

**CITY OF BATH, MAINE**  
**ORGANIZATION OF CITY COUNCIL**

**Wednesday, December 6, 2017 6:00pm**  
**City Council Chambers, Bath City Hall**

- I. Meeting called to Order by City Clerk White.
- II. Interim City Manager Owen gives introduction of Council and the City Solicitor Therriault administers oath of office to Councilors Elect.

Councilor Ward 1	Phyllis Bailey
Councilor Ward 6	Susan Bauer
Councilor At-Large	Julie Ambrosino

**OATH OF OFFICE:** *“Do you solemnly swear that you will support the Constitution and obey the laws of the United States and the State of Maine; that you will in all respects observe the provisions of the Charter and Ordinances of the City of Bath, and that you will faithfully discharge the duties of the office of Councilor of the City of Bath for the term of your election, and until your successor is duly elected and qualified?”*

- III. Nominations in order for the Election of the Chairman of the City Council to serve to the first Wednesday in December 2018, pursuant to the City Charter, Re: Section 212. (5 votes necessary for choice)

Councilor \_\_\_\_\_ declared duly elected as Chairman of the City Council for term set forth above.

- IV. Chairman then asks for nominations for the Election of the Vice-Chairman of the City Council to serve to the first Wednesday in December 2018, pursuant to the City Charter, Re: Section 212. (5 votes necessary for choice)

Councilor \_\_\_\_\_ declared duly elected as Vice Chairman of the City Council for term set forth above.

Chairman recognizes Pastor Charles J. Eanes of Bath Foursquare Gospel Church to offer the Invocation.



# AGENDA CITY COUNCIL OF THE CITY OF BATH, MAINE

Regular Meeting  
Wednesday, December 6, 2017 6:00 PM  
City Council Chambers, Bath City Hall

*We encourage your comments and views, and appreciate your participation in your local government.*

## A. Pledge of Allegiance

## B. Roll Call

## C. Consent Agenda

*(Items as marked with an asterisk (\*) on the agenda shall be considered routine matters not requiring debate. In the case of items marked with an asterisk, the motion as stated in parenthesis following the items on the agenda shall be considered to have been passed by the City Council as part of the Consent Agenda. Any Councilor wishing to have any item so marked with an asterisk removed from the Consent Agenda shall have the unlimited right to do so at any time prior to the vote by Council on the Consent Agenda. If such an item is removed from the Consent Agenda, it shall be dealt with in the normal course of the meeting.)*

\*1) Minutes of Previous Meeting - November 8, 2017 and Items E2, E3, E4, E5, E6 and E7. (motion to accept)

## D. Time Devoted to Residents to Address The City Council

## E. Resolutions, Orders and Ordinances

- \*2) Order - Setting meetings of the City Council (motion to pass Order)
- \*3) Order - Adopting Robert's Rules of Order for parliamentary procedure (motion to pass Order)
- \*4) Adoption Working Rules and Regulations for Council (motion to pass)
- \*5) Order - Council approval on annual Blanket Letter of Approval on all renewals to operate Games of Chance and/or Beano Games (private clubs, etc.) (motion to grant approval)
- \*6) Order - Appointing Wardens and Ward Clerks for Municipal Elections (annual appointment)
- \*7) Order - Appointing Alternate Wardens and Ward Clerks for Municipal Elections (annual appointment)
- 8) Discussion Land Use Code Amendment, Special School District
- 9) Ordinance - Chapter 17. Vehicles and Traffic, Article 5. Operations, Section 17-219 Commercial vehicles in excess of two axles. Add: Richardson Street and Western Avenue. (first passage)
- 10) Ordinance - Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259. Parking Restrictions, No Parking, south side of Pearl Street from Washington Street to Willow Street. (first passage)
- 11) Ordinance - Fire Captains' Contract. (first passage)
- 12) Ordinance - Firefighters' Contract. (first passage)

## F. Petitions & Communications

## H. City Manager's Report

## I. Committee Reports

**J. Unfinished Business**

**K. New Business**

13) Election of a Council Representative to attend the Bath Water District Board of Directors' meetings until December 2018.

14) Appointment of a member to the Bath Zoning Board of Appeals with a term to finish out a term ending September 2019.

**L. Councilor Announcements**

**EXECUTIVE SESSION:**

Discuss Labor Matter-Union Negotiations Matter per 1 MRSA §405(6)(D), a Personnel Matter per 1 MRSA §405(6)(A) and a Legal Matter per 1 MRSA §405(6)(F).

**ADJOURN**

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E\*Z

## **ORDER**

*Be It Ordered by the City Council, as follows:*

That, in accordance with Section 214 of Chapter 2 of the Charter of the City of Bath, the City Council will conduct its regular meetings in the Council Room, Third Floor at City Hall, on the first Wednesday of each month at 6:00 o'clock PM and a Special Meeting/Workshop on the third Wednesday of each month at 6:00 PM in Council Chambers, as needed.



**ORDER**

*Be It Ordered by the City Council, as follows:*

That, the Rules of Parliamentary Practice comprised in Robert's Rules of Order, Newly Revised, shall govern the City Council in all cases to which they are applicable, and in which they are not inconsistent with the City Charter, and any Orders or Resolutions passed or adopted by the City Council to govern certain procedures or policies, or as may be amended by this Council.





**CITY COUNCIL FOR THE CITY OF BATH, MAINE**  
**WORKING RULES AND REGULATIONS FOR COUNCIL**

**PUBLIC TO ADDRESS COUNCIL**

At the beginning of each regular monthly meeting, there will be time devoted to any resident, taxpayer, or, in the case of an organization, an authorized representative of a resident or taxpayer, of the City of Bath to address the Council regarding any item that is not on the agenda for that meeting.

As each item on the agenda for any meeting is brought to the floor for discussion, the sponsor of each item or, if there is no Council sponsor, the City Manager, shall first be allowed to present their initial comments for consideration by the public and other Councilors. Following this introduction of the issue, there will be time devoted to any questions of the sponsor or the City Manager regarding the agenda item which any Councilor may have which would help to clarify the question presented by the agenda item. The Chair shall allow questions only during this time, and no debate or discussion of collateral issues shall be permitted. Once the agenda item has been explained by its sponsor or the City Manager and clarified by any questioning as provided above, there will be time devoted for any resident, taxpayer or authorized representative of an organization, resident or taxpayer of the City of Bath to address the Council regarding this particular agenda item.

After listening to any input from the public present, the Chairman will close public comment on the issue and then provide for any debate of the issue among Councilors. The Chairman may, if the topic warrants, allow a second period of public comment no longer than two minutes per person, prior to final Council vote. Second comments by the public must be to furnish new or undisclosed information or viewpoints. The Chairman will then close public debate, provide for a second period of Council debate followed by Council vote, and then proceed to further action.

Any individual wishing to address the council, after being recognized by the Chairman, will move to the lectern to speak and give his or her name and address before beginning remarks.

If, during time of public comment, a person seeks merely to reinforce a point made by another speaker, his or her remarks should simply note concurrence with the specific point.

Any comment by the public shall be limited to the expression of opinions or concerns regarding the agenda item or direct questions pertaining to any factual question presented by the agenda item. All such questions shall be directed through the Chair. In no instance shall debate of an agenda item be allowed between members of the public and the Council. No public comment shall be allowed which has the effect of embarrassing or attacking the character of any individual or Councilor, and this rule shall be liberally construed and strictly enforced.

All individuals addressing the Council shall limit their remarks to five (5) minutes or less. No individual shall be permitted to address the Council more than twice on any agenda item.

#### WORKSHOP SESSIONS

Workshop sessions may be scheduled by the Chairman or City Manager, for the purpose of disseminating information for Council enlightenment and evaluation or for the discussion or refinement of future agenda items.

Members of the public are invited to attend any workshop session but will not be allowed to participate in the workshop. Prior to adjourning any workshop session, Council will provide time for members of the public to address the session to provide information relevant to the subject being explored or to ask questions, through the Chair, relating to the subject of the workshop session.

#### ABSENCE OF CHAIRMAN

A Vice Chairman shall be elected on the first Wednesday in December pursuant to the City Charter. The Vice Chairman shall carry out the duties of the Chairman in the absence of the Chairman.

In a situation where the Chairman and the Vice Chairman of the City Council are absent, the Council shall appoint by affirmative majority vote of its members present, a temporary Chairman of the Council to serve until such time as the Chairman or Vice Chairman returns to the Chair. The temporary Chairman is to have and exercise any and all powers conferred upon the permanent Chairman of the said City Council by Charter or otherwise.

#### EXECUTIVE SESSIONS

All motions for Executive Sessions shall state the nature of matters to be dealt with. No topic other than that referred to in the Motion shall be discussed during executive session. All matters discussed during executive session shall be held in strictest confidence by Councilors and shall not be discussed with or divulged to any person other than a fellow Councilor or persons in attendance at the executive session. Any violation of this confidentiality requirement shall be deemed to be malfeasance of office and shall subject the offending Councilor to sanction by the Council as set forth in Section 213 of the City Charter.

#### AGENDA ITEMS

All agenda items shall be, under normal circumstances, submitted to the City Clerk's Office 6 days prior to any regular or special meeting. In the event that a matter shall arise which was not submitted to the Clerk's Office within the proper time frame, then that item, in proper form to be submitted to the City Council, shall be presented to the Council Chairman and City Manager as soon as possible. The Council Chairman may present the matter to be considered by the Council, with a majority vote of Councilors present required for it to be included on the agenda.

## CONSENT AGENDA

On any agenda for the City Council for the City of Bath, one item may be the Consent Agenda and may consist of-

- a. Minutes of the City Council meetings.
- b. Such items as may be marked with an asterisk (\*) on the agenda for the meeting, which in the opinion of the City Council Chairman shall be considered routine matters not requiring debate.

Any Councilor wishing to have any item so marked removed from the Consent Agenda shall have the unlimited right to do so at any time prior to the vote by Council on the Consent Agenda. If such an item is removed from the Consent Agenda, it shall be considered within the normal course of the meeting.

In the case of items included, the motion to approve shall be considered to have been passed by the City Council as part of its vote to approve the Consent Agenda.

## COUNCILOR COMMENTS - 5 MINUTE RULE

No individual Councilor shall speak for more than 5 minutes on any one motion before the Council. For the purpose of this rule, Councilors shall be allowed to speak for 5 minutes on any amendments proposed, as well as to the original motion. No individual Councilor shall speak more than twice on any given motion or amendment. These rules may be waived by a majority-vote of the Councilors present and such motion may be made by the Councilor wishing the additional time. Councilors are encouraged to explain the rationale for their vote during their comments. No comments shall be allowed which have the effect of embarrassing or attacking the character of any fellow Councilor or member of the public, and this rule shall be liberally construed and strictly enforced.

## MEETING LENGTH

All Council meetings, workshops or executive sessions shall, except in extraordinary circumstances, adjourn at or before 9:00 P.M.

## WAIVER

Any of these rules may be waived for any meeting, or portion thereof, by a majority vote of Councilors present.

## TABLING MOTIONS

Although tabling motions under Robert's Rules of Order are not designated as motions which are debatable this Council shall allow debate on a tabling motion. Any such debate, however, will be limited to the reasons for the tabling motions and shall not be a continuation of the merits of the motion or any amendments that may be offered to the motion.



**MEMORANDUM**

TO: Honorable Chairman and Councilors

FROM: Mary J. White, City Clerk

DATED: December 1, 2017

SUBJ: Council's Action on Annual Blanket Letter of Approval on Renewals to operate Games of Chance and/or Beano Games

As the "Blanket Letter of Approval" on all renewals to operate Games of Chance and/or Beano Games in accordance with the provisions of R.S. 1964, T. 17, Chapter 14, Sec. 330-346, has expired, a new approval is necessary to be sent to the Chief of the Maine State Police on the following organizations:

American Legion, Smith Tobey Post #21  
Bath Area Senior Citizens  
Bath Lodge of Elks  
Columbian Club, Inc.  
Veteran's of Foreign Wars (VFW)  
Veteran's of Foreign Wars (VFW) Auxiliary #7738

The new letter of approval will be in force until December 31, 2018.



**ORDER**

*Be It Ordered by the City Council of the City of Bath,*

That, the City Clerk be authorized to send a "Blanket Letter of Approval" on all renewals to operate Games of Chance and/or Beano Games in accordance with the provisions of the State.

For the following:

- American Legion, Smith Tobey Post #21
- Bath Area Senior Citizens
- Bath Lodge of Elks
- Columbian Club, Inc.
- Veteran's of Foreign Wars (VFW)
- Veteran's of Foreign Wars (VFW) Auxiliary #7738





\*E6

## ORDER

Be It Ordered by the City Council of the City of Bath, that the following Wardens and Ward Clerks be appointed for all Municipal Elections:

<b>Ward</b>	<b>Warden</b>	<b>Ward Clerk</b>	<b>Term Expiration</b>
1	Barry Compton	Caitlin Gabelmann	December 2020
6	Timothy Richter	Samuel Trott	December 2020



**ORDER**

Be It Ordered by the City Council of the City of Bath, that the following list of alternate Wardens and Ward Clerks be appointed for a one year term for all Municipal Elections:

Bryant	Sherry	40 Weeks Street
Buotte	Catherine	34 Park Street
Edgett	William	2 Edgett Street
Fraser	Joan	357 High Street
Gaudreau	Mary	3 Barque Road
Jones	Ethan	47 Carriage House Lane
Mason	Michael	1111 Washington Street
Matthews	Donna	28 Court Street
McDonald	Bonnie	330 Washington Street
Neihouse	Sandra	24 Oak Grove Avenue
Pope	Geoffrey	11 Oliver Street
Robitaille	Linda	26 York Street
Smith	Joan	1419 Washington Street
Zelinka	Cynthia	714 Middle Street



# City of Bath

55 Front Street  
Bath, Maine 04530

Dept: 207/443-8363  
Fax: 207/443-8389



**Planning &  
Development**

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## MEMORANDUM

**TO:** Mari Eosco, Chair  
City Councilors

**FROM:** Ben Averill, City Planner

**DATE:** November 30, 2017

**RE:** Request for land use code amendment

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### Background

GF Investment, LLC is requesting an amendment to the text of the Land Use Code (LUC) to allow special purpose schools as an allowable use in the Neighborhood Commercial zoning district. Krav Maga Force Maine has been operating in the building owned by GF Investments located at 241 Congress Avenue (Tax Map 25, Lot 105) and requests an amendment to the text of the LUC to allow "special purpose schools" as defined in the Land Use Code as allowable uses in the Neighborhood Commercial Zoning District.

### Council Action

If the Council determines that the land use code amendment has merit the council can refer the land use code amendment to the Planning Board for a public hearing. If the Council determines that the application lacks merit, it will not be referred to the Planning Board and action on the application will cease.



CITY OF BATH  
PLANNING DEPARTMENT  
(207) 443-8363

X5 = \$1375.00

**APPLICATION FOR LAND USE CODE AMENDMENT**

To: The City Council and the Planning Board of Bath, Maine  
Date: 11/21/17  
Name: GF INVESTMENTS LLC Telephone #: 207-754-9311  
Address: 155 CENTER ST. Bldg A. Auburn, ME 04210

ATTN: Kevin Fletcher

This is a request for an amendment of the text of the Land Use Code of the City of Bath, Maine.

Please describe in detail the proposed addition or deletion and refer specifically to the relevant code article, section and paragraph.

Add "Special Purpose Schools" as an  
allowable use in the Neighborhood Commercial  
(NC) zoning District.

Signature:  MANAGER

**Return form to Planning Dept. - City Hall - Bath, Maine**

Within 35 days of receipt of a completed application for a Land Use Code text amendment by the Planning Director, the application will be placed on the agenda of a City Council meeting. The City Council will review the request to determine if it has merit and whether it should be referred to the Planning Board. If the City Council determines by vote that the application has merit, it will be referred to the Planning Board for public hearing. Applications referred to the Planning Board by the City Council will be processed substantially according to Items D through F, following. If the City Council votes that the application lacks merit, it will not be referred to the Planning Board and action on the application will cease.





## Debby Labrecque

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**From:** Kevin Fletcher [kevin@maineccim.com]  
**Sent:** Thursday, November 30, 2017 2:47 PM  
**To:** Debby Labrecque  
**Subject:** Re: Land Use Code Text Amendment

Hi Debby,

He does have my permission to represent my property to request that the code be revised to allow the special purpose school.

I'm perplexed we are having to go through this given the school department operates on the abutting parcel. I am available should you or anyone need me for anything.

**Kevin Fletcher, CCIM**

KW Commercial  
Keller Williams Realty  
50 Sewall Street  
Portland, ME 04101

207-754-9311 Cell  
207-879-9800 Office

President-Maine Commercial Association of Realtors  
Board Member- Maine Association of Realtors  
Committee Member- National Association of Realtors Commercial Committee

On Thu, Nov 30, 2017 at 12:32 PM, Debby Labrecque <[dlabrecque@cityofbath.com](mailto:dlabrecque@cityofbath.com)> wrote:

Kevin,

Can you please send us a letter or email stating that Cub (Graydon) has your permission to represent your property in the Neighborhood Commercial Zone. He is sending an application to the City Council to request that the code be revised to allow "Special Purpose Schools" in the NC zone.

*Debby Labrecque*

Codes and Planning Assistant

55 Front Street

Bath, Maine 04530

Phone: (207)443-8363

Fax: (207)443-8337

[dlabrecque@cityofbath.com](mailto:dlabrecque@cityofbath.com)





Map Number: 25

BATH  
 City of Bath, Maine  
 Comprehensive Zoning Ordinance

Revised by: April 1, 2015

Scale: 1" = 100'

North Arrow

Sheet: 25 of 27

Project: Bath Zoning Ordinance

Date: 11/15/14

Drawn by: [Name]

Checked by: [Name]

Approved by: [Name]

Title: [Title]

Scale: 1" = 100'

North Arrow

Sheet: 25 of 27

Project: Bath Zoning Ordinance

Date: 11/15/14

Drawn by: [Name]

Checked by: [Name]

Approved by: [Name]

Title: [Title]



E9



**CITY OF BATH  
POLICE DEPARTMENT**

**MICHAEL W. FIELD**  
CHIEF of POLICE

250 Water Street

Bath, Maine 04530

(207) 443-5563

**Memorandum**

**To:** Members of the City Council

**From:** Michael Field, Chief of Police

**Ref:** Axle Limit Ordinance Change

**Date:** November 28<sup>th</sup>, 2017

One of the requests by residents on Richardson Street and Western Avenue is to limit the large trucks with more than two axles from traveling on those streets. They are high density residential neighborhoods. These streets are also used as short cuts to get to the south end of Bath.

Hence we are coming forward to the Council to consider adding Richardson Street and Western Avenue to the City of Bath Ordinance, Chapter 17, Article 5, Section 17-219: Commercial vehicles in excess of two axles.

If you have any questions, please contact me.



## 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 5. Operations

Section 17-219. Commercial vehicles in excess of two axles.

Add Richardson Street and Western Avenue, to read as follows:

All commercial vehicles having in excess of two (2) axles shall be prohibited from using Front Street from Vine Street to Cedar Street, Windjammer Way, Floral Street, Cottage Street, Elsinore Avenue, Quimby Street, ~~or Granite Street~~, Richardson Street, or Western Avenue, except by permission of the police chief, with the exception of service vehicles servicing said streets.







**CITY OF BATH  
POLICE DEPARTMENT**

E. 10


**MICHAEL W. FIELD**  
CHIEF of POLICE

250 Water Street

Bath, Maine 04530

(207) 443-5563

**Memorandum**

**To:** Members of the City Council  
**From:** Michael Field, Chief of Police   
**Ref:** Pearl Street – No Parking Southside  
**Date:** November 29<sup>th</sup>, 2017

Several months ago a resident of Pearl Street requested the Transportation Committee review the elimination of parking on Pearl Street on the south side from Washington Street to Willow Street. Currently there are no restrictions on Pearl Street. The City recently finished a major construction project where the north side has new curbing and a sidewalk which is more adaptive for on street parking. If two vehicles park on each side, parallel to each other, it would restrict movement on the street, especially a Fire truck for example.

On Monday, November 27<sup>th</sup>, we held a neighborhood meeting on Pearl St. to discuss the change. Three residents along with Council Chairperson Eosco, Councilor Comeau, and City staff were present. The consensus was to move forward with this ordinance change.

If you have any questions, please contact me.



**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

Delete the following:

**PEARL STREET**                      No Restrictions

Replace with the following:

**PEARL STREET**                      **South Side:** From Middle Street to Willow Street, no restrictions. From Willow Street to Washington Street, no parking. From Washington Street to Front Street, no restrictions.

**North Side:** From Middle Street to Front Street, no restrictions.



Google Maps Pearl St



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North

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**ORDINANCE  
APPROVING FIREFIGHTERS CAPTAINS 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 FIREFIGHTERS CAPTAINS ASSOCIATION, LOCAL NO. 1611 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, A.F.L. – C.I.O., COMMENCING JANUARY 1, 2018 AND EXTENDING THROUGH JUNE 30, 2019, 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.



E/R

**ORDINANCE  
APPROVING FIREFIGHTERS 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 FIREFIGHTERS ASSOCIATION, LOCAL NO. 1611 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, A.F.L. – C.I.O., COMMENCING JANUARY 1, 2018 AND EXTENDING THROUGH JUNE 30, 2019, 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.

