

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

Wednesday, March 5, 2014 6:00 PM
City Council Chambers, Bath City Hall

Present: Councilors Brackett, Merrill, Paulhus, Lockwood, Wyman, Sinclair, Mitchell, Winglass and Madame Chair Eosco.

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.

Presentation of the following Proclamation to members of the Bath Fire Department:

PROCLAMATION

WHEREAS there was a life-threatening structure fire at 62 South Street on February 20, 2014, and

WHEREAS John Tanguay and his 4-year-old son Nicholas were trapped in the third floor of the building and called the Bath Fire Department, and

WHEREAS Bath Fire Department Chief Stephen Hinds, Captain Christopher Cummings, and Firefighters Joseph McCole, Clifford Newell and Shaun Riley were on the scene within four minutes of the call, and

WHEREAS Firefighters Clifford Newell and Shaun Riley set up and operated the equipment while Firefighter Joseph McCole and Captain Christopher Cummings performed rescue operations, removing the victims from the burning building and Fire Chief Stephen Hinds attacked the fire from the outside and then went inside to stop advancement of the fire so that rescue operations could be performed, and

WHEREAS the Bath Fire Department received mutual aid from Brunswick Fire Department, MidCoast Hospital 1, Phippsburg Fire Department and Rescue, Woolwich Fire Department, West Bath Fire Department and Wiscasset Fire Department and Rescue for standby, in addition to assistance with traffic control by the Bath Police Department, traffic control devices by Bath Public Works, investigation by the State Fire Marshal's Office and dispatch service from Supervisor Matt Fournier, Jon Thibodeau and Chaz Chastenay of Sagadahoc County Communications, and

WHEREAS the selfless actions of these Bath Fire Department firefighters represented the high ideals of the Bath Fire Department and is a true example of heroism, valor, bravery and compassion, utilizing incredible speed, strength, and skill, which is a testimony to their thousands of hours of training.

NOW THEREFORE BE IT PROCLAIMED that the City Council of Bath wishes to extend congratulations for a job well done to Bath Fire Department Chief Stephen Hinds, Captain Christopher Cummings, and Firefighters Joseph McCole, Clifford Newell, and Shaun Riley along with the thanks of a grateful community who can sleep soundly knowing that they are protected and kept safe in their homes under the vigilant watch of such a caliber of men as these.

Signed this 5th day of March, 2014.

Presentation of a State of Maine legislative update by Senator Eloise Vitelli and Representative Jennifer DeChant.

Senator Vitelli stated the Legislature had managed to restore \$40,000,000 in revenue sharing to municipalities and the letter from the City of Bath was used as important evidence how important this revenue sharing is to communities. She reported that the

City of Bath would be receiving \$336,000 restored revenue sharing funds. Ms. Vitelli reported that she was on two committees that were involved with pieces of legislature that could be useful to Bath. The first committee she reported on was the Special Select Committee on Workforce Development and Maine's Economic Future. She stated the Committee would be taking up legislation on a bond package of \$73,000,000 for jobs and entrepreneurs that would include funds through FAME for Main Street businesses, funds to stimulate marine industries and funds for a loan insurance program for small businesses. The second committee she reported on was the Agriculture, Conservation and Forestry Committee. The legislation that came out of this committee dealt with the "Food Hub Bill" which would create a marketing incentive for small processors to buy from local farms and process the foods and sell them to local schools and institutions. Ms. Vitelli stated this would promote business, farming and good nutrition for the area. She also reported that there were two Solar Energy bills being considered. The first is the Solar Rebate Program which would give individuals and business an incentive to invest in Solar Energy and the second bill is a Solar Policy bill which would be a study to better understand what the value of solar energy is and to set goals for expanding solar energy power in Maine.

Representative DeChant reported that she had been working on foreclosure laws and the categorizing of boats due to lengths in her Judiciary Committee. Ms. DeChant reported that the bill dealing with municipal solid waste was now neutralized and the early voting bill was dead. She urged the public to contact their municipal and State representatives with their views as it does make a difference.

C. Public Hearing: 6:16 PM

1) Ordinance – Approving Pine Tree Waste Contract (second passage)

Madame Chair read the following Ordinance:

**ORDINANCE
APPROVING PINE TREE WASTE CONTRACT**

WHEREAS, the City of Bath and Pine Tree Waste, Inc. have reached an agreement for continuation of curbside trash pickup, recycling pickup and other specialty collections, and

WHEREAS, the term of the Contract exceeds One (1) year, and

WHEREAS, the Charter of the City of Bath, pursuant to Section 1102, requires that Contracts involving payment of monies out of appropriations of more than One (1) fiscal year be approved by Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bath that the Contract with Pine Tree Waste, Inc., commencing July 1, 2013 and running through June 30, 2018, and attached hereto, be and hereby is approved and the City Manager is authorized to execute same on behalf of the City of Bath.

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

City Solicitor Therriault stated there needed to be a motion to make an amendment to the contract to include the changes from the February 5, 2014 meeting.

Councilor Winglass made a motion to amend the Contract Sections 4B &4C to adopt the revised prices. Councilor Wyman seconded the motion.

VOTE on Amendment to Contract:

YEAS: Winglass, Mitchell, Sinclair, Wyman, Paulhus, Merrill, Brackett

NAYS: Lockwood

Amendment passed. 7-1

There were no comments from the Council or the Public regarding this item.

ROLL CALL VOTE:

YEAS: Brackett, Merrill, Paulhus, Lockwood, Wyman, Sinclair, Mitchell, Winglass

NAYS: None

Ordinance passed unanimously. 8-0

Madame Chair stated that it would become law in 21 days.

2) Approval of Liquor License for Winnegance General Store, 36 High Street

NOTICE

THE MUNICIPAL OFFICERS OF THE CITY OF BATH WILL CONDUCT A PUBLIC HEARING FOR APPROVING:

the **LIQUOR LICENSE APPLICATION** FOR:

**Winnegance General Store
36 High Street
Jennifer Greene, Contact Person**

SAID PUBLIC HEARING WILL BE HELD ON **WEDNESDAY, MARCH 5, 2014 AT 6:02 P.M.** IN THE COUNCIL CHAMBERS, 3RD FLOOR, AT CITY HALL, BATH, MAINE, AND ALL PERSON(S) MAY APPEAR TO SHOW CAUSE WHY SAID APPLICATIONS SHOULD OR SHOULD NOT BE APPROVED.

VOTE on LIQUOR LICENSE:

YEAS: 8

NAYS: 0

Passed unanimously. 8-0

D. Consent Agenda 6:20 PM

***3) Minutes of the previous meeting of February 12, 2014 Council Meetings and Items F5 and F6. (motion to Accept as Presented)**

Councilor Lockwood made a motion to accept the Consent Agenda as presented. Councilor Paulhus seconded the motion. All were in favor of the motion.

E. Time Devoted to Residents to Address The City Council 6:21 PM

No one spoke at this time.

F. Resolutions, Orders and Ordinances 6:21 PM

4) Ordinance: Contract between the City of Bath and the Bath Police Department Union (first 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 BATH POLICE DEPARTMENT UNIT, MAINE ASSOCIATION OF POLICE, COMMENCING JULY 1, 2013 AND EXTENDING THROUGH JUNE 30, 2016, 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 Wyman made a motion to put this Ordinance on the floor for discussion. Councilor Mitchell seconded the motion.

City Manager Giroux explained the process by which approval is authorized.

ROLL CALL VOTE:

YEAS: Winglass, Mitchell, Sinclair, Wyman, Lockwood, Paulhus, Merrill, Brackett

NAYS: None

Ordinance passed unanimously. 8-0

Madame Chair stated that second passage would be on April 2 at 6:01 PM.

***5) 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.

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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.

***6) 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.

5) Petitions & Communications 6:25 PM

There were no communications or petitions presented at this time.

6) City Manager’s Report 6:25 PM

City Manager Giroux reported on the following topics:

- Butler Head Easement Execution
- Need of an Executive Session at the March 19th meeting to take up an abatement.

7) Committee Reports 6:29 PM

Councilor Winglass stated that the Finance Committee will be meeting this month and he will be doing a finance update during the Council budget sessions.

Madame Chair reported that Main Street Bath will be holding a Blarney Day Parade on March 15, Pot of Gold program from downtown businesses and the annual “So You Think You Know Bath” program on March 21. She stated that this year there would be a Council Team made up of Councilors Lockwood, Wyman and Mitchell.

Councilor Lockwood reported that she and Madame Chair Eosco would be attending their first County Budget Session on March 14.

8) Unfinished Business 6:31 PM

There was no unfinished business.

9) New Business 6:31 PM

7) Appointment 1 member to the Bath Economic Development Committee for an indefinite term.

Councilor Lockwood on behalf of the Council Appointment Interview Committee nominated Kevin Folan to this position. All were in favor of the nomination.

8) Appointment 1 member to the Bath Water District Board of Directors to finish a term that will expire in November 2017.

Councilor Lockwood on behalf of the Council Appointment Interview Committee nominated Kenneth Desmond to this position. All were in favor of the nomination.

10) Councilor Announcements 6:32 PM

Councilor Lockwood reported that SPI would be holding the Blarney Ball on March 15th at the Winter Street Center and the Cosmopolitan Club would be holding a presentation regarding the history of the Club on March 22.

Councilor Winglass reported that at the YMCA annual meeting retiring board members Randy Miller, Mark Wheeler and Judy Kelley were recognized and the new Board members would be Kay Beveridge, Irl Rosner and Leah Zartarien. He also reported that the YMCA would be sponsoring a Shamrock Sprint.

Madame Chair Eosco reported that she had attended the RSU #1 State of the District with an overview from the different school principals regarding their successes and challenges.

Councilor Paulhus reported that last weekend was a celebration of Japanese culture in the City.

11) Comprehensive Plan Discussion 6:37

- **Councilor Winglass reporting on Sections 4.5-4.7**

As a continuation of the Council's review of the Comprehensive Plan, Councilor Winglass reported on Sections 4.5-4.7 pertaining to Historical Resources, Natural Resources and Transportation.

4.5 – In the historical section there are State and City goals. Bath has a wide array of historical buildings and features, going back 400 years, that need historical preservation. Councilor Winglass said this aspect of the Comprehensive Plan is critical to Bath's vitality. The historic markers program to educate the public on the history of Bath has gone forward as suggested in the Plan. While there is a historical district in Bath, there is an effort to preserve many places outside the district. Winglass cited the restoration of the Winnegance Store as an example of how widespread the efforts are to preserve the history of Bath.

4.6- The natural resources section stresses the importance of the rivers, creeks, and other waterways to the vitality of Bath. The Kennebec provides recreation, fishing, and transportation for a variety of sportsmen and industry. Even though Bath is densely populated, there is a lot of public land, like Butler Head, that provides open space and forests for people to visit and use. Councilor Wingless said the Waterfront Park, the Library Park, and now the Southend Park enhance the desire to live in Bath. Thus far, Bath has kept development downtown and preserved the integrity of the architectural features of Bath. This keeps the North End of Bath open for agriculture, parks, etc.

4.7- Councilor Winglass said the transportation section of the Plan discusses the big project ahead of what to do about the Rte. 1 viaduct replacement. He noted that it's a huge project and one that will raise a lot of ideas as to how Bath can improve the efficiency between the "division" of the south and north ends of the City.

The meeting adjourned to Workshop at 6:45 PM to discuss Tsugaru Travel, Charter and Working Rules and Personnel Review System with a motion by Councilor Wyman, seconded by Councilor Lockwood. 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.