

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, October 1, 2008 6:00pm
City Council Chambers, Bath City Hall

Present: Councilors Cochrane, Omo, Rogers, Eosco, Verville, Pagurko, Winglass, Chairman Wyman

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)* Minutes of the previous Council Meetings of September 3 and 17, 2008. It was motioned by Councilor Winglass and seconded by Councilor Pagurko to accept the minutes as presented. All were in favor.

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

Al Smith, CDBG Coordinator, updated Council regarding the upcoming 10th Annual Citizen Involvement Day festivities, which will be held on October 11, 2008 in Waterfront Park.

E. Ordinances, Resolutions and Orders: 6:05 PM

2) **Order: Prepare Notice of Election to notify inhabitants of the Maine State General/Election to be held on Tuesday, November 4, 2008 (motion to pass Order)**

Chairman Wyman read the following Order:

ORDER

In City Council
October 1, 2008

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

That, the Notice of State of Maine General/Referendum Election be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the General/Referendum Election will be held at their respective Ward Rooms (1-7 inclusive), on Tuesday, November 4, 2008 for the purpose of determining the following questions:

STATE OFFICES:

President and Vice President of the United States
United States Senate
Representative to Congress: District 1
State Senate - District 19
Representative to the Legislature - Districts 62 and 65

COUNTY OFFICES:

Judge of Probate
Register of Probate
Sheriff
County Commissioner Dist 3

and to determine One (1) People's Veto Question, One (1) Citizen Initiative Question and One (1) Bond Issue Question.

A person may register to vote and/or enroll in a political party on or before election day. Pursuant to Title 21-A, Section 759(7), absentee ballots will be processed on Monday, November 3, starting at 9:00AM to 9:00PM in the City Hall Auditorium at 55 Front Street, Bath, Maine and on November 4, 2008 at the Bath Middle School, 6 Old Brunswick Road at the following times: starting at 10:00AM, 1:00PM, 4:00PM and 7:00PM. Any and all remaining absentee ballots will be processed at 8pm.

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

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

VOTE ON ORDER

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 4, 2008 to vote of the following One Councilor from Ward 1, Ward 6, and At Large (three year terms); One Councilor from Ward 2 (one year term) (motion to pass Order)

Chairman Wyman read the following Order:

ORDER

In City Council

October 1, 2008

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 Candidate 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 4th day of said month, in the year of our Lord Two Thousand Eight, 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 One	One to be Elected for a three year term
Ward Two	One to be Elected for a one year term
Ward Six	One to be Elected for a three year term
At Large	One to be Elected for a three year term

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 Verville to put this item on the floor for discussion.

VOTE ON ORDER

YEAS: 7

NAYS: 0

Order passed unanimously. 7-0

4) Order: Appointment of Wardens and Ward Clerks for the November 4, 2008 Election (motion to pass Order)

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 Candidate Election to be held on Tuesday, November 4, 2008

<u>Ward</u>	<u>Warden</u>	<u>Ward Clerk</u>
1	Darlene Compton	Barry Compton
2	Pamela Murray	Christina Hagan
3	Sally Hordeman	Mary Arsenault
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 Verville to put this item on the floor for discussion.

VOTE ON ORDER

YEAS: 7

NAYS: 0

Order passed unanimously. 7-0

5) Order: Setting hourly schedule of the Office of Voting Registrar (motion to pass Order)

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 General/Referendum Election and City of Bath Municipal Candidate Election to be held Tuesday, November 4, 2008 except for Saturday, November 1, 2008 from 11:00am to 2:00pm at the City Clerks Office, 55 Front Street.

Voters may register on the Day of the Election from 7:30AM to 9:00AM at the City Clerk's Office and 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 Omo to put this item on the floor for discussion.

VOTE ON ORDER

YEAS: 7

NAYS: 0

Order passed unanimously. 7-0

**6) Order: Approving authorization BIW Tax Increment Financing District (FY2009)
(motion to pass Order)**

Chairman Wyman read the following Order:

**ORDER
APPROVING AUTHORIZATION
BIW TAX INCREMENT FINANCING DISTRICT (FY 2009)**

Be It Hereby Ordered By the City Council of the City of Bath that one million two thousand, seven hundred twenty eight dollars and 00/100 (\$1,002,728) be and hereby is authorized to be spent from the Tax Increment Financing District Development Program Fund Project Costs Accounts from the fiscal year commencing July 1, 2008 and terminating on June 30, 2009 for the following purposes:

TIF REVENUE

INCREMENT	\$926,862
TRANSFER FROM CAPITAL FUND CIP 572	\$50,000
TRANSFER IN FROM RESERVE	\$25,866
TOTAL REVENUE	\$1,002,728

EXPENSES

DEBT SERVICE	\$701,728
CONTRIBUTION TO BATH LOCAL DEVELOPMENT CORPORATION	\$118,000
CONTRIBUTION TO MAIN STREET BATH	\$27,000
ECONOMIC DEVELOPMENT PROJECTS ACCOUNT	\$25,000
COMPREHENSIVE PLAN UPGRADE	\$5,000
TRAIN STATION PARK-TRANSFER	\$25,000
TRAIN STATION FUNDING-TRANSFER	\$50,000
GAZEBO-TRANSFER	\$21,000
RIVERWALK-TRANSFER	\$10,000
HISTORIC MARKER PROGRAM	\$20,000
TOTAL	\$1,002,728

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

VOTE ON ORDER,

YEAS: 7

NAYS: 0

Order passed unanimously. 7-0

7) Order: Approving authorization Wing Farm Tax Increment Financing District (FY 2009)

Chairman Wyman read the following Order

**ORDER
APPROVING AUTHORIZATION
WING FARM TAX INCREMENT FINANCING DISTRICT (FY 2009)**

Be It Hereby Ordered By the City Council of the City of Bath that two million sixty two thousand, seven hundred thirty one dollars and 00/100 (\$2,062,731) be and hereby is authorized to be spent from the Tax Increment Financing District Development Program Fund Project Costs Accounts from the fiscal year commencing July 1, 2008 and terminating on June 30, 2009 for the following purposes:

REVENUE

INCREMENT	\$195,966
DEBT SERVICE PROCEEDS	\$2,000,000
TOTAL REVENUE	\$2,195,966

EXPENSES

AMOUNT

LAND ACQUISITION	\$690,000
DEVELOPMENT	\$1,310,000
DEBT SERVICE PAYMENT	\$62,731
TOTAL EXPENSES	\$2,062,731

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

VOTE ON ORDER

YEAS: 7

NAYS: 0

Order passed unanimously. 7-0

8) Resolution: Establishing Schedule of Rates for Sewer System Fees, Use Charges, and Special Assessments (motion to pass Resolution)

Chairman Wyman read the following Resolution:

**RESOLUTION ESTABLISHING SCHEDULE OF RATES FOR
SEWER SYSTEM FEES, USE CHARGES, AND SPECIAL ASSESSMENTS**

WHEREAS, Sections 14-28, 14-30, 14-51(b), 14-52(a), and 14-54 of the Code of the City of Bath specify that the City Council from time to time shall establish by Resolution, upon recommendation from the City Manager, a schedule of rates for the sewer system fees and use charges together with surcharges which may be applicable, as well as special assessments; and

WHEREAS, it is apparent that an increase in the rate structure is necessary in order to fund the wastewater treatment system; and

WHEREAS, such an increase is recommended by the City Manager.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath, pursuant to their authority under the Code of the City of Bath, that the following rate structure, listed in the attached table, be and hereby is adopted for all fees, charges, and special assessments, to be effective October 1, 2008 for the January 1, 2009 billing, November 1, 2008, for the February 1, 2009 billing, and December 1, 2008, for the March 1, 2009 billing. The schedule of fees, charges, and special assessments shall continue in effect until further Resolution of the Council.

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

June Dorion of 22 Park Street spoke in favor of the increase.

VOTE ON ORDER

YEAS: Omo, Eosco

NAYS: Cochrane, Rogers, Verville, Pagurko, Winglass

Order Failed. 2-5

G. Petitions & Communications: 7:10 PM

There were no petitions or communications.

H. City Manager's Report: 7:10 PM

City Manager spoke regarding the following items:

- Council Workshops to be held in October and November 2008 will be announced.

I. Committee Reports: 7:12 PM

Council Winglass reported on the Southend Park and Druid Park dedications.

Councilor Eosco elaborated on the Druid Park dedications and stated that it was a success due to the work and donations from the Bath Public Works, Bath Garden Club and citizen/volunteers. She reported that there would be a pancake breakfast on October 25th at the Starlite Café to benefit Main Street Bath.

J. Unfinished Business: 7:15 PM

Councilor Verville asked for an update on the Dummer Street Cemetery repairs.

City Manager Giroux stated that he would check on the progress of the project and call Councilor Verville with the report.

K. New Business: 7:15 PM

There was no new business taken up at this time.

Councilor Verville made a motion at 7:15 PM to go into an Executive Session to discuss an abatement per 36 MRSA§841(2)(E). Councilor Pagurko seconded the motion. All were in favor of the motion.

Councilor Pagurko made a motion at 7:35 PM to come out of Executive Session. Councilor Verville seconded the motion. All were in favor of the motion

The meeting adjourned at 7:35 PM with a motion by Councilor Pagurko, seconded by Councilor Verville. All were in favor of the motion.

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.