

**REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE
November 4, 2015
City Council Chambers, Bath City Hall**

Present: Councilors Brackett, Page, Paulhus, 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.

C. 1) Public Hearings: 6:01 PM

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

A SPECIAL AMUSEMENT LICENSE FOR:
J.R. Maxwell & Co
122 Front Street
John Hall, Margaret Hall, Edwin Rogers, Applicants

Madame Chair Eosco opened the public hearing. No one spoke so she closed the hearing.

Councilor Omo made a motion to approve the Special Amusement License. Councilor Mitchell seconded the motion. All were in favor of the motion.

D. Consent Agenda 6:03 PM

***2) Minutes of the previous meetings of October 7, 2015. (motion to Accept as Presented)**

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

E. Time Devoted to Residents to Address the City Council 6:03 PM

No one spoke.

F. Orders, Resolutions and Ordinances 6:04 PM

3) Approving tabulation of Election Returns of the State of Maine Referendum Election, City of Bath Municipal Candidate/Referendum Election and RSU #1 Candidate Election on Tuesday, November 3, 2015 (motion to approve)

BATH ELECTION RESULTS – 11/3/15

Registered Voters: 6420

Total Number of State Ballots Cast: 1405

% of Voters Cast Ballots: 21.9%

Question 1: Citizen Initiative – Maine Clean Election Act/Campaign Finance Law Amendments

913 Yes

482 No

10 Blanks

Question 2: Bond Issue - \$15,000,000 Low Income/Senior Housing Bond

1060 Yes

340 No

5 Blanks

Question 3: Bond Issue - \$85,000,000 Transportation Bond

1122 Yes
276 No
7 Blanks

MUNICIPAL – Bath

City Councilor Ward 2- 3 Year Term

121 Sean Paulhus
23 Blank

City Councilor Ward 3 - 3 Year Term

30 Terry Nordmann
7 John MacGregor
73 Blanks

City Councilor Ward 4- 3 Year Term

142 Bernard Wyman
32 Blanks

Referendum “SHALL A BOND ORDINANCE BE APPROVED AUTHORIZING ISSUANCE OF THE CITY’S GENERAL OBLIGATION BONDS IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$9,800,000.00 FOR THE PURPOSE OF FUNDING WASTEWATER INFRASTRUCTURE IMPROVEMENTS?”

1061 Yes
332 No
18 Blanks

RSU#1 – Board of Directors

1165 Stephen August, Bath
1117 Louis Ensel, Bath
135 Blanks

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

4) Order – Approving Sale of Air Packs and Bottles by the Bath Fire Department

Madame Chair Eosco read the following Order:

**ORDER
APPROVING SALE**

WHEREAS, the City of Bath has received a Federal Grant which funds the acquisition of new air packs and bottles; and

WHEREAS, the replacement of this equipment renders the current air packs and bottles surplus; and

WHEREAS, the current air packs and bottles have additional useful life and are of value; and

WHEREAS, Chapter 7 of the Purchase and Finance Ordinance of the City of Bath, in Subsection A, requires that any sale of supplies, material, or equipment of a value exceeding \$1,500.00 must be authorized by Order of the City Council; and

WHEREAS, the procedures regarding the sale of that equipment are governed by the provisions of Section 7-5 relating to purchases of more than \$1,500.00; and

WHEREAS, the normal procedure is to solicit public bids; and

WHEREAS, there is stated in Section 7-5 an alternate procedure where it is deemed by the purchasing agent (City Manager) that there are other alternate methods which more appropriately suit the nature of the equipment being sold; and

WHEREAS, in this particular case the nature of the equipment is useful only in applications by fire suppression services where there is a limited market for said material and traditional bidding methods would not be effective in the sale of this equipment.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the sale of the surplus Fire Department equipment consisting of air packs and bottles, be and hereby is approved, and the purchasing agent (City Manager) is authorized to directly solicit offers for the Fire Department equipment, either jointly or severally, and is further authorized to execute such documentation as may be necessary, appropriate or convenient to the sale(s).

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

Fire Chief Lawrence Renaud gave a brief history of the equipment now in use and a description of the proposed equipment. He stated the equipment now being used would be offered to the City's mutual aid Departments for a reduced price.

Chief Renaud stated it was the hope of the Police/Fire Departments that money from this sale would be put towards security cameras for Waterfront Park.

VOTE on Order:

YEAS: 7

NAYS: 0

Passed unanimously. 7-0

5) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking. Section 17-259. Parking Restrictions - Dummer Street Court (first passage)

Madame Chair read the following Ordinance:

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE CODE OF THE CITY OF BATH, ADOPTED FEBRUARY 2, 1977, AND SUBSEQUENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

**CHAPTER 17. VEHICLES AND TRAFFIC
Article 6. Stopping, Standing and Parking**

Section 17-259. Parking Restrictions

Dummer Street Court

Delete: No restrictions.

Replace With: No parking.

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

Police Chief Michael Field gave a report on the street area parking conditions, neighborhood meeting, recommendations of the Parking Committee and the emergency vehicle access problems to the area. Chief Field stated that the Parking Committee was looking at other areas in the City that are experiencing the same access issues.

James McLean of 17 Dummer Street Court stated he felt that no parking would be the right way to go for that street.

ROLL CALL VOTE on Ordinance:

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

NAYS: None

Passed unanimously. 7-0

Madame Chair Eosco set second passage for December 2, 2015 at 6:01pm.

G. Petitions & Communications 6:21 PM

No one spoke.

H. City Manager's Report 6:21PM

City Manager reported on the following:

- Reported that Senator Linda Baker would be holding a press conference at the Bath Fire Station on November 12th to promote her legislation on behalf of fire fighter health and safety that would prohibit the use of fire retardant chemicals in the newly manufactured furniture in Maine.
- Reported that Recreation Director Steve Balboni has voiced his concerns about the roof at 2 Sheridan Road (known as the Nunnery). Mr. Balboni feels the roof might not make it through the winter. Mr. Giroux stated it is still the plan to use some of the money from the sale of the Huse School property to demolish the Nunnery but wanted the Council to know the roof may cave in before the demolition can happen.

I. Committee Reports 6:26 PM

Councilor Bauer reported on the break-in at the Patten Free Library that resulted in the loss of money. She stated she wanted to thank Bath Savings Bank and the members of the public that contributed enough money to make up the amount that was lost in the theft.

Councilor Omo reported on the Bike and Pedestrian Committee. He stated there is much excitement regarding the North Street improvements and the placement of two new bike signs, which include the ones on North Street and the one in the outlying area of Bath. Councilor Omo said the Committee still plans to do the sidewalk assessment but hasn't had the opportunity to follow through on that yet.

J. Unfinished Business 6:28 PM

There was no unfinished business.

K. New Business 6:29 PM

6) Appointment of J. Scott Davis as the Local Health Officer for the City of Bath for a term of 3 years.

Councilor Wyman made a motion to appointment Mr. Davis to the position. Councilor Omo seconded the motion. All were in favor of the motion.

7) Appointment of 1 member to the Bath Housing Authority Board of Directors with term to expire in February 2020.

Councilor Mitchell nominated Mary K. Terry for this position on behalf of the Appointment Interview Committee. All were in favor of the nomination.

8) Appointment of 1 member to the Bath Recreation Commission with a term to expire in November 2018.

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

9) Letter of Support to Maine State Housing Authority.

Madame Chair Eosco read the following letter:

Rick Churchill, Multifamily Loan Officer
Maine State Housing Authority
353 Water Street
Augusta, Maine 04330

November 4, 2015

Dear Mr. Churchill,

We would first like to thank you for giving us an opportunity to address the decision makers at Maine Housing prior to their deliberations on the proposed Huse School Apartments redevelopment project.

The Bath City Council, along with the community at-large, are always striving to support meaningful residential projects and policies aimed at promoting safe and attainable options for all of Bath's residents. Over the last several years, the City Council and Planning Board have developed language in the City's Comprehensive Plan that calls for inclusionary housing, like what is being proposed. Additionally, the City's Community Development Committee proposed a number of realistic housing sustainability goals that were unanimously approved by the City Council. These goals were generated from the *Bath Area Housing Needs Assessment*, which was completed by the City of Bath and Bath Housing last fall. Together, these documents have made housing policy a priority in this community.

The City Council is especially excited about this residential project. Not only will the Szanton Company create 58 new and efficient one-and-two-bedroom rental units, which are in high demand, but they will breathe new life into a vacant, historic community gem. Together, we acknowledged the value of this project and unanimously approved a contract rezoning application, in addition to a 50% credit enhancement TIF. As a City, we hope that during your deliberations, you are able to realize the impact that this project will have on an entire community. With that said, please accept this letter as a gesture of enthusiastic support for the project being proposed by the Szanton Company.

With Warmest Regards,

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

VOTE to endorse the letter:

YEAS: 7

NAYS: 0

Endorsement of letter passed unanimously. 7-0

L. Councilor Announcements 6:38 PM

Councilor Wyman thanked his constituents for their vote of confidence at the Election on November 3rd. He stated that this meeting would be the completion of 21 years on Council and beginning another 3 year term.

Councilor Paulhus thanked his constituents for the opportunity to serve Ward 2 for another 3 years. He reported on the food drive that Main Street Bath was conducting and said that the Chocolate Church was having a Comedy Relief Event to be held on November 21st and that both of these events were to benefit the Bath Food Bank. Councilor Paulhus challenged the other councilors to contribute to the cause. He reported that the Department of Transportation will be holding a meeting on November 12th at Bath City Hall Auditorium regarding Centre Street Connection Bridge.

Councilor Mitchell announced that there will be a VFW Memorial Dedication at the Southend Boat Launch on November 11th at 11am and invited everyone to attend. He reported that the Department of Transportation will be holding public meetings regarding the improvement project to the small bridge on the Old Brunswick Road between North Bath and Brunswick.

Madame Chair Eosco reminded everyone of the Early Bird Sales to be held in the downtown on Saturday starting at 6AM. She also reported that the “Jingle Bell Walk” and “Meet Santa” will be held on the Saturday after Thanksgiving at the Gazebo and City Hall Auditorium respectively along with” Shop Small Business Saturday” in the downtown.

Councilor Omo made a motion at 6:50PM to go into Executive Session to discuss poverty abatements per 36 M.R.S.A Section 851(2), Councilor Mitchell seconded the motion. All were in favor of the motion.

Councilor Brackett made a motion at 8:02 PM to come out of Executive Session. Councilor Bauer seconded the motion. All were in favor of the motion.

Councilor Bauer made a motion to deny Case 1 Abatement. Councilor Mitchell seconded the motion.

VOTE ON DENIAL CASE 1 ABATEMENT MOTION:

YEAS: 7

NAYS: 0

Denial of Abatement Case 1 passed. 7-0

Councilor Wyman made a motion to accept Case 2 Abatement. Councilor Mitchell seconded the motion.

VOTE ON ACCEPTANCE CASE 2 ABATEMENT MOTION:

YEAS: 6

NAYS: 1 (Omo)

Acceptance of Abatement Case 2 passed. 6-1

The meeting adjourned at 8:04 PM with a motion by Councilor Wyman, seconded by Councilor Mitchell. 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.