

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, January 7, 2009 6:00 pm
City Council Chambers, Bath City Hall

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

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.

Presentation to Former Councilor Brian Verville for his years of service to the City of Bath.

Chairman Wyman thanked former Councilor Verville for his service to the citizens of Bath and presented him with a plaque of recognition.

Presentation of the Government Finance Officers Association Distinguished Budget Award for the FY 2009 Budget

Finance Director Yacoben explained the budget had been entered into completion on the merits of presentation and clarification to the public. This was only the second time a Maine budget has won the award. Ms. Yacoben presented Council with the award plaque.

Presentation “Pay as You Throw” update by Lee Leiner, Deputy Public Works Director.

Mr. Leiner gave brief history of the program and listed the goals. He stated that all goals had been obtained:

- 1) an increase recycling rate of 67% increase and reduction in trash from 210 tons to 110 tons;
- 2) all revenues from the sale of blue bags is now dedicated to solid waste project;
- 3) equity for everyone with regards to recycling;
- 4) public education regarding landfill costs and closure.

C. Public Hearings: 6:11 PM

1) Ordinance: Authorizing Permanent Financing in the amount of \$60,000.00 for the purpose of funding the purchase of defibrillators for the Fire Department (second passage)

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, \$60,000.00 FOR THE PURPOSE OF FUNDING THE PURCHASE OF DEFIBRILLATORS FOR THE FIRE DEPARTMENT.

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, \$60,000.00 is hereby appropriated for the purpose of providing funding for the purchase of defibrillators for the Fire Department.

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, \$60,000.00 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.

Chief Hinds notified Council that a federal grant to finance this purchase had been obtained from Senator Collins office so this Ordinance would not be needed.

Chairman Wyman pulled this item from the agenda.

2) CDBG Grant application for \$150,000 to assist the Chocolate Church Arts Center with repairs

Al Smith, CDBG Coordinator, introduced Roo Dunn, Director of the Chocolate Church Arts Center, to speak on specifics of the project.

Mr. Dunn spoke to Council giving a brief overview of the history and programs at the Center. He stated the structural integrity of the building was leading to the need for this grant. Some of the major issues regarding the repairs needed were the belfry has started to leaning, the need to address the roofing water protection issue and correct some life safety issues. The project will be looked at with affordability and durability of materials in mind. The main goal is to see the building preserved.

Motion by Councilor Pagurko, seconded by Councilor Winglass to go forth with the grant process. All were in favor.

D. Consent Agenda: 6:25 PM

3) Motion by Councilor Pagurko, seconded by Councilor Omo to accept the Minutes as presented for the December 3, 2008 Organizational/Council Meetings and Item K8 as listed on the agenda. All were in favor.

E. Time Devoted to Residents to Address the City Council: 6:25 PM

No one spoke at this time.

F. Ordinances, Resolutions and Orders: 6:25 PM

4) Order: Provisional Use Permit for Kid Works Child Care

Chairman Wyman read the following Order:

ORDER APPROVING PROVISIONAL USE PERMIT

WHEREAS, Kid Works Child Care is a business located in Bath at 607 Middle Street; and
WHEREAS, Kid Works Child Care is required by the landowner to vacate the site by January 1, 2009; and
WHEREAS, Kid Works Child Care provides day-care services to approximately 40 children; and
WHEREAS, day care services are critically important for working parents; and
WHEREAS, the building at 221 Washington Street, located on the campus of the Maine Maritime Museum, once housed a day care; and
WHEREAS, the Maine Maritime Museum is willing to lease this building to Kid Works Child Care; and
WHEREAS, a day care facility is not currently a permitted use at this site which is in the C 5 zone; and
WHEREAS, Kid Works Child Care desires to occupy the building at 221 Washington and use the building and site in accordance with all applicable state and local building and fire codes, and local site development requirements; and
WHEREAS, the City Council has the authority under Land Use Code Section 11.24 to issue Provisional Use Permits for uses otherwise not allowed by the Land Use Code for a period of time up to one year.
NOW, THEREFORE, be it ordered by the City Council of the City of Bath that Kid Works Child Care is hereby granted a Provisional Use Permit and authorized to use the building at 221 Washington Street as a daycare facility for a period of time not to exceed one year.

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

City Manager Giroux explained that the owners of Kids Works had been urged to work with the Codes Officer to get the Ordinance rewritten to reflect this need.

Darlene Compton of Kids Works stated they would be pursuing that suggestion.

VOTE:

YEAS: 8

NAYS: 0

Order passed unanimously. 8-0

5) Order: Approving Purchase of Front End Loader for \$146,000.00

Chairman Wyman read the following Order:

ORDER APPROVING PURCHASE

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF NORTRAX, AS SUPPLIER FOR A JOHN DEERE 544K FRONT END LOADER, FOR THE BASE BID PRICE OF \$146,000.00, BEING THE LOWEST QUALIFIED BID SUBMITTED, BE AND HEREBY IS APPROVED AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SUCH DOCUMENTS AS MAY BE NECESSARY TO COMPLETE THE PURCHASE ON BEHALF OF THE CITY OF BATH. THE FUNDS FOR THIS PURCHASE ARE DESIGNATED IN THE CITY'S 2008/2009 FISCAL YEAR BUDGET IN ACCOUNT PW05-550-PUBLIC WORKS REPLACEMENT AND ACCOUNT 703 308.

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

Peter Owen, Public Works Director, explained the reasons that a new loader was needed such as age of the loader and cost of repairs.

VOTE:

YEAS: 6

NAYS: 2 (Rogers, Sinclair)

Order passed. 6-2

6) Order: Approving Sale of Public Works Surplus Equipment

Chairman Wyman read the following Order:

ORDER APPROVING SALE

WHEREAS, the Public Works Department has identified a number of items that have been designated as surplus equipment, in accordance with the list attached hereto; and

WHEREAS, it has been determined that it is appropriate to offer these items for sale; and

WHEREAS, the various items listed, or any individual items, may have a value of more than \$1,500.00.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the sale of the Public Works surplus equipment in accordance with the list attached hereto, be and hereby is authorized. To the extent that such property exceeds \$1,500.00, the sale shall be conducted in accordance with the provisions of Section 7.114 of the Ordinances of the City of Bath; to the extent that any individual item is less than \$1,500.00, then the sale may be conducted in accordance with the provisions of Section 7.113.

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

Peter Owen, Public Works Directors explained the process of sale such as advertising through MMA and in local newspapers.

VOTE:

YEAS: 8

NAYS: 0

Order passed unanimously. 8-0

7) Order: Fuel Oil Bid

Chairman Wyman read the following Order:

ORDER AUTHORIZING MANAGER TO REQUEST AND AWARD BIDS

WHEREAS, the City Manager, as Purchasing Agent, requests authorization pursuant to the Code of the City of Bath to directly solicit fuel oil bids for the next heating season from a representative number of vendors; and

WHEREAS, upon authorization, vendors will seek a per gallon price to lock in for the next heating season on behalf of the City of Bath; and

WHEREAS, the respective vendors will respond to the City Manager with their per gallon prices; and

WHEREAS, the uncertainty of oil prices in the future necessitates immediate action on behalf of the City of Bath to secure a reasonable, low price.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the Bath City Manager, as Purchasing Agent, be and hereby is authorized to award the fuel oil bid to the lowest acceptable bidder, and be it further Ordered that the City Manager be authorized to execute any and all documents necessary to secure the lowest possible bid on behalf of the City of Bath.

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

William Giroux, City Manager, explained the bidding process. Mr. Giroux stated that commodities are bid separately and are awarded separately at a fixed price.

VOTE:

YEAS: 8

NAYS: 0

Order passed unanimously. 8-0

G. Petitions & Communications: 7:00 PM

There were petitions or communications at this time.

H. City Manager's Report: 7:00 PM

There was no City Manager's Report.

I. Committee Reports: 7:00 PM

There were no committee reports.

J. Unfinished Business: 7:00 PM

There was no unfinished business taken up.

K. New Business: 7:01 PM

***8) Annual Appointment: J. Scott Davis as Codes Enforcement Officer, Health Officer and Plumbing Inspector for one year, pursuant to State Statutes.**

This Item was passed on the Consent Agenda.

9) Appointment one member to the Personnel Service Commission term to expire January 2012
Councilor Pagurko nominated Mark Westrum, who has served on the Committee for the past 16 years to fill the position, Councilor Rogers seconded the nomination. All were in favor.

10) Annual Appointments to Committees by Council Nominees:

Bath Housing Authority – Bernard Wyman
MidCoast Council for Business Development & Planning - David Sinclair,
Sean Paulhus, Kyle Rogers
Patten Free Library – David Sinclair
Recreation Commission – Wayne Cochrane
Sidewalk Vending License Committee – Ruthe Pagurko
Student Community Liaison Council – Wayne Cochrane
Welfare Review Board – Ruthe Pagurko, Mari Eosco

Motion to appoint Councilor Pagurko, seconded by Councilor Winglass. All in favor.

10) Possible sale of City Property Map 45 Lot 26 – Bumpy Hill

William Giroux, City Manager, explained the property has the possibility of becoming an expense to maintain. He felt that it would be in the City's interest to get it back on the tax roll.

Motion to go forth with the sale process by Councilor Winglass, seconded by Councilor Pagurko.

VOTE:

YEAS: Cochrane, Paulhus, Rogers, Eosco, Pagurko, Winglass

NAYS: Sinclair

ABSTENTION: Omo

Order passed. 6-1-0

The meeting adjourned at 7:08 PM with a motion by Councilor Pagurko, seconded by Councilor Omo. All were 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.