

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

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

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. Public Hearings: 6:01 PM

1) Bond Ordinance: Authorizing Permanent Financing – Sewers (second passage)

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 Rogers to waive the reading of the Ordinance. Councilor Pagurko seconded the motion. All were in favor of the motion.

Chairman Wyman opened the Public Hearing.

Seeing no Council, City Staff or public comment, Chairman Wyman closed the Public Hearing.

ROLL CALL VOTE:

YEAS: Omo, Mulligan, Rogers, Eosco, Verville, Pagurko

NAYS: None

Ordinance passed unanimously. 6-0

D. Consent Agenda: 6:02 PM

*2) Minutes of the previous meeting of March 5, 2008.

Motion by Councilor Pagurko, second by Councilor Verville 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: 6:03 PM

No one spoke at this time.

F. Ordinances, Resolutions and Orders: 6:03 PM

3) Ordinance: Amend LUC Zoning Map on a parcel of land at the corner of Western Avenue and Redlon Road (Map 31, Lot 69) from C4 zone to R1 zone. (first passage)

Chairman Wyman read the following Ordinance:

ORDINANCE

WHEREAS, THE CITY COUNCIL OF THE CITY OF BATH, AS PART OF THE ADOPTION OF THE BATH LAND USE CODE ON JULY 19, 2000, EFFECTIVE AUGUST 9, 2000, DEPICTED THE BOUNDARIES OF ALL LAND USE DISTRICTS ON A ZONING MAP OF THE CITY OF BATH, ALSO DATED JULY 19, 2000, INCORPORATED BY REFERENCE INTO THE LAND USE CODE PURSUANT TO THE PROVISIONS OF SECTION 7.02 OF THE SAID CODE, AND

WHEREAS, IT IS NECESSARY AND APPROPRIATE THAT THE BOUNDARIES OF THE LAND USE DISTRICTS BE, FROM TIME TO TIME, ADJUSTED AND AMENDED, IN ORDER TO CREATE NEW DISTRICTS AND ADJUST BOUNDARY LINES OF EXISTING DISTRICTS,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE ZONING MAP OF THE CITY OF BATH, DATED JULY 19, 2000, BE AND HEREBY IS AMENDED IN ACCORDANCE WITH THE SKETCH PLAN ATTACHED HERETO AND MADE A PART HEREOF. THIS CHANGE SHALL BE INCORPORATED INTO AND BE PART OF THE OFFICIAL ZONING MAP OF THE CITY OF BATH. THE SPECIFIC ADJUSTMENT IS:

Changing the zoning on the parcel of land at the corner of Western Avenue and Redlon Road (Map 31, Lot 69) from C4 zone to R1 zone.

Applicant for the zone change is ECO Partners, LLC (Michael White).

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

City Planner Jim Upham explained that the Planning Board had held a public hearing and recommend unanimously this zone change go through. He stated this change is in compliance with the City's Comprehensive Plan.

Michael White of ECO Partners, LLC stated that project will consist of the building of four energy efficient homes on this site.

ROLL CALL VOTE:

YEAS: Omo, Mulligan, Rogers, Eosco, Verville, Pagurko

NAYS: None

Passed unanimously. 6-0

Chairman Wyman set second passage of this Ordinance for May 7, 2008 at 6:01PM.

4) Ordinance: Pine Tree Waste Contract (first passage)

Chairman Wyman read the following Ordinance:

ORDINANCE APPROVING

PINE TREE WASTE CONTRACT

WHEREAS, the City of Bath and Pine Tree Waste have reached an agreement for continuation of curbside trash pickup, recycling pickup and other specialty collections, and

WHEREAS, the term of the Contract exceeds One (1) year, and

WHEREAS, the Charter of the City of Bath, pursuant to Section 1102, requires that Contracts involving payment of monies out of appropriations of more than One (1) fiscal year be approved by Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bath that the Contract with Pine Tree Waste, commencing January 1, 2008 and running through December 31, 2012, and attached hereto, be and hereby is approved and the City Manager is authorized to execute same on behalf of the City of Bath.

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

City Manager William Giroux explained that Pine Tree Waste had been the City’s vendor for many years and the staff is recommending signing with them for the next 5 years.

Councilor Eosco asked if the City would look into people renting apartments being able to participate in the recycling program.

Mr. Giroux said he would have the PAYT Committee look into this matter in the Fall.

ROLL CALL VOTE:

YEAS: Omo, Mulligan, Rogers, Eosco, Verville, Pagurko

NAYS: None

Passed unanimously. 6-0

Chairman Wyman set second passage of this Ordinance for May 7, 2008 at 6:02PM.

5) Order: Approving Brownfield Revolving Loan Fund for cleanup of the former YMCA

Chairman Wyman read the following Order:

**ORDER APPROVING BROWNFIELD CLEANUP
REVOLVING LOAN FUND SUBGRANT**

WHEREAS, the City of Bath has received Brownfield Cleanup Revolving Loan Funds (BCRLF) and is authorized to make subgrants from these funds (Loan Funds) in order to undertake cleanup of Brownfield sites; and

WHEREAS, some grants are made to qualified non-profit entities willing to undertake the cleanup of these sites; and

WHEREAS, the former YMCA property located at 26 Summer Street, in Bath, in the County of Sagadahoc, and State of Maine, has been the subject of an environmental assessment which has shown that the building has significant environmental damage that will require remediation prior to any development of the site; and

WHEREAS, the Bath Development Corporation, Inc. is a Maine non-profit corporation located in Bath, in the County of Sagadahoc, and State of Maine, which qualifies as a subgrantee; and

WHEREAS, the City of Bath, current owner of the property, has by and through its City Council, approved the transfer of the property designated as 26 Summer Street and more particularly described as property on Lot 218, of City of Bath Tax Map 26, to the Bath Development Corporation, Inc.; and

WHEREAS, the Bath Development Corporation, Inc., at its next scheduled meeting in April 2008, is expected to approve its acquisition of the old YMCA property.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the subgrant to the Bath Development Corporation, Inc., in an amount up to \$150,000.00, for the purpose of conducting environmental cleanup at the old Bath YMCA site, be and hereby is approved, subject to the transfer of the property to the Bath Development Corporation, Inc., and be it further ordered that Paul Mateosian, Assistant City Manager, be hereby authorized to execute all subgrant and related documents, consistent with the Charter of the City of Bath, Bath Ordinances and Regulations, and the Laws and Regulations governing the Brownfield Cleanup Revolving Loan Fund Program.

Signed this 2nd day of April 2008 on behalf of the City Council of the City of Bath.

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

City Manager William Giroux explained this would begin the clean up and the bids would be going out next week.

VOTE:

YEAS: 6

NAYS: 0

Order passed unanimously. 6-0

G. Petitions & Communications: 6:24PM

There were no petitions or communications

H. City Manager's Report: 6:24 PM

The City Manager reported on the following items:

- 2008-2009 Budget Review Schedule
- Landfill Gas Mitigation/Next Phase Construction Update
- Skatepark potential merger with the Recreation Department Update

I. Committee Reports: 6:33PM

There were no Committee Reports.

J. Unfinished Business: 6:33 PM

There was no unfinished business.

K. New Business: 6:33 PM

6) Appointment of Keith Jensen as Harbor Master for a 5-Year term.

Councilor Pagurko nominated Keith Jensen of the Bath Police Department as Harbor Master. All were in favor of the nomination.

Councilor Verville brought to Council an issue regarding the reoccurrence of uncovered loads of trash going to the landfill, which was causing the Sabean family of 1517 High Street, a neighbor of the landfill, to have many flat tires from nails from these uncovered loads.

Dana Sabean of 1517 High Street told Council that her family had experienced 14 flat tires in last 21 months due to debris from these uncovered loads. She asked Council to look into enforcement of load coverage and street clean up.

City Manager William Giroux explained that the City during warmer months would run a magnetic street cleaner in the affected area. He told the Sebeans to bring their flat tire to the Manager's office and the City will pay all costs incurred to replace the flat tire. Mr. Giroux stated that he would have the Police Chief have his department do more enforcement of the covered load law and asked Chief Field to appraise Council and him of the laws regarding load coverage.

Public Works Director Peter Owen stated that there was a rule at the landfill that anyone with an uncovered trailer load would not be accepted into the landfill to dump.

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). Councilor Verville seconded the motion. All in favor.

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

The meeting adjourned at 8:12 PM with a motion by Councilor Omo, seconded by Councilor Pagurko. 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.