

REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE
November 8, 2017
City Council Chambers, Bath City Hall

Present: Councilors Page, Paulhus, Nordmann, Wyman, Comeau, Bauer, Park, Omo and Madame Chair

Also in attendance were the City Manager – Interim City Manager Peter Owen, 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 explained the Regular Council Meeting was not held on November 1st due to a power outage so this meeting would be combining the agendas of November 1st and 8th plus adding an extra Executive Session at the end.

C. 1) Ordinance – General Assistance Maximums for 2018 (second passage)

Council Omo made a motion to waive the reading of the Ordinance. Councilor Park seconded the motion. The vote to waive the reading of the Ordinance was unanimous.

GENERAL ASSISTANCE ORDINANCE
2017-2018

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 8A. GENERAL ASSISTANCE

Amend the City's General Assistance Ordinance in accordance with the amended portions attached hereto. Deletion's are shown in red (or crossed out), addition's are shown in blue (or underlined.)

Also delete appendices to the ordinance dealing with maximums allowances and adopt the MMA Model Ordinance GA Appendices (A-D) for the period of Oct. 1, 2017 - September 30, 2018. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

A complete copy of this Ordinance is on file in the City Clerk's Office with the agenda materials for the 11/8/2017 meeting.

Madame Chair opened the public hearing.

Seeing no comments, Madame Chair closed the public hearing.

VOTE on Ordinance:

YEAS: Page, Paulhus, Nordmann, Wyman, Comeau, Bauer, Park, Omo

NAYS: None

Passed unanimously. 8-0

Madame Chair Eosco stated this would become law in 21 days.

2) Ordinance – Chapter 13. Refuse, Article 5 – Single Use Carry-Out Bags, Sections 13-61 through 13-69 (second passage)

Council Omo made a motion to waive the reading of the Ordinance. Councilor Park seconded the motion. The vote to waive the reading of the Ordinance was unanimous.

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 13. REFUSE

Add a new Article 5 entitled “Single Use Carry-Out Bags,” as follows:

Article 5 - Single Use Carry-Out Bags

Section 13-61. Purpose.

It is in the best interest of the citizens and visitors to Bath to protect the environment and natural resources of the City of Bath and the State of Maine by: discouraging the distribution and use of disposable, single- use, carryout paper shopping bags, prohibition of single-use carry out plastic bags and encouraging the use of reusable shopping bags in stores, as defined below. The purpose of this ordinance is to:

- Reduce litter arising from single use bags;
- Reduce taxpayer expenses to clean-up or otherwise manage litter and its impact;
- Reduce the environmental impact of their manufacture, transportation, and disposal;
- Create a citizenry informed about the impact of plastic in the environment; and,

Encourage a culture of sustainability and discourage a culture of disposability

A complete copy of this Ordinance is on file in the City Clerk’s Office with the agenda materials for the 11/8/2017 meeting.

Public Works Director Lee Leiner gave an explanation of the Ordinance and the process and procedures that would happen with this matter. He stated that the hope was to have this Ordinance implemented in April 2018 on Earth Day with an educational push on the Ordinance of the public between now and then.

Madame Chair Eosco opened the public hearing.

Seeing no comments, she closed the public hearing.

VOTE on Ordinance:

YEAS: Omo, Park, Bauer, Comeau, Wyman, Nordmann, Paulhus, Page

NAYS: None

Passed unanimously. 8-0

Madame Chair Eosco stated this would become law in 21 days and go into effect on April 22nd being Earth Day.

3) Ordinance – Chapter 13. Refuse, Article 6 – Consumer Packaging, Sections 13-91 through 13-100 (first passage)

Council Omo made a motion to waive the reading of the Ordinance. Councilor Comeau seconded the motion. The vote to waive the reading of the Ordinance was unanimous.

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 13. REFUSE

Add a new Article 6 entitled “Consumer Packaging,” as follows:

Article 6 - Consumer Packaging

Section 13-91. Purpose.

It is in the best interests of the citizens and visitors to Bath to protect the environment and natural resources of the City of Bath and the State of Maine and the waterbodies within and surrounding the City by prohibiting the use and distribution of polystyrene food service ware and promoting and requiring the use of biodegradable, recyclable, and compostable alternatives. Therefore, the purpose of this Ordinance is to ban the use of polystyrene foam food service ware in order to reduce litter, to minimize the impact on the City’s landfill, reduce the necessity to manage litter and the impact of that litter, and reduce the expense to the taxpayers for cleanup and to reduce the environmental impact of the use of polystyrene foam food service ware.

A complete copy of this Ordinance is on file in the City Clerk’s Office with the agenda materials for the 11/8/2017 meeting.

Public Works Director Lee Leiner explained details of the Ordinance and stated this Ordinance follows the same idea of the previous Ordinance.

Madame Chair Eosco opened the public hearing.

Seeing no comments, she closed the public hearing.

VOTE on Ordinance:

YEAS: Page, Paulhus, Nordmann, Wyman, Comeau, Bauer, Park, Omo

NAYS: None

Passed unanimously. 8-0

Madame Chair Eosco stated this would become law in 21 days and will go into effect on April 22nd, same as the previous Ordinance.

4) Ordinance – Amendment Land Use Code Flood Plain (second passage)

Councilor Omo made a motion to waive the reading of the Ordinance. Councilor Park seconded the motion. The vote to waive the reading of the Ordinance was unanimous.

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH ADOPTED JULY 19, 2000, AND SUBSEQUENTLY AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

ARTICLE 15: FLOODPLAIN MANAGEMENT ORDINANCE

[NEW ARTICLE JULY 16, 2015]

Amend the following Sections by adding the underlined text and omitting the crossed out text, as follows:

SECTION 15.02 PERMIT REQUIRED

Before any construction or other development (as defined in Section 15.0414), including the placement of manufactured homes, begins within any areas of special flood hazard established in Section 15.01, a Flood Hazard Development Permit must be obtained except as provided in Section 15.07. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the City of Bath, Maine.

SECTION 15.05 REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Section 15.09–10 of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Section 15.03, 15.06, and Section 15.08 of this Ordinance.

SECTION 15.06 DEVELOPMENT STANDARDS

- J. **Accessory Structures** - Accessory Structures, as defined in Section 15.14, located within Zones A and ~~AE, AO, AH and A~~, shall be exempt from the elevation criteria required in Section 15.06.F. & G. above, if all other requirements of Section 15.06 and all the following requirements are met. Accessory Structures shall:

~~1. be 500 square feet or less and have a value less than \$3000;~~

21. have unfinished interiors and not be used for human habitation;

23. have hydraulic openings, as specified in Section 15.06.L.2., in at least two different walls of the accessory structure;

34. be located outside the floodway;
45. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
56. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

SECTION 15.105 ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

Director of Planning and Development Andrew Deci explained the details of the changes of this amendment bringing it into alignment with the State Code when it comes to development standards for accessory structures within the Flood Plain and modifying a couple of different section references.

VOTE on Ordinance:

YEAS: Omo, Park, Bauer, Comeau, Wyman, Nordmann, Paulhus, Page

NAYS: None

Passed unanimously. 8-0

Madame Chair Eosco stated this would become law in 21 days.

D. Consent Agenda 6:14 PM

***5) Minutes of the previous meeting of October 4, 2017. (motion to Accept as Presented)**

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

D. Time Devoted to Residents to Address the City Council 6:15 PM

John Morse of Phippsburg spoke regarding concerns on downtown parking issues. He explained that during this important time of the Holiday Season, the downtown merchants need the spaces for customers to be able to frequent their establishments but there is a problem with BIW employees violating the Parking Ordinance. Mr. Morse asked that the Police be more proactive by paying more attention to violations concerning the parking in the downtown area. He also stated Council should be looking outside the box in finding a solution to the downtown parking issues.

Daniel Dunn of 54 Richardson Street, Wayne Fortier of 52 Richardson Street and Fred Archer of 66 Western Avenue expressed traffic concerns of speed and type of vehicles using their streets. They made suggestions of using stop signs, speed bumps, limiting the size of vehicle that would be able to use the streets and traffic devices to catch speeders.

F. Orders, Resolutions and Ordinances 6:43 PM

6) Letter of Approval for Game of Chance and/or Beano Games for the American Legion – Smith Tobey Post #21.

FL6

CITY OF BATH, MAINE

City Hall, 55 Front Street
Bath, Maine 04530



CITY CLERK'S OFFICE

Telephone: (207) 443-8332
Facsimile: (207) 443-8337

November 8, 2017

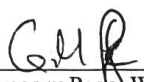
Chief of State Police
Games of Chance Division
State House
Augusta, ME 04330

Dear Sir:

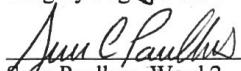
Please be advised that at a Regular Meeting of the Bath City Council held on November 8, 2017, the undersigned Municipal Officers hereby certify that they consent to this Letter of Approval to operate a Game of Chance and/or Beano Games in accordance with the provisions of R.S. 1964, T. 17, Chapter 14, Sections 330-346, as amended, for the following organization:

American Legion – Smith Tobey Post #21 of Bath, Maine

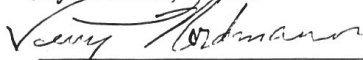
This approval will be in force through December 31, 2017.



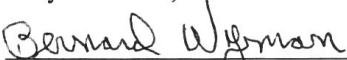
Gregory Page, Ward 1



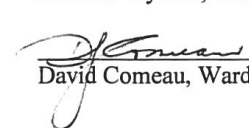
Sean Paulhus, Ward 2



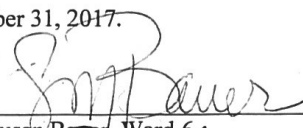
Terry Nordmann, Ward 3



Bernard Wyman, Ward 4



David Comeau, Ward 5



Susan Bates, Ward 6



Aaron Park, Ward 7



Mari H. Eosco, At Large



James Omo, At Large

Attest: 

Mary J. White, City Clerk

Councilor Wyman made a motion to put the Approval on the floor for discussion. Councilor Comeau seconded the motion.

City Clerk White explained this Approval would grant the American Legion the right to hold games of chance through the end of the year and at the December 6th Regular Council meeting the Annual Blanket Letter of Approval for Games of Chance would be discussed for the 2018 year for all organizations that have asked for that approval.

VOTE:

YEAS: 8

NAYS: 0

Passed unanimously. 8-0

7) Order: Authorizing Purchase of New Dump Truck for Public Works Department. (motion to pass Order)

Madame Chair Eosco read the following Order:

AUTHORIZING PURCHASE

WHEREAS, the City of Bath Public Works Department intends to purchase a new dump truck; and

WHEREAS, the City has gone out to bid for this equipment; and

WHEREAS, the City has received and opened a number of bids relative to the equipment purchase; and

WHEREAS, the most qualified bid was provided by Daigle & Houghton for a 2019 Western Star Model # 4700SF at a bid price of \$150,293.00.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the bid price provided by Daigle & Houghton of \$150,293.00 for the purchase of a 2019 Western Star Model # 4700SF, be and hereby is accepted and the City Manager is authorized to execute any and all documentation necessary to finalize the purchase of the equipment. The funds for this purchase are designated in the City's 2017/2018 Fiscal Year Budget in Public Works Capital Fund Replacement Account 05-0520-533.

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

Public Works Director Lee Leiner reported that the Public Works Department would be trading in a 1993 Ford dump truck, the oldest dump truck in their fleet and purchasing a 2019 truck to replace the old one. He stated that they hoped to have the new truck delivered by Spring.

VOTE:

YEAS: 8

NAYS: 0

Passed unanimously. 8-0

8) Acceptance of Election Tabulations for the State of Maine Referendum Election, City of Bath Candidate/Referendum Election and RSU #1 Candidate/Referendum Election held on November 7, 2017.

STATE REFERENDUM ELECTION TOTALS
November 7, 2017

CITIZEN INITIATIVE - QUESTION 1: An act to allow slot machines or a casino in York County	
YES	382
NO	1,943
BLANKS	17
CITIZEN INITIATIVE - QUESTION 2: An act to enhance Affordable Health Care	
YES	1,674
NO	646
BLANKS	22
CITIZEN INITIATIVE - QUESTION 3: An act to authorize a general fund to improve highways, bridges	
YES	1,884
NO	436
BLANKS	22
CITIZEN INITIATIVE - QUESTION 4: An amendment to the Constitution to reduce volatility in State Pension funding	
YES	1,636
NO	601
BLANKS	105

CITY OF BATH ELECTION TOTALS
November 7, 2017

COUNCILOR WARD ONE	TOTAL
Page, Gregory 204 Washington Street	167
Bailey, Phyllis 16 Riverview Road	200
BLANKS	33

COUNCILOR WARD SIX	
Bauer, Susan 22 Dummer Street	203
Ferguson, Al R. 121 Bowery Street	50
BLANKS	44
COUNCILOR AT LARGE	
Ambrosino, Julie 62 Green Street	1,164
Omo, James A. 77 North Street	870
BLANKS	304
<u>BOND ORDINANCE – QUESTION ONE</u>	
“SHALL A BOND ORDINANCE BE ENACTED AUTHORIZING GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$2,800,000.00 TO FINANCE SIDEWALKS AND STREET AND ROAD CONSTRUCTION, RECONSTRUCTION AND PAVING PROJECTS?”	
For the Ordinance:	1,834
Against the Ordinance:	396
BLANKS	108
<u>CHARTER AMENDMENT – QUESTION ONE</u>	
SUMMARY: This proposed Charter amendment brings City elections concerning nomination deadlines for municipal candidates in line with State Law.	
For the Amendment:	1,819
Against the Amendment:	311
BLANKS	208

<u>CHARTER AMENDMENT – QUESTION TWO</u>	
SUMMARY: This proposed Charter amendment allows the City Manager to reside outside the City limits but only with the specific approval of a majority of the City Council.	
For the Amendment:	1,218
Against the Amendment:	966
BLANKS	154

**RSU #1 ELECTION TOTALS
November 7, 2017**

BOARD OF DIRECTORS	Total
Brown, Anita – Arrowsic	1,966
Fuller, Megan – Bath	2,046
Perkins, William – Phippsburg	1,955
Ritch-Smith, Jennifer – Woolwich	1,955
BLANKS	1,317

<u>BOND ORDINANCE – QUESTION ONE</u>	
“Do you favor authorizing the School Board of Regional School Unit No. 1: Lower Kennebec Region School Unit (the “RSU”) to construct and equip a new high school to be located on the site described below (the “Project”) with the total Project cost not to exceed \$75,328,411; to issue bonds or notes in the name of the RSU for school construction project purposes in an amount not to exceed \$74,628,411 (the “Bonds”); and to raise and expend gifts and donations, as described below, to find the balance of Project costs, to reduce the amount of Bonds Issued for the Project, and/or to pay debt service on the Bonds?”	
For the Ordinance:	1,853
Against the Ordinance:	448
BLANKS	24

Total State Votes Cast: 2,342 Total registered voters: 6,817 % of Voter Turnout: 34%

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

City Clerk White thanked all the election workers for doing such an awesome job, with many volunteering to stay and help others after their ballots were finished.

Madame Chair Eosco welcomed the new Councilors Ambrosino and Bailey on their election to Council, congratulated Councilor Bauer on her re-election and thanked Councilors Omo and Page for their dedicated service to the citizens of Bath during their tenure on Council.

VOTE:

YEAS:

NAYS:

Passed unanimously. 8-0

G. Petitions & Communications 6:53 PM

There were no petitions or communications.

H. City Manager's Report 6:53 PM

City Manager reported on the following:

Mr. Owen spoke regarding the recent power outage and the effects it had on the City and plans to address the problems experienced in the future.

I. Committee Reports 6:56 PM

Councilor Paulhus reported on the Transportation Committee Meeting stating they discussed parking issues and had a presentation from the Police Department regarding new equipment which would help with enforcement of these issues. He stated that the issues brought up this evening from residents of Richardson Street and Western Avenue would be addressed at the next Committee meeting.

Councilor Page reported the Recreation Department's Pump Track design for mountain bikes is now open next to the Skatepark. He also gave a history on the newly formed Facilities Committee stating they had been charged with taking an inventory of City buildings, infrastructure and facilities and compiling a proactive plan instead of reactive one with the hope to have a conceptual Master Plan finalized sometime in March.

Councilor Comeau reported the Bicycle and Pedestrian Committee would be holding a Public Hearing on November 15th at City Hall to get public input to improve biking and walking within the City to help the Committee to update the City's Bike-Ped Plan.

Councilor Park reported the Forestry Committee had decided to close the Butler Head Trails due to the amount of damage done to the trees during the recent wind storm making many of the trails impassable.

Councilor Wyman reported the Finance Committee met and went over the budget. He said it is in very good shape and the investments with HM Payson are doing very well.

J. Unfinished Business 7:05 PM

There was no unfinished business.

K. New Business 7:05 PM

9) Appointment of 1 member to the Bath Bicycle and Pedestrian Committee with a term to expire in May 2020.

On behalf of the Appointments Committee, Councilor Wyman nominated Anne Dunham to this position. All were in favor of the nomination.

10) Appointment of 1 member to the Bath Water District Board of Directors with a term to expire in November 2022.

On behalf of the Appointments Committee, Councilor Wyman nominated Kenneth Desmond to this position. All were in favor of the nomination.

L. Councilor Announcements 7:06 PM

Councilor Paulhus thanked Councilors Omo and Page for their service on Council and their friendship. He stated he and his family had participated in the Halloween Event for the Mobile Food Truck and would recommend that everyone participate in this event. Councilor Paulhus stated that he understood the frustration of the citizen of Richardson Street and Western Avenue with the traffic issues and is trying to reassure them that the traffic survey is coming but would like to see some traffic calming things happen until the study is finished. He reported that anyone wanting to see the City's Audit Report can see it on the Web site for the Office of State Auditor.

Councilor Comeau reported on a sewerage backup incident that put six feet of raw sewerage in the home at the end of Newton Road. He stated that it had been caused by the line being plugged by diapers, clothing and many other things that shouldn't have been put down the sewer line. He asked that the citizens pay very close attention to what they are putting in the sewer lines as it does cause a terrible sanitary problem.

Councilor Bauer thanked her constituents for their support at the polls and stated she was looking forward to serving them for another 4 years. She told Councilor Omo and Page that she had appreciated working with them and the silver lining was there was now four women on Council, which is a new record for Council.

Trying to lighten the mood, Councilor Page thanked the City for the gift of a jar of hot balls, his favorite candy.

Councilor Omo thanked all the citizens of Bath and stated he enjoyed doing his civic duty. He encouraged anyone that has thought about running for Council to do so as it is very rewarding and educational and a lot of good comes from serving the public. He thanked his fellow Councilors, City Solicitor, Interim City Manager and City Clerk for all the support they had given him over the years.

Madame Chair Eosco reported that new lights had been installed in the City Hall Bell Tower and there would be a light show at some point. She stated that Garbage to Garden is the composting company the City is utilizing. She said they are pleased with the number of residents signing on as well as commercial accounts with 162,000 pounds of food waste that has been kept out of our landfill this year. She reported on November 9th there would be an "Adapting Our Community" workshop regarding the understanding of the relationship between stormwater infrastructure and nature. She reported that WGME was coming to Bath on December 15th to do a live feed showcasing "Bright Night Bath" open house at the downtown establishment, Christmas caroling, trolley rides and last minute shopping. She reminded everyone that on November 25th Santa would be arriving at the gazebo and then having a jingle walk to City Hall where kids can visit with him. She stated that the Old Fashioned Christmas brochure is now available throughout the City, listing all the events and dates of celebrating Christmas in Bath.

Councilor Page made a motion at 7:30 PM to go into Executive Session to discuss a Labor Matter -Union Negotiations Matter per 1 MRSA §405(6)(D) and a Legal Matter per 1 MRSA §405(6)(F). Councilor Bauer seconded the motion. All were in favor of the motion.

Councilor Page made a motion at 7:54 PM to come out of Executive Session. Councilor Omo seconded the motion. All were in favor of the motion.

The meeting adjourned at 7:55 PM with a motion by Councilor Bauer, seconded by Councilor Park. 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.