

**SPECIAL MEETING MINUTES**  
**City Council of the City of Bath, Maine**  
**Wednesday, June 20, 2007 6:00 pm**  
**Council Chambers, Bath City Hall**

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

Also in attendance was the City Manager, William Giroux, Acting City Solicitor, Michael Therriault and City Clerk, Mary White.

Chairman Wyman led the Pledge of Allegiance and City Clerk White called the Roll.

**I. Public Hearing: Ordinance: Recreation Department (second passage) (6:01 PM)**

Motion by Councilor Hinds, second by Councilor Pagurko 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 20, 2007 Council Meeting.*

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

**ROLL CALL VOTE:**

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

**NAYS: None**

**Ordinance passed unanimously. 6-0**

Chairman Wyman stated this Ordinance becomes effective July 1, 2007.

**II. Public Hearing: Ordinance: Supplemental Appropriation (second passage) (6:04 PM)**

Chairman Wyman read the following Ordinance:

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

**ROLL CALL VOTE on amendment:**

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

**NAYS: None**

**Amendment passed unanimously. 6-0**

Chairman Wyman stated this Ordinance becomes law in 21 days.

**III. CDBG Resolution for Gagne Foods, Inc. in the amount \$400,000.00 (6:07 PM)**

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

**COUNCIL RESOLUTION  
City of Bath**

Whereas the City of Bath wishes to apply to the Department of Economic and Community Development for a Community Development Block Grant Program award to carry out a community development program; and

Whereas the planning process required by Maine Law and the CDBG program has been complied with, including participation in the planning process by low and moderate income families and individuals and the Municipal Entity has conducted at least one duly advertised public hearing; and

Whereas the Department of Economic and Community Development has established the Economic Development Program,

Business Assistance Grant Category

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL that William D. Giroux its City Manager:

is authorized and directed to submit a Community Development Block Grant application for the program designated above in the amount of \$ 400,000.00 to the Department of Economic and Community Development on behalf of Gagne Foods, Inc. substantially in the form presented to this Council;

is authorized to make such assurances on behalf of the City of Bath required as part of such application; and,

is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing said program, consistent with the Charter of City of Bath\_ and the laws and regulations governing the planning and implementation of community development programs in the State of Maine.

Signed this 20th day of June, 2007 on behalf of the Community Council of Bath, Maine

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

Al Smith, CDBG Coordinator, explained this is the next step in the process to apply for the grant.

**VOTE:**

**YEAS: 6**

**NAYS: 0**

**Resolution passed unanimously. 6-0**

#### **IV. Order: Designating Special Purpose Landfill Fund (6:15 PM)**

Chairman Wyman read the following Order:

### **ORDER DESIGNATING SPECIAL PURPOSE FUND**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT A SPECIAL PURPOSE FUND DESIGNATED AS THE LANDFILL FUND BE AND HEREBY IS ESTABLISHED, AND BE IT FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT ALL PROCEEDS OF SALE OF THE OFFICIALLY DESIGNATED BAGS PURCHASED IN CONNECTION WITH THE CITY'S PAY-AS-YOU-THROW (PAYT) PROGRAM, UNDER SECTION 13-43(7) OF THE CODE OF THE CITY OF BATH, SHALL BE PLACED IN THE FUND, ALONG WITH ANY OTHER REVENUE OR OTHER SOURCE OF FUNDING THAT THE CITY MAY DETERMINE BE APPROPRIATELY ALLOCATED TO THE FUND, AND BE IT FURTHER ORDERED THAT THE FUND BE USED EXCLUSIVELY FOR LANDFILL RELATED ISSUES INCLUDING, BUT NOT LIMITED TO, REMEDIATION AND LANDFILL CLOSURE.

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

Gerald Provencher of 15 Winslow Court addressed Council regarding two issues, the first regarding the logic for not closing the landfill and second the City's need to take more of a proactive business development stance.

**VOTE:**

**YEAS: 6**

**NAYS: 0**

**Order passed unanimously. 6-0**

**V. Ordinance: Chapter 13. Refuse, Article 1. Garbage and Refuse Section 13-43. Collection requirements (7). (first passage) (6:28 PM)**

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 13. REFUSE  
Article 1. Garbage and Refuse**

Section 13-43. Collection requirements.

Add the following to (7) Pay-as-you-throw Program.

The fees for purchase of officially designated bags used in the operation as the Pay-As-You-Throw (PAYT) program shall be placed in a Special Purpose Fund designated by City Council for use in connection with landfill related expenses, including but not limited to remediation and closeout costs, and shall not be placed in the City's General Fund.

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

**ROLL CALL VOTE:**

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

**NAYS: None**

**Ordinance passed unanimously. 6-0**

Chairman Wyman set second passage of this Ordinance for July 11, 2007 at 6:01 PM.

**VI. Order: Approving Firefighters' Contract (6:30 PM)**

Chairman Wyman read the following Order:

**ORDER  
APPROVING FIREFIGHTERS CONTRACT**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT A BARGAINING AGREEMENT WITH THE MEMBERS OF THE BATH FIREFIGHTERS ASSOCIATION, LOCAL NO. 1611 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, A.F.L. – C.I.O, COMMENCING JULY 1, 2007 AND EXTENDING THROUGH JUNE 30, 2010, A COPY OF WHICH IS ATTACHED HERETO, BE AND HEREBY IS APPROVED, AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SAID CONTRACT ON BEHALF OF THE CITY OF BATH.

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

**VOTE:**

**YEAS: 6**

**NAYS: 0**

**Order passed unanimously. 6-0**

**VII. Order: Approving Police Contract (6:32 PM)**

Motion by Councilor Omo, second by Councilor Pagurko to waive the reading of the Order. All in favor.

**ORDER  
APPROVING POLICE CONTRACT**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE BARGAINING AGREEMENT BY AND BETWEEN THE CITY OF BATH AND THE BATH POLICE DEPARTMENT UNIT, MAINE ASSOCIATION OF POLICE, ATTACHED HERETO, BE AND HEREBY IS APPROVED FOR THE PERIOD OF TIME COMMENCING JULY 1, 2007 AND EXTENDING THROUGH JUNE 30, 2010 AND THAT THE CITY MANAGER OF THE CITY OF BATH BE AUTHORIZED TO EXECUTE SAID CONTRACT ON BEHALF OF THE CITY.

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

**VOTE:**

**YEAS: 6**

**NAYS: 0**

**Order passed unanimously. 6-0**

**VIII. Resolution: City Operating Budget Component (6:33 PM)**

Chairman Wyman read the following Resolution:

**RESOLUTION  
CITY OPERATING BUDGET COMPONENT**

***BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE***, that the City Operating Budget for the fiscal year commencing on July 1, 2007 and terminating on June 30, 2008, be and hereby is adopted with a total expenditure of **\$ 9,899,031.00**, balanced with an equal amount of estimated revenue. Summary of appropriations are attached to this Resolution in the following two pages.

*A complete copy of summary is on file in the Bath City Clerk's Office with the agenda materials for the June 20, 2007 Council Meeting.*

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

**VOTE:**

**YEAS: 6**

**NAYS: 0**

**Resolution passed unanimously. 6-0**

**IX. Resolution: City Capital Improvement Component (6:35 PM)**

Chairman Wyman read the following Resolution:

**RESOLUTION  
CITY CAPITAL IMPROVEMENT COMPONENT**

***BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE***, that the City Capital Improvement Budget as reallocated and/or appropriated for the fiscal year commencing on July 1, 2007 and terminating on June 30, 2008, be and hereby is adopted with a total expenditure of **\$ 738,896.00**, balanced with an equal amount of estimated revenue. Summary of funded projects is on the following page.

*A complete copy of summary is on file in the Bath City Clerk's Office with the agenda materials for the June 20, 2007 Council Meeting.*

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

**VOTE:**

**YEAS: 6**

**NAYS: 0**

**Resolution passed unanimously. 6-0**

**X. Resolution: Landfill Fund Component (6:38 PM)**

Chairman Wyman read the following Resolution:

**RESOLUTION  
LANDFILL FUND COMPONENT**

***BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE***, that the City Capital Improvement Budget as reallocated and/or appropriated for the fiscal year commencing on July 1, 2007 and terminating on June 30, 2008, be and hereby is adopted with a total expenditure of **\$1,583,103.00**, balanced with an equal amount of estimated revenue. Summary of appropriations is attached on the following page.

*A complete copy of summary is on file in the Bath City Clerk's Office with the agenda materials for the June 20, 2007 Council Meeting.*

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

**VOTE:**

**YEAS: 6**

**NAYS: 0**

**Resolution passed unanimously. 6-0**

**XI. Resolution: Sewer Utility Fund Component (6:41 PM)**

Chairman Wyman read the following Resolution:

**RESOLUTION  
SEWER UTILITY FUND COMPONENT**

***BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE***, that the Sewer Utility Fund Budget for the fiscal year commencing on July 1, 2007 and terminating on June 30, 2008, be and is hereby adopted with a total expenditure of \$1,887,477.00, balanced with an equal amount of estimated revenue. Summary of appropriations are attached to this Resolution on the following page.

*A complete copy of summary is on file in the Bath City Clerk's Office with the agenda materials for the June 20, 2007 Council Meeting.*

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

John MacGregor of 828 Middle Street stated his concern with the 6% increase in his sewer/water bill.

Gerald Provencher of 15 Winslow Court asked what percentage of the City's sewer lines haven't been separated.

Mr. Giroux told Mr. Provencher to contact Peter Owen, Public Works Director regarding that issue.

**VOTE:**

**YEAS: 6**

**NAYS: 0**

**Resolution passed unanimously. 6-0**

**XII. Resolution: Bath City Bus Fund Budget (6:50 PM)**

Chairman Wyman read the following Resolution:

**RESOLUTION  
BATH CITY BUS FUND COMPONENT**

***BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE***, that the Bath City Bus Fund Budget for the fiscal year commencing on July 1, 2007 and terminating on June 30, 2008, be and is hereby adopted with a total expenditure of \$95,680.00, balanced with an equal amount of estimated revenue. Summary of appropriations are attached to this Resolution on the following page.

*A complete copy of summary is on file in the Bath City Clerk's Office with the agenda materials for the June 20, 2007 Council Meeting.*

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

**VOTE:**

**YEAS: 6**

**NAYS: 0**

**Resolution passed unanimously. 6-0**

**XIII. Resolution: to Increase the LDI Tax Levy Limit (6:53 PM)**

Chairman Wyman read the following Resolution:

**RESOLUTION  
TO INCREASE THE LD1 TAX LEVY LIMIT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, to increase the tax levy limit of \$4,452,293 by the amount required by the adoption of the 2007-2008 budget (estimated increase \$910,000).

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

**VOTE:**

**YEAS: 6**

**NAYS: 0**

**Resolution passed unanimously. 6-0**

**XIV. Order: Establishing Tax Club for the upcoming year (6:55 PM)**

Chairman Wyman read the following Order:

**ORDER  
TAX CLUB FOR 2007 - 2008**

***BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE***, as follows:

That the Finance Director, serving as the appointed Treasurer and Tax Collector, be authorized and empowered to continue a tax payment plan known as the "Bath Tax Club", making payments in a method, frequency, and manner set by, and in accordance with, the rules of said Tax Club as determined by the Finance Director; and

That membership shall be limited to one property, that being the taxpayer's primary residence, and specifically not available for commercial, industrial, personal, or rental properties; and

That membership in said Tax Club be limited to those taxpayers who were members in the 2005 Tax Club with accounts paid in full, without a history of delinquency and/or lien; and

That enrollment in the 2007 Tax Club begins July 6, 2007, and ends August 15, 2007; with the first of twelve payments due in September 2007.

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

**VOTE:**

**YEAS: 6**

**NAYS: 0**

**Order passed unanimously. 6-0**

**XV. Resolution: Establishing interest rate on all delinquent taxes at the rate of 12.0% per annum (6:56 PM)**

Chairman Wyman read the following Resolution:

**RESOLUTION  
ESTABLISH INTEREST RATE ON PROPERTY TAXES**

WHEREAS, pursuant to 36 M.R.S.A. Section 505(4) the City of Bath has the authority to specify an interest rate which shall be applied to delinquent taxes; and

WHEREAS, Section 7-101 of the Code of the City of Bath determines that the rate of interest is to be established yearly by Resolution of this Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath, that the interest rate due and payable for all delinquent taxes shall be set at the rate of 12.0% per annum, from July 1, 2007 to June 30, 2008.

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

**VOTE:**

**YEAS: 6**

**NAYS: 0**

**Resolution passed unanimously. 6-0**

**XVI. Resolution: Establishing interest rate on delinquent sewer bills at the rate of 12.0% per annum (6:59 PM)**

Chairman Wyman read the following Resolution:

**RESOLUTION  
ESTABLISH INTEREST RATE ON SEWER BILLS**

***BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE***, as follows:

That the interest rate due and payable for all delinquent sewer bills shall be set at the rate of 12.0% per annum, from July 1, 2007 to June 30, 2008.

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

**VOTE:**

**YEAS: 6**

**NAYS: 0**

**Resolution passed unanimously. 6-0**

**XVII. Resolution: Establishing interest rate on refunds due to tax abatements at the rate of 8.0% per annum (7:01 PM)**

Chairman Wyman read the following :

**RESOLUTION  
ESTABLISH INTEREST RATE ON REFUNDS DUE TO OVERPAYMENT OF TAXES**

***BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE***, as follows:

That any taxpayer who pays an amount in excess of what is finally assessed (as in the case of a taxpayer who pays under protest, appeals the assessment, and is granted an abatement; or in the case of accidental overpayment of taxes by a mortgage company, taxpayer, or tax club member) must be repaid the amount of the overpayment, plus interest back to the date of the overpayment, at a rate of 7.0% per annum, from July 1, 2007 to June 30, 2008; and

That property tax payments can be received only for delinquent or currently due taxes; and

That payments resulting in an overpayment will be applied as much as possible to outstanding balances, then remainder repaid only to the payee.

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

**VOTE:**

**YEAS: 6**

**NAYS: 0**

**Resolution passed unanimously. 6-0**

**XVIII. Resolution: City of Bath's Special Purpose Fund Component (7:02 PM)**

Chairman Wyman read the following Resolution:

**RESOLUTION  
SPECIAL PURPOSE FUND COMPONENT**

***BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE***, that the City of Bath's Special Purpose Fund as reallocated and/or appropriated for the fiscal year commencing on July 1, 2007 and terminating on June 30, 2008, be and is adopted for the purpose of funding the accounts attached to this Resolution below:

*A complete copy of this Resolution is on file in the Bath City Clerk's Office with the agenda materials for the June 20, 2007 Council Meeting.*

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

**VOTE:**

**YEAS: 6**

**NAYS: 0**

**Resolution passed unanimously. 6-0**

The meeting adjourned at 7:07 PM with a motion from Councilor Pagurko and a second from Councilor Hinds. All in favor.

Attest:

Mary J. White, City Clerk

*Please note: These minutes are action only and not recorded verbatim. A DVD recording of the meeting is available for review in the City Clerk's office during regular business hours.*