

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

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

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.

**C. Public Hearings: 6:01 PM**

**1) Ordinance: Amendment LUC Section 11.16 Kennels (second passage)**

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

**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 11, Section 11.16, as follows:

**SECTION 11.16 KENNELS**

- A. Structures or pens for housing or containing animals must be located at least 200 feet from the nearest lot line, except that in the R3 Zone the structures or pens for housing or containing animals may be less than 200 feet from the nearest property line provided that the owner of the kennel resides on the premises.
- B. All pens, runs, kennels, and other facilities must be designed, constructed, and located on the site in a manner that minimizes adverse effects on surrounding properties. ~~Among the factors that must be considered are the relationship of the use to the topography, natural and planted screening, the direction and intensity of the prevailing winds, the relationship and location of residences and public facilities on nearby properties, and other similar factors.~~ The applicant must demonstrate to the Board that the facility will not be a nuisance and that the facility will comply with the noise requirements in Section 10.30. The applicant may be required to employ all or a combination of the following, along with other techniques, to assure the Board that the animals will not be a nuisance to the general public: separating the structures and pens that house and contain the animals an adequate distance from property lines and other dwellings, existing changes in topography, the construction of berms, natural and planted evergreen hedges, fences, soundproofing, and locating the buildings and the openings of outdoor runs so as to shield neighboring properties.
- C. The owner or operator of a kennel must maintain the premises in a clean, orderly, and sanitary condition at all times. Garbage, offal, feces, or other waste material may not be allowed to accumulate on the premises. The premises must be maintained in a manner so as to not provide a breeding place for insects, vermin, or rodents.
- D. Temporary storage containers for any kennel wastes containing or including animal excrement must be kept tightly covered at all times, and emptied at least once every 3 days. Containers must

be made of steel or plastic to facilitate cleaning and must be located ~~at least 200 feet from the nearest lot line~~ as per Section 11.16, A and B, above.

- E. If outdoor runs are provided, they must be completely fenced in and must be paved with cement, asphalt, or a suitable material to provide for cleanliness and ease of maintenance.
- F. Any incineration device for burning excrement-soaked waste papers and/or animal organs or remains must be located at least 400 feet from the nearest residence other than the applicant's and must have a chimney vent at least 35 feet above the average ground elevation. The applicant also must provide evidence that approval from the MEDEP has been obtained for the proposed incinerator and that it meets state standards for particulate emissions, flue-gas temperature, and duration of required flue temperatures.

(note: additions are underlined, deletions are ~~crossed out~~.)

Motion by Councilor Verville, second by Councilor Pagurko to put this Ordinance on the floor for discussion.

Chairman Wyman opened the Public Hearing. No one spoke regarding this item. Chairman Wyman closed the Public Hearing.

**VOTE on Ordinance:**

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

**NAYS: NONE**

**Ordinance passed unanimously. 7-0**

Chairman Wyman stated that this Ordinance would become effective in 21 days.

**2) Municipal Development and Tax Increment Financing District consisting of the following designed parcels of land (Wing Farm):**

**PUBLIC HEARING NOTICE  
CITY OF BATH**

Notice is hereby given that the City Council of the City of Bath will hold a public hearing on February 6, 2008 at 6:02 P.M. at City Council Chamber, 3rd Floor, Bath City Hall, 55 Front Street, Bath, Maine, to hear public comments on the designation of a Municipal Development and Tax Increment Financing District and the adoption of a Development Plan for the said District, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes as amended.

The proposed Municipal Development and Tax Increment Financing District consists of the following designated parcels of land:

Map 32, Lot 165 (portion of) Map 24, Lots 3,4,5,6 and 7 Map 29, Lots 6,7,8,10,11 and 31

A copy of the Development Program for the District will be on file with the Bath City Clerk, at the Bath City Clerk's Office, 55 Front Street, Bath, Maine, prior to the public hearing and may be reviewed at that office during normal business hours. All persons interested are invited to attend the public hearing and will be given an opportunity to be heard at that time.

Chairman Wyman opened the Public Hearing. No one spoke regarding this item. Chairman Wyman closed the Public Hearing.

**3) Municipal Development and Tax Increment Financing District consisting of parcels of land in the Downtown.**

**PUBLIC HEARING NOTICE  
CITY OF BATH**

Notice is hereby given that the City Council of the City of Bath will hold a public hearing on February 6, 2008 at 6:05 P.M. at City Council Chamber, 3rd Floor, Bath City Hall, 55 Front Street, Bath, Maine, to hear public comments on the designation of a Municipal Development and Tax Increment Financing District and the adoption of a Development Plan for the said District, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes as amended.

The proposed Municipal Development and Tax Increment Financing District consists of parcels of land in the Downtown more specifically shown in the map attached.

A copy of the Development Program for the District will be on file with the Bath City Clerk, at the Bath City Clerk's Office, 55 Front Street, Bath, Maine, prior to the public hearing and may be reviewed at that office during normal business hours. All persons interested are invited to attend the public hearing and will be given an opportunity to be heard at that time.

Chairman Wyman opened the Public Hearing. No one spoke regarding this item. Chairman Wyman closed the Public Hearing.

**4) Two CDBG Hearings:**

Chairman Wyman read the following Public Hearing Notice:

**CITY OF BATH  
PUBLIC HEARING NOTICE  
CDBG Applications**

The City of Bath City Council will hold two Public Hearings to provide information about and to receive citizen comments on two grant applications to be submitted to the Department of Economic and Community Development for funding from the Maine Community Development Block Grant Program. The applications include the following. (1) A Housing Assistance Grant for \$250,000 to assist low-moderate income homeowners and low-moderate income first-time homebuyers to address needed housing rehab work (including energy efficiency measures and lead based paint issues). (2) A Community Enterprise Grant for up to \$150,000 to address additional business facade improvements and streetscape improvements in the historic downtown. The public hearings will be held as part of a City Council meeting on Wednesday, February 6, 2008 at 6:01 p.m. in the City Council Chambers at City Hall. Public comments are solicited and will be submitted as part of the applications.

**(1) A Housing Assistance Grant for \$250,000 to assist low-moderate income homeowners and low-moderate income first-time homebuyers to address needed housing rehab work (including energy efficiency measures and lead based paint issues).**

Al Smith, Community Development Coordinator, stated that the program has identified neighborhood areas within the City such as portions of Bailey Street, Fitts Street, Gerald Street, Upper High out by Lambert Park, Court Street and Centre Street that need housing improvement and solicited pre-applications with statement of interest and identification of the types they would like to see done. He

reported that on February 15<sup>th</sup> the City will be applying to the Department of Economic and Community Development for a housing grant and will be low interest loans favorable terms to help low to moderate income families address needed housing improvements. Due to Bath's older housing stock that need upgrades and with the energy issue with the cost of heating, they will be focusing on energy efficiency measures and heating upgrades. The plumbing upgrades, electrical upgrades and roof repair issues will also be addressed with this grant. This will give the City the opportunity to do more housing upgrades as now these are limited to revolving loan funds which allows only 2-3 to be done a year.

Mr. Smith stated the City has a list of housing issues on file at the present time but if the grant goes through, another advertisement would be done to reach other households that might qualify.

The Council took a consensus vote to approve the application process. It was a unanimous in favor vote.

*(2) A Community Enterprise Grant for up to \$150,000 to address additional business facade improvements and streetscape improvements in the historic downtown.*

Al Smith, Community Development Coordinator, stated that this application would address façade issues with some downtown businesses such as the Connolly Building, Webber Oil Building, Marios and Bathport. The funding will be done on a 5-year deferred loan basis that will be matched from the owners. The program funds will be used on exterior improvements and the matching funds from the owners can be used on interior improvements. Some of the items that the funding could be used on are awnings, signage, windows and other structural items that are visible from the outside. The requirement for eligibility of funding is that there be a business in the building to be addressed. Mr. Smith told Council that if a business selling before the 5-year loan is up, the new owner can assume the loan or pay the loan off, whichever the City decides is in it's best interest.

The Council took a consensus vote to approve the application process. It was a unanimous in favor vote.

**D. Consent Agenda: 6:14 PM**

\*5) Minutes of the previous meeting of January 2, 9 and 30, 2008.

Motion by Councilor Pagurko, second by Councilor Verville to accept the minutes as presented.

**VOTE:**

**YEAS: 7**

**NAYS: 0**

**Passed unanimously. 7-0**

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

No residents spoke at this time.

**F. Ordinances, Resolutions and Orders: 6:15 PM**

**6) Bond Ordinance: Approving not to exceed \$2,000,000 General Obligation Bonds for the purpose of funding to provide the necessary infrastructure for the development of the Wing Farm Business Park (first passage)**

Chairman Wyman read the following Ordinance:

**BOND ORDINANCE**

AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE CITY OF BATH, MAINE, IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$2,000,000.00 FOR THE PURPOSE OF FUNDING TO PROVIDE THE NECESSARY INFRASTRUCTURE FOR THE DEVELOPMENT OF THE WING FARM BUSINESS PARK EXPANSION.

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH, AS FOLLOWS:

Section 1. That a sum up to, but not to exceed, \$2,000,000.00 is hereby appropriated for the purpose of providing the necessary infrastructure for the Wing Farm Enterprise Business Park Expansion Project including, but not limited to, road construction, storm drainage, public utilities, sewers, water supply, three phase power, telecommunications access, and any other required infrastructure or utilities together with costs for land acquisition, relocation costs, and administrative expenses.

Section 2. That, for the purpose of financing the aforesaid appropriation, authorization is hereby given to incur indebtedness by the issuance of bonds of the City of Bath, in an amount up to, but not to exceed, \$2,000,000.00 under, and pursuant to, the Charter of the City of Bath.

Section 3. That any and all bonds, notes and other securities issued pursuant to this Ordinance may be payable in serial form in annual installments, which need not be equal, or under such payment terms or conditions as may be in the best interest of the City, but which shall be calculated to extinguish the entire debt at majority.

Section 4. That the term of any bonds issued under the within Ordinance shall not exceed twenty (20) years.

Section 5. That the proceeds of any bonds issued pursuant to this Ordinance shall be used only for those purposes specified in Section 1 above.

Section 6. That any proceeds of the bonds issued not used for the purposes specified in Section 1 shall be applied to repayment of the principal and/or interest of any such bonds.

Section 7. Any suit questioning the validity of this Ordinance shall be barred unless commenced within forty-five (45) days following publication of the Ordinance, said publication in accordance with Section 809 of the Charter of the City of Bath.

Section 8. The City Treasurer with the approval of the City Manager and the Chairman of the City Council may borrow money temporarily by the issuance of notes in anticipation of the issuance of bonds, subsequent to the authorization of this bond issue by the City Council of the City of Bath.

Section 9. That 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 any other details of each issue of bonds and/or notes issued in anticipation of this bond issue.

Section 10. That any and all bonds and/or notes issued by the City pursuant to Chapter 6 of the Charter of the City of Bath or Chapter 8 of the Charter of the City of Bath shall be signed by the City Treasurer and countersigned by the Chairman of the City Council and the City Manager.

Section 11. That any and all bonds and/or notes issued pursuant to Chapter 8 of the Charter of the City of Bath shall be general obligation bonds of the said City.

Section 12. The City Treasurer, with the approval of the Chairman of the City Council and the City Manager, is hereby authorized to make any such bonds or notes authorized hereby subject to call for redemption with or without premium at the election of the City before the dates fixed for the final payment thereof.

Motion by Councilor Pagurko, second by Councilor Winglass to put this Ordinance on the floor for discussion.

**VOTE on Ordinance:**  
**YEAS: Cochrane, Omo, Eosco, Verville, Pagurko, Winglass**  
**NAYS: NONE**  
**Councilor Rogers recused himself.**  
**Ordinance passed. 6-0-1**

Chairman Wyman set second passage of this Ordinance for March 5, 2008 at 6:01PM.

**7) Order: Approving Purchase of the property at 7 Anchor Road 6:22 PM**

Chairman Wyman read the following Order:

**ORDER APPROVING PURCHASE**

WHEREAS, the City of Bath has reached an agreement with Sarah M. Weatherbee, owner of property designated as 7 Anchor Road, Bath for the purchase of said property by the City of Bath; and

WHEREAS, the property is being proposed for the expansion of the Wing Farm Business Park; and

WHEREAS, the City of Bath is proposing to include this property as part of a Tax Increment Financing Development District in order to facilitate the development' of the property for the location of business and commercial enterprises; and

WHEREAS, the City of Bath is proposing to provide required infrastructure and lot development on the site.

NOW, THEREFORE, BE IT HEREBY ORDERED by the City Council of the City of Bath that the acquisition of the property is approved in accordance with the following terms and conditions:

1. Property Description: The property is more particularly described in Deed from William A. Lovell and Sarah M. Lovell to Sarah M. Lovell (n/k/a Sarah M. Weatherbee), dated April 28, 1986, and recorded in the Sagadahoc County Registry of Deeds in Book 799, Page 266, excepting, however, therefrom the premises conveyed to Coastal Economic Development Corporation by Sarah M.

Weatherbee (f/k/a Sarah M. Lovell), by Deed dated February 4, 1998, and recorded in the Sagadahoc County Registry of Deeds in Book 1551, Page 32, and further excepting those premises conveyed to Wingfarm, Inc. by Sarah M. Weatherbee (f/k/a Sarah M. Lovell) by deed dated September 18, 1989, and recorded in the Sagadahoc County Registry of Deeds in Book 972, Page 155. This property consists of premises described as Lot 7 on City of Bath Tax Map 24 and includes a portion of the property located in the Town of West Bath.

2. Purchase Price: The purchase price for the property is \$670,000.00.
3. Relocation Fee: There shall be paid a nonrefundable relocation fee of \$20,000.00, which shall also act as a deposit on the sale.
4. Occupancy: The Seller may continue in occupancy of the residence and barn for a period of up to ninety (90) days after the date of closing in accordance with a written Lease.
5. Closing: The closing shall occur on or before September 1, 2008.

BE IT FURTHER ORDERED that the City Manager be and hereby is authorized to execute a Purchase and Sales Agreement incorporating these terms and such other terms as the City Manager and City Staff may deem appropriate and that the City Manager be further authorized to execute such any and other documents that are necessary to consummate the transaction.

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

**VOTE on Order:**

**YEAS: 6**

**NAYS: 0**

**Councilor Rogers recused himself.**

**Order passed. 6-0-1**

**8) Order: Approving Wing Farm TIF District 6:27 PM**

Chairman Wyman read the Order.

*A complete copy of the Order is on file in the Bath City Clerk's Office with the Agenda materials for February 6, 2008.*

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

**VOTE on Order:**

**YEAS: 7**

**NAYS: 0**

**Order passed unanimously. 7-0**

**9) Order: Approving Downtown TIF District**

Motion by Councilor Verville, second by Councilor Omo to waive the reading of this Order. All were in favor.

*A complete copy of the Order is on file in the Bath City Clerk's Office with the Agenda materials for February 6, 2008.*

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

**VOTE on Order:**

**YEAS: 7**

**NAYS: 0**

**Order passed unanimously. 7-0**

**G. Petitions & Communications: 6:37PM**

There were no petitions or communications

**H. City Manager's Report: 6:37 PM**

There was no City Manager's Report

**I. Committee Reports: 6:37 PM**

There were no Committee Reports

**J. Unfinished Business: 6:37 PM**

There was no unfinished business.

**K. New Business: 6:38 PM**

**10) Appointment of two members to the Bath Housing Authority Board, terms to expire 10February 2013.**

Councilor Pagurko nominated Barbara Wyman and Patricia LeVan to fill these positions. Councilor Verville seconded the nominations. All were in favor of the nominations.

**11) Appoint William D. Giroux to the Bath Transportation Commission to fill the unexpired term of Peter Robohm. Term to expire January 2011.**

Councilor Pagurko made the nomination and Councilor Verville seconded. All were in favor of the nomination.

The meeting adjourned at 6:41 PM with a motion by Councilor Pagurko, seconded by Councilor Omo. 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.*