

**REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE
Wednesday, September 7, 2016 6:00 PM
City Council Chambers, Bath City Hall**

Present: Councilors Brackett, Page, Paulhus, Wyman, Bauer, Mitchell, Omo and Madame Chair Eosco
Late: Councilor Nordmann

Also in attendance were the City Manager – William Giroux, City Solicitor – Roger Therriault and City Clerk - Mary White.

Madame Chair Eosco led the Pledge of Allegiance and City Clerk White called the Roll.

C. Public Hearings: 6:01 PM

1) Ordinance: Public Works, Wastewater and Cemeteries & Parks Contract (second passage)

Madame Chair Eosco read the following Ordinance:

**ORDINANCE
APPROVING CONTRACT
Public Works Employees, Cemeteries and Parks Employees
and Water Pollution Control Facility Employees**

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 BY AND BETWEEN THE CITY OF BATH AND 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 INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, IAMAW, AFL-CIO, COMMENCING JULY 1, 2016 AND EXTENDING THROUGH JUNE 30, 2019, 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.

A complete copy of the bargaining agreement is on file in the Bath City Clerk's Office with the Agenda Materials for the 9/7/2016 meeting.

Councilor Wyman made a motion to put this Ordinance on the floor for discussion. Councilor Mitchell seconded the motion.

City Manager William Giroux gave an overview of the process by which the contract had gone through. He stated the biggest change was to the employee health insurance, which should save the City and employees money. Mr. Giroux stated that employees would be getting around a 2% raise starting in January for the next 3 years.

Madame Chair opened the Public Hearing. Seeing no comment from the public she closed the Public Hearing.

ROLL CALL VOTE:

YEAS: Brackett, Page, Paulhus, Wyman, Bauer, Mitchell, Omo

NAYS: None

Ordinance passed unanimously. 7-0

Madame Chair Eosco stated this Ordinance would become law in 21 days.

2) Ordinance: Police Contract (second passage)

Madame Chair Eosco read the following Ordinance:

**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 MAINE ASSOCIATION OF POLICE, REPRESENTING THE UNIT MEMBERS OF THE BATH POLICE DEPARTMENT, FOR THE PERIOD BEGINNING JULY 1, 2016 AND RUNNING THROUGH JUNE 30, 2019, 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.

A complete copy of the bargaining agreement is on file in the Bath City Clerk's Office with the Agenda Materials for the 9/7/2016 meeting

Councilor Wyman made a motion to put this Order on the floor for discussion. Councilor Mitchell seconded the motion.

City Manager William Giroux explained this contract had gone through the same process as the previous Public Works Contract and contained the same employee health insurance change and raises.

Madame Chair opened the Public Hearing. Seeing no comment from the public she closed the Public Hearing.

Councilor Paulhus made a motion to amend the contract agreement according to the following:

AMENDMENT TO BARGAINING AGREEMENT

THE FOLLOWING LANGUAGE WAS AGREED UPON AT BARGAINING BY AND BETWEEN THE CITY OF BATH AND THE MAINE ASSOCIATION OF POLICE, REPRESENTING THE UNIT MEMBERS OF THE BATH POLICE DEPARTMENT, THIS LANGUAGE NEEDS TO BE ADDED TO ARTICLE V, HEALTH INSURANCE. IT MERELY RESTATES STATE LAW THAT REQUIRES ALL BARGAINING AGREEMENTS TO REMAIN IN FULL FORCE AND EFFECT UNTIL A SUCCESSOR AGREEMENT IS IN PLACE:

“The provisions regarding health insurance at the expiration of this Contract, and until a new Contract is adopted and implemented, shall remain in full force and effect. The HRA funding will continue at an 85% level and the employee's contribution to the premium cost will remain at 15%.”

Councilor Bauer seconded the motion.

VOTE on Amendment to the Contract Agreement:

YEAS: 7

NAYS: 0

Amendment passed unanimously. 7-0

ROLL CALL VOTE on ORDINANCE:

YEAS: Omo, Mitchell, Bauer, Wyman, Paulhus, Page, Brackett

NAYS: None

Ordinance passed unanimously. 7-0

Madame Chair Eosco stated this Ordinance would become law in 21 days.

3) Public Hearing to discuss the acceptance of a \$54,000 Safe Neighborhoods CDBG Grant.

**Public Hearing Notice
The City of Bath**

The City of Bath will hold a Public Hearing on September 7, 2016 at 6:02pm, in the Bath City Hall Council Chambers to discuss the acceptance of a \$54,000 Safe Neighborhoods CDBG Grant. The purpose of the grant is to address illicit drug activity. Public comments will be solicited at this Hearing and will be submitted as part of the application. All persons wishing to make comments or ask questions about the grant application are invited to attend this Public Hearing. Comments may be submitted in writing to: Scott LaFlamme, Director of Economic Development, 55 Front Street Bath, Maine 04530 at any time prior to the Public Hearing. TDD/TTY users may call 711. If you are physically unable to access any of the City's programs or services, please call 207-443-8372, so that accommodations can be made.

Councilor Bauer made a motion to put this Item on the floor for discussion. Councilor Paulhus seconded the motion.

Community Development Director Scott Laflamme reported that the City had been awarded a Safe Neighborhood Grant and the funds would be spent on a new K-9 Patrol Vehicle as well as other department equipment and personnel costs for public education regarding drug activity within the City.

Madame Chair opened the Public Hearing. Seeing no comment from the public, she closed the Public Hearing.

D. Consent Agenda: 6:09 PM

***4) Minutes of the previous Council meeting of August 3, 2016. (motion to Accept as Presented)**

Councilor Mitchell made a motion to amend the minutes to include Councilor Nordmann in "Councilors Present" section. Councilor Omo seconded the motion. All were in favor of the amendment.

Councilor Mitchell motioned to accept the Consent Agenda as amended. Councilor Omo seconded the motion. All were in favor of the motion.

E. Time Devoted to Residents to Address the City Council 6:10 PM

Dan Dunne of 54 Richardson Street asked why the stripping lines stop before the end of the street and why the street was not limited to 2 axle vehicles and what needs to happen to facilitate that request.

Police Chief Mike Field explained the 2 axle specification is done by City Ordinance.

City Manager William Giroux stated that the City would strip the street all the way to the stop sign next time stripping is done by the Public Works Department but would wait for the MDOT Traffic Study before posting the 2 axle signs.

F. Orders, Ordinances, Orders and Resolutions 6:17 PM

5) Resolution: to accept CDBG funds for Safe Neighborhood Grant.

Madame Chair Eosco read the following Resolution:

**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.

NOW THEREFORE, be it resolved by the Council of the City of Bath that the City Manager:

- 1) Is authorized and directed to submit an application for the Safe Neighborhoods Grant program in the amount of \$54,000 to the State of Maine's CDBG Program, to the Department of Economic and Community Development on behalf of the City of Bath, substantially in the form presented to this council;
- 2) Is authorized to make assurances on behalf of the City 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 and said program(s), consistent with the Charter of the City of Bath and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

Councilor Wyman made a motion to put this Item on the floor for discussion. Councilor Mitchell seconded the motion.

Community Development Director Scott LaFlamme stated explained the process by which the grant is accepted.

VOTE Resolution:

YEAS: 7

NAYS: 0

Passed unanimously. 7-0

6) Drug Forfeiture

Councilor Mitchell made a motion to put this Item on the floor for discussion. Councilor Bauer seconded the motion.

Police Chief Field explained the details of this forfeiture.

VOTE to accept Forfeiture:

YEAS: 7

NAYS: 0

Passed unanimously. 7-0

7) Order: Approving Bid and Contract for Pump Station Upgrades.

Madame Chair Eosco read the following Order:

**ORDER
APPROVING BID AND CONTRACT**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF T BUCK CONSTRUCTION INC. FOR THE BATH PUMP STATION UPGRADES IN THE AMOUNT OF \$680,000.00 IS ACCEPTED, IT BEING THE LOWEST QUALIFIED BID SUBMITTED, AND A CONTRACT BY AND BETWEEN THE CITY OF BATH AND T BUCK CONSTRUCTION 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 SHALL BE FUNDED FROM SEWER CAPITAL PROJECT ACCOUNT 07 0703 751.

Councilor Wyman made a motion to put this Item on the floor for discussion. Councilor Mitchell seconded the motion.

Public Works Director Peter Owen explained that this was the first of a few wastewater projects that are a result of the Wastewater Bond that was passed at last November's Election that will need to come before Council for approval. He gave a report on the details of this project.

VOTE on Order:

YEAS: 7

NAYS: 0

Passed unanimously. 7-0

8) Order: Approving Bid and Contract for 2016 Bath Landfill Intermediate Cover Project.

Madame Chair Eosco read the following Order:

**ORDER
APPROVING BID AND CONTRACT**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF CROOKER CONSTRUCTION LLC FOR THE 2016 BATH LANDFILL INTERMEDIATE COVER PROJECT IN THE AMOUNT OF \$137,250.00 IS ACCEPTED, IT BEING THE LOWEST QUALIFIED BID SUBMITTED, AND A CONTRACT BY AND BETWEEN THE CITY OF BATH AND CROOKER CONSTRUCTION LLC 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 SHALL BE FUNDED FROM LANDFILL (FUND 6) ACCOUNT 06-0665-570 AND THE TIF ACCOUNT 15-1505-570.

Councilor Wyman made a motion to put this Item on the floor for discussion. Councilor Mitchell seconded the motion.

Deputy Public Works Director Lee Leiner explained this work is for the temporary cover on the outside slopes.

VOTE on Order:

YEAS: 7

NAYS: 0

Passed unanimously. 7-0

G. Petitions & Communications 6:26 PM

There were no petitions or communications.

H. City Manager's Report 6:26 PM

City Manager William Giroux reported on the upgrade to the pond in Library Park is to begin the week of September 12th. He explained the process by which funds were raised and an overview of the work to be done.

He reported the pointing of the stonework on City Hall's north side would begin next week and last for a few weeks.

I. Committee Reports 6:30 PM

There were no Committee reports.

J. Unfinished Business 6:30 PM

There was no unfinished business.

K. New Business 630 PM

9) Appointment 2 members to the Bath Planning Board with terms to expire in September 2019.

On behalf of the Appointments Committee, Councilor Mitchell nominated Robert Oxtan and John Sunderland to these positions. All were in favor of the nominations.

10) Appointment 2 members to the Bath Zoning Board of Appeals with term to expire in September 2019.

On behalf of the Appointments Committee, Councilor Mitchell nominated William Truesdell and Thomas Watson to these positions. All were in favor of the nominations.

11) Discussion of the proposed purchase and sales option agreement from RSU 1 to the City regarding Wing Farm Property.

Madame Chair read the Draft Purchase and Sales Option Agreement which is on file with the Agenda materials for 9/7/2016 in the Bath City Clerk's Office.

Councilor Mitchell made a motion to put this Item on the floor for discussion. Councilor Omo seconded the motion

Councilor Nordmann took his seat during this item.

City Manager William Giroux explained that this agreement only concerns the Wingfarm property and has nothing to do with the McMann Field property. He stated that the previous appraisals done were out of date and new ones are being done. Mr. Giroux said that during the Executive Session the price being proposed by the RSU 1 would be discussed and as soon as a price had been agreed on it would be made public. Next he explained the process for addressing the debt service for the Wingfarm property. Mr. Giroux explained that this has happened due to a lot of work from the State, RSU #1 and the City Staff working together.

Tim Harkins, Chair of the RSU #1 Board of Directors stated that time is important as the State Department of Education could decide to use the funds on other school construction projects. He gave an overview of the process such as come to terms with the City on a price and a straw poll vote from the public either up or down on the site and if approved then the RSU can begin to move forward with the project.

L. Councilor Announcements 7:08 PM

Councilor Paulhus reported there would be another Open Street on September 25th at 1PM to 3:30PM. He reported there would be a Walk for Hunger September 18th to benefit the Bath Food Bank and not to forget the many opportunities to help children here in Bath with hunger.

Councilor Page stated the Councilors needed to hear from the public regarding their feelings on the sale of the Wingfarm property to RSU #1 for the new high school project.

Madame Chair Eosco reported on the USS Zumwalt ceremony held on the ship on September 2nd where she had the honor to give the crew a Key to the City and Proclamation, thanking them for many hours of volunteer civic service to the City and she got to serve lunch to the crew.

Councilor Mitchell made a motion at 7:12 PM to go into Executive Session to discuss Real Estate Matters per 1 MRSA §405(6)(C) (Proposed Morse H.S. Project). Councilor Omo seconded the motion. All were in favor of the motion.

Councilor Page made a motion at 7:31 PM to come out of Executive Session. Councilor Omo seconded the motion. All were in favor of the motion.

The meeting adjourned at 7:31 PM with a motion by Councilor Paulhus, seconded by Councilor Page. 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 by appointment.