

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, June 3, 2009 6:00pm
City Council Chambers, Bath City Hall

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

C. Public Hearings: 6:01 PM

1. Liquor and Special Amusement Licenses for Admiral Steakhouse at 798 Washington Street.

Chairman Wyman opened the Public Hearing. Seeing no comments from the public or Council, Chairman Wyman closed the Public Hearing. The Council gave a consensus vote of approval.

D. Consent Agenda: 6:03 PM

*2) Minutes of the previous Council meetings of May 6, 20 and 27, 2009. Motion by Councilor Rogers, second by Councilor Pagurko to accept the minutes as presented. All were in favor of the motion.

E. Time Devoted to Residents to Address the City Council: 6:04 PM

No one spoke at this time.

F. Ordinances, Resolutions and Orders: 6:04 PM

3. Ordinance: Chapter 6. Cemeteries and Parks, Article 5. Bath Community Forestry Ordinance (first passage)

A complete copy of this Ordinance is on file in the Bath City Clerk's Office with the agenda materials for the 6/3/2009 meeting.

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

Councilor Rogers made a motion to waive the reading of the Ordinance. The motion was seconded by Councilor Pagurko. All were in favor of the motion.

It was the consensus of Council to wait until the Tree Warden arrived at the meeting to discuss this Ordinance.

Mr. Hoerth entered the meeting just before F6 on the agenda. Thomas Hoerth, the City of Bath's Arborist/Tree Warden arrived to discuss item F.3 above. Mr. Hoerth explained that due to the combining of the Recreation Department with Cemeteries & Parks and going from Superintendent to Director of Parks & Recreation some wording had to be changed.

VOTE:

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

NAYS: None

ABSTAIN: Sinclair

Ordinance passed. 6-0-1

Chairman Wyman set second passage for 6/24/2009 at 6:01PM.

4. Order: Contract Aspen Lane Sewer Separation Project

Chairman Wyman read the following Order:

ORDER

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF PRATT & SONS, INC. FOR THE ASPEN LANE SEWER SEPARATION PROJECT IN THE AMOUNT OF \$26,128.00 IS ACCEPTED, IT BEING THE LOWEST QUALIFIED BID SUBMITTED, 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 STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION STIMULUS FUNDS WITH A LOCAL MATCH PROVIDED BY THE CITY OF BATH SEWER UTILITY FUND.

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

City Manager, William Giroux, explained that this bid is lower than expected. This is due to the company doing another project in the area and this work will be done as a side job. The allowed amount of Federal Stimulus monies will be included in this price.

VOTE:

YEAS: 7

NAYS: 0

Order passed unanimously

5. Order: Amending Pine Tree Waste Landfill Agreement

Chairman Wyman read the following Order:

**ORDER
AMENDING PINE TREE LANDFILL AGREEMENT**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE PRESENT AGREEMENT WITH PINE TREE WASTE BE AND HEREBY IS AMENDED BY ADDING THE FOLLOWING:

4(E). Tipping Fee-Payment Provision. As part of this Agreement, Contractor has the option to deliver to the Bath landfill trash and demolition debris from City of Bath commercial sources and sources outside of the City of Bath for a period of one year. The Contractor will pay to the City of Bath a tipping fee of Forty-Eight Dollars (\$48.00) per ton for general use of the facility. A tipping fee shall be paid as determined by the City for demolition debris. Access to the Bath Landfill at the stated tipping fee is at the mutual consent of both parties and may be terminated at any time by either party.

THE CITY MANAGER IS FURTHER AUTHORIZED, TO THE EXTENT NECESSARY, TO EXECUTE SAID AMENDED AGREEMENT AND TO TAKE ANY OTHER REQUIRED ACTION REGARDING SAID AGREEMENT ON BEHALF OF THE CITY OF BATH.

Councilor Pagurko made a motion to put this Order on the floor for discussion. The motion was seconded by Councilor Cochrane.

VOTE:

YEAS: 7

NAYS: 0

Order passed unanimously

**The Tree Warden entered the meeting at this point. Please reference F3 in these minutes at the action taken on this Ordinance.*

6. Order: Accept Bumpy Hill Property Bid

ORDER

Whereas, the City of Bath has solicited sealed bids for the purchase of property owned by the City at 7 Bumpy Hill Road, designated as lot 26, of City of Bath tax map 45; and

Whereas, the City has received and opened a number of bids with the highest bidder being Robert L. Smith at a purchase price of \$16,000.

Now Therefore, be it hereby ordered by the City Council of the City of Bath that the bid of Robert L. Smith for the purchase of property at 7 Bumpy Hill Road be and hereby accepted, that the City Manager is authorized to execute a Municipal Quit Claim Deed conveying the property to the high bidder and to execute such other and further documents that may be necessary or appropriate to finalize the transaction.

Chairman Wyman delayed action on this item until after the Executive Session.

G. Petitions & Communications: 6:23 PM

Councilor Sinclair acknowledged the Patten Free Library, Bath Historical Society, and seventh graders from the Bath Middle School for successfully completing a project for the Maine Community Heritage Project which builds history of Maine towns and communities on line. Results of their work can be viewed on line at bathmainememory.net.

H. City Manager's Report: 6:26 PM

City Manager Giroux addressed constant inquiries regarding recognition of Bath citizens or other dignitaries, usually upon his/her death, who have contributed to the Bath community in various ways. Giroux, after discussions with Councilor Wyman, has suggested a "standing long-term committee" to oversee selection of individuals to determine special recognitions. It was suggested that perhaps the committee would consist of two Councilors, a member of the Sagadahoc Preservation, City Manager, School Superintendent, and a couple of at-large members of the public with historical knowledge or familiarity with Bath and its citizens over the years. The committee would field requests for recognition in a non-partisan, non-political manner. Giroux asked for input from other Councilors on the idea and emphasized the importance of long-term commitment to the committee. Important questions need to be sorted out like: How does money get raised? Where does a plaque or recognition get displayed? How do you select a particular individual for recognition? Etc.

Councilor Wyman reiterated that a 7-member committee makes sense as suggested by Manager Giroux.

Manager Giroux said that Solicitor Therriault would draft a mission statement for such a committee so they could have guidance to work under to develop criteria for individual recognition. Chairman Wyman and City Manager Giroux will start collecting suggestions on who might serve on the committee. Chairman Wyman said there are many guidelines available on how to form such committees and who should serve on them.

Mr. Giroux also reported that the Comprehensive Plan was about ready to present at a workshop in mid-July. He said it was up to the Council to review in July or August or asked if they wanted to wait until September. The consensus of the Council was to get the draft plan ASAP so they could review in July & August and take action in September. Mr. Giroux said that if the Council presents changes to the Plan, there would have to be a workshop to do so. It was decided that the Plan would be issued to the Council ASAP for review and squeeze in a workshop at the end of August before the September meeting.

I. Committee Reports 6:45 PM

Councilor Eosco reported that Friday, June 5th, the Maine Downtown Center Conference will be held in Rockland. A number of people from Bath have been recognized including Bill Giroux who will receive an award as "outstanding city official". Also, the Main St. Bath program will be recognized as "outstanding Main St. Maine community".

I. Committee Reports cont'd

Councilor Pagurko announced Safety Day at the Huse School on Saturday, June 6th.

J. Unfinished Business 6:47

There was no unfinished business.

K. New Business: 6:47 PM

Councilor Rogers wanted to discuss the reasons why the Bath Landfill is not open on Saturdays for at least a half day. Mr. Giroux concurred that he often gets the same question asked. Mr. Wyman said that probably most of the citizens of Bath would agree with a weekend opening. Mr. Giroux suggested taking the matter up on at the July 1st Council Meeting so landfill staff could be involved with the discussions.

EXECUTIVE SESSION

Councilor Pagurko made a motion at 6:49 PM to go into Executive Session to discuss a Real Estate Matter per 1 MRSA§405(6)(C). The motion was seconded by Councilor Cochrane.

Councilor Sinclair was opposed to going into Executive Session because he felt that any discussion of the proposed disposition of public land should be open to public review. Mr. Giroux said that the discussion is eligible for Executive Session, but it is not necessary to do so. Councilors voted to NOT go into Executive Session.

Mr. Wyman took up Item #6 Order to Accept Bumpy Hill Property Bid.

Councilor Sinclair expressed his objection to the sale for two reasons: 1) considering the current real estate market, this was an inopportune time to sell a piece of land; 2) secondly, Council members had not been presented with a plan that lists the parcels of land that the City owns and the parcels of land that Bath are likely to need over the next 5 to 10 years.

Councilor Sinclair stated the sale seemed literally a "fire sale" and he didn't think the sale was in the best interest of the public. Mr. Giroux said he had given Council a list of all the City's properties at a workshop when he first took his position as City Manager. This property was targeted a few years ago to go out to bid. When the bids came in, Mr. Giroux didn't think the highest bid was adequate and wasn't going to recommend the land be sold. He stated the property has some road issues and the City is currently responsible for them and the structures on it that are dilapidated, but are not without value. The property does have a great view, but no access. Mr. Giroux said he had negotiated a price of \$22,500, which is higher than the original bid price. Paul Mateosian, City Assessor, said the property, which is now tax-exempt as city property, could generate tax revenue if it was redeveloped.

Councilor Rogers explained the Council had requested a list of City-owned properties a number of years ago so they could review them and get them back on the tax rolls because the City was missing a lot of tax-revenue by holding on to properties. Councilor Sinclair suggested that a plan be developed for how the property is developed and Councilor Rogers said that can't be done unless covenants were developed for the piece of land.

The City Solicitor explained that there were many complications with the property, especially with the access road. When the City acquired the title for the land, there were various estimates for road repair and making the road accessible for development. These estimates were in excess of six figures. The City would do a Quit Claim deed and would not assume any responsibility going forward. If it were accessible, it may very well be a valuable property. Councilor Sinclair asked if an appraisal had been done on the real estate value and any natural resource value on the land. Mr. Giroux said no appraisal had been done and the Land Trust had been offered the property and wasn't interested. Mr. Mateosian said the property had been off the tax roll since 1987. He stated it was difficult to put a value on the property due to the road access issues and finding comparable properties necessary to make an appraisal.

Deborah Kelley of 104 Winship Street addressed council to explain that her husband owned the land prior to his death in 1997. She said that the City would not give her husband approval to build an access road, so he refused to pay his taxes on the land. The City then foreclosed on the property. She wondered how the City could justify selling the land for \$22,500, if they had wanted \$160,000 in back taxes from her. Ms. Kelley said she wanted her feelings known. Mr. Giroux concluded that after 2 ½ years of non-payment of taxes, a property automatically forecloses. Councilor Rogers stated he would like to see the bids renegotiated. Mr. Giroux said the City can pay for an appraisal if the Council chooses to do so. A motion was made by Councilor Rogers and seconded by Councilor Sinclair to have the City have an appraisal done and have Mr. Giroux report the findings of the appraisal back to Council.

The meeting adjourned at 7:20 PM with a motion by Councilor Pagurko, seconded by Councilor Rogers. All were in favor of the adjournment.

Chairman Wyman stated the next meeting of the Council would be held on June 10, 2009 at 6:00 PM in the Council Chambers.

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.