

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, July 2, 2008 6:00pm
City Council Chambers, Bath City Hall

Present: Councilors Cochrane, Omo, Mulligan, Rogers, Eosco, Pagurko (by telephone) Vice Chairman Winglass

Excused: Chairman Wyman

Absent: Councilor Verville

Also in attendance were the City Manager – William Giroux, City Solicitor - Roger Therriault and City Clerk - Mary White.

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

C. Public Hearings:

1) Discuss and take comments on the proposed improvements to the Railroad Station Park. 6:01 PM

James Upham, City Planner, reported on the proposed plan for the Railroad Station Park that would reach from the Sagadahoc Bridge to Waterfront Park. He explained the Advisory Committee was comprised of representatives from Bath City Council, Bath Planning Board, Main Street, Bath Farmer's Market, Bath Iron Works, Bath Fuel, and Bath Savings Bank. Terrance J. DeWan and Associates will do landscape architect work and Oak Engineering will do the engineering work. This plan will make the railway station safer, will provide parking, a station drop-off, walkways, landscaping, and will make this downtown area look finished. The City will fund 20% of the project from the BIW TIF fund and 80% will come from Federal Transportation Enhancement Funds. The Railroad Station Park will be a multi-phased project.

The \$500,000 now available will expand the parking area under the Sagadahoc Bridge and do the sidewalk to Waterfront Park.

Vice Chairman Winglass opened the hearing to the public. No one spoke so he closed the hearing.

2) CDBG to accept the Housing Assistance Grant for \$250,000 6:06 PM

Al Smith, CDBG Coordinator, explained that the \$250,000 housing assistance grant will allow the City to start work again on granting loans with favorable interest terms to help eligible home owners with renovation work, energy-efficiency work and eligible first time home buyers. Mr. Smith asked if there were any eligible citizens interested in being considered for the program to call his office.

Vice Chairman Winglass opened the hearing to the public. No one spoke so he closed the hearing.

3) CDBG Planning Grant application to assist Family Focus 6:10 PM

Al Smith, CDBG Coordinator, explained that the City is eligible to apply for a planning grant for the Community Development Block program through the Department of Economic and Community Development. Family Focus contacted the City to see if they might be able to get assistance to help strengthen and expand the child care/day care services they provide, which is very important to the Bath area.

Sheila Youmans, Executive Director of Family Focus, spoke to Council giving them an overview of their operations. She stated that 55% of the families serviced are low to moderate income. They are one of the very few area centers that provide infant/toddler care, nationally accredited, provide a home visiting program for new parents or parents of children with special needs, and offer school age programs. Family Focus employs 42 people.

Vice Chairman Winglass opened the hearing to the public. No one spoke so he closed the hearing.

Vice Chairman Winglass asked Council for their support of going forth with this grant. All were in favor.

D. Consent Agenda: 6:15 PM

4)* Minutes of the previous meetings of June 4, 11, and 18, 2008 Council Meetings. Motion by Councilor Omo, second by Councilor Pagurko to accept minutes as presented. All were in favor.

E. Time Devoted to Residents to Address the City Council: 6:15 PM

No residents spoke at this time.

F. Ordinances, Resolutions and Orders: 6:16 PM

5) Order: Order: Accepting Grant for the Railroad Station Park

Vice Chairman Winglass read the following Order:

**ORDER
Accepting Grant**

WHEREAS, the planning for the so-called Railroad Station Park has been ongoing since December 2002; and

WHEREAS, a ten-member advisory committee and consultant team has developed a well thought out design for needed improvements at the Railroad Station and to connect the Railroad Station, both physically and visually, to the City Landing at the Waterfront Park; and

WHEREAS, the Maine Department of Transportation has offered the City a grant in the amount of \$500,000 to begin construction of the Railroad Station Park improvements;

NOW, THEREFORE, BE IT ORDERD by the City Council of the City of Bath that the \$500,000 grant be accepted and the City Manager be authorized to enter into an agreement with the Maine Department of Transportation, and to expend the grant funds and administer the grant program in accordance with the agreement and grant requirements and for the purpose designated in the agreement.

Motion by Councilor Pagurko, seconded by Councilor Rogers to put this item on the floor for discussion.

VOTE ON ORDER

YEAS: 6

NAYS: 0

Order passed unanimously. 6-0

6) Resolution: to accept and authorize CDBG Housing Assistance Grant

Vice Chairman Winglass read the following Resolution:

COUNCIL RESOLUTION

WHEREAS, the City of Bath wishes to apply to the Maine 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; and

WHEREAS, the City of Bath is cognizant of the requirement that should the intended National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program; and

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

- 1) Is authorized and directed to submit an application for the following program(s) and dollar amount(s) within the State of Maine’s CDBG Program:

Program: Housing Assistance Grant Amount: \$250,000

To the Department of Economic and Community Development on behalf of the City of Bath, Substantially in the form presented to this council;

- 2) Is authorized to make assurances on behalf of the City 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 and 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, seconded by Councilor Rogers to put this item on the floor for discussion.

VOTE ON RESOLUTION

YEAS: 6

NAYS: 0

Resolution passed unanimously. 6-0

7) Resolution: Authorizing borrowing In Anticipation of Taxes 2008

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

**RESOLUTION AUTHORIZING BORROWING
IN ANTICIPATION OF TAXES 2008**

WHEREAS, the City of Bath does not receive substantial income from ad valorem property taxes until approximately the beginning of October of any fiscal year; and

WHEREAS, the City of Bath has certain ongoing financial obligations that must be met including, but not limited to, payroll expenses and debt service payments that come due prior to the receipt of substantial tax revenues; and

WHEREAS, certain investments of City funds have been made and it would be disadvantageous to the City to cash in those investments based on advantageous interest rates and the imposition of penalties for cashing investments prior to maturity; and

WHEREAS, the Charter of the City of Bath, under Chapter VI, Section 6.16, authorizes the Council to approve the issuance of Notes in anticipation of tax receipts in order to provide adequate cash flow for required expenditures; and

WHEREAS, further authority for borrowing in anticipation of revenue is provided under the provisions of 30-A M.R.S.A. Section 5771.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that temporary borrowing is hereby authorized in anticipation of tax revenues in an amount not to exceed Two Million Dollars (\$2,000,000.00). Pursuant to the terms of the Charter, such anticipatory borrowing must be repaid in full by the end of the current fiscal year, June 30, 2009. The City Treasurer, with the approval of the Chairman of the City Council and the City Manager, shall determine the date or dates, maturities, denominations, interest rate or rates, and other details of each issue of Notes and shall provide for the sale thereof.

(NOTE: The intent of the City is to utilize tax anticipation funding as a line of credit and only the amounts that become necessary to provide adequate cash flow will be borrowed. It is further anticipated that any tax anticipation borrowing will be repaid within Three (3) months of the borrowing.)

VOTE ON RESOLUTION

YEAS: 6

NAYS: 0

Resolution passed unanimously. 6-0

8) Order: Authorizing Bid Awards for the 2008 CDBG Infrastructure Rehabilitation Project

Vice Chairman Winglass read the following Order:

**ORDER
AUTHORIZING MANAGER TO AWARD BIDS**

WHEREAS, the City of Bath is in the process of requesting bid proposals for the 2008 CDBG Infrastructure Rehabilitation Project; and

WHEREAS, the bid response date will be after the City Council's regular July meeting scheduled for Wednesday, July 2, 2008; and

WHEREAS, it is important that an Order to proceed be issued in the project as soon as the bid opening as possible.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the City Manager be and hereby is authorized to award the bid to the lowest acceptable bidder as long as the bid does not exceed the sum of \$690,000.00, and be it further ORDERED that the City Manager be authorized to execute contract documents and all other necessary documents related to the project. This project is being funded with proceeds from voter approved Bath Infrastructure Bond, CDBG Grant, and contribution from the Bath Water District

Motion by Councilor Pagurko, seconded by Councilor Omo to put this item on the floor for discussion.

City Manager Giroux explained that this project will be located in the Richardson Street and Western Avenue area.

Al Smith, CDBG Coordinator, reminded everyone that there would be a Public Hearing regarding this project on July 9, 2008 at 5:00 PM in the City Hall Auditorium.

VOTE ON ORDER

YEAS: 6

NAYS: 0

Order passed unanimously. 6-0

G. Petitions & Communications: 6:25 PM

There were no petitions or communications.

H. City Manager's Report: 6:25 PM

City Manager spoke regarding the following items:

- Thanked Main Street Bath, their volunteers and City employees for all their work in making the City look so nice for the Heritage Days festival.
- Review of the Portland Press Herald article regarding the old YMCA rehabilitation project.

I. Committee Reports: 6:27 PM

Councilor Eosco reported that the Cool Communities Committee has raised funds for software to hire an intern to look at greenhouse gas omissions for the City of Bath citizenry and city staff. Brooks Winner, a Bowdoin College student, is conducting the inventory and is supervised by Erika Helgerson, Staff/Community Liaison Coordinator for the City of Bath. Mr. Winner is looking at transportation, electrical usage, heat and fuel and landfill. The end result of this study will be an action plan for the City to use. The results will be reported on at the August Council Meeting.

Councilor Eosco asked everyone to come out to the Bath Heritage Days festivities and have a good time.

City Manager, William Giroux, reported on the first RSU #1 Board meeting. Mr. Giroux stated that it was very exciting to see all that has led up to this point and is looking forward to the future.

J. Unfinished Business: 6:31 PM

There was no unfinished business.

K. New Business: 6:31 PM

Appointment of Daniel Shipley to the Board of Assessment Review with a term to expire in July 2011. All were in favor.

Councilor Rogers made a motion at 6:32 PM to go into an Executive Session to discuss a Real Estate Matter per 1 MRSA§405(6)(C). Councilor Omo seconded the motion. All were in favor.

Councilor Omo made a motion at 7:50 PM to come out of Executive Session. Councilor Mulligan seconded the motion. All were in favor.

The meeting adjourned at 7:51 PM with a motion by Councilor Omo, seconded by Councilor Mulligan. All were 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.