

**REGULAR MEETING MINUTES**  
**CITY COUNCIL OF THE CITY OF BATH, MAINE**  
**October 5, 2016**  
**City Council Chambers, Bath City Hall**

Present: Councilors Brackett, Page, Paulhus, Nordmann, Bauer, Mitchell, Omo and Madame Chair Eosco  
Excused Absence: Councilor Wyman

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 by Anita Ruff regarding Oasis Free Clinics.***  
*Handout on file with Agenda Materials in the City Clerk's Office.*

**C. Consent Agenda 6:09 PM**

**\*1) Minutes of the previous Council Meeting of September 7, 2016. (motion to Accept as Presented)**

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

**D. Time Devoted to Residents to Address the City Council 6:10 PM**

Charles Williams of 27 Tower Circle, City of Bath Trolley Driver, spoke regarding his concerns with the safety hazard at the stop sign at the corner of Front and Centre Streets in front of Bath City Hall. He stated that drivers going north on Front Street were not stopping for traffic coming up the hill on Centre Street. It was suggested that the Parking Committee be transformed into a Parking and Transportation Committee consisting of a couple of Councilors and City Staff that would look into traffic and parking issues in the City.

Wayne Fortier of 52 Richardson Street and John Daniel Dunne of 54 Richardson Street spoke to Council regarding their continued concerns for the safety of their families and neighbors due to the amount of traffic and speed of the vehicles using Richardson Street and asked Council to be more proactive then reactive to the issue.

**E. Orders, Resolutions and Ordinances 6:26 PM**

**2) Order – RSU #1 Sales Agreement Option**

Madame Chair Eosco read the following Order:

**ORDER**  
**APPROVING OPTION AGREEMENT**

WHEREAS, Regional School Unit No. 1: Lower Kennebec Region School Unit (“RSU 1”) is proposing to build a new High School for the School Unit; and

WHEREAS, the Wing Farm Development Phase II has been identified as a site where the construction and development of a new High School would be appropriate; and

WHEREAS, the RSU 1 has applied for site approval from the Maine State Board of Education in order to secure State educational funding subsidies for the construction and equipping the new High School; and

WHEREAS, the RSU1 is required to acquire right, title and interest in and to the project site.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that an Option Agreement, attached hereto and made a part hereof, providing for an option to purchase the Wing Farm Development Phase II property, be and hereby is approved and further orders that the City Manager of the City of Bath is hereby authorized to execute the Option Agreement on behalf of the City and to execute such other and further documentation as may be needed, appropriate, necessary or convenient to the execution and implementation of the option.

Councilor Bauer made a motion to put the Order on the floor for discussion. Councilor Brackett seconded the motion.

City Manager William Giroux explained the process that had taken place to come to this option agreement and said the minor changes would be explained by the City Solicitor.

City Solicitor Roger Therriault explained a couple of changes to the Option Agreement. He said the RSU #1 is very interested in access to Congress Ave from the Wing Farm development via Anchor Road. This is a part of the Condition of Approval for Phase 2 and would be taken up at a later date. He stated that there would also be a small change in acreage from 26.04 to 26.2 acres.

**VOTE on Order:**

**YEAS: 7**

**NAYS: 0**

**Passed unanimously. 7-0**

**3) Order – Approving Authorization BIW TIF District Budget (FY 2017)**

Madame Chair Eosco read the following Order:

**ORDER  
APPROVING AUTHORIZATION  
BIW TAX INCREMENT FINANCING DISTRICT BUDGET (FY 2017)**

Be It Hereby Ordered By the City Council of the City of Bath that one million seventy-two thousand two hundred eighty-three and 00/100 (\$1,072,283) be and hereby is authorized to be spent from the Tax Increment Financing District Development Program Fund Project Costs Accounts from the fiscal year commencing July 1, 2016 and terminating on June 30, 2017 for the following purposes:

**TIF REVENUE**

INCREMENT	<u>\$1,218,715</u>
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<b>TOTAL REVENUE</b>	<b><u>\$1,218,715</u></b>
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**EXPENSES**

DEBT SERVICE	\$632,883
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CONTRIBUTION TO BATH LOCAL DEVELOPMENT CORPORATION	\$123,000
CONTRIBUTION TO MAIN STREET BATH	\$29,500
ECONOMIC DEVELOPMENT PROJECTS ACCOUNT	\$274,500
TRAIN STATION/TROLLEY FUNDING-TRANSFER	<u>\$12,400</u>

**TOTAL** **\$1,072,283**

**SURPLUS** **\$146,432**

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

City Manager William Giroux explained how funds are used .

**VOTE on Order:**

**YEAS: 7**

**NAYS: 0**

**Passed unanimously. 7-0**

#### **4) Order – Approving Authorization Wing Farm TIF District Budget (FY 2017)**

Madame Chair Eosco read the following Order:

### **ORDER APPROVING AUTHORIZATION WING FARM TAX INCREMENT FINANCING DISTRICT BUDGET (FY 2017)**

Be It Hereby Ordered By the City Council of the City of Bath that four hundred eighty – three thousand one hundred ninety - nine and 00/100 (\$483,199) be and hereby is authorized to be spent from the Tax Increment Financing District Development Program Fund Project Costs Accounts from the fiscal year commencing July 1, 2016 and terminating on June 30, 2017 for the following purposes:

#### **REVENUE**

INCREMENT	<u>\$720,988</u>
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<b>TOTAL REVENUE</b>	<b><u>\$720,988</u></b>
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#### **EXPENSES**

DEBT SERVICE PAYMENT	\$217,009
RIVERWALK DEBT PAYMENT	\$120,000
BIW TRAFFIC STUDY	\$25,000
PUBLIC WORKS ALLOC	\$85,190
ECONOMIC DEVELOPMENT	
SALARIES	<u>\$36,000</u>

<b>TOTAL EXPENSES</b>	<b><u>\$483,199</u></b>
<b>SURPLUS</b>	<b><u>\$237,789</u></b>

Councilor Omo made a motion to put the Order on the floor for discussion. Councilor Bauer seconded the motion.

City Manager Giroux explained that Richardson Street and Western Avenue would be included in the BIW traffic study.

Mr. Dunne of Richardson Street asked if this was needed as studies had been done before.

Mr. Giroux explained the other studies done were speed studies, not traffic studies.

Mr. Fortier of Richardson Street spoke regarding the previous traffic study.

**VOTE on Order:**

**YEAS: 7**

**NAYS: 0**

**Passed unanimously. 7-0**

**5) Order – Approving Authorization Downtown TIF District Budget (FY 2017)**

Madame Chair Eosco read the following Order:

**ORDER  
APPROVING AUTHORIZATION  
DOWNTOWN TAX INCREMENT FINANCING DISTRICT BUDGET (FY 2017)**

Be It Hereby Ordered By the City Council of the City of Bath that one hundred five thousand four hundred eighty-eight dollars and 00/100 (\$105,488) be and hereby is authorized to be spent from the Tax Increment Financing District Development Program Fund Project Costs Accounts from the fiscal year commencing July 1, 2016 and terminating on June 30, 2017 for the following purposes:

<b>REVENUE</b>	
INCREMENT	<u>\$176,710</u>
<b>TOTAL REVENUE</b>	<b><u>\$176,710</u></b>
<b>EXPENSES</b>	
DEBT SERVICE PAYMENT	<u>\$105,488</u>
<b>TOTAL EXPENSES</b>	<b><u>\$105,488</u></b>
<b>SURPLUS</b>	<b><u>\$71,222</u></b>

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

City Manager William Giroux explained the use of funds.

**VOTE on Order:**

**YEAS: 7**

**NAYS: 0**

**Passed unanimously. 7-0**

**6) Order - Prepare Election Warrant to notify inhabitants of the City of Bath of a State Referendum Election to be held on Tuesday, November 8, 2016 (motion to pass Order)**

Madame Chair Eosco read the following Order:

**ORDER**

In City Council  
October 5, 2016

**BE IT HEREBY ORDERED BY THE CITY COUNCIL, AS FOLLOWS:**

That, the Notice of State of Maine Referendum Election be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the Referendum Election will be held at Bath Middle School, 6 Old Brunswick Road, on Tuesday, November 8, 2016 for the purpose of determining the following questions:

**Federal and State Offices to Be Voted On:**

President and Vice President  
Representative to Congress, District 1  
State Senator, District 23  
State Representative, District 52

**County Offices**

Judge of Probate  
Registrar of Probate  
County Sheriff

**Questions To Be Voted On:**

CITIZEN INITIATIVE - QUESTION 1: Legalize Marijuana  
CITIZEN INITIATIVE - QUESTION 2: Funding for K-12 Education  
CITIZEN INITIATIVE - QUESTION 3: Require Background Checks on Gun Sales  
CITIZEN INITIATIVE - QUESTION 4: Raise Minimum Wage  
CITIZEN INITIATIVE - QUESTION 5: Allow Ranked-choice Voting  
BOND ISSUE - QUESTION 6: Transportation Bond

A person may register to vote and/or enroll in a political party on or before election day. Pursuant to Title 21-A, Section 759(7), absentee ballots will be processed on November 7, 2016 at City Hall Auditorium beginning at 9:00 AM until finished. Any and all remaining absentees received on election day, November 8, 2016, will be processed at 8:00 PM at the Bath Middle School, 6 Old Brunswick Road.

The polls shall be opened at 8:00am and closed at 8:00pm.

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

**VOTE on Order:**

**YEAS: 7**

**NAYS: 0**

**Passed unanimously. 7-0**

**7) Order - Prepare Election Warrant to notify inhabitants of the City of Bath of a Municipal Election to be held on Tuesday, November 8, 2016 to vote for the following: One Councilor for a 3-year term from each: Ward 5, Ward 7 and At Large and 1 Bond Ordinance Question. (motion to pass Order)**

Madame Chair Eosco read the following Order:

## **ORDER**

In City Council  
October 5, 2016

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT:

Warrants be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the Municipal Candidate/Referendum Election (Wards 1-7) will be held at Bath Middle School, 6 Old Brunswick Road, on the Tuesday following the first Monday of November, the same being the 8<sup>th</sup> day of said month, in the year of our Lord Two Thousand Sixteen, at 8 O'clock in the forenoon, then and there, to cast their votes at the Municipal Election in their respective Wards for:

### **City Councilors to be Elected:**

Ward Five One to be Elected for a three year term

Ward Seven One to be Elected for a three year term

Ward At Large One to be Elected for a three year term

### **Referendum Bond Ordinance – Question One**

“Shall a Bond Ordinance be Enacted Authorizing General Obligation Bonds in the Amount of \$3,800,000 to Finance the Construction and Equipping of a new Cell at the Bath Landfill, together with other Related and Ancillary Improvements, including but not limited to Expansion of the Landfill Gas Mitigation System?”

and, be it further ordered, that said polls are to be kept open until eight o'clock in the afternoon of said day and then be closed.

Councilor Nordmann made a motion to put the Order on the floor for discussion. Councilor Omo seconded the motion.

**VOTE on Order:**

**YEAS: 7**

**NAYS: 0**

**Passed unanimously. 7-0**

**8) Order - Prepare Election Warrant to notify inhabitants of City of Bath of the RSU #1 Election to be held on Tuesday, November 8, 2016 for the following: one (1) Unrestricted Residence Position –One to be Elected to position for a 3-year term. (motion to pass Order)**

Madame Chair Eosco read the following Order:

**ORDER**

In City Council  
October 5, 2016

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT:

Warrants be prepared and issued to notify and summons the inhabitants of the City of Bath RSU #1 School District qualified to vote, said Election will be held at Bath Middle School, 6 Old Brunswick Road, on the Tuesday following the first Monday of November, the same being the 8<sup>th</sup> day of said month, in the year of our Lord Two Thousand Sixteen, at 8 O'clock in the forenoon, then and there, to cast their votes for:

**BOARD OF DIRECTORS FOR RSU #1 TO BE ELECTED:**

**One (1) Unrestricted Residence Position –  
One to be Elected to the position for a three year term**

and, be it further ordered, that said polls are to be kept open until eight o'clock in the afternoon of said day and then be closed.

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

**VOTE on Order:**

**YEAS: 7**

**NAYS: 0**

**Passed unanimously. 7-0**

**9) Order - Setting hourly schedule of the Office of Voting Registrar (motion to pass Order)**

Madame Chair Eosco read the following Order:

**ORDER**

Be It Ordered by the City Council of the City of Bath, that the hourly schedule for the office of the Registrar of Voters shall be from 8:30am to 4:30pm Monday through Friday prior to the State of Maine General/Referendum Election and City of Bath Municipal Candidate/Referendum Election to be held Tuesday, November 8, 2016 except for Monday, October 24, 2016 from 5:00pm to 7:00pm at the City Clerk's Office, 55 Front Street.

Voters may register on the Day of the Election from 8:00AM to 8:00PM at the polls at the Bath Middle School, 6 Old Brunswick Road.

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

**VOTE on Order:**

**YEAS: 7**

**NAYS: 0**

**Passed unanimously. 7-0**

**F. Petitions & Communications 6:56 PM**

There were no petitions or communications.

**G. City Manager's Report 6:57 PM**

- Reported on the upcoming Fall Cleanup Week and Curbside Leaf Collection dates.

**H. Committee Reports 6:58 PM**

Councilor Mitchell reported that the Student Council Liaison Committee at Morse HS elected their officers for the year and were off to an exceptional start.

Councilor Page reported for the Recreation Commission and gave an update on the improvements to the Southend Park. Charles Williams of 27 Tower Circle stated the dog park was the best thing to happen in Bath in a long time.

Madame Chair Eosco reported the Bath Housing Authority has great programming happening with great staff people which is making the BHA a star in the State of Maine for housing authorities. She stated she was a chaperon for first graders visiting the local community garden which is sponsored by KELT. Madame Chair stated the garden was fantastic and run by volunteers and some of the produce is going to Bath Housing Authority residents that wouldn't otherwise get the fresh vegetables.

**I. Unfinished Business 7:03 PM**

There was no unfinished business.

**J. New Business 7:03 PM**

**10) Appointment 1 member to the Bicycle and Pedestrian Committee for a term to end May 2019.**

On behalf of the Appointments Committee, Councilor Mitchell nominated Tim Blair to this position. All were in favor of the nomination.

**11) Appointment 1 member to the Bath Planning Board to finish out a term ending September 2017.**

On behalf of the Appointments Committee, Councilor Mitchell nominated Gregory Johnson to this position. All were in favor of the nomination.

**K. Councilor Announcements 7:06 PM**

Councilor Omo gave an update on the property where the house on Middle Street was recently demolished.



Councilor Paulhus reported on the Councilors' visit to the Huse School development project site earlier in the day. He stated that the construction was very impressive and hopefully will be completed by July 2017.

Councilor Page reported that Main Street Bath would be sponsoring Autumn Fest on Saturday, October 8<sup>th</sup> with many wonderful activities. He also asked that if anyone could help at the polls please contact Mary White in the Clerk's Office as help was needed.

Councilor Eosco reported that Citizen Involvement Day would be held in the Waterfront Park on Saturday, October 8<sup>th</sup>.

Councilor Omo made a motion at 7:14 PM to go into Executive Session to discuss Real Estate Matters per 1 MRSA §405(6)(C) (Old YMCA Property). Councilor Mitchell seconded the motion. All were in favor of the motion.

Councilor Paulhus made a motion at 7:35 PM to come out of Executive Session. Councilor Omo seconded the motion. All were in favor of the motion.

The meeting adjourned at 7:36 PM with a motion by Councilor Bauer, seconded by Councilor Omo. 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.*