

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, September 17, 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, City Solicitor, Roger Therriault and City Clerk, Mary White.

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

I. Public Hearing: CDBG Economic Development Business Assistance grant for Gagne Foods 6:01 PM

Al Smith, CDBG Coordinator, explained that the project was in Phase II, the development phase, that goes towards the contract so was anticipating funding for this project and in order to meet timelines the business has for trying to get through Phase II as quickly as possible. The project is to support Gagne Foods with the purchase of equipment to improve the production process. The public hearing is a requirement to get comments from the public regarding the project.

Chairman Wyman opened the public hearing. Since there were no comments from the public he closed the public hearing.

II. Resolution: CDBG Economic Development Business Assistance Grant in the Amount of \$400,000 6:03 PM

Chairman Wyman read the following Resolution:

COUNCIL RESOLUTION
STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the City of Bath has applied to the Department of Economic and Community Development for a Community Development Block Grant to carry out a community development program; and

WHEREAS, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income families and individuals and the community has conducted at least one duly advertised public hearing.

NOW THEREFORE, be it resolved by the City Council of the City of Bath that the City Manager :

- 1) Is authorized and directed to submit the phase II development packet for the following program and dollar amount within the State of Maine's CDBG Program:
Program: Economic Development Business Assistance Grant
Amount: \$400,000
To the Department of Economic and Community Development on behalf of AMS LLC (dba Gagne Foods) substantially in the form presented to this council;
- 2) Is authorized to make assurances on behalf of the Community of Bath required as part of such applications, and
- 3) Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing said program(s), consistent with the Charter of the City of Bath and the laws and

regulations governing planning and implementation of community development programs in the State of Maine.

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

Councilor Pagurko made a motion to recess to Workshop. Councilor Hinds seconded the motion. All were in favor.

RECESSED TO WORKSHOP:

School Reorganization Discussion - supporting documentation on file in the Bath City Clerk's Office with agenda materials for the September 17, 2007 Council Meeting.

Councilor Pagurko made a motion to come out of Workshop. Councilor Hinds seconded the motion. All were in favor.

III. Public Hearing: on proposed Charter revisions designed to bring the Charter into compliance with the provisions of LD910 6:35 PM

Chairman Wyman opened the public hearing. Since there were no comments from the public, Chairman Wyman closed the hearing.

IV. Order: For Vote on Charter Amendment 6:36 PM

Chairman Wyman read the following Order:

**ORDER
FOR VOTE ON CHARTER AMENDMENT**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT SAID CITY COUNCIL, BEING THE MUNICIPAL OFFICERS OF THE CITY, AND HAVING HELD A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF BATH, AND HAVING DETERMINED THAT THE ELECTORATE OF THE CITY OF BATH SHOULD BE GIVEN THE OPPORTUNITY TO VOTE ON THE PROPOSED AMENDMENT, THAT THE PROPOSED AMENDMENT IN SUBSTANTIALLY THE FORM ATTACHED TO THIS ORDER, BE PLACED ON THE BALLOT FOR CONSIDERATION AT THE MUNICIPAL ELECTION SCHEDULED FOR NOVEMBER 6, 2007, SAID ELECTION BEING MORE THAN THIRTY (30) DAYS FROM THE DATE OF THE PASSAGE OF THIS ORDER.

A complete copy of the amendment is on file in the Bath City Clerk's Office with the agenda materials for the September 17, 2007 Council Meeting.

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

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

V. Order: Tax Increment Financing District FY2008 6:40 PM

Chairman Wyman read the following Order:

**ORDER
APPROVING AUTHORIZATION
TAX INCREMENT FINANCING DISTRICT (FY 2008)**

Be It Hereby Ordered By the City Council of the City of Bath that nine hundred twenty-one thousand seven hundred fifteen dollars and 00/100 (\$921,715.00) be and hereby is authorized to be spent from the Tax Increment Financing District Development Program terminating on June 30, 2008 for the following purposes:

Designated:

- Debt Service \$701,715
- Contribution to Bath Local Development Corporation \$75,000
- Contribution to Main Street Bath \$20,000
- Economic Development Projects Account \$75,000
- Train Station Park \$75,000

Total \$921,715

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

VOTE:

YEAS: 6

NAYS: 0

Order passed unanimously. 6-0

VI. Order: Revised Order on the Bond Ordinance for Landfill Closure 6:43 PM

Chairman Wyman read the following Order:

**ORDER
(REVISED)**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH AS FOLLOWS:

THAT PURSUANT TO THE AUTHORITY OF THE CITY COUNCIL UNDER SECTION 1014 OF THE CHARTER OF THE CITY OF BATH AND IN ACCORDANCE WITH THE PROVISIONS OF SECTION 617 OF THE CHARTER OF THE CITY OF BATH, THE FOLLOWING PROPOSITION FOR THE ENACTMENT OF AN ORDINANCE FUNDING LANDFILL CLOSURE, SAID BOND ORDINANCE BEING ATTACHED HERETO, BE SUBMITTED TO THE VOTERS OF THE CITY OF BATH AT A MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2007:

“SHALL A BOND ORDINANCE BE AUTHORIZED IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$3,500,000.00 FOR THE PURPOSE OF LANDFILL CLOSURE?”

EXPLANATORY NOTE:

A YES VOTE in favor of this Bond Ordinance is a vote supporting the closure of the Bath Landfill and will provide funding for the closure.

A NO VOTE against the Bond Ordinance is a vote in opposition to the closure of the Bath Landfill and provides no funding for the closure.

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

Kristine Zaracki of 45 Pine Street asked if the landfill has to be closed.

Councilor Omo explained that this bond is giving the public the choice to fund or not fund the closing of the landfill.

Councilor Rogers explained that the Council has previously voted to close the landfill.

Councilor Winglass stated that a new cell would have to be built in order to keep the landfill open.

Christina Hagan of 449 Middle Street stated that should the citizens decide not to fund this bond, there has to be some serious discussion on how to keep the landfill open as long as possible. She expressed her appreciation to Council for all their hard work on making the right decision.

VOTE:

YEAS: 6

NAYS: 0

Order passed unanimously. 6-0

VII. Order: Contract for Landfill Gas Remediation Project 6:58 PM

Chairman Wyman read the following Order:

**ORDER
APPROVING BID AND CONTRACT**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF SARGENT CORPORATION FOR THE LANDFILL GAS REMEDIATION PROJECT IN THE AMOUNT OF \$796,945.00 IS ACCEPTED, IT BEING THE LOWEST QUALIFIED BID SUBMITTED, AND A CONTRACT BY AND BETWEEN THE CITY OF BATH AND SARGENT CORPORATION IS HEREBY APPROVED AND THE MANAGER IS AUTHORIZED TO EXECUTE THE CONTRACT AND ANY OTHER DOCUMENTS NECESSARY TO ITS IMPLEMENTATION ON BEHALF OF THE CITY OF BATH. THE PROJECT HAS BEEN FUNDED BY THE PROCEEDS OF A BOND AUTHORIZED BY THE VOTERS OF THE CITY OF BATH ON NOVEMBER 7, 2006.

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

Peter Owen, Public Works Director, explained the bid process and the scope of the project.

VOTE:

YEAS: 6

NAYS: 0

Order passed unanimously. 6-0

Motion by Councilor Pagurko at 7:04 PM to go into Executive Session to discuss poverty abatements per 36 M.R.S.A. §841. Councilor Hinds seconded the motion. All were in favor.

Motion by Councilor Winglass, second by Councilor Pagurko at 7:41 PM to come out of Executive Session. All were in favor.

The meeting adjourned at 7:42 PM with a motion from Councilor Pagurko and a second from Councilor Winglass. All were 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.