

**REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE**

Wednesday, March 6, 2013 6:00 PM
City Council Chambers, Bath City Hall

Present: Councilors Brackett, Merrill, Paulhus, Lockwood, Eosco, Sinclair, Mitchell, 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.

Presentation from Access Health regarding banning smoking in City Parks. Councilor Eosco explained that she had asked Access Health to come and speak to Council to see if Council would be interested in pursuing this issue in the future. Marla Davis, a nurse at Mid Coast Hospital and a member of the Advisory Board for Access Health, asked that the Council consider strengthening the Order that makes the recreation areas smoke-free by extending that ban to the city parks. Linda Christie, Prevention Specialist for Access Health, brought the Council's attention to a packet addressing the issues of smoking and smoke-free areas and the drafting of an ordinance to create a smoke-free zoning in the City Parks. Ms. Christie agreed to provide to Council a list of other municipalities that have this Ordinance in place, tobacco cessation literature and additional draft Ordinances to follow.

The Council's consensus was to address this issue in the future with a focus on the enforcement of the issue.

C. Consent Agenda 6:13 PM

***1) Minutes of Previous Meetings – February 6 and 20, 2013 and Items E2 and E3. (motion to accept)**

Councilor Mitchell made a motion to accept the Consent Agenda as presented. Councilor Winglass seconded the motion. All were in favor.

D. Time Devoted to Residents to Address The City Council 6:15 PM

Steve August, a member of the RSU #1 Board of Directors, spoke about the upcoming referendum election dealing with the allocation of costs to municipalities being held on March 19th and the upcoming information meeting. Councilor Sinclair urged citizens to attend the informational meeting to be held on March 12th at the West Bath School.

E. Resolutions, Orders and Ordinances 6:17 PM

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

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 (Condition 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.

This Order was passed on the Consent Agenda.

***3) Order: Exercising the Alewife fishing rights at Whiskeag Creek to “Rod and Line”**

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.

This Order was passed on the Consent Agenda.

4) Order: Approving Election Workers for the RSU #1 Referendum Election to be held on March 19, 2013.

Chairman Wyman read the following Order:

ORDER

Be It Ordered by the City Council of the City of Bath, that the following election workers be appointed for the RSU #1 Referendum Election to be held on Tuesday, March 19, 2013.

Christine Hagan
Joan Ingersoll
David Kaler
Sandra Kaler

Sandra Neihouse
Linda Robitaille
Joan Smith
Sally Vose

Councilor Paulhus made a motion to put this item on the floor for discussion. Councilor Mitchell seconded the motion.

VOTE ON ORDER:

YEAS: 8

NAYS: 0

Order passed unanimously. 8-0

5) Rescission Order: 45 Windjammer Way

Chairman Wyman read the following Order:

RESCISSION ORDER

WHEREAS, the City Council of the City of Bath, on December 19, 2012, adopted an Order relating to the condition of the structure at 45 Windjammer Way; and

WHEREAS, at that point in time, the City Council found that the condition of the structure met the definition of a dangerous building, on the basis of a Report by Civil Engineer Helen Watts; and

WHEREAS, the Order based on those findings required the occupants to vacate the premises for safety reasons and due to the danger of collapse of the building during a heavy snow load; and

WHEREAS, since that time, there have been structural repairs to the building in response to, and based on the recommendations in, the Engineer's Report; and

WHEREAS, the Engineer and the City's Codes Enforcement Officer have inspected the premises and found the repairs to be adequate to prevent collapse of the structure; and

WHEREAS, the structure, in the opinion of the Engineer and City Staff, no longer meets the definition of a dangerous building and that the Order of December 19, 2012 is no longer necessary or appropriate.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the Order adopted on December 19, 2012 regarding the condition of the structure at 45 Windjammer Way as a dangerous building, be and hereby is rescinded and the City Council further orders that any pending Codes Enforcement action regarding the building be dismissed.

Councilor Paulhus made a motion to put this item on the floor for discussion. Councilor Mitchell seconded the motion.

VOTE ON ORDER:

YEAS: 8

NAYS: 0

Order passed unanimously. 8-0

6) Proposed Resolution: Supporting Overturning the Supreme Court's decision in Citizens United vs. Federal Election Commission.

Chairman Wyman read the following Resolution:

PROPOSED RESOLUTION

The City Council of the City of Bath hereby resolves to support the citizens of Bath, Maine, who reject the U.S. Supreme Court's decision in the case of "Citizens United vs. Federal Election Commission", and the City Council of the City of Bath further resolves to support an amendment to the United States Constitution to firmly establish that money is not free speech and that human beings, not legal entities like corporations, are persons entitled to Constitutional rights.

Councilor Sinclair made a motion to put this item on the floor for discussion. Councilor Mitchell seconded the motion.

Karen Wainberg of 212 Centre Street presented Council with petitions signed by residents urging the Council to approve the Resolution.

The following Bath residents spoke in favor of the Resolution: Karen Wainberg, Jerry Provencher, Susan Lubner, Adair Delamater, Joanna Johnson, Howard Waxman and Peter Alexander.

Councilor Eosco made a motion to amend the Order first by deleting the wording "the citizens of Bath, Maine, who reject the U.S. Supreme Court's decision in the case of "Citizens United vs. Federal Election Commission", and the City Council of the City of Bath further resolves to support". Her second amendment was to change the word "like" before the word "corporations" to "such as" and her last amendment was to change the word "legal" before the word "entities" to "other".

Councilor Sinclair seconded the motion.

VOTE ON Amendment:

YEAS: 8

NAYS: 0

Amendment passed unanimously. 8-0

VOTE ON AMENDED ORDER:

YEAS: 8

NAYS: 0

Amended Order passed unanimously. 8-0

F. Petitions & Communications 7:01PM

There were no communications or petitions presented at this time.

G. City Manager's Report 7:01 PM

There was no City Manager's Report.

H. Committee Reports 7:01 PM

Councilor Lockwood reported to Council that a committee was going to be formed in the near future to investigate the implementation of low-cost Wifi for City residents.

Councilor Eosco reported Sagadahoc Budget Advisory Committee had held their first meeting of the budget year and have scheduled their upcoming meetings. She stated that she had taken a tour of the County jail and was very impressed with what is happening at the County level. Ms. Eosco said she and Councilor Brackett would keep the Council apprised of all the developments regarding the County Budget process.

I. Unfinished Business 7:04 PM

There was no unfinished business.

J. New Business 7:04 PM

7) Appointment - 1 member to the Planning Board term expiration September 2013.

Councilor Eosco on behalf of the Council Appointment Interview Committee nominated John Sunderland to this position. All were in favor of the nomination.

8) Appointment - 1 member to the Board of Assessment Review term expiration July 2015.

Councilor Eosco on behalf of the Council Appointment Interview Committee nominated Harold Sonia Jr. to this position. All were in favor of the nomination.

9) Appointment – Downtown Business Member to the Parking and Transportation Committee with an indefinite term.

Councilor Eosco on behalf of the Council Appointment Interview Committee nominated Roy Ordway, representative for Sagadahock Real Estate to this position. All were in favor of the nomination.

Councilor Eosco reported on the Committee openings that were available at this time.

Councilor Paulhus thanked Public Works, Chief Field and the City Manager for doing such a good job on taking care of issues that had come up during the recent snow storms.

The meeting adjourned at 7:07 PM with a motion by Councilor Mitchell, seconded by Councilor Paulhus. 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 portion of the meeting is available for review in the City Clerk's office during regular business hours by appointment.