

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

Wednesday, March 2, 2016 6:00 PM
City Council Chambers, Bath City Hall

Present: Councilors Brackett, Page, Paulhus, Nordmann, 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.

Presentation of the Bicycle Coalition of Maine 2016 "Just Do It" award to Bath Police Chief Michael Field and Sagadahoc County Sheriff Joel Merry jointly. This award is given to a Mainer or Mainers in public service who "exhibit leadership in public service affecting bicycle and pedestrian activities".

Presentation regarding the Old Customs House annual report from John Voorhees, Chairman of the Board of Directors. City Manager William Giroux thanked the Board for doing such a wonderful job as caretakers of a City building.

OLD BATH CUSTOMS HOUSE INC.
Annual Report—Year 2015

March 2, 2016

The Board of Directors of the Customs House accepted with regret the resignation of Board Member, Max Dawson, in the calendar year of 2015. Max was our facilities manager who provided daily oversight over the maintenance of the building and tenant relations. Director, Pam Allen, has succeeded to this position. Her organizational skills and geographical proximity to the building have enhanced our dialogue with the building's custodian and tenants.

The Board added two new directors within the last year--Herman "Nick" Nichols and David Hudson. Nick is recently retired from BIW and David is a member of the Bath Fire Department. Each brings a valued skill set to the Board and we are grateful for their contribution.

We were pleased to renew the lease of Edward Jones for an additional three years and took the renewal negotiation period as an opportunity to review our lease structure with regard to that space. An outside consultant, commercial real estate broker Don Spann, generously donated his time to review the rental terms to insure that we were within market parameters. We continue to believe that having a diverse mix of tenants in the building is a positive for us as landlords as well as a benefit to the community.

Building projects within the past year included:

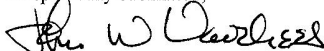
- The much needed keying and mapping of building locks.
- The installation of new carpeting in the upstairs lobby and elevator.
- The adaptation of space within the basement area of the building for the Kennebec Co.
- The installation of new signage in the parking lot.

On-going projects include:

- The design and fabrication of appropriate hand railing(s) for the north entrance steps.
- The possible construction of a storage unit for the gas powered equipment such as lawn mowers and snow blowers.
- The installation of a guard-rail along the Commercial Street side of the parking lot.

All tenant space is fully occupied and rents are current. The Board continues to meet on the third Wednesday of the month in the conference room of First Federal Savings. Peter Flynn continues as our Certified Public Accountant/Auditor and Dan Lebel as our custodian.

Respectfully submitted,


John W. Voorhees, Chairman

Presentation from Bath Housing Authority Director Debora Keller regarding their services. Ms. Keller reported on a new home repair program serving the low-income elderly or disabled homeowners in the greater Bath area. She stated the goal of the program is to demonstrate that small investments in their safety can extend the time low-income seniors can stay safely in their own home and reduce health care expenses while improving health outcomes.

A complete copy of the Bath Housing Authority Report is filed with the Agenda materials for 3/2/2016 in the Bath City Clerk's Office.

C. Public Hearing: 6:25 PM

1) Ordinance: Approving Cable TV Franchise Agreement. (second passage)

Madame Chair Eosco read the following Ordinance:

ORDINANCE APPROVING CABLE TV FRANCHISE AGREEMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT A CABLE TV FRANCHISE AGREEMENT, BY AND BETWEEN THE CITY OF BATH AND COMCAST OF MAINE/NEW HAMPSHIRE, INC., A COPY OF WHICH IS ATTACHED HERETO, BE AND HEREBY IS APPROVED, AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF BATH.

A complete copy of the agreement is filed with the Agenda materials for 3/2/2016 in the Bath City Clerk's Office.

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

City Solicitor Roger Therriault gave an overview of the amendments to the Agreement document. *These amendments are described in a memo from the City Solicitor which are on file with Agenda materials in the City Clerk's Office.*

Councilor Mitchell made a motion to make the amendments to the Agreement as referred to by the City Solicitor. Councilor Omo seconded the motion. All were in favor of the amendments motion.

Madame Chair Eosco opened the hearing to the public. Seeing no comment, she closed the public section.

ROLL CALL VOTE:

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

NAYS: None

Ordinance passed unanimously. 8-0

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

2) Liquor License Application for:

Jade Lotus Asian Café
132 Leeman Highway
Bath, Maine
Consuelo B. Juntura, Contact Person

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

Madame Chair Eosco opened the Public Hearing. Seeing no comments, she closed the public section.

VOTE on Liquor License:

YEAS: 8

NAYS: 0

Liquor License passed unanimously. 8-0

D. Consent Agenda 6:33 PM

***3) Minutes of the previous Council Meeting of February 3, 2016 and Items F4 and F5. (Motion to Accept as Presented)**

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

D. Time Devoted to Residents to Address The City Council 6:34 PM

No one spoke at this time.

E. Ordinances, Orders and Resolutions 6:34 PM

***4) 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 item was passed on the Consent Agenda.

***5) 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 item was passed on the Consent Agenda.

6) Ordinance: Chapter 10. Public Safety, Article 5. Mass Gatherings, Sec. 10-501-515 (first passage)

Madame Chair Eosco read the following part of this ordinance:

**CHAPTER 10
PUBLIC SAFETY**

ARTICLE 5. MASS GATHERINGS.

§ 10-501. Title.

This Ordinance shall be known and may be cited as the "Bath Mass Gathering Ordinance."

§ 10-502. Authority.

This Ordinance is enacted pursuant to the authority granted in Title 22, Maine Revised Statute, Section 1601, *et seq.*, the home rule power conferred by Article VIII, part Second of the Maine Constitution, and Title 30-A, Maine Revised Statute, Sections 2101, 2109, and 3001, all as may be revised.

§ 10-503. Purpose.

It is recognized that many mass gatherings such as local sporting events, Heritage Days, and holiday parades are a part of our community, and enhance the quality of City life. It is further recognized that other types of mass gatherings seek to exercise citizens' Constitutional rights to assembly and free speech. Notwithstanding the above, mass gatherings, as defined below, whatever their duration, may create a hazard to public health and safety. It is the City's purpose by this Article to promote and permit safe mass gatherings while regulating the conduct of such gatherings in order to protect the public health and safety.

Councilor Omo made a motion to waive the reading of the Ordinance in lieu of an explanation from staff. Councilor Page seconded the motion.

VOTE: on Waiving Motion:

YEAS: 7

NAYS: 1(Wyman)

Motion passed. 7-1

A complete copy of this Ordinance is filed with the Agenda materials for 3/2/2016 in the Bath City Clerk's Office.

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

City Manager William Giroux and City Solicitor Roger Therriault gave an overview of the points of the Ordinance.

ROLL CALL VOTE:

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

NAYS: None

Ordinance passed unanimously. 8-0

Madame Chair Eosco stated that second passage of this Ordinance would be on April 6, 2016 at 6:01PM.

7) Ordinance: Chapter 6. Cemeteries and Parks, Article 4. Park Areas – Prohibitions, Sec. 6-28. Park Areas – Prohibited Activities (first passage)

Madame Chair Eosco 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 6. CEMETERIES AND PARKS

Article 4. Park Areas - Prohibitions

Sec. 6-28. Park Areas - Prohibited Activities

Amend J, Alcoholic Beverages, as follows:

J. Alcoholic Beverages. Alcoholic beverages shall be prohibited from all park areas and it shall be a violation of this Section to carry onto such areas or consume on such areas any such alcoholic beverage. Scheduled events as may be permitted by the City at the Library Park and/or Waterfront Park may allow the sale and consumption of alcoholic beverages in connection with that event. Such sale and consumption shall be in accordance with applicable State Liquor Laws and Regulations and Section 10-508(M)(3) of the City's Mass Gathering Ordinance. Under circumstances where alcohol is proposed for an event in either park, then the permitting process for the event shall include an application for a Mass Gathering Permit, regardless of the number of expected participants.

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

City Solicitor Roger Therriault explained this amendment does allow the sale of alcoholic beverages to guests at that particular function as long as there is a Mass Gathering permit approved by the City for such an event. He stated that the first sentence is there for the purpose of not allowing random consumption of alcohol in the park areas.

ROLL CALL VOTE:

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

NAYS: None

Ordinance passed unanimously. 8-0

Madame Chair Eosco stated that second passage of this Ordinance would be on April 6, 2016 at 6:02PM.

G. Petitions & Communications 6:51PM

There were no petitions or communications.

H. City Manager's Report 6:51PM

City Manager Giroux reported there would be a Workshop regarding the River Walk Project on Wednesday, March 23rd at 6PM in the Second Floor Conference Room.

Fire Chief Lawrence Renaud reported on a recent EMS Response Time Survey done by TV Channel WGME. He stated that the average Bath EMS response time was 3:56 minutes which rated them in the top 3 just below Bath Iron Works and Beech Ridge Motor Speedway.

I. Committee Reports 6:56 PM

Councilor Wyman reported that the Tsugaru Committee is sponsoring a Japanese Culture Day on March 12th. He stated there would be various events located throughout the City of Bath and these events could be found on the City's and Committee's web sites.

Councilor Omo reported that the River Herring Committee accepted the Harvesting Bid from Greg Gilman to do the harvesting this year. He encouraged the public to check out the fish-way at the Winnegance Bridge.

Councilor Nordmann reported that the Bike and Pedestrian Committee is working on a Sidewalk Assessment Report due to be finished within the next couple of months.

Councilor Page reported that he was working with Councilor Mitchell and the SCLC to get a student representative for the Recreation Commission soon.

G. Unfinished Business 7:00 PM

There was no unfinished business taken up at this time.

H. New Business 7:00 PM

There was no new business taken up at this time.

L. Councilor Announcements 7:00 PM

Councilor Paulhus reported that the Back Pack Program will be expanding to the Bath Middle School soon. He stated that at the present time this program is helping 85 area elementary students. Councilor Paulhus gave an overview of the Good Shepard Food Bank numbers of the area food insecure population as 1531 people and that 859 are now receiving help.

Councilor Paulhus updated the Council on the status of the State of Maine Statues in Washington DC. He reported that there was a bill to replace the Hannibal Hamlin statue with a statue of former U.S. Senator Margaret J. Smith and keep the Governor King statue as is.

Councilor Bauer commended Forestry Committee Chair Elizabeth Haskell for the incredible and informative Forestry Committee newsletter and the wonderful work the Forestry Committee is doing for the City. She also asked the City Manager to speak regarding the new "Wanderer Program".

The City Manager asked the Police Chief to explain the program. Chief Field stated that the Sagadahoc Communications Center put the program together and forms are available at the Police Department. He explained that if there is a family member that maybe suffering from dementia or Alzheimer's and might wander, the family would fill out the application with pertinent information related to that person which helps the Communications Center, law enforcement, fire personnel and EMS get a head start in helping the people that have wandered off.

Councilor Nordmann reported on an event he had attended as a veteran that commemorated the 4 Army Chaplains that died when they gave their life jackets to others on the SS Dorchester when she sank in 1943. He stated the event was sponsored by the Bath American Legion and thanked Madame Chair Eosco for her touching remarks at the event.

Madame Chair Eosco reported on the very impressive tour she took of the Vocational Center at Morse High School. She stated that the students are getting a top notch education in welding, carpentry, automotives and culinary arts and encouraged others to learn more about the program. She also reminded everyone of the “So You Think You Know Bath” program taking place on March 18th at the Maine Maritime Museum.

Councilor Omo made a motion at 7:10 PM to go into Executive Session to discuss Labor Negotiations per 1 MRSA §405(6)(D) and a Personnel Matter per 1 MRSA §405(6)(A). Councilor Mitchell seconded the motion. All were in favor of the motion.

Councilor Omo made a motion at 8:05PM to come out of Executive Session. Councilor Mitchell seconded the motion. All were in favor of the motion.

The meeting adjourned at 8:05PM with a motion by Councilor Mitchell, seconded by Councilor Brackett. 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.