

**REGULAR MEETING MINUTES**  
**City Council of the City of Bath, Maine**  
**Wednesday, March 5, 2008 6:00pm**  
**City Council Chambers, Bath City Hall**

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

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

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

Presentation by Police Chief Field to Bonnie McDonald “2007 Volunteer of the Year”, Sabrina Doak for “2007 Civilian Employee of the Year” and Nathan Gould for “2007 Officer of the Year”.

**C. Public Hearings: 6:09 PM**

**1) 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 (second 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 Omo to put this Ordinance on the floor for discussion.

Chairman Wyman opened the Public Hearing.

Jerry Provencher of 15 Winslow Court stated that he was in favor of this project. Mr. Provencher asked how the project costs would impact the taxes.

William Giroux, City Manager, responded that this would be under the TIF District and a portion of those taxes that will come as a result of the development at the shipyard and future development in Phase I and II of the Wing Farm Industrial Park will go to pay off the bond payment so there will be no impact on the tax rate.

Seeing no other public comments, Chairman Wyman closed the Public Hearing.

**ROLL CALL VOTE:**

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

**NAYS: NONE**

**Ordinance passed unanimously 8-0**

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

**2) Liquor License for Byrnes' Irish Pub located at 38 Centre Street.**

Chairman Wyman opened the Public Hearing.

Richard Lessard, representative of Marios Pizza, stated that he was in favor of the pub but had concerns about the overflow of parking for the pub taking up spaces in Marios Pizza parking lot. He asked that Mr. Byrnes work with him to see this didn't happen.

Seeing no other comments, Chairman Wyman closed the Public Hearing.

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Passed unanimously. 8-0**

**3) Special Amusement License for Byrnes' Irish Pub located at 38 Centre Street**

Chairman Wyman opened the Public Hearing.

Seeing no comments, Chairman Wyman closed the Public Hearing.

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Passed unanimously. 8-0**

**D. Consent Agenda: 6:19 PM**

**\*4) Minutes of the previous meeting of February 6, 2008.**

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

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Passed unanimously. 8-0**

**E. Time Devoted to Residents to Address the City Council: 6:19 PM**

Jerry Provencher of 15 Winslow Court asked Council to put their financial support behind the mediations taking place regarding the Patten Free Library.

**F. Ordinances, Resolutions and Orders: 6:22 PM**

**5) Order: 2008 Dog Warrant for Unlicensed Dogs**

Chairman Wyman read the following Order:

**Order**

*Be It Ordered by the City Council of the City of Bath, that, a warrant for prosecuting unlicensed dog owners-keepers be prepared and issued in accordance with the provisions of Title 7 MRSA Section 3943.*

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

City Clerk Mary White explained the process and fines related to unlicensed dogs.

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Order passed unanimously. 8-0**

**6) Order: Exercising the Alewife fishing rights at Winnegance Lake to be administered by the Winnegance Alewife Commission as per Harvest Plan**

Chairman Wyman read the following Order:

**ORDER**

*Be It Ordered by the City Council of the City of Bath, Maine, that the Alewife Fishing Rights at Winnegance Lake be operated by the Winnegance Alewife Commission as per Ordinance adopted August 28, 1985, and the municipal rights to take alewives will be sold by the Commission. The Harvest Plan (Conditions and Regulations) will be submitted by the Commission setting forth in detail the exact conditions under which alewives may be taken, all in accordance with good conservation practices. This plan will be submitted to the Department of Marine Resources by the Commission with City of Bath approval.*

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

Councilor Mulligan, Council Representative to the Commission, gave a brief update on the alewife fishery and the good work of the Commission.

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Order passed unanimously. 8-0**

**7) Order: Exercising the Alewife fishing rights at Whiskeag Creek to “Rod and Line” only**

Chairman Wyman read the following Order:

**ORDER**

*Be It Ordered by the City Council of the City of Bath, as follows:*  
that, the taking of alewives at Whiskeag Creek will be restricted to “Rod and Line” only.

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

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Order passed unanimously. 8-0**

**8) Bond Ordinance: Authorizing Permanent Financing – Sewers (first passage)**

Chairman Wyman read the following Ordinance:

**BOND ORDINANCE**

AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS/NOTES FOR THE CITY OF BATH, MAINE, IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$1,400,000.00 FOR THE PURPOSE OF FUNDING THE REPAIR, REPLACEMENT, AND/OR RENOVATION OF THE CITY’S SEWER COLLECTION SYSTEM.

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, \$1,400,000.00 is hereby appropriated for the purpose of funding the repair, replacement, and/or renovation of the City’s sewer collection system.

Section 2. That, for the purpose of financing the aforesaid appropriation, authorization is hereby given to incur indebtedness by the issuance of bonds/notes of the City of Bath, in an amount up to, but not to exceed, \$1,400,000.00 under, and pursuant to, the Charter of the City of Bath.

Section 3. That any and all bonds/notes issued pursuant to this Ordinance shall be payable in annual installments, pursuant to Section 807 of the Charter of the City of Bath.

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

Section 5. That the proceeds of any bonds/notes 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/notes 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/notes.

Section 7. That 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 805 of the Charter of the City of Bath.

Section 8. 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 or any bonds and/or notes issued in anticipation of this permanent financing.

Section 9. 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 10. 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 securities of the said City.

Section 11. 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.

William Giroux, City Manager, explained that this had to come back to Council because the Bond Council wanted a couple of language changes.

Abigail Yacoben, Finance Director, explained the language changes. One was for an annual payment versus monthly payments stated in the previous version and repayment terms not to exceed 20 years versus 10 years stated in the previous version.

Peter Owen, Director of Public Works, reported these funds would pay for the completion of improvements to the sewer system on Juniper and Park Streets. Some other projects to be funded by this Bond Ordinance would be improvements to the Pleasant Street pump station, Front, Willow and High Streets sewer systems.

**ROLL CALL VOTE:**

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

**NAYS: None**

**Ordinance passed unanimously. 8-0**

Chairman Wyman set second passage of this Ordinance for April 2, 2008 at 6:01PM.

**9) Order: Transfer of Property – Old YMCA Building**

Chairman Wyman read the following Order:

**ORDER**

WHEREAS, the City of Bath acquired the property formerly known as the Bath YMCA property by Warranty Deed from the Bath Area Family YMCA (f/k/a Young Men’s Christian Association), dated June 4, 2002, and recorded in the Sagadahoc County Registry of Deeds in Book 2189, Page 72, and

WHEREAS, the property is in need of repair and renovation and there are funding sources for this activity that would be available to the Bath Development Corporation, that are not available to the City of Bath, and

WHEREAS, the property represents an opportunity for additional commercial development in the downtown Bath area, and

WHEREAS, the Bath Development Corporation is tasked with focusing on specific projects in order to provide expansion and development of commercial enterprises within the City, and

WHEREAS, for the reasons stated, the Bath Development Corporation is the more appropriate party to conduct the process of evaluating the building and providing for necessary repairs and improvements or conducting such other activities as may be appropriate to provide for commercial development within that building or on that property.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the property acquired from the Bath Area Family YMCA (f/k/a Young Men's Christian Association) be conveyed to the Bath Development Corporation and that Paul D. Mateosian, the Assistant City Manager, be authorized to execute said Deed and any and all other documents necessary to complete the transfer of the property.

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

City Manager Giroux explained that the City would not be eligible to receive a Brownfield Grant that would be used to fund the environmental cleanup of the building. The Development Corporation would be able to receive the funds. The Development Corporation will start to look at the YMCA and the potential for future development and will come back to Council to see what direction the Council would like to see for the building.

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Order passed unanimously. 8-0**

**G. Petitions & Communications: 6:45PM**

There were no petitions or communications

**H. City Manager's Report: 6:45 PM**

The City Manager reported on the following items:

- Comprehensive Plan Update
- Gas Mitigation System Update
- Landfill Next Cell Permitting
- Cemetery Bridge Project Update
- Wood Boiler Ordinance Update by Scott Davis, Codes Enforcement Officer

**I. Committee Reports: 6:55 PM**

Chairman Wyman and Councilor Winglass reported on the Finance Committee meeting.

Councilor Eosco asked anyone in the community interested in volunteering with the youth of the City to please look into doing so at the Skate Park facility as they are in need of help.

**J. Unfinished Business: 6:59 PM**

There was no unfinished business.

**K. New Business: 6:59 PM**

**10) Two Members to the Mid Coast Center for Higher Learning Board of Directors term to expire March 2011.**

Councilor Pagurko nominated Arthur Mayo III and Herbert Kresser Jr. to fill these positions. Councilor Verville seconded the nominations. All were in favor of the nominations.

Motion by Councilor Pagurko to go into Executive Session to discuss Real Estate Matter per 1 MRSA §405(6)(C) and a Personnel Matter per 1 MRSA §405(6)(A). Motion was seconded by Councilor Omo. All in favor.

Motion by Councilor Omo to come out of the Executive Session. Motion was seconded by Councilor Mulligan. All in favor.

The meeting adjourned at 8:08 PM with a motion by Councilor Pagurko, seconded by Councilor Winglass. 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.*