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE ZONING MAP OF THE CITY OF BATH, DATED JULY 19,2000, BE AND HEREBY IS AMENDED IN ACCORDANCE WITH THE SKETCH PLAN ATTACHED HERETO AND MADE A PART HEREOF. THIS CHANGE SHALL BE INCORPORATED INTO AND BE PART OF THE OFFICIAL ZONING MAP OF THE CITY OF BATH. THE SPECIFIC ADJUSTMENT IS:

Changing the zoning on a portion of the parcel of land at 65 Bowery Street (tax map 20, a portion of lot 341) from Marine Business Zone (C5) to Mixed Use Light Commercial Zone (C2).

The applicant for this Zoning Map amendment is Dirigo Holdings, LLC (Bruce Poliquin).

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

After a very lengthy discussion, Mr. Poliquin pulled his application.

Motion by Councilor Hinds, seconded by Councilor Omo to waive the working rules to continue the meeting past 9:00 PM. All in favor.

8) Ordinance: Recreation Department (first passage)

Motion by Councilor Hinds, second by Councilor Omo to waive the reading of the Ordinance. All in favor.

A complete copy of this Ordinance is on file in the Bath City Clerk's Office with the agenda materials for the June 6, 2007 Council Meeting.

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

ROLL CALL VOTE:

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

NAYS: None

Ordinance passed unanimously. 8-0

Chairman Wyman set second passage for June 20, 2007 at 6:01 PM.

9) Ordinance: Supplemental Appropriation (first passage)

Motion by Councilor Omo, second by Councilor Hinds to waive the reading of the Ordinance. All in favor.

**ORDINANCE
SUPPLEMENTAL APPROPRIATIONS**

WHEREAS, The City Council desires to set aside additional funds for unanticipated expenditures; and

WHEREAS, surplus funds in the General Fund Undesignated Fund Balance account, constituting revenue in excess of those estimated in the budget for the current year are available for this purpose; and

WHEREAS, the sum proposed to be appropriated by the Supplemental Appropriation, totaling One Hundred Thirty Thousand Dollars (\$130,000) will not exceed the expenditure limits for the current year pursuant to Section 617 of the Charter of the City of Bath;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Bath that the total sum of Five Thousand Dollars (\$5,000), be and hereby be supplementally appropriated from the General Fund

Balance (account GF-2500) to the Forestry Department (\$2,000 to 092-206 Small Tools and \$3,000 to 092-224 Rental Equipment).

BE IT FURTHER RESOLVED, by the City Council of the City of Bath that the total sum of Five Thousand Dollars (\$5,000), be and hereby be supplementally appropriated from the General Fund Balance (account GF-2500) to the General Assistance Department Account 070-244 Special Department Expense.

BE IT FURTHER RESOLVED, by the City Council of the City of Bath that the total sum of Fifty Thousand Dollars (\$50,000), be and hereby be supplementally appropriated from the General Fund Balance (account GF-2500) to the Fire Department (\$40,000 to 100-103 Overtime, \$6,000 to 100-105 Premium Pay, and \$4,000 to 100-208 Vehicular).

BE IT FURTHER RESOLVED, by the City Council of the City of Bath that the total sum of Five Thousand Dollars (\$5,000), be and hereby be supplementally appropriated from the General Fund Balance (account GF-2500) to the Debt Service Cost Center in the general fund (account 110-902-2003 SRF Landfill Bonds).

BE IT FURTHER RESOLVED, by the City Council of the City of Bath that the total sum of Sixty Five Thousand Dollars (\$65,000), be and hereby be supplementally appropriated from the General Fund Balance (account GF-2500) to the Council Contingency Account (012-402).

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

Motion by Councilor Hinds to amend the Ordinance by changing the word "RESOLVED" to "ORDAINED". Councilor Omo seconded motion.

ROLL CALL VOTE on amendment:

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

NAYS: None

Amendment passed unanimously. 8-0

ROLL CALL VOTE on amended Ordinance:

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

NAYS: None

Amended Ordinance passed unanimously. 8-0

Chairman Wyman set second passage for June 20, 2007 at 6:02 PM.

10) Resolution: MRSA 401(a) Plan Contribution

This Resolution was pulled from the Agenda.

11) Resolution: MMA Property and Casualty Pool

Motion by Councilor Omo, second by Councilor Eosco to waive the reading of the Resolution. All in favor.

RESOLUTION

BE IT RESOLVED by the Council of the City of Bath, as follows:

That the City of Bath becomes a member of the Maine Municipal Association Property and Casualty Pool and further, that the City Manager be authorized to execute any Contract Agreement required for membership on behalf of the City and take whatever other actions may be necessary.

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

VOTE:

YEAS: 8

NAYS: 0

Resolution passed unanimously. 8-0

12) Accept Fund Balance Policy

This Resolution was pulled from the Agenda.

G. Petitions & Communications: 9:10 PM

There were no petitions or communications.

H. City Manager's Report: 9:10 PM

There was no City Manager's Report.

I. Committee Reports: 9:10 PM

There were no Committee Reports

J. Unfinished Business: 9:10 PM

There was no unfinished business.

K. New Business: 9:11 PM

There was no new business.

The Executive Session to discuss a real estate matter per 30-A M.R.S.A. §405(6)(C) was pulled from the agenda.

The meeting adjourned at 9:12 PM with a motion by Councilor Winglass, 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.