

**REGULAR MEETING MINUTES**  
**City Council of the City of Bath, Maine**  
**Wednesday, March 4, 2009 6:00pm**  
**City Council Chambers, Bath City Hall**

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

Excused: Councilors Cochrane, Eosco

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.

Presentation of awards by Police Chief Field to Michelle Small for “2008 Officer of the Year”, to Ann Harford and Sabrina Doak for “2008 Co-Civilian Employees of the Year” and to James Gillies the “2008 Volunteer of the Year”.

**C. Public Hearings: 6:14 PM**

**1) CDBG Gagne Foods, Inc.**

Chairman Wyman opened the Public Hearing.

Al Smith, CDBG Coordinator, explained to Council the need for this grant application on behalf of AMS, LLC dba Gagne Foods of Bath. Mr. Smith stated this grant would help Gagne Foods implement a marketing plan and to enable them to hire 3 more employees.

Michael Gagne, President and Owner of the company, spoke to Council regarding the company’s plan to continue the employment of the “private label manager” who helps to attract business from national stores such as Hannaford to sell the product under the store’s brand. Mr. Gagne stated the other two jobs to be created would be for a maintenance person and a food service sales person. These additions would help bring \$10,000,000 worth of sales to the company’s bottom line.

Chairman Wyman closed the Public Hearing.

**D. Consent Agenda: 6:24 PM**

**\*2) Minutes of the previous Council meetings of February 4 and 17, 2009.**

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

**3) Resolution: Gagne Foods, Inc.**

Chairman Wyman read the following Resolution:

**CITY OF BATH COUNCIL RESOLUTION  
STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, the City of Bath wishes to apply to the Department of Economic and Community Development for a Community Development Block Grant to carry out a community development program; 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 Council of the Community of Bath, Maine that the City Manager:

- 1) Is authorized and directed to submit an application for the following program and dollar amount(s) within the State of Maine's CDBG Program:  
Program: Economic Development Program Amount: \$90,000.00  
To the Department of Economic and Community Development on behalf of the Community of Bath, substantially in the form presented to this council;
- 2) Is authorized to make assurances on behalf of the Community 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 the said program, consistent with the Charter of the Community 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, second by Councilor Omo to put this Resolution on the floor for discussion.

VOTE:

YEAS: 7

NAYS: 0

Order passed unanimously. 7-0

- 4) Order: 2009 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 Omo to put this Order on the floor for discussion.

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

VOTE:

YEAS: 7

NAYS: 0

Order passed unanimously. 7-0

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

Motion by Councilor Omo, second by Councilor Rogers to waive the reading of the Order. All were in favor.

#### 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 Omo, second by Councilor Pagurko to put this Order on the floor for discussion.

VOTE:

YEAS: 7

NAYS: 0

Order passed unanimously. 7-0

6) 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 Omo to put this Order on the floor for discussion.

**VOTE:**

**YEAS: 7**

**NAYS: 0**

**Order passed unanimously. 7-0**

**7) Order: Contract Washington Street Sidewalks**

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 BIDS OF PRATT & SONS, INC. FOR THE LOWER WASHINGTON STREET SIDEWALK PROJECT IN THE COMBINED AMOUNT OF \$704,977.00 (BASE BID OF \$553,887.00: ALTERNATE BID OF \$151,090.00) IS ACCEPTED, THEY BEING THE LOWEST QUALIFIED BIDS SUBMITTED, AND A CONTRACT BY AND BETWEEN THE CITY OF BATH AND PRATT & 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 A STATE OF MAINE DEPARTMENT OF TRANSPORTATION ENHANCEMENT GRANT WITH THE LOCAL MATCH PROVIDED IN CITY OF BATH PUBLIC WORKS CAPITAL FUND ACCOUNT PW05639.

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

Peter Owen, Public Works Director, explained that this project had been in the works since 2004 but the bids were too expensive to go forward. Now with the decline in the economy the bids have come in at reasonable costs making it possible to complete the sidewalk on the water side of Washington Street by BIW, past the Plant Home and up Webber Ave to High Street.

**VOTE:**

**YEAS: 7**

**NAYS: 0**

**Order passed unanimously. 7-0**

**8) Resolution: Purchase of Service Maine Public Employees Retirement System**

**RESOLUTION  
PURCHASE OF SERVICE  
MAINE PUBLIC EMPLOYEES RETIREMENT SYSTEM**

**WHEREAS**, the City of Bath participates in the Maine Public Employees Retirement System and offers retirement benefits to its employees based on plans administered by the Retirement System; and

**WHEREAS**, certain City of Bath employees are currently enrolled in a Maine Public Employees Retirement System (Maine PERS) 401(a) Defined Contribution Plan; and

**WHEREAS**, it appears to be advantageous to both the City and the employees to enroll in the Maine PERS Standard Defined Benefits Plan; and

**WHEREAS**, it is appropriate to purchase past service for eligible employees making the transfer; and

**WHEREAS**, the City of Bath will no longer need to fund contributions to the 401(a) Defined Contribution Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bath that the enrollment of eligible employees in the Maine PERS Standard Defined Benefits Plan be and hereby is approved, and the City's liability for purchase of past service of the enrolling employees be authorized to be transferred from the IUUAL Surplus Funds. And be it further resolved that the City Manager be hereby authorized to take such other and further action, and sign any and all required documentation. And be it further resolved that the enrolling employees will contribute the amount of their "457" rollover toward the liability.

Motion by Councilor Omo, second by Councilor Pagurko to table this item until after the Executive Session.

**VOTE on Tabling of Order:**

**YEAS: 7**

**NAYS: 0**

**Tabling passed unanimously. 7-0**

**G. Petitions & Communications: 6:44 PM**

Councilor Sinclair reported that the Mid Coast Center for Higher Learning Board has 3 vacancies and urged the public to consider applying for one of these positions.

Councilor Paulhus reported on the State's observance of "Governor William King Day" on February 9, 2009. He stated there was a signing of a proclamation ceremony held in the Governor's office and the proclamation will be hung at Bath City Hall.

Councilor Pagurko thanked Peter Owen, Director of Public Works, and his staff for the extremely great snow removal job they have done this winter. She reported that many people in the community have commented to her how happy they are with the snow removal this year.

**H. City Manager's Report: 6:47 PM**

The City Manager reported on the following items:

- Reminded Council they would be having a Workshop with the Parking Committee later in the month.
- Reported Bath businesses had given the City a framed picture of Bath scenes as thank you for being able to do business in the downtown due to the wonderful job of snow removal done by the City's Public Works Department and City Hall Maintenance Crew.
- Update on the Budget process.

**I. Committee Reports: 6:52 PM**

There were no Committee Reports.

**J. Unfinished Business: 6:52 PM**

There was no unfinished business.

**K. New Business: 6:52PM**

Chairman Wyman reminded Council there would be a Referendum School Election on March 25, 2009 at the Bath Middle School regarding the construction of the new Woolwich Central School. He stated that the Council would be having a Special Council Meeting on March 26, 2009 at 6PM to accept the tabulation of results from this election. William Giroux said they would schedule the Parking Committee Workshop with Council for that meeting also.

At 6:52 PM there was a motion by Councilor Pagurko to go into Executive Session to discuss a Personnel Matter per 1 MRSA §405(6)(A). Councilor Omo seconded the motion. All were in favor.

At 7:45 PM there was a motion by Councilor Pagurko to come out of the Executive Session. Councilor Rogers seconded the motion. All were in favor.

***Tabled Item F8 - Resolution: Purchase of Service Maine Public Employees Retirement System was taken up at this time.***

**VOTE on RESOLUTION:**

**YEAS: 7**

**NAYS: 0**

**Resolution passed unanimously. 7-0**

The meeting adjourned at 7:48 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.*