

**REGULAR MEETING MINUTES**  
**City Council of the City of Bath, Maine**  
**Wednesday, May 7, 2008 6:00pm**  
**City Council Chambers, Bath City Hall**

Present: Councilors Cochrane, Mulligan, Rogers, Eosco, Verville, Pagurko, Winglass & Chairman Wyman.  
Late: Councilor Omo

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.

Chairman Wyman read the following Proclamation in recognition of 25 years of service by Dana Houston upon his retirement from the Bath Police Department:

**PROCLAMATION**

**WHEREAS**, the City of Bath wishes to recognize the 25 years of service by Dana Houston of the Bath Police Department, and

**WHEREAS**, Dana was born in Brunswick, Maine, the son of John and Marilyn Houston, and attended schools in Topsham, graduating from Mt. Ararat High School, and

**WHEREAS**, Dana was appointed as Parking Enforcement Officer on 3/28/83, and

**WHEREAS**, Dana attended Reserve Police Officer School in 1987, Basic Harbor Master School in April 1997, and Advanced Harbor Master School in April 1998 through the Maine Criminal Justice Academy, and

**WHEREAS**, Dana served as Assistant Harbor Master under Harbor Master Jeff Shiers for 22 years, was appointed as Acting Harbor Master on 6/10/05 and Harbor Master on 7/1/05, and

**WHEREAS**, Dana has put in many hours on the Police Dept. website and has even made a departmental movie, and

**WHEREAS**, Dana was instrumental in keeping the City of Bath budget from taking on water in 2006 when the City of Bath's rescue boat became unsalvageable with a cracked transom and he spearheaded efforts to get a new boat at no cost to the City through Senator Susan Collins' office and the Coast Guard, and

**WHEREAS**, Dana has been a driving force in the Dare Program's Christmas fair since its inception in 1989, and

**WHEREAS**, on an average of 6,000 parking tickets a year, Dana has issued approximately 150,000 parking tickets during his 25 year career, and

**WHEREAS**, Dana Houston's long and distinguished career of public service to the City of Bath was marked by his integrity and professionalism;

**NOW THEREFORE BE IT PROCLAIMED** by the City Council of the City of Bath that the City recognizes the 25 years of excellent public service by Dana M. Houston to the Bath citizenry.

**C. Public Hearings: 6:04 PM**

**1) 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. (second 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).

Councilor Omo took his seat as this time.

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

There was no Council, City Staff or public comment.

**ROLL CALL VOTE:**

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

**NAYS: None**

**Ordinance passed unanimously. 8-0**

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

**2) Ordinance: Pine Tree Waste Contract (second 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 Winglass, second by Councilor Pagurko to put this Ordinance on the floor for discussion.

There was a brief discussion of Spring leaf pick up. William Giroux, City Manager, stated that the City would make this an annual event.

**ROLL CALL VOTE:**

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

**NAYS: None**

**Ordinance passed unanimously. 8-0**

Chairman Wyman stated this would become effective in 21 days.

**3) Ordinance: Authorizing Permanent Financing for Midcoast Health Services Property for the purpose of funding construction, renovations and improvements (second passage)**

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

**ORDINANCE AUTHORIZING PERMANENT FINANCING**

AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS/NOTES FOR THE CITY OF BATH, MAINE, IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$75,000.00 FOR THE PURPOSE OF FUNDING CONSTRUCTION, RENOVATION AND IMPROVEMENT COSTS TO THE FORMER MIDCOAST HEALTH SERVICES PROPERTY TO SUPPORT THE RENTAL OF NEW SPACE.

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, \$75,000.00 is hereby appropriated for the purpose of providing funding for construction, renovations and improvements to previously unoccupied space at the former Midcoast Health Services property to support new tenants.

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, \$75,000.00 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 monthly installments.

Section 4. That the term of any bonds/notes issued under the within Ordinance shall not exceed ten (10) 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. 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. 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 permanent financing.

Section 9. That any and all bonds and/or notes issued by the City pursuant to 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. Any notes issued hereunder shall be subject to prepayment without penalty.

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

There was no Council, City Staff or public comment.

**ROLL CALL VOTE:**

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

**NAYS: None**

**Ordinance passed unanimously. 8-0**

**4&5) CDBG : Acceptance of the 2008 Public Infrastructure Gant and a Community Enterprise Grant**

Chairman Wyman read the following Public Hearing Notice:

**Public Hearing Notice  
City of Bath  
For Two CDBG Grants**

The City of Bath City Council will hold two Public Hearings on Wednesday, May 7, 2008 at 6:01 P.M. on the third floor of City Hall in the City Council Chamber to discuss acceptance of both a 2008 Public Infrastructure Grant (to address water, stormwater and sewers improvements in the Richardson Street and Western Avenue Neighborhood) and a Community Enterprise Grant for downtown business façade improvements. Public comments will be solicited at these Hearing and will be submitted as part of the City's Grant Development phase. All persons wishing to make comments or ask questions about the grant application are invited to attend this Public Hearing and may also contact the City's CD Office 55 Front Street, Bath ME 04530 or call 443-8372.

At the meeting the Council will consider resolutions to accept both the \$300,000 infrastructure grant and the \$100,000 Business Façade grant. TDD/TTY users may call 711. If you are physically unable to access any of the City's programs or services, please call the City Clerks Office at 443-8332, so that accommodations can be made.

**Attach Fair Housing Logo**

There was no public comment.

City Manager, William Giroux, explained that the grant monies would be used as follows: 2008 Public Infrastructure monies used to improve the water, stormwater and sewers to the Richardson Street area this summer and the Community Enterprise Grant would be used for the business facade program that the City has used successfully in the past in the downtown.

**Vote on Acceptance of Grant Monies**

**YEAS: 8**

**NAYS: 0**

**Passed unanimously.**

**6) CDBG: Approval to submit an application for State of Maine Municipal Investment Trust Fund Program**

Chairman Wyman read the following Public Hearing Notice:

Public Hearing Notice  
City of Bath Maine Investment Trust Fund Application

The City of Bath will hold a Public Hearing on Wednesday, May 7, 2008, at 6:03 P.M., in the City Council Chamber at City Hall 3<sup>rd</sup> floor to discuss an application being submitted to the State of Maine Municipal Investment Trust Fund program. The purpose of the grant application is to address downtown parking issues, streetscape and landscaping upgrades by implementing the Water Street/Elm Street Infrastructure Project. Public comments will be solicited at this Hearing and will be submitted as part of the application. All persons wishing to make comments or ask questions about the grant application are invited to attend this Public Hearing. Comments may be submitted in writing to: the CD Office 55 Front Street, Bath, Maine 04530 or call 443- 8372 at any time prior to the Public Hearing. TDD/TTY users may call 711. If you are physically unable to access any of the City's/Town's programs or services, please call the City Clerks Office at 443 8332, so that accommodations can be made.

William Giroux, City Manager, explained that this grant is highly competitive but well worth the effort to go after. The improvements to the Water Street/Elm Street area are on the City's priority list and if it were possible to get the grant it would help get the project started.

**Vote on Application Process:**

**YEAS: 8**

**NAYS: 0**

**Passed unanimously.**

**D. Consent Agenda: 6:20 PM**

\*7) Minutes of the previous meeting of April 5, 2008.

Motion by Councilor Pagurko, second by Councilor Rogers 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: 6:21 PM**

No one spoke at this time.

**F. Ordinances, Resolutions and Orders: 6:21 PM**

**8) Arbor Week Proclamation (motion to pass)**

Chairman Wyman read the following Proclamation:

**ARBOR WEEK PROCLAMATION**

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world (more often as a weekly observance), and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BATH, MAINE, HEREBY PROCLAIMS THE WEEK OF MAY 18-24 AS

ARBOR WEEK

in the City of Bath, and we urge all citizens to celebrate Arbor Week and to support efforts to protect our trees and woodlands, and

FURTHER, We urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED this 7<sup>th</sup> day of May 2008.

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

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Proclamation passed unanimously. 8-0**

**9) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259. Parking Restrictions, Centre Street – South Side (first passage)**

Chairman Wyman read the following Ordinance:

**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 17. VEHICLES AND TRAFFIC  
Article 6. Stopping, Standing and Parking

Section 17-259. Parking Restrictions

Centre Street South Side

Delete:

All parking regulations from Front Street to a point 116 feet west of the corner of Centre and Washington Street.

Replace with the following:

From Front Street to a point 40 feet west of Front Street, no parking; from a point 40 feet west of Front Street to the first driveway, two hour parking; from the first driveway from Front Street to the Key Bank exit, no parking; from the Key Bank exit to a point 50 feet easterly from Water Street, two hour parking; from a point 50 feet easterly from Water Street to Water Street, thirty minute parking; from Water Street to a point 116 feet west of the corner of Centre and Washington Streets, no parking.

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

City Manager William Giroux explained that this change was needed, as customers of the natural food store were not able to find an available parking space and had complained to the owner of the store. This situation had started recently due to the success of the new pub that opened on the corner of Water and Centre Streets. Mr. Giroux felt it would be in the best interest of the public to change the available parking spaces from 2 hour to 30 minute parking.

Police Chief Field stated that limited time spaces were already being used in the downtown area and with success. He said he was in favor of the change.

There was a brief discussion regarding downtown parking issues. The consensus of Council was that it wouldn't be a bad idea to have a parking committee look into some of the parking issues that are still happening and that a parking map be put on the new web site for the public to use.

**ROLL CALL VOTE:**

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

**NAYS: None**

**Ordinance passed unanimously. 8-0**

Chairman Wyman set second passage for June 4, 2008 at 6:01 PM.

**10) Resolution: Authorization to submit application for a CDBG Public Infrastructure Grant in the amount of \$300,000 and a Community Enterprise Grant in the amount of \$100,000**

Motion by Councilor Omo to waive reading of Resolution. Motion seconded by Councilor Rogers. All in favor

**CITY COUNCIL RESOLUTION**

WHEREAS, the City of Bath wishes to apply to the Department of Economic and Community Development for Community Development Block Grants to carry out community development programs; and

WHEREAS, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income families and individuals and the community has conducted at least one duly advertised public hearing; and

WHEREAS, the City of Bath is cognizant of the requirement that should the intended National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program; and

NOW THEREFORE, be it resolved by the City Council of the City of Bath that the City Manager:

- 1) Is authorized and directed to submit all Application Materials for the following program(s) and dollar amount(s) within the State of Maine's CDBG Program:

Program: Public Infrastructure Grant      Amount: \$300,000

Program: Community Enterprise Grant      Amount: \$100,000

To the Department of Economic and Community Development on behalf of the City of Bath

- 2) Is authorized to make assurances on behalf of the City of Bath required as part of such applications, and



- 3) Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing and said programs, consistent with the Charter of the City of Bath and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

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

There was no Council, City Staff or public comment.

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Resolution passed unanimously. 8-0**

**11) Order: Accept donation of a 2004 Chevrolet Tahoe to Bath Police Department**

Chairman Wyman read the following Order:

**ORDER ACCEPTING GIFT**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT A GIFT OF A 2004 CHEVROLET TAHOE LT SPORTS UTILITY VEHICLE FROM FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF BATH, BE AND HEREBY IS ACCEPTED WITH THANKS ON BEHALF OF THE CITY OF BATH.

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

Police Chief Michael Field explained this was a gift from the First Federal wanted to do something for the community. They made a donation of the vehicle to the Bath Police Department. Since the Police Department had been looking into purchasing a vehicle this would be a savings to the City. The vehicle would be used on a limited basis and in the winter when the weather was bad. This limited use would help keep the fuel costs down.

Chief Field thanked President & CEO Andrew Perry, Senior Vice President Mr. Timothy Burnham, Chairman of the Board of Directors Daniel Donovan and Board Member William Reed for their generous donation.

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Order passed unanimously. 8-0**

**12) Order: Approving Bid and Contract to T. Buck Construction, Inc. for the Pleasant Avenue Pump Station Upgrade project**

Chairman Wyman read the following Order:

**ORDER  
APPROVING BID AND CONTRACT**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF T. BUCK CONSTRUCTION, INC. FOR THE PLEASANT AVENUE PUMP STATION UPGRADE PROJECT IN THE AMOUNT OF \$671,000.00 IS ACCEPTED, IT BEING THE LOWEST QUALIFIED BID SUBMITTED, AND A CONTRACT BY AND BETWEEN THE CITY OF BATH AND T. BUCK CONSTRUCTION, INC. IS HEREBY APPROVED AND THE MANAGER IS AUTHORIZED TO EXECUTE THE CONTRACT AND ANY OTHER DOCUMENTS NECESSARY TO ITS IMPLEMENTATION ON BEHALF OF THE CITY OF BATH. THE PROJECT HAS BEEN FUNDED BY AN SRF LOAN APPROVED BY COUNCIL.

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

Public Works Director Peter Owen explained that this was one of the projects on the Emergency Supplemental Appropriations Ordinance that the Council approved on April 19, 2006.

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Order passed unanimously. 8-0**

**13) Order: Approving Bid and Contract to Harry C. Crooker & Sons, Inc. for the construction of Cell 2-3 and 2-4 and final closure of Area 3-east at the Bath Landfill.**

Chairman Wyman read the following Order:

**ORDER  
APPROVING BID AND CONTRACT**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF HARRY C. CROOKER & SONS, INC. FOR THE CONSTRUCTION OF CELL 2-3 AND 2-4 AND FINAL CLOSURE OF AREA 3-EAST AT THE CITY OF BATH LANDFILL IN THE AMOUNT OF \$1,314,225.05 IS ACCEPTED, IT BEING THE LOWEST QUALIFIED BID SUBMITTED, AND A CONTRACT BY AND BETWEEN THE CITY OF BATH AND HARRY C. CROOKER & SONS, INC. IS HEREBY APPROVED AND THE MANAGER IS AUTHORIZED TO EXECUTE THE CONTRACT AND ANY OTHER DOCUMENTS NECESSARY TO ITS IMPLEMENTATION ON BEHALF OF THE CITY OF BATH. THE PROJECT HAS BEEN FUNDED BY THE PROCEEDS OF A LANDFILL BOND AUTHORIZED BY THE VOTERS OF THE CITY OF BATH.

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

**VOTE:**

**YEAS: 7**

**NAYS: 1 - Rogers**

**Order passed. 7-1**

**14) Order of Notice: Discontinuation of a section of Upper Washington Street abutting Peter and Carolyn Harris property**

Chairman Wyman read the following Order of Notice:

**ORDER OF NOTICE**

WHEREAS, the City of Bath, at a meeting of its City Council and Board of Aldermen, on February 5, 1947, caused the metes and bounds of a public way known as an extension of Washington Street, to be laid out, designated and accepted as a public way; and

WHEREAS, that acceptance extended the northerly end of the way to its current northerly terminus; and

WHEREAS, the northerly most seventy-five feet (75') of Washington Street has not been used or maintained as a public way; and

WHEREAS, the owners of the property at the northerly end of Washington Street, Peter T. Harris and Carolyn Harris, who acquired title to the property by virtue of Deed dated March 20, 2008, and recorded in the Sagadahoc County Registry of Deeds in Book 2969, Page 1, have requested that the northerly most seventy-five feet (75') of Washington Street to discontinued and title to that property vested in the Harris's; and

WHEREAS, the Harris's have offered to convey to the City of Bath two parcels of land adjacent to Washington Street and South of the portion being proposed for discontinuance in order to construct a better turnaround in this area and to encompass pavement in this area outside the right-of-way but which is being used as portions of the right-of-way; and

WHEREAS, a Map attached to this Order shows the portion of Washington Street being proposed for discontinuation as well as the two parcels proposed to be conveyed to the City; and

WHEREAS, 23 M.R.S.A. Section 3026, which governs the discontinuation of public ways, requires that certain procedures be followed regarding the discontinuation process.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the City Manager, as the Municipal Officer of this City, provide for proper notice of these proceedings in the following manner:

1. That the best practicable notice be given to all abutting property owners, and the Municipal Planning Board or Office, the best practicable notice being defined as mailing by United States Postal Service, postage prepaid, first class; such notice shall indicate that the City Council of the City of Bath will consider an Order of Discontinuation of a portion of Washington Street identified on the attached Map on its meeting on the \_\_\_day of\_\_\_\_\_, 2008, at \_\_\_\_\_p.m.
2. Be it further ordered that an Order of Discontinuation be prepared by the City Manager and filed with the City Clerk, for consideration by the City Council, specifying the following at the date and time specified in Section 1:
  - A. The location of the portion of the way to be considered for discontinuation together with a metes and bounds description of that portion.
  - B. Names and addresses of abutting property owners.
  - C. The amount of damages, if any, as determined by the City Manager to be appropriate to be paid to each abutter.
  - D. Whether or not any public rights should be reserved in the discontinued portion of the way.

SO ORDERED this 7<sup>th</sup> day of May, 2008.

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

City Solicitor Roger Therriault explained the process to achieve this discontinuation.

Motion by Councilor Rogers to amend the Order to fill in the blank date and time to read “the 4<sup>th</sup> day of June, 2008, at 6:02 p.m.”. Councilor Pagurko seconded the motion.

**VOTE on Amendment:**

**YEAS: 8**

**NAYS: 0**

**Amendment passed unanimously. 8-0**

Public Works Director Peter Owen explained that this arrangement would give the City access to a turn-around at the end of Washington Street.

Motion by Councilor Verville to pass the Order as amended. Councilor Pagurko seconded the motion.

**VOTE on Amended Order:**

**YEAS: 8**

**NAYS: 0**

**Amended Order passed unanimously. 8-0**

**15) Order: Notice of Election for the State Primary/Referendum Election to be held June 10, 2008**

Chairman Wyman read the following Order:

**ORDER**

In City Council  
May 7, 2008

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

That, the Notice of State of Maine Primary/Referendum Election be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the State of Maine Primary/Referendum Election will be held at their respective Ward Rooms (1-7 inclusive), on Tuesday, June 10, 2008 for the purpose of determining the following questions:

To determine:

Candidates in the Republican/Democratic/Green Independent Parties

**STATE OFFICES:**

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

(1) One Referendum Question.

Absentee Ballots shall be processed Election Day at 10:00am, 11:00am, 1:00pm, 2:00pm, 3:00pm and 8:00pm.

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

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

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Order passed unanimously. 8-0**

**16) Order: Issuing of Municipal Warrant for the School Budget Referendum Election to be held June 10, 2008**

Chairman Wyman read the following Order:

**ORDER**

In City Council

May 5, 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 School Budget Districts Election will be held at Bath Middle School, 6 Old Brunswick Road (Districts 1-7) inclusive, on the 10th day of said June, 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 School Budget Election in their respective Districts for:

**Regional School Unit # 1 Budget:**

District One - District Seven

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 Omo to put this Order on the floor for discussion.

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Order passed unanimously. 8-0**

**17) Order: Registrar of Voters Hours for the State Primary/Referendum and School Budget Referendum Election to be held June 10, 2008**

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 Primary/Referendum Election and School Budget Election to be held Tuesday, June 10, 2008. The Office will be open on Saturday, June 7, 2008 from 11:00am to 2:00pm. On Election Day anyone may register to vote at the Polls at the Bath Middle School Gymnasium from 9:00am to 8:00pm.

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

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Order passed unanimously. 8-0**

### **18) Order: Appointing Warden and Ward Clerk for the State Primary/Referendum and School Budget Referendum Election to be held June 10, 2008**

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 Primary/Referendum Election and the School Budget Election to be held on Tuesday, June 10, 2008:

<u>Warden</u>	<u>Ward Clerk</u>
Carol Duehring	Harriet Smith

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

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Order passed unanimously. 8-0**

### **G. Petitions & Communications: 7:01 PM**

There were no petitions or communications

### **H. City Manager's Report: 7:01 PM**

The City Manager reported on the 2008-2009 City Budget. Mr. Giroux had a short discussion on covering load of debris going into the landfill. He reminded everyone of the Memorial Day ceremony in Library Park at noon.

### **I. Committee Reports: 7:12 PM**

Councilor Winglass reported on behalf of the Transportation Committee that there had a been a great loss to them due to the passing of Peter Robohm. City Manager Giroux stated that there would be a plaque placed inside the Train Station to honor him.

Councilor Omo reported that the Facilities Committee has done a lot of upgrading to the Montgomery Theater and the schools have been spruced up with cleaner bathrooms, new security, ADA approved boilers and more to be done this summer.

**J. Unfinished Business: 7:14 PM**

Chairman Wyman stated that he had attended a setback workshop with the Planning Board and urged the other Councilors to attend a workshop to understand how they go about their business.

**K. New Business: 7:19 PM**

There was no new business.

Motion by Councilor Pagurko to go into Executive Session to discuss a Personnel Matter per 1 MRSA §405(6)(A) at 7:20 PM. Councilor Omo seconded the motion. All in favor.

Motion by Councilor Winglass to come out of the Executive Session at 8:12 PM. Councilor Pagurko seconded motion. All in favor.

The meeting adjourned at 8:13 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.*