

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, October 3, 2007 6:00pm
City Council Chambers, Bath City Hall

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

Also in attendance were 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: 6:01 PM

1) Motion by Councilor Hinds, second by Councilor Pagurko to accept the minutes for the September 5 and 17, 2007 Council Meetings. All in favor.

D. Time Devoted to Residents to Address the City Council: 6:02 PM

No residents spoke at this time.

E. Ordinances, Resolutions and Orders: 6:02 PM

2) **Order - Prepare Notice of Election to notify inhabitants of the Maine State Referendum Election to be held on Tuesday, November 6, 2007 to vote for the following: One Citizen Initiative Question, Three Bond Ordinance Questions and One Referendum Question**

Chairman Wyman read the following Order:

ORDER
In City Council

October 3, 2007

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

That, the Notice of State of Maine Referendum Election be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the Referendum Election will be held at Bath Middle School, 6 Old Brunswick Road (1-7 inclusive), on Tuesday, November 6, 2007 for the purpose of determining the following:

Question One: Citizen Initiative

Do you want to allow a Maine tribe to run a harness racing track with slot machines and high-stakes beano games in Washington County?

Question Two: Bond Issue

Do you favor a bond issue to stimulate economic development and job creation that would provide \$5,000,000 in loans and grant funds and would provide \$50,000,000 in research, development and commercialization funds for targeted technology sectors, awarded after a competitive process administered by the Maine Technology Institute, and will leverage at least \$50,000,000 in other funds?

Question Three: Bond Issue

Do you favor a \$43,500,000 bond issue for interior and exterior building renovations,- .. improvements and additions at all campuses of the Maine Community College System, the Maine Maritime Academy and the University of Maine System; to replenish the School Revolving Renovation Fund for school repairs and renovations; and to support capital improvements for cultural and educational assets such as museums, historical facilities and libraries?

Question Four: Bond Issue

Do you favor a \$35,500,000 bond issue to invest in land conservation, water access, wildlife habitat, outdoor recreation opportunities, including hunting and fishing, farmland and working waterfront and to invest in state parks, historic sites and riverfront, community and farm infrastructure to be matched by at least \$21,875,000 in private and public contributions?

Question Five: Referendum

Do you favor extending term limits for Legislators from 4 to 6 terms?

Absentee Ballots shall be processed Election Day at 10:00am, 11:00am, 1:00pm, 2:00pm, 3:00pm and 7:00pm.

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

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

VOTE:

YEAS: 7

NAYS: 0

Order Passed Unanimously. 7-0

3) Order - Prepare Election Warrant to notify inhabitants of City of Bath Municipal Election to be held on Tuesday, November 6, 2007 to vote for the following: One Councilor from Ward 5, Ward 7 and At Large (three year terms); Board of Education one member Ward 2 and Ward 4 and At Large (three year terms) One Bond Ordinance Question, One Referendum Question and One Charter Amendment Question

Chairman Wyman read the following Order:

ORDER

In City Council
October 3, 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 Municipal Election will be held at Bath Middle School, 6 Old Brunswick Road (1-7) inclusive, on the Tuesday following the first Monday of November, the same being the 6th 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:

City Councilors to be Elected:

Ward Five One to be Elected for a three year term
Ward Seven One to be Elected for a three year term
At Large One to be Elected for a three year term

Board of Education to be Elected:

Ward Two One to be Elected for a three year term
Ward Four One to be Elected for a three year term
At Large One to be Elected for a three year term

- One Bond Ordinance Question**
- One Referendum Question**
- One Charter Amendment 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, seconded by Councilor Hinds to put this Order on the floor for discussion.

VOTE:

YEAS: 7

NAYS: 0

Order Passed Unanimously. 7-0

4) Order - Appointment of Wardens and Ward Clerks for the November 6, 2007 Election

Chairman Wyman read the following Order:

ORDER

Be It Ordered by the City Council of the City of Bath,

that the following be appointed for the Maine State General/Referendum Election and the City of Bath Municipal Election to be held on Tuesday, November 6, 2007

Ward	Warden	Ward Clerk
1	Darlene Compton	Barry Compton
2	Pamela Murray	Christina Hagan
3	Sally Hordeman	Douglas Knight
4	Carol Duehring	Harriet Smith
5	Cindy Gabelmann	Judith Lemoine
6	Brenda Cummings	Timothy Richter
7	Jackie Dwinal	Carla Burnham

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

VOTE:

YEAS: 7

NAYS: 0

Order Passed Unanimously. 7-0

5) Order - Setting hourly schedule of the Office of Voting Registrar

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 Referendum Election and City of Bath Municipal Election to be held Tuesday, November 6, 2007 except for Saturday, November 3, 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 – 8:00 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, seconded by Councilor Hinds to put this Order on the floor for discussion.

VOTE:

YEAS: 7

NAYS: 0

Order Passed Unanimously. 7-0

6) Order: Approving Contract for Public Works/Cemeteries & Parks/Wastewater

Chairman Wyman read the following Order:

ORDER APPROVING CONTRACT

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE BARGAINING AGREEMENT WITH THE PUBLIC WORKS/CEMETERIES & PARKS/WASTEWATER UNIT, ATTACHED HERETO AND MADE A PART HEREOF, BE APPROVED FOR THE PERIOD OF TIME COMMENCING JULY 1, 2007 AND EXTENDING THROUGH JUNE 30, 2010, AND THAT THE CITY MANAGER BE AUTHORIZED TO EXECUTE SAID CONTRACT ON BEHALF OF THE CITY OF BATH.

A complete copy of the contract is filed with the agenda materials for the October 3, 2007 Council meeting in the City Clerk’s Office.

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

City Manager Giroux explained that this contract is very similar to the other two union contracts already passed. The bargaining unit and City staff are happy with the contract.

City Solicitor Therriault stated that there was language in Article 6, Health Insurance section regarding the employees share of health insurance premiums that would be taken out as it no longer applies.

VOTE:

YEAS: 7

NAYS: 0

Order Passed Unanimously. 7-0

F. Petitions & Communications: 6:11 PM

City Clerk, Mary White, presented the Council with petitions containing 71 signatures of qualified voters, which stated "I oppose the closing of the Bath landfill on or before 12/31/08."

G. City Manager's Report: 6:12 PM

There was no City Manager's Report.

H. Committee Reports: 6:12 PM

Councilor Winglass reminded everyone that on October 6 Bath would be having the annual Citizen Involvement Day and Main Street Bath would be sponsoring an October Fest.

I. Unfinished Business: 6:13 PM

There was no unfinished business.

J. New Business: 6:13 PM

Councilor Omo asked Council to consider changing the requirement of 10 years of service to the City to receive a "City of Bath Chair" as Councilors only serve in 3-year terms. This would leave the Councilors serving 3 terms one year short of receiving a chair, such as Councilor Blake.

Motion by Councilor Pagurko to change the requirement from 10 years to 9 years of service to the City. Councilor Winglass seconded the motion.

Councilor Hinds stated that he would be voting against the motion as he didn't think Council should get into the habit of setting up benchmarks for no purpose other than to reward themselves.

VOTE on motion:

YEAS: 0

NAYS: 6

ABSTENTION: Winglass

Motion Failed. 0-6-1

Councilor Omo made a motion to award Councilor Blake a "City of Bath Chair". Councilor Pagurko seconded the motion.

VOTE on motion:

YEAS: 7

NAYS: 0

Motion Passed Unanimously. 7-0

Motion by Councilor Hinds, seconded by Councilor Pagurko to waive the rules and let Jerry Provencher speak to Council. All in favor.

Jerry Provencher of 15 Winslow Court spoke to Council regarding the following three issues:

- Elections to be held on Saturdays instead of Tuesdays.
- Vote on the landfill closure would be better if held in the Spring after the gas mitigation has had a chance to work.
- Council look into the firing of Nyree Thomas from the Patten Free Library staff.

Motion by Councilor Pagurko, second by Councilor Omo to go into an Executive Session to discuss a Personnel Matter per 1 MRSA §405(6)(A) at 6:25 PM. All in favor.

Motion by Councilor Pagurko, second by Councilor Eosco to come out of the Executive Session at 6:55 PM. All in favor.

The meeting adjourned at 6:56 PM with a motion by Councilor Pagurko, 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.