

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, August 5, 2009 6:00pm
City Council Chambers, Bath City Hall

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

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 July 1, 2009. Motion by Councilor Winglass, second by Councilor Pagurko to accept the minutes as presented. All were in favor of the motion.

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

No residents spoke at this time.

E. Ordinances, Resolutions and Orders: 6:02 PM

2. Ordinance: Amendments to Land Use Code - Shoreland Zone (first passage)

Councilor Omo made a motion to waive the reading of this Ordinance with the provision that City Planner, Jim Upham explain the content of the Ordinance. Councilor Paulhus seconded the motion. All were in favor of the motion.

A complete copy of this Ordinance is on file in the Bath City Clerk's Office with the August 5, 2009 Agenda Materials.

Jim Upham, City Planner, explained that this Ordinance was mostly housekeeping and definition and terminology changes. This Ordinance contains items that are new mandates by the Department of Environmental Protection so the Ordinance would be easier to read and follow.

Mr. Upham stated that the major changes were an increase in shoreland areas in the proportion of wetland falling into the Resource Protection Zone; shoreland zone is 250' horizontal distance from the highwater line and in the Performance Standards for building parking lots, driveways and retaining walls in the shoreland zone.

He said that there was a change to the clearing or removal of vegetation for activities other than timber harvesting in the shoreland.

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

ROLL CALL VOTE:

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

NAYS: 0

Ordinance passed unanimously. 8-0

Chairman Wyman set second passage of the Ordinance for September 2, 2009 at 6:01PM.

Chairman Wyman stated that Items 3, 4, 5, 6, 7 and 8 would be taken up in order after an Executive Session at the end of the meeting.

Councilor Winglass left the meeting during the Executive Session, which was held at the end of the meeting. The following items 3, 4, 5, 6, 7 and 8 were taken up after the Executive Session.

3. Ordinance: Police Contract (first passage) 7:03 PM

Council Omo made a motion to waive the reading of this Ordinance. Councilor Pagurko seconded the motion. All were in favor of the motion.

ORDINANCE APPROVING POLICE CONTRACT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT, PURSUANT TO THE REQUIREMENTS OF §1102 OF THE CHARTER OF THE CITY OF BATH, THE BARGAINING AGREEMENT BY AND BETWEEN THE CITY OF BATH AND THE BATH POLICE DEPARTMENT UNIT, MAINE ASSOCIATION OF POLICE, COMMENCING JULY 1, 2010 AND EXTENDING THROUGH JUNE 30, 2013, A COPY OF WHICH IS ATTACHED HERETO, BE AND HEREBY IS APPROVED, AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SAID CONTRACT ON BEHALF OF THE CITY OF BATH

Councilor Pagurko made a motion to put this Ordinance on the floor. Councilor Sinclair seconded the motion.

ROLL CALL VOTE:

YEAS: Cochrane, Omo, Paulhus, Rogers, Eosco, Sinclair, Pagurko

NAYS: 0

Ordinance passed unanimously. 7-0

Chairman Wyman set second passage for September 2, 2009 at 6:02 PM.

Councilor Omo made a motion to waive the reading of Items 4, 5, 6, 7 and 8. Councilor Pagurko seconded the motion. All were in favor of the motion.

4. Ordinance: Fire Contract (first passage) 7:04 PM

ORDINANCE APPROVING FIREFIGHTERS CONTRACT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT, PURSUANT TO THE REQUIREMENTS OF §1102 OF THE CHARTER OF THE CITY OF BATH, A BARGAINING AGREEMENT WITH THE MEMBERS OF THE BATH FIREFIGHTERS ASSOCIATION, LOCAL NO. 1611 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, A.F.L. – C.I.O., COMMENCING JULY 1, 2010 AND EXTENDING THROUGH JUNE 30, 2013, A COPY OF WHICH IS ATTACHED HERETO, BE AND HEREBY IS APPROVED, AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SAID CONTRACT ON BEHALF OF THE CITY OF BATH

Councilor Omo made a motion to put this Ordinance on the floor. Councilor Pagurko seconded the motion.

ROLL CALL VOTE:

YEAS: Cochrane, Omo, Paulhus, Rogers, Eosco, Sinclair, Pagurko

NAYS: 0

Ordinance passed unanimously. 7-0

Chairman Wyman set second passage for September 2, 2009 at 6:03 PM.

5. Ordinance: Public Works, Wastewater and Cemeteries and Parks Union Contract (first passage) 7:05 PM

ORDINANCE APPROVING CONTRACT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT, PURSUANT TO THE REQUIREMENTS OF §1102 OF THE CHARTER OF THE CITY OF BATH, A BARGAINING AGREEMENT WITH THE BATH PUBLIC WORKS EMPLOYEES, BATH CEMETERIES AND PARKS DEPARTMENT EMPLOYEES, AND THE BATH WATER POLLUTION CONTROL FACILITY EMPLOYEES, LOCAL NO. S-89 OF DL-4 THE INDUSTRIAL UNION OF MARINE AND SHIPBUILDING WORKERS OF AMERICA, IAMAW, A.F.L. – C.I.O., COMMENCING JULY 1, 2010 AND EXTENDING THROUGH JUNE 30, 2013, A COPY OF WHICH IS ATTACHED HERETO, BE AND HEREBY IS APPROVED, AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SAID CONTRACT ON BEHALF OF THE CITY OF BATH

Councilor Omo made a motion to put this Ordinance on the floor. Councilor Pagurko seconded the motion.

ROLL CALL VOTE:

YEAS: Cochrane, Omo, Paulhus, Rogers, Eosco, Sinclair, Pagurko

NAYS: 0

Ordinance passed unanimously. 7-0

Chairman Wyman set second passage for September 2, 2009 at 6:04 PM.

6. Order: Wage Reopener Police Union 7:06 PM

ORDER APPROVING WAGE REOPENER

WHEREAS, the current Bargaining Agreement between the City of Bath and the Maine Association of Police employees calls for a wage reopener for the third year, and

WHEREAS, the parties have agreed to a wage adjustment for the third year of the Contract,

WHEREAS, the parties have also agreed to adjust for the purposes of the current Bargaining Agreement, the Vacation Leave.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the wage scale now in effect be adjusted by adding 2.9% to the wage levels on the scale, effective April 1, 2010; in addition, members of the Bargaining Unit shall have an additional Eight (8) hours vacation time, to be used before June 30, 2010.

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

VOTE:

YEAS: 7

NAYS: 0

Order passed unanimously. 7-0

7. Order: Wage Reopener Fire Union 7:07 PM

ORDER APPROVING WAGE REOPENER

WHEREAS, the current Bargaining Agreement between the City of Bath and the Bath Firefighters Association, Local No. 1611 of the International Association of Firefighters, A.F.L. – C.I.O., employees calls for a wage reopener for the third year, and

WHEREAS, the parties have agreed to a wage adjustment for the third year of the Contract,

WHEREAS, the parties have also agreed to adjust for the purposes of the current Bargaining Agreement, the Vacation Leave.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the wage scale now in effect be adjusted by adding 2.9% to the wage levels on the scale, effective April 1, 2010; in addition, members of the Bargaining Unit shall have an additional Eight (8) hours vacation time, to be used before June 30, 2010.

Councilor Omo made a motion to put this Order on the floor for discussion. Councilor Pagurko seconded the motion

VOTE:

YEAS: 7

NAYS: 0

Order passed unanimously. 7-0

8. Order: Wage Reopener Public Works, Cemeteries and Parks and Wastewater Union

ORDER APPROVING WAGE REOPENER

WHEREAS, the current Bargaining Agreement between the City of Bath and the Bath Public Works Department, Bath Cemeteries and Parks Department, and the Bath Water Pollution Control Facility, Local No.S-89 of DL-4 the Industrial Union of Marine and Shipbuilding Workers of America, IAMAW, AFL-CIO, employees calls for a wage reopener for the third year, and

WHEREAS, the parties have agreed to a wage adjustment for the third year of the Contract,

WHEREAS, the parties have also agreed to adjust for the purposes of the current Bargaining Agreement, the Vacation Leave.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the wage scale now in effect be adjusted by adding \$.54 to the wage levels on the scale, effective April 1, 2010; in addition, members of the Bargaining Unit shall have an additional Eight (8) hours vacation time, to be used before June 30, 2010.

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

VOTE:

YEAS: 7

NAYS: 0

Order passed unanimously. 7-0

9. Order: Establishing Recognition Committee 6:22 PM

Chairman Wyman read the following Order:

ORDER ESTABLISHING RECOGNITION COMMITTEE

WHEREAS, the City of Bath often receives requests to honor individuals, businesses, groups or any other entities who have performed valuable or extraordinary services benefiting the City of Bath; and

WHEREAS, the City of Bath does not have in place any mechanism for processing these requests and determining the appropriate recognition.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the Bath Recognition Committee be and hereby is established in accordance with the following:

I. Purpose and Mission Statement: It is the purpose and mission of the Bath Recognition Committee to consider for recognition, individuals, businesses, groups or any other entities that have made a significant, positive impact on the City of Bath through their achievements, generosity, or any other contributions.

II. Appointment: The Committee shall be appointed by the City Council Chair.

III. Committee Members: The following categories shall be represented on the Recognition Committee:

City Council Chair
Two (2) City Council Members
City Manager
Superintendent of Schools, RSU1
Bath Historical Society Member
Citizen-At-Large

Non-Committee Staff:

Community Relations Coordinator
Director of Cemeteries, Parks and Recreation
Consultants as Deemed Appropriate (Initially, consultants to the Committee shall be Robin Haynes and Jay Paulus.)

The City Council Chair shall have the right to add additional members as deemed appropriate.

IV. Term: Each committee member shall serve an indefinite term at the pleasure of the City Council Chair; elected officers and staff terms shall coincide with their term of office as City/School officials.

V. Proceedings: The Committee shall have the authority to elect a Chairman and to determine its rules of procedure.

- VI. Task: The Committee is tasked with the review of any request for recognition brought before the City, whether City Council or City staff. The City Council or City staff shall refer any requests for recognition to this Committee for consideration. The Committee shall make a recommendation for consideration of the recognition proposed to City Council for final action. The Committee, on its own initiative, shall have the right to make proposals to the City Council for recognition. The City Council specifically reserves the right to accept or reject any recommendation of the Committee. In reviewing any request for recognition, the Committee shall develop criteria in order to assess the efficacy of the request for recognition.
- VII. Quorum Voting: A working quorum for the Committee shall be five (5) members, or, if the membership increases, two-thirds (2/3) of the Committee members. In order to forward a recommendation to City Council for recognition, a positive vote of five (5) Committee members shall be required as the Committee is now constituted. If additional members are added, a two-thirds (2/3) vote of the membership for recommendation shall be required.

Councilor Rogers made a motion to put this Order on the floor. Councilor Winglass seconded the motion.

VOTE:

YEAS: 8

NAYS: 0

Order passed unanimously. 8-0

10. Order: Appointing Bath Recognition Committee Members 6:30 PM

Chairman Wyman read the following Order:

ORDER APPOINTING BATH RECOGNITION COMMITTEE MEMBERS

WHEREAS, the City Council of the City of Bath has established a Recognition Committee and has provided for rules and regulations for the staffing and operation of the Committee; and

WHEREAS, the initial Committee members have been recommended to Council.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the following appointments are made to the Bath Recognition Committee:

- Bernard A. Wyman, Jr. – City Council Chair
- Ruthe Pagurko – City Council
- Sean Paulhus – City Council
- William D. Giroux - City Manager
- William Shuttleworth – Superintendent of Schools, RSU1
- Elena van der Voort – Bath Historical Society, Citizen-At-Large
- Brian Hatch – Citizen-At-Large

Non-Committee Staff Members:

- Carolyn Lockwood – Community Relations Coordinator
- Steve Balboni – Director of Cemeteries, Parks and Recreation
- Robin Haynes – Consultant
- Jay Paulus – Consultant

Councilor Winglass made a motion to put this Order on the floor. Councilor Paulhus seconded the motion.

VOTE:

YEAS: 8

NAYS: 0

Order passed unanimously. 8-0

F. Petitions & Communications: 6:32 PM

No petitions or communications were taken up at this time.

G. City Manager's Report: 6:32 PM

There was no City Manager's Report.

11. Bumpy Hill Property Discussion

Mr. Giroux reported that the City had contacted several appraisers. Four refused to do the job and one did put in a proposal for \$4500. He asked Council how they wanted to proceed. Mr. Giroux suggested that the lot go out to bid again with a minimum bid or to put off the sale for a few years.

Since Councilor Omo was interested in purchasing the property, he recused himself from the discussion.

After a lengthy discussion, Councilor Rogers made a motion to send the property back out to bid but get a couple of value evaluations from local real estate professionals using these values as a reserve for the bid. Councilor Pagurko seconded the motion.

Vote on Motion:

Yeas: 7

Nays: 0

Recused: Omo

Mr. Giroux will report back in September regarding this subject.

H. Committee Reports 6:44 PM

There were no Committee Reports.

I. Unfinished Business 6:44 PM

There was no unfinished business.

J. New Business: 6:45 PM

Councilor Omo brought to the Council's attention a letter he had received from a constituent regarding a request to make a "Senior Day Downtown" with reduced rate rides for the bus service for senior citizens to ride the bus to shop downtown businesses. Councilor Eosco will be working with the Manager's Assistant to get a meeting together to discuss this issue. She will notify Councilors Omo and Cochrane of the meeting date.

Councilor Paulhus reported an issue with the signage at the Train Station. Visitors were being confused by the wording of these signs as to whether they can park in the spots at the Visitors Center. Mr. Giroux suggested that Councilor Paulhus speak with the City Planner regarding this issue.

Councilor Winglass reported on the groundbreaking ceremony at the new hotel site located at the Old Praver Block lot.

12. Appointment 1 member to the Old Customs House Board of Directors with a term expiration of August 2012.

Councilor Pagurko nominated Daniel Donovan to fill the position on the Old Customs House Board of Directors. All were in favor of the nomination.

Councilor Pagurko made a motion at 6:50 PM to waive the rules to consider a motion to go into an Executive Session. Councilor Rogers seconded the motion. All were in favor of the motion.

Councilor Omo made a motion at 6:50 PM to go into Executive Session to discuss a Personnel Matter as per 1 MRSA §405(6)(A). Councilor Pagurko seconded the motion. All were in favor of going into Executive Session.

Councilor Omo made a motion to come out of Executive Session at 6:59 PM. Councilor Pagurko seconded the motion. All were in favor of the motion.

The Council then took up Items 3, 4, 5, 6, 7 and 8 on the Agenda at this time.

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