

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

Present: Councilors Cochrane, Omo, Rogers, Eosco, Verville, Winglass, Chairman Wyman
Excused: Councilor Paguko

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.

Paul Perkins of the Cool Communities – Bath Committee gave the Council an update on what the Committee had been doing over the last year. He stated that the group had been exploring local and state policies related to alternative energy and transportation initiatives. Mr. Perkins explained the Committee had hired an intern, Brooks Winner, from Bowdoin College through a series of grants from the Sierra Club, Bowdoin College, New England Grass Roots Environmental Fund and funds raised by the Committee resulting in no cost to the City to do a report on energy usage in Bath. Mr. Perkins introduced the report compiled by Mr. Winner which outlined energy sources and types of energy being used in Bath and guidelines to address these issues.

Mr. Winner presented the report to Council. He explained that he had been collecting data on energy use, transportation, and waste production within the City. The data came from the residents as well as the City government. This data gave the total greenhouse gas emissions output and energy consumption within the City. Mr. Winner stated that this helped him to analyze effectiveness and savings potentials of several reduction measures such as insulating buildings and changing lighting fixtures. The results of the analysis showed Bath's total emissions of greenhouse gases for 2007 comprised of government and residential usage totaled 127,772 metric tons and provide the City with a foundation on which to base future energy efficiency and climate protection actions.

Mr. Winner explained that Bath had already taken steps to reduce energy use and carbon emission. Some steps taken towards this goal were by the school system for their conservation measures through lighting upgrades, a no idling policy and the installation of an on-demand hot water system. The Fire Department took renovations of installing energy efficient boilers and a hot water heating system, purchasing Energy Star appliances, using CFL bulbs increasing insulation in their building. The community doubled their recycling rates and had a reduction of solid waste production by 1,000 tons in the first year single stream recycling was instituted.

Mr. Winner stated that the report suggests an emissions reduction target of 2%/year and 20% by 2018. Reducing energy usage by 10% in government owned building by installing Energy Star rated appliances, using CFL bulbs and replacing fluorescent fixtures with T8 fixtures could reduce carbon by 80 tons and save around \$20,000/year in electricity costs. By installing more insulation and new heating systems, the City could reduce heating fuel consumption by 5% thus saving \$50,000/yr. If the community reduced motor vehicle travel by 5%, this would reduce emission by 900 tons saving \$350,000/year. This could be done by walking/biking/carpooling to work and riding the bus when possible.

Council expressed their appreciation for all the hard work done by the Committee and Mr. Winner on this project and gave their total support to seeing the recommendations carried through.

C. Consent Agenda: 6:20 PM

1)* Minutes of the previous meeting of July 2, 2008 Council Meeting. Motion by Councilor Winglass, second by Councilor Rogers to accept minutes as presented. All were in favor.

E. Time Devoted to Residents to Address the City Council: 6:20 PM

No residents spoke at this time.

F. Ordinances, Resolutions and Orders: 6:20 PM

2) Resolution: Energy Conservation and Climate Protection

Councilor Rogers motioned to waive the reading of the Resolution. The motion was seconded by Councilor Omo. All were in favor.

**Resolution
Energy Conservation and Climate Protection**

WHEREAS, A scientific consensus has arisen that carbon dioxide and other greenhouse gases released into the atmosphere will have a profound effect on the earth's climate, including rising sea levels, decline in Arctic ice thickness, increasing levels of air pollution and general climate disruption; and,

WHEREAS, Energy consumption, specifically the burning of fossil fuels, e.g. coal, oil, and gas, accounts for more than 80% of the U.S. greenhouse gas emissions; and,

WHEREAS, State and local governments greatly influence their community's energy usage by exercising key powers over land use, transportation, building construction, and waste management; and,

WHEREAS, State and local governments throughout the nation and the world are reducing global warming pollutants through programs that provide economic and quality of life benefits such as reduced energy bills, green space preservation, air quality improvements, reduced traffic congestion, improved transportation choices, and economic development and job creation through energy conservation and new energy technologies and saving money for the City government, its businesses, and its citizens;

NOW, THEREFORE, BE IT RESOLVED that the City of Bath pledges to take a leadership role to minimize the community's energy costs and maximizing energy efficiency through the following measures:

1. Continue to periodically inventory the City's use of all forms of energy through energy audits to identify improvements that will increase energy efficiency through retrofitting city facilities with energy efficient technologies;
2. Promote habit changes among our employees to reduce energy use and increase recycling in City facilities;
3. Consider land-use policies that preserve open space to maintain a compact urban community;
4. Continue to promote alternative transportation options including public transport and walking and bike trails;
5. Continue to explore the use of economically viable alternative energy sources, including the production of biofuels, methane recovery, and waste and bio-mass to energy technology;
6. Purchase only Energy Star and other energy efficient equipment and appliances for City use;
7. Consider requiring all City funded new construction and renovations meet the U.S. Green Building Council's LEED certification program or the Maine State Housing Authority's Green Building Standards;

8. Increase fuel efficiency of City vehicles through managing the size and composition of the City's fleet, purchasing alternative energy vehicles when appropriate and available, and educating City drivers on operating the fleet to conserve fuel, including reduction of idling;
9. Continue to increase recycling rates and reduce waste;
10. Maintain and expand a healthy public tree population in the City;
11. Support community education programs to help inform the public about energy-related choices;
12. Set a target emissions reduction of 2% each year, with the goal of reducing carbon emissions by at least 20% by the year 2018.

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

Stephen King, a Bath resident, spoke in support of this Resolution for the sake of the youth.

VOTE ON RESOLUTION

YEAS: 6

NAYS: 0

Resolution passed unanimously. 6-0

3) Resolution: Preserve America Community Designation

Chairman Wyman read the following Resolution:

Resolution Preserve America Community Designation

WHEREAS, *Preserve America* is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation, the U.S. Department of the Interior, and the U.S. Department of Commerce; and

WHEREAS, the goals of this initiative include a greater shared knowledge about our Nation's past, strengthened regional identities and local pride, increased local participation in preserving the country's irreplaceable cultural and natural heritage assets, and support for the economic vitality of communities; and

WHEREAS, this initiative is compatible with our community's interests and goals related to historic preservation; and

WHEREAS, designation as a *Preserve America* Community will improve our community's ability to protect and promote its historical resources; now therefore be it

RESOLVED, that the Bath City Council will apply for the designation of Bath, Maine as a *Preserve America* Community; and be it further

RESOLVED, that the Bath City Council will protect and celebrate our heritage, use our historic assets for economic development and community revitalization, and encourage people to experience and appreciate local historic resources through education and heritage tourism programs.

Motion by Councilor Verville, 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

4) Resolution: Adjusting Cemetery Fees

Chairman Wyman read the following Resolution:

**RESOLUTION
CEMETERY FEES**

WHEREAS, Provisions in Chapter 6 of the Ordinances of the City of Bath provides for an adjustment of fees by Resolution of Council, and

WHEREAS, upon review and recommendations of staff, the time is appropriate to adjust such fees.

NOW THEREFORE, be it resolved by the City Council of the City of Bath that the following described fees be and hereby are adjusted effective August 7, 2008

Pursuant to the authority under Section 6-17, the fees for burials are adjusted as follows:

BURIALS:

Section 6-17 (A) (1) (a) Grave openings for adults (not including outer-burial containers [vaults or liners]), will be increased from four hundred forty dollars (\$440.00) to four hundred eighty four dollars (\$484.00); Saturday, Sunday or legally authorized days of cemetery closure, will be increased from six hundred dollars (\$600.00) to six hundred sixty dollars (\$660.00).

DISINTERMENT – increase from four hundred forty dollars (\$440.00) to four hundred eighty four dollars (\$484.00). Saturday, Sunday or legally authorized days of cemetery closure; increase from five hundred twenty five dollars (\$525.00) to six hundred sixty dollars (\$660.00).

ENTOMBMENT – increase from thirty (\$30.00) to fifty (\$50.00)

*Not being buried in Bath

Pursuant to the authority under Section 6-17 (C) Foundations

MONUMENT FOUNDATIONS – increase from \$.45/sq. inch to \$.65/sq inch

FOUNDATION CAPS – increase from \$.15/sq. inch to \$.20/sq. inch

FOUNDATION REMOVAL – increase from \$.20/sq. inch to \$.25/sq. inch

CRUSHED ROCK FOUNDATION– increase from \$.20/sq. inch to \$.30/sq. inch (Military markers are provided with a crushed rock foundation free of charge) (Greater than 12x24)

*Setting flat markers – 12x24 – increase from thirty five dollars (\$35.00) to forty-two dollars (\$42.00).

*Setting flat markers; 288 sq. inch

Other charges;

LINER BOXES - increase from \$280.00 to \$325.00

CREMATION O.B.C. - \$115.00

MINIMUM MAN-HOUR RATE – from \$10.00 to \$15.50

MINIMUM CHARGE FOR ANY WORK DONE- from \$35.00 to \$40.00

TRUCK USAGE CHARGE - (one hour minimum) from \$23.00/hr. to \$25.00/hr.

SHRUB REMOVAL - 2 shrubs with roots reseed - increase from \$75.00 to \$100.00 (2): Flush Cut.....\$55.00

ADDITIONAL LABOR – After 3:30 p.m., increase from sixty dollars (\$60.00) to seventy dollars (\$70.00).

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

City Manager, William Giroux, stated these fees were routine increases due to price increases in things such as liner boxes.

VOTE ON RESOLUTION

YEAS: 6

NAYS: 0

Resolution passed unanimously. 6-0

5) Resolution: Carbon Credits for Landfill Gas

Chairman Wyman read the following Resolution:

RESOLUTION
CARBON CREDITS FOR LANDFILL GAS

WHEREAS, the City of Bath is not mandated by applicable law or regulation to capture, destroy or otherwise manage methane emissions from its landfill; and

WHEREAS, in 2005 the City of Bath nevertheless voluntarily determined to manage, collect and destroy the methane emissions and to incur the costs for this activity; and

WHEREAS, the City of Bath has performed studies aimed at defining the City’s carbon footprint, and has worked with a citizens’ group designated as “Cool Bath” as part of the Cool Communities Program to seek to reduce the City’s carbon footprint; and

WHEREAS, the City of Bath made this determination in part to reduce the emission of greenhouse gas namely landfill methane and in anticipation of participating in the emerging markets for the sale of various environmental attributes including greenhouse gas reductions credits (“carbon credits”); and

WHEREAS, the City of Bath now has the opportunity to realize this expected income from the sale of its carbon credits.

NOW, THEREFORE, the City of Bath has initiated the process of quantifying the actual greenhouse gas reductions associated with flaring of the landfill gas generated from the Bath Landfill such that these reductions can be monetized to offset the cost of installing and maintaining the landfill gas flare system.

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

VOTE ON RESOLUTION

YEAS: 6

NAYS: 0

Resolution passed unanimously. 6-0

6) Order: Award Bids for Paving Contract

Chairman Wyman read the following Order:

ORDER AUTHORIZING MANAGER TO AWARD BIDS

WHEREAS, the City of Bath has sent out a proposal requesting bids for the 2008 City of Bath road paving project; and

WHEREAS, the bid response date is scheduled for August 4, 2008; and

WHEREAS, the bid responses are based on a per unit cost (cost per ton for street paving; lump sum for parking lot paving); and

WHEREAS, the information to award the bid may not be available for City Council at its August 6, 2008 Meeting; and

WHEREAS, the award and approval of the bid and commencement of the project should not be delayed until after the Council's September meeting (September 3, 2008).

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the Bath City Manager be and hereby is authorized to award the paving bid to the lowest acceptable bidder 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 the voter approved Bath Infrastructure Bond.

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

City Manager William Giroux explained that the Order was being brought to Council now as the timing of the project didn't fall within the Council's meeting schedule.

VOTE ON ORDER

YEAS: 6

NAYS: 0

Order passed unanimously. 6-0

7) Order: Preliminary Purchase and Sales Agreement – Sale of the Bath Hospital Property

**ORDER AUTHORIZING
PRELIMINARY PURCHASE & SALES AGREEMENT –
SALE OF THE BATH HOSPITAL PROPERTY**

WHEREAS, the City of Bath has received a written offer for the purchase of the Bath Hospital Property; and

WHEREAS, the City of Bath has responded to the written offer; and

WHEREAS, it is appropriate to consider a Preliminary Purchase & Sales Agreement outlining the basic terms and conditions of the transfer, so that the purchaser may begin its due diligence with respect to the property condition and with respect to financing.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the City Manager be and hereby is authorized to sign on behalf of the City of Bath a Preliminary Purchase & Sales Agreement with respect to the Bath Hospital Property, outlining the property to be sold and all conditions of the sale including owner financing. This Preliminary Purchase & Sales Agreement shall contain and be subject to a contingency that all of its terms and conditions of sale must be ratified by a subsequent vote of the Bath City Council.

Motion by Councilor Winglass, seconded by Councilor Omo to table the following Order.

VOTE ON TABLING ORDER

YEAS: 6

NAYS: 0

Tabling of Order passed unanimously. 6-0

8) Order: Accepting Resignation of Councilor Mulligan Ward 2 and Call for a Special Election

Chairman Wyman read the following Order:

ORDER

WHEREAS, the City Council has been notified of the resignation of Councilor from Ward 2, Brian Mulligan, based on relocating his residence from Bath to New Jersey; and

WHEREAS, the term for Ward 2 Councilor does not expire until the first Wednesday of December, 2009 (December 2, 2009).

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath as follows:

1. Pursuant to Section 209 of the Charter and it having been demonstrated that the Ward 2 Council Seat has become vacated by resignation, it is hereby declared that said seat is vacant.
2. Also pursuant to the requirements of Section 209 of the Charter, a Special Election to fill the remainder of the term for the Ward 2 Council Seat, until the first Wednesday in December, 2009 (December 2, 2009) is set for November 4, 2008.
3. Nomination papers for candidates to fill the remainder of the Ward 2 Council Term shall be available in the Clerk's Office on August 7, 2008.
4. In accordance with Section 905 of the Charter, the nomination papers shall be filed no earlier than the third Tuesday of August at 5:00 p.m. (August 19, 2008) and no later than the third Tuesday of September at 5:00 p.m. (September 16, 2008).

Motion by Councilor Rogers, seconded by Councilor Verville to put this Order on the floor for discussion.

VOTE ON ORDER

YEAS: 6

NAYS: 0

Order passed unanimously. 6-0

9) Ordinance: LUC Amendment Article 8, Section 8.01, High-Density Residential District –R1 (first passage)

Councilor Rogers motioned to waive the reading of this Ordinance. The motion was seconded by Councilor Winglass. All were in favor of the waiving of the reading.

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH ADOPTED JULY 19, 2000, AND SUBSEQUENTLY AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

Amend Article 8, Section 8.01, as follows:

SECTION 8.01 HIGH-DENSITY RESIDENTIAL DISTRICT - R1

A. Purpose

The High-density Residential District provides for the maintenance and increased livability of the existing densely built-up areas of the City, and areas where a limited amount of high-density housing can be constructed. The High-density Residential District provides areas of compact development that foster cohesive neighborhoods close to community services.

B. Uses Allowed

Uses allowed are as indicated in the Land Use Table (see Section 9.02).

C. Space and Bulk Regulations

MINIMUM LOT AREA	
1. Residential uses	6,000 square feet
2. Nonresidential uses	10,000 square feet
3. Mixed or multiple uses	minimum lot area for each use
MINIMUM LOT AREA PER DWELLING UNIT	
1. All uses	6,000 square feet
MINIMUM LOT WIDTH PER LOT	
1. All uses	60 feet
MINIMUM SETBACKS FOR SINGLE AND 2-FAMILY-RESIDENTIAL USES	
1. Front	10 feet
2. Side	10 feet
3. From the common lot line that separates the separately owned 2-family dwellings	0 feet
4. Rear	10 feet
5. From waterbodies	25 feet
E. Minimum setbacks for small⁽¹⁾ storage buildings accessory to residential uses	
1. <u>Front</u>	<u>10 feet</u>
2. <u>Side</u>	<u>5 feet</u>
3. <u>Rear</u>	<u>5 feet</u>
4. <u>From waterbodies</u>	<u>25 feet</u>
<u>MINIMUM SETBACKS FOR ALL OTHER BUILDINGS ACCESSORY TO RESIDENTIAL USES</u>	
1. <u>Front</u>	<u>10 feet</u>
2. <u>Side</u>	<u>10 feet</u>
3. <u>Rear</u>	<u>10 feet</u>
4. <u>From waterbodies</u>	<u>25 feet</u>

MINIMUM SETBACKS FOR-ALL OTHER USES	
1. Front	20 feet
2. Side	20 feet
3. Rear	20 feet
4. From waterbodies	25 feet
MINIMUM SETBACKS FOR OTHER THAN SINGLE AND 2-FAMILY RESIDENTIAL USES, WITH AN APPROVED R1 SETBACK REDUCTION PLAN	
1. Front	10 feet
2. Side	10 feet
3. Rear	10 feet
4. From waterbodies	25 feet
MINIMUM YARD AREAS FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL USES	
1. Front	10 feet
2. Side	5 feet
3. From the common lot line that separates the separately owned 2-family dwellings	0 feet
4. Rear	5 feet
5. From waterbodies	25 feet
MINIMUM YARD AREAS FOR ALL OTHER USES	
1. Front	10 feet
2. Side	15 feet
3. Rear	15 feet
4. From waterbodies	25 feet
MINIMUM YARD AREAS FOR OTHER THAN SINGLE AND 2-FAMILY RESIDENTIAL USES, WITH AN APPROVED R1 SETBACK REDUCTION PLAN	
1. Front	10 feet
2. Side	5 feet
3. Rear	5 feet
4. From waterbodies	25 feet
MAXIMUM LOT COVERAGE	
1. All uses	40 percent
MAXIMUM BUILDING HEIGHT	
1. All uses	45 feet

⁽¹⁾Small storage buildings are those buildings that are used only for storage, with a height no greater than 8 feet, with any side that is closer than 10 feet to a rear or side lot line no greater than 12 feet measured in a horizontal direction, and a total square footage no greater than 144 square feet.

(Note: Additions are underlined, and deletions are ~~crossed out~~.)

Councilor Verville motioned to table this Ordinance. The motion was seconded by Councilor Winglass.

Councilor Verville withdrew his motion to table this Ordinance. Councilor Winglass withdrew his second to the tabling motion.

Councilor Verville motioned to remand this Ordinance back to the Planning Board for further work. The motion was seconded by Councilor Winglass.

VOTE ON REMANDING ORDINANCE

YEAS: Cochrane, Omo, Rogers, Eosco, Verville, Winglass

NAYS: 0

Remanding the Ordinance back to the Planning Board passed unanimously. 6-0

10) Ordinance: LUC Amendment Article 12, Section 12.13 – application amendment (first passage)

Chairman Wyman read the following Ordinance:

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH ADOPTED JULY 19, 2000, AND SUBSEQUENTLY AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

Amend Article 12, Section 12.13, by adding sub-section C, as follows:

C. Any amendments to the design of an approved project, where specific design approval was part of the initial application, must include as part of the submission requirements for possible amendment, a copy of the original approved design as well as the proposed design.

(Note: Additions are underlined.)

Motion by Councilor Verville, seconded by Councilor Omo to put this Ordinance on the floor for discussion.

VOTE ON ORDINANCE

YEAS: Cochrane, Omo, Rogers, Eosco, Verville, Winglass

NAYS: 0

Ordinance passed unanimously. 6-0

Chairman Wyman set second passage for September 3, 2008 at 6:01PM.

11) Ordinance: Chapter 5. Businesses, Article 6. Taxicabs – Amendments (first passage)

Ordinance: Chapter 13. Refuse, Article 1. Garbage and Refuse, Section 13-9

Motion by Councilor Omo to waive the reading of this Ordinance. The motion was seconded by Councilor Cochrane. All were in favor of the waiving of the reading.

A complete copy of this Ordinance is on file in the Bath City Clerk's Office at 55 Front Street with the agenda materials for August 6, 2008.

Police Chief Michael Field explained the reason he was bringing this Ordinance to Council for consideration deals with the granting of Taxi Cab Operator Licenses. He stated that there needed to be some changes built into the Ordinance such as language clean up, putting limit on how far back to go for crimes committed, and enabling the Police Chief to be able to use more discretion in granting the taxi licenses.

VOTE ON ORDINANCE

YEAS: Cochrane, Omo, Rogers, Eosco, Verville, Winglass

NAYS: 0

Ordinance passed unanimously. 6-0

Chairman Wyman set second passage for September 3, 2008 at 6:02 PM.

12) Ordinance: Chapter 13. Refuse, Article 1. Garbage and Refuse, Section 13-9 Vehicle transportation refuse to be covered. (first passage)

Motion by Councilor Rogers, second by Councilor Verville to waive the reading of the Ordinance. All were in favor of waiving the reading.

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

Delete:

Section 13-9. Vehicle transportation refuse to be covered.

Replace with the following:

Section 13-9. Vehicle transportation of refuse.

A. Security of Load. Any vehicle, including City owned vehicles, that may be operated upon any public way within the City of Bath, which is conveying refuse, shall have that refuse covered, confined, loaded, closed, or sealed in a manner as to prevent any overflow, spillage, or leakage of the refuse material. The owner and/or operator of the vehicle shall use such material and method of securing the load such that will ensure its security.

B. Party Responsible. Responsibility for securing the load shall be with the owner and with the operator of the vehicle.

C. Clean Up. Any material that has fallen or spilled from the vehicle onto a public way or adjoining private property, shall be removed or cleaned up immediately by the owner and/or operator of the vehicle. All costs of removal or clean up and proper disposal of the material shall be borne by the owner and/or operator.

D. Penalties and Costs.

1. Warning. If the owner and/or operator is not a habitual offender and the unsecured load has caused minimal or no spillage, then a written warning may be issued at the discretion of the issuing officer.

2. Penalty. A violation of this Section is a civil violation and is subject to a penalty of not less than One Hundred and Fifty Dollars (\$150.00) nor more than One Thousand Dollars (\$1,000.00). Such penalty shall be imposed for any violation that is determined to be more serious, due to frequency or magnitude of spillage, than a violation that would merit only a warning.

3. Clean Up Costs. In addition to the penalty above, the owner and/or operator of the vehicle, jointly and severally, shall be responsible for any costs of clean up and proper disposal of any spillage material.

4. Enforcement Costs. The City of Bath shall be reimbursed all of its enforcement costs, including, but not limited to its reasonable attorney's fees, court costs and staff costs.

5. License Suspension/Revocation. If the owner and/or operator of the vehicle is a commercial entity with a license to dispose of refuse material at the Bath City Landfill, that license may be suspended or revoked by the Codes Enforcement Officer. Any appeal of a suspension or revocation order may be made to the City Manager.

Police Chief Michael Field explained that this makes the Ordinance easier to understand and parallel with the State's traffic law and fee schedule. Chief Field stated that the Police Department will be the enforcement agency.

Motion by Councilor Omo, seconded by Councilor Verville to put this Ordinance on the floor for discussion.

VOTE ON ORDINANCE

YEAS: Cochrane, Omo, Rogers, Eosco, Verville, Winglass

NAYS: 0

Ordinance passed unanimously. 6-0

Chairman Wyman set second passage for September 3, 2008 at 6:03 PM.

G. Petitions & Communications: 7:06PM

There were no petitions or communications.

H. City Manager's Report: 7:06 PM

City Manager spoke regarding the following items:

- Reminded Council they need to be certified in the *Right to Know Law* before November 1, 2008
- Update of South End Park's Grand Re-opening
- Update on Richardson Street Project
- Update on the choosing of consultants to work with the City on the selling of the landfill gas credits.

I. Committee Reports: 7:12 PM

Councilor Eosco gave a reminder that every Friday night through September the downtown merchants are staying open to 8PM celebrating "Friday Night Live" and urged everyone to come and enjoy the downtown.

J. Unfinished Business: 7:14 PM

There was no unfinished business.

K. New Business: 7:14 PM

Councilor Verville asked that the City look into giving the Dummer Street Cemetery a clean up. He also asked that the City look into the Pearl Street closure beautifications promised.

City Manager Giroux stated that he would be looking into the follow up on both issues.

Appointments of Andrew Perry and David Desmond to the Bath Old Customs House Board of Directors with a term to expire in August 2011. All were in favor.

The meeting adjourned at 7:16 PM with a motion by Councilor Winglass, seconded by Councilor Eosco. 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.