

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

Wednesday, March 4, 2015 6:00 PM
City Council Chambers, Bath City Hall

Present: Councilors Brackett, Page, Paulhus, Rogers, Wyman, Bauer, Mitchell, Omo 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.

Madame Chair stated Item E5 would be taken up after the Executive Session discussion regarding the matter and Item E6 was being pulled from the agenda.

C. Consent Agenda 6:01PM

***1)** Minutes of the previous Council Meetings of February 4 and 18, 2015 and Items E2 and E3.
(Motion to Accept as Presented)

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

D. Time Devoted to Residents to Address The City Council 6:03 PM

No one spoke at this time.

E. Orders, Ordinances and Resolutions 6:03 PM

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

ORDER

Be It Ordered by the City Council of the City of Bath, Maine, that the River Herring Fishing Rights at Winnegance Lake be operated by the Winnegance River Herring Commission as per Ordinance adopted August 28, 1985, and the municipal rights to take river herring 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 river herring 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 River Herring 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: Sale of Real Estate - Huse School Property

Madame Chair read the following Order:

ORDER APPROVING SALE OF REAL ESTATE

BE IT ORDERED by the City Council of the City of Bath that the sale of property known as the Huse School site, being a portion of property acquired by the City of Bath in 1941 from the Perow Heirs and from John Newell, be and hereby is approved in accordance with the terms and conditions of a Purchase and Sale Agreement, by and between the City of Bath and Szanton Monks Properties, LLC, a copy of which is attached hereto and made a part hereof; and

BE IT FURTHER ORDERED that the City Manager be authorized to execute the Purchase and Sale Agreement, transfer documents, and any other documents that may be required, necessary, appropriate or convenient to the transaction.

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

City Manager Giroux stated the property had been on the market for a couple of years, an appraisal had been done and negotiations had been conducted per Council direction. Mr. Giroux gave an overview of details of the Purchase and Sale Agreement with Szanton Monks Properties.

Bath Housing Authority Executive Director Debra Keller addressed the question regarding the need for housing that this project would accommodate. Ms. Keller stated that according to the survey that had been taken for the Bath region there was a definite need for this type of housing.

VOTE on ORDER:

YEAS: 7

NAYS: 1 (Omo)

ORDER passed. 7-1

5) Order: Solicitation of Bids for 210 Middle Street

Madame Chair Eosco stated that this Item would be taken up after the Executive Session regarding it.

6) Ordinance: LUC Amendment, Article 17 - Wireless Communications Facilities (first passage)

Madame Chair Eosco stated this Item had been pulled from the agenda.

F. Petitions & Communications 6:25 PM

Madame Chair Eosco stated that she had received the following letter regarding the need to redistrict the RSU #1.



Regional School Unit 1

The Communities of Arrowsic – Bath – Phippsburg – West Bath – Woolwich

*Patrick M. Manuel, Superintendent
Debra J. Clark, Business Manager*

*Judith A. Harvey, Assistant Superintendent
Sharon L. Brown, Director of Special Services*

"Education of a lifetime – for a lifetime"

TO: Elected Officials of Arrowsic, Bath, Phippsburg, and Woolwich

FROM: Patrick Manuel, Superintendent of Schools

RE: Reapportionment of the RSU 1 Board of Directors

DATE: February 26, 2015

The RSU 1 Board of Directors had a preliminary discussion about reapportionment of the Board at their January board meeting as a result of West Bath's decision to withdraw from the district. I spoke with personnel in the Maine Department of Education Commissioner's Office at the beginning of February about this matter. They requested that we wait to notify our municipalities until we received official notice of the Commissioner's determination of the apportionment of the Board of Directors.

We received the letter in the mail on Monday, February 23rd and we now have 20 days to call the first meeting of the reapportionment committee. The committee shall consist of one municipal officer and one citizen at large from each member municipality, chosen by the municipal officers, and one director from each municipality, chosen by the Board of Directors. The appointments shall be made prior to the first meeting of the committee.

A copy of the official notification, procedures for reapportionment, and the accompanying information provided pursuant to 20-A M.R.S.A. 1255, sub-6 are included with this letter.

RSU 1 would like to have the first meeting on March 19th at 6:00 pm at the Superintendent's Office at 34 Wing Farm Parkway. Please do not hesitate to contact me if you have any questions or concerns at 443-6601.

34 Wing Farm Parkway - Bath, ME 04530

Telephone: (207) 443-6601

Facsimile: (207) 443-8295

<http://www.rsu1.org>

Councilor Mitchell nominated Councilor Omo as the Council Representative. Seeing no other nominations Madame Chair asked for a vote. The vote was unanimous 7-0 (Councilor Omo did not vote).

Councilor Mitchell nominated Lou Ensel and Councilor Rogers nominated Donna Stevens for the At Large Representative position on the Redistricting Committee for the RSU #1. It was decided to discuss these nominations further during the Personnel Matters section of the Executive Session Portion at the end of the meeting.

G. City Manager's Report 6:32 PM

There was no City Manager's Report.

H. Committee Reports 6:32 PM

Councilor Wyman reported that the Finance Committee had met with the Payson Group regarding the Retirement Fund Account and update on the Landfill Closure Account.

Madame Chair Eosco reported on the City extending the Winter Parking Ban, the Sagadahoc County Budget Committee Meetings starting and the Bath Housing Authority Board of Directors All Day Retreat.

7) Council Nominating Committee Policy

NOMINATING COMMITTEE POLICY

This Policy is intended to establish guidelines for the Council Nominating Committee in its informing recommendations to populate the various Boards and Committees utilized by the City for the conduct of City business.

1. Establishment of Nominating Committee. A Nominating Committee is hereby established. The Committee shall consist of three members of City Council appointed on an annual basis along with other Council appointments made in January of each year. It shall be the responsibility of the Nominating Committee to recommend to the City Council individuals for appointment to City Boards and Committees.

2. Reappointments. Where an incumbent for a position whose term is expiring, wishes to be reappointed for a succeeding term, the Nominating Committee shall have the option of recommending the reappointment to Council upon verification that the applicant for renewal has indicated a desire for reappointment and has been a viable and productive member of the Board or Committee. Under such circumstances, the Nominating Committee may waive interviews with the incumbent and with other applicants for the position.

3. Advertising Vacancies. Where there is a vacancy on a Board or Committee the position shall be advertised in local paper, on the City Web site and BCTV. Where the Nominating Committee determines that additional applications or applicants need to be sought and the public needs to be advised of the opening, then the Nominating Committee may direct that any vacancies be advertised in a newspaper of general circulation within the City of Bath.

4. Applications. All candidates for City Board or Committee positions shall submit an application on a form provided by the City.

5. Interviews. In the normal course of reviewing and considering applicants for Board or Committee positions, the Nominating Committee may schedule and conduct interviews with the potential applicants.

6. Retention of Applications. In instances where an applicant is not recommended for appointment and is not appointed by the Council to the Board or Committee position, the application shall be retained by the City Clerk for a period of two years from the date of the appointment. If an additional vacancy occurs on the particular Board or Committee for which the applicant has applied, then the applicant will be notified of the vacancy and may indicate that the applicant wishes to be considered for the new opening. No new application is required unless there is a material change in the information originally provided that requires updating. The Nominating Committee shall be advised of the prior applicant's interest in the position.

7. Recommendations. The purpose of this process is to provide for a review of applicants for City Boards and Committees and to make a recommendation to Council for appointment of a member to the position. In instances where the Nominating Committee cannot agree on an applicant, then that information will be provided to Council. It is understood that Council has the final authority to appoint the member and is not bound by the Nominating Committee's recommendation.

Councilor Mitchell gave an overview of the proposed Policy and the reasons it was being brought forth by the Council Appointment Committee. He stated that the Council back in 2000 had directed the City Clerk to advertise all committee expirations whether they were vacancies or not and this practice of advertising had become quite expensive. Councilor Mitchell explained that unless there was a problem with a current committee member seeking reappointment the reappointment was usually made, therefore making the advertising not necessary. This Policy would make it clear if there was an expiration or a vacancy as to how each position would be addressed, making the process more efficient and less costly.

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

Councilor Paulhus made a motion to amend the Policy by adding the wording "All new applicants will be interviewed." at the end of Section 5. Councilor Bauer seconded the motion.

Vote on Amendment:

YEAS: 8

NAYS: 0

Amendment passed unanimously. 8-0

Vote on Amended Policy:

YEAS: 8

NAYS: 0

Amendment passed unanimously. 8-0

I. Unfinished Business 6:48 PM

There was no unfinished business taken up at this time.

J. New Business 6:48 PM

8) Appointment 1 member to the Bath Recreation Commission term to end November 2017.

Councilor Mitchell, on behalf of the Appointment Interview Committee, nominated Charles Eanes for this position. All were in favor of the nomination.

K. Councilor Announcements 6:49 PM

Councilor Wyman commended the Public Works Department on their excellent job of dealing with the snow removal.

Councilor Bauer commended and thanked the downtown merchants on keeping their sidewalks clear of snow and ice.

Councilor Paulhus thanked the Public Works Department for their good work and reported that March 16th is Governor William King Day and that Governor King was the first governor of Maine and lived in Bath. He stated there is a bill in the Legislature (LD261) to replace the Statue of Governor King at the Capitol Building in Washington DC with one of Joshua Chamberlain. Councilor Paulhus reported that one suggestion is to replace one of the two statues of Hannibal Hamlin with a Joshua Chamberlain Statue and leave the Governor King Statue where it is. He asked that the citizens let the Legislature know if you support keeping Governor King's Statue as it is.

Madame Chair Eosco reported on the following events to take place in Bath this month: Blarney Days Parade on March 14th in the downtown, "So You Think You Know Bath" trivia program on March 20th at the Maine Maritime Museum and the Hot Chocolate Jubilee Variety Show on March 26th -29th at the Chocolate Church.

Councilor Wyman made a motion at 6:58 PM to go into Executive Session to discuss the following: Title 1 M.R.S.A Section 405(6)(C) Real Estate Matter. (Middle Street). Councilor Mitchell seconded the motion. All were in favor of the motion.

Councilor Page left Council Chambers during the Executive Session.

Councilor Wyman made a motion at 7:17PM to come out of Executive Session to take up Item 5. Councilor Omo seconded the motion. All were in favor of the motion.

Councilor Page took his seat on Council, but recused himself from the discussion and action.

Item 5) Order: Solicitation of Bids for 210 Middle Street was taken up at this time.

Madame Chair read the following Order:

**ORDER
FOR SOLICITATION OF BIDS**

WHEREAS, the City of Bath has acquired property designated as 210 Middle Street; and

WHEREAS, there have been inquiries from individuals wishing to purchase the property; and

WHEREAS, the property has been considered by City Staff and it has been determined that there is no reason for the City to continue to own the property and that it is beneficial to put the property back on the tax rolls.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the City solicit bids for the purchase of property at 210 Middle Street with the customary and usual bid restrictions such as reserving the right to reject any and all bids, negotiating with a bidder, accepting a bid which is deemed in the City's best interest regardless of whether it is the highest bid, and such other bid restrictions as may be appropriate to protect the City's interests.

Councilor Wyman motioned to put the Item on the floor for discussion. Councilor Paulhus seconded the motion.

VOTE on ORDER:

YEAS: 7

NAYS: 0

RECUSED: 1 (Councilor Page)

ORDER passed. 7-0-1

Councilor Wyman made a motion at 7:19 PM to go back into Executive Session to discuss the following: Title 1 M.R.S.A Section 405(6)(C) Real Estate Matter. (Court Street) and Title 1 M.R.S.A Section 405(6)(A) discussion Personnel Matters. Councilor Bauer seconded the motion. All were in favor of the motion.

Councilor Wyman made a motion at 8:00 PM to come out of Executive Session to vote on the RSU #1 Redistricting Committee At Large representative. Councilor Rogers seconded the motion. All were in favor of the motion.

Council voted to appoint Donna Stevens as the At Large Representative to the RSU #1 Redistricting Committee.

Vote on Nominees:

Lou Ensel = 2 (Councilors Mitchell, Paulhus)

Donna Stevens = 7 (Councilors Brackett, Page, Rogers, Wyman, Bauer, Omo)

The meeting adjourned at 8:04 PM with a motion by Councilor Rogers, seconded by Councilor Wyman. 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. You can also view them on Townhallstreams.com for up to a year.