

**REGULAR MEETING MINUTES**  
**City Council of the City of Bath, Maine**  
**Wednesday, July 1, 2009 6:00pm**  
**City Council Chambers, Bath City Hall**

Present: Councilors Paulhus, Rogers, Eosco, Sinclair, Pagurko, Winglass, and Chairman Wyman.  
Excused Councilors Cochrane, 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.

**C. Consent Agenda: 6:01 PM**

\*1) Minutes of the previous Council meetings of June 3, 10 and 24, 2009. Councilor Sinclair asked to amend the June 24, 2009 minutes at the bottom of Page 10 by striking the word “unanimously” from the last vote taken. City Clerk White said she would take care of that request. Motion by Councilor Pagurko, second by Councilor Paulhus to accept the minutes as amended. All were in favor of the motion.

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

Linda Coit of 33 Park Street asked Council to look into the drainage problem on Park Street as the backyard flooding issue is still a big problem.

Jon Brandon of 33 Park Street stated it was too bad that after all the money the City had spent to fix this drainage problem and the problem still exists. Mr. Brandon said he would not recommend this neighborhood to anyone. He suggested that the ground level in that area be raised.

June Dorion of 22 Park Street asked Council to revisit this issue again as the flooding makes the backyards unsafe for children to play in.

City Manager Giroux stated that the City had testing of the stormwater done and the results show it is mostly stormwater runoff and not sewer backup. The City has engineers looking into a solution to this issue, but to understand it is not an easy or quick fix and will be very expensive.

Peter Owen, Public Works Director, said the previous work done in the area was only the first phase and least expensive remedy to the problem. He stated there are two issues to this problem: 1. the topographical low point and 2. sewer manholes that backup. Mr. Owen reported that the pipe size in the area isn't big enough to handle these heavy rain storms and several solutions will be brought before Council to decide what they want done. He stated that in order to raise the ground level, the house in the area would have to be taken down.

**E. Ordinances, Resolutions and Orders: 6:18 PM**

**2. Order: Approving Contract for 2009 Street Paving Program**

Chairman Wyman read the following Order:

## **ORDER AUTHORIZING ANNUAL PAVING BIDS**

**WHEREAS**, the City of Bath has sent out a request for proposals for the 2009/2010 City of Bath road paving projects; and

**WHEREAS**, the bid response date was June 25, 2009; and

**WHEREAS**, the bid response of Pike Industries was the lowest bid received at \$346,967.05.

**NOW, THEREFORE, BE IT ORDERED** by the City Council of the City of Bath that the bid of Pike Industries for the 2009/2010 fiscal year City of Bath paving program at a bid price of \$346,967.05 be and hereby is awarded and the City Manager is authorized to execute contract documents and other documents related to the project. This project is being funded by proceeds from the Bath Street Bond, Public Works Account PW-05-774.

Councilor Rogers made a motion to put this item on the floor. Councilor Pagurko seconded the motion.

Peter Owen, Public Works Director, reported that the roads to be paved were Congress Avenue - Route One to the five corners; High Street from North Street to Centre Street; Middle Street from Leeman Highway to Russell Street and all of Bowery Street, Park Street and Shenandoah Road.

**VOTE:**

**YEAS: 6**

**NAYS: 0**

**Order passed unanimously. 6-0**

### **3. Order: Awarding Design-Build Contract Commercial and Front Streets Sidewalks**

Chairman Wyman read the following Order:

#### **ORDER AWARDING DESIGN-BUILD CONTRACT COMMERCIAL AND FRONT STREETS SIDEWALKS**

**WHEREAS**, the City of Bath, in connection with the development of an 86-room Hampton Inn on downtown property known as the Praver Block will be required to do certain infrastructure improvements by providing sidewalks on Front and Commercial Streets which shall include the installation of sidewalks compatible with the downtown sidewalks to include lighting, landscaping and hardscaping; and

**WHEREAS**, the Developer is now engaged in the early stages of constructing the hotel project; and

**WHEREAS**, the sidewalk construction will be on the same site and at the latter stages of the construction project; and

**WHEREAS**, there is potential for on-site conflict between contractors engaged in the hotel project and those engaged in the sidewalk project; and

**WHEREAS**, it would be appropriate to coordinate the sidewalk project with the construction of the hotel; and

**WHEREAS**, the Purchasing and Financing Ordinance of the City of Bath in Section 7-10, provides for alternate procedures where "...the nature of a purchase renders the competitive bidding process ineffectual by virtue of a single supplier or other complication..."; and

**WHEREAS**, the City Council and the City Manager as purchasing agent, find that the introduction of an additional contract onto the site would needlessly complicate and potentially interrupt the construction process and would potentially result in higher costs to both the Developer and the City; and

**WHEREAS**, the Manager certifies and the City Council confirms that the circumstances of the construction of the sidewalks constitutes an unusual situation within the terms of Section 7-10 of the Code.

**NOW, THEREFORE, BE IT ORDERED** by the City Council of the City of Bath that a Design-Build Contract with Peter Anastos, Developer of the Hampton Inn hotel project, for a lump sum of \$387,052.00, be awarded for the construction of sidewalks and sidewalk amenities along Front and Commercial Streets, and **BE IT FURTHER ORDERED** that the City Manager of the City of Bath is hereby authorized to execute any contract documents or other documents necessary to construct the project.

Councilor Pagurko made a motion to put this item on the floor. The motion was seconded by Councilor Rogers.

City Manager Giroux stated that any company wishing to bid on the project should work through the developer.

Public Works Director Owen reported that having two contractors in the same work space doesn't work. They would try to work independently of each other and it would end up costing more money.

**VOTE:**

**YEAS: Paulhus, Eosco, Pagurko, Winglass**

**NAYS: Rogers, Sinclair**

**Order passed. 4-2**

**4. Order: Authorizing Train Park Project Bid**

Chairman Wyman read the following Order:

**ORDER AUTHORIZING TRAIN PARK PROJECT BID**

**WHEREAS**, the City of Bath has sent out a request for proposals for the Train Park Project; and

**WHEREAS**, the bid response date was June 25, 2009; and

**WHEREAS**, the bid response of H.C. Crooker & Sons, Inc. was the lowest bid received at \$607,566.00.

**NOW, THEREFORE, BE IT ORDERED** by the City Council of the City of Bath that the bid of H.C. Crooker & Sons, Inc. for the Train Park Project at a bid price of \$607,566.00 be and hereby is awarded and the City Manager is authorized to execute the contract and any other documents necessary to its implementation on behalf of the City of Bath. This project is being funded by a Maine Department of Transportation Grant (\$500,000.00) and by additional funds from Capital Improvement Account No. 744 and proceeds from the Bath Street Bond, Public Works Account PW-05-774.

Councilor Pagurko made a motion to put this item on the floor. The motion was seconded by Councilor Winglass.

City Manager Giroux explained that this would be Phase 2 of the Train Station Project. This Phase would consist of landscaping around the Train Station, providing loading zones for buses and trains

and additional parking under the bridge. Phase 3 would be providing additional parking, developing the park beside the Gilford Lot and connecting to the “River Walk”.

City Planner Upham stated the Maine DOT’s “Grand Plan” would encourage tourists to come to Maine via plane, train or bus and leave their cars at home. These tourists would use the so called “Maine Highway”. Bath had been chosen as one of the sites for trains, buses and ferries to pick up and drop off passengers under the “Grand Plan”.

**VOTE:**

**YEAS: 6**

**NAYS: 0**

**Order passed unanimously. 6-0**

**F. Petitions & Communications: 6:42 PM**

Councilor Eosco reminded everyone that Bath Heritage Days would be celebrated from July 2 -5.

**G. City Manager’s Report: 6:43 PM**

City Manager Giroux reported the Waterfront Park Bathroom Project had been completed and would be in operation for the Heritage Days festivities.

Mr. Giroux asked that citizens be patient with the mowing of grass in the cemeteries, ball fields and parks as it has been difficult to keep up due to all the rain storms.

He thanked the Public Works Department for all the good work in sprucing up the downtown and streets for the weekend’s festivities. Mr. Giroux thanked City staff, Main Street Bath and all the volunteers for all the hard work they do to put on Heritage Days.

**H. Committee Reports 6:45 PM**

There were no Committee Reports.

**I. Unfinished Business 6:45 PM**

There was no unfinished business.

**J. New Business: 6:46 PM**

There was no new business.

The meeting adjourned at 6:46 PM with a motion by Councilor Pagurko, seconded by Councilor Winglass. All were in favor of the adjournment.

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.*