

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

Wednesday, January 4, 2017 6:00 PM
City Council Chambers, Bath City Hall

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

Also in attendance were the City Manager – William Giroux, City Solicitor - Roger Therriault and Deputy City Clerk - Pam Gray.

Madame Chair Eosco led the Pledge of Allegiance and Deputy City Clerk Gray called the Roll. Madame Chair Eosco then announced the passing of City Councilor Tink Mitchell and called for a moment of silence. She then presented a plaque to Steve Brackett for his years of service to the City of Bath on the Bath City Council.

C. Public Hearing: 6: 05 PM

1) Ordinance – Chapter 17. Vehicles and Traffic, Delete Article 9, Parking Commission, Section 17-401 through 17-409 in its entirety. (second 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 17. VEHICLES AND TRAFFIC

Article 9. Parking Commission

Delete Article 9, Parking Commission, Section 17-401 through 17-409 in its entirety.

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

City Planner Andrew Deci addressed the Council and explained that the Transportation Committee was established in 2016 and that this would supersede the Parking Commission.

ROLL CALL VOTE on Ordinance:

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

NAYS: None

Passed unanimously. 7-0

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

D. Consent Agenda 6:07 PM

***2) Minutes of the previous Council Meetings on December 7, 2016 and Items K5, K6, K7 and K8. (Motion to Accept as amended by Madame Chair Eosco)**

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

E. Time Devoted to Residents to Address The City Council 6:08 PM

There was no public comment.

F. Resolutions, Orders and Ordinances 6:08 PM

3) MORATORIUM ORDINANCE – Prohibiting the Location and Operation of Retail Marijuana Establishments and Retail Marijuana Social Clubs (first passage)

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

City Solicitor Therriault explained that in response to the recently approved marijuana vote legalizing many aspects of legalized marijuana, the process will require a great deal of regulatory effort. He stated that part of that statute provides for municipal action, which can regulate but not be less stringent than State standards and can regulate where. He said that we do not know enough yet to craft an ordinance in response to this nine month time frame before the State does anything meaningful. He added that it would need to be extended several times before we have enough information to deal with this issue. The statute requires that various State licenses be in effect and will have to come through the City. He concluded that we would still be involved in this process even if we choose to do nothing.

Councilor Nordmann asked if other municipalities are establishing locations, rules, etc. City Solicitor Therriault said that it is too soon except for those municipalities who have banned it, and said that some Comprehensive Plans are not in a condition to do this. City Manager Bill Giroux said that the City Planner would enact this through land use regulation, adding that they have nine months to do so. Councilor Page inquired regarding the effective date and duration. City Solicitor Therriault responded that it would be after second passage, which would start 180 days from today.

The meeting was then opened to the public. Jayne Palmer of 300 Front Street stated that she supports the moratorium and expressed concern regarding changes in our downtown, and felt that accommodating this would be detrimental to the downtown.

Councilor Bauer said that it seems this is the only thing to do. Councilor Page stated that he understands being proactive but questioned if now is the time for that. He felt that we would be shutting the city off if we did this NOW.

Councilor Omo stated that he agreed with Jayne Palmer, stating that he had spoken up at the medical marijuana meetings and said that they needed to come up with areas for dispensaries. He pointed out that we now have medical marijuana in place and said that there are no negative issues from the Bath Police Dept. that he is aware of and felt that it is clean and professional. He said that similar to Councilor Page,

he can't support the moratorium now. He felt that it would be an injustice to citizens to enact a moratorium and expressed his belief that we need to be proactive, not reactive. He thought that we should take advantage of this opportunity and questioned why Bath couldn't take the lead on this. He claimed that 60% of our citizens voted for this and felt that we should support them.

Councilor Comeau questioned what we are going to be proactive about. He said that Augusta has come up with solutions we can work with and felt that we need to watch what happens in Augusta. Councilor Comeau stated that we need to approve the moratorium and concluded that the City Planner would be watching and regulating.

Councilor Bauer said that she was confused and felt that there was nothing to create a moratorium for. She said that nothing can happen anyway and said she wanted to understand why someone could be against it.

It was noted that moratoriums are the way to go until Augusta takes action and that many towns are putting moratoriums on until Augusta takes action.

City Solicitor Therriault explained that this deals with specific facilities and retail facilities including social clubs. He stated that this has nothing to do with the use of marijuana but is dealing with the mechanisms, not the people who want to use it. City Solicitor Therriault said that there are land use issues that need to be dealt with and that they provide another layer of protection for the City.

Councilor Nordmann stated that cultivation is considered retail. He agreed with Councilor Omo that if there was some advantage to the gain and in looking at employment opportunities, he is not sure that 180 days will have an impact. He felt that this could discourage people interested in the industry.

Councilor Paulhus felt that this was a reason to give Andrew and the Planning Board time to establish rules. He also said that he doesn't know if 180 days is long enough but said that he does like being proactive.

City Manager Giroux stated that the problem is that the State has to do the rulemaking first and set the baseline before the Planning Board can take action. He said that they wouldn't be able to market anything like economic development and added that there are currently up to 2,000 growing operations in the State already for medical marijuana.

Councilor Omo said that Omo Construction is re-constructing a paper plant to be a marijuana facility and said that this is real money and real jobs, concluding that he felt we should be looking at other states.

Councilor Wyman said that he thought the Council wanted to have a say in where they go.

Councilor Bauer stated that she is conflicted.

Councilor Page stated that he will be in favor of a moratorium but didn't think that this is the time for it. He pointed out that we have time and said that we need to make sure it is where we want it.

ROLL CALL VOTE on Ordinance:

YEAS: Paulhus, Wyman, Comeau

NAYS: Page, Nordmann, Bauer, Omo

The motion failed with 3 in favor and 4 opposed

G. Petitions & Communications 6:50 PM

There were no petitions or communications taken up at this time.

H. City Manager's Report 6:50 PM

City Manager Bill Giroux stated that he would like to ask City Planner Andrew Deci to address the Council regarding the new composting program that the City will be adopting. City Planner Andrew Deci explained that composting would be reducing those organics going into the landfill, preserving space and reducing greenhouse gas emissions. The Bath Middle School will be starting the program this week, and Morse High School will begin next month. Curbside composting will also be available starting next week, and there will also be an option to drop off composting at the landfill.

There will be sessions available on January 25th at 6 p.m. and on February 8th to explore the opportunities available. City Manager Giroux stated that there would be no cost to the City and there would be a commercial account with the composting, which will take waste out of the landfill. The Garbage to Garden Program will be available curbside starting next week.

I. Committee Reports 6:55 PM

Madame Chair Eosco stated that the Council would re-visit the Student Council Liaison Committee, the Sidewalk Vending Committee and others at a later date.

J. Unfinished Business 6:55 PM

There was no unfinished business taken up at this time.

K. New Business 6:55 PM

4) Consideration of the City of Bath's solidarity with the Standing Rock Sioux Tribe in its opposition to the Dakota Access Pipeline 6:57 p.m.

(Note: this is a verbatim transcript of this agenda item)

Councilor Omo made a motion to put this agenda item on the floor, which was seconded by Councilor Omo and was passed unanimously.

Madame Chair Eosco: I don't have anything to read but...I can read this. There was a petition that was signed at the polls in November that said "The undersigned citizens of Bath are requesting the City Council to write the Honorable Dave Archambault, II, Chairman of Standing Rock Sioux Tribe, conveying Bath's solidarity with the Standing Rock Sioux Tribe in its opposition to the Dakota Access Pipeline. We were asked to consider writing this letter, we put it on the agenda for today, and in our packets we have the people who signed this petition. Do we have a motion to put this on the floor so we can start some discussion? Motion by Councilor Bauer, seconded by Councilor Omo. Are there any preliminary Council comments before we start. Councilor Nordmann?

Councilor Nordmann: Was this petition signed anywhere other than at the polls because it seems to have...

Shelley Little: Yes, it was.

Madame Chair Eosco: If you're going to speak, you need to come up so that the people can hear what you have to say.

Shelley Little: OK. I might come back again for a return. My name is Shelley Little and I live at 35 Bedford Street. I stood in front of the Farmer's Market with a sign that said "Bath voters please help", I stood on the corner across from City Hall, I stood at the corner outside the school, and also the main number of people signed during Election Day.

Madame Chair Eosco: I stand corrected then.

Councilor Nordmann: I was seeing just by going through this you can see that there are several different starts. I was thinking that there was more than one petition and location.

Shelley Little: It really wasn't a petition. I just asked people – that's just my hang up. Petitions sound like you are either yes or no on an issue but I just asked people in support if their voice wanted to join mine. Does that answer your question?

Councilor Nordmann: Yes.

Madame Chair Eosco: Any other preliminary Council comment? Seeing none, I am going to open it up to the public if you would like to come and speak. I would ask that you say your name and address and limit your remarks to five minutes. If there is something that somebody has already said, please just come and say your name and address and say "I agree with what they said."

Jerry Provencher: My name is Jerry Provencher and I live at 15 Winslow Court. The City of Bath is, in my opinion, a wonderful place to live. I've called it home for almost 40 years. From time to time, the City Council has debated the appropriateness of taking up issues that, on the surface, do not seem directly related to Bath. Standing Rock, I believe, is one of those issues. One of the arguments is that we should leave state, national and world issues to officials at those levels. They, in theory, represent us. We have twice elected a President whose administration builds secret detention centers around the world where people were tortured. We have twice elected a Governor who has elected to cut services to our most needy citizens, undermined by partisan efforts to promote renewable energy and tried numerous times to circumvent environmental laws. We have just elected a new President who has opened the barn door and legitimized racist and misogynist white supremacists and science-deniers. Both our Governor and our President elect to use divisiveness as a tool to further their goals. As citizens in a democratic society, we share accountability for actions done in our name. We need to speak out in the face of injustice. That is our responsibility. The confrontation at Standing Rock is an example of a corporation motivated by revenues, backed by local law enforcement, state and national governments against a native tribal nation. Some of the first people here before any of us, in addition to having their sovereignty illegally infringed upon, have been treated inhumanely. The local Sheriff's Department used a water can to spray groups for six hours in sub-zero temperatures. Peacefully demonstrating tribal members were pepper sprayed, arrested and some were placed in dog cages. This went on for weeks and months with no mention on national media. Alternative news reporters there to cover events were arrested and charged with felonies. Some were targeted with rubber bullets. It wasn't until word spread through social media that voices were raised nationally or world-wide – only then when people spoke out has attention been focused on the real event at Standing Rock. We live in incredibly trying times. Billions of dollars are spent on power,

influencing policies and decisions at every level. Our strongest weapon against these forces is speaking out. The City Council will decide which issues to take up, whether to pass ordinances or resolutions. However, as a community we need to have these discussions. Council meetings are the city's venue for raising issues. We can all agree to disagree. Individually, we get to pick our battles. Working democracy requires participation. I believe that we need to pick some battles to fight that raise our voices as a community. The forces looking to divide us are not going away. Their influence is growing. I will close with two brief thoughts. In the 13th century, Thomas Aquinas said "He who is not angry where there is just cause for anger is immoral." Why? Because anger looks to the good of justice. If you can live amid injustice without anger, you are immoral as well as unjust. In an often-cited reference coming out of Germany, Germany in the 30's and 40's – I'm sure a lot of you are familiar with it - "When they came for the doctors and lawyers, I wasn't one of them, so I said nothing. When they came for the teachers, I wasn't one so I said nothing. When they came for the scientists, I wasn't one so I said nothing. When they came for the Jews, I wasn't one so I said nothing. When they came for me, there was no one left to speak." Going into 2017, when they came for the Standing Rock tribe, many people from diverse backgrounds spoke out. Thank you for your attention.

Howard Waxman: Howard Waxman, 945 High Street. I just want to second Jerry's eloquent remarks.

Sarah Harriman: Sarah Harriman, 6 Washington Street. I also would like to second his remarks and I also work for the man from Pakistan. I asked him "What is the difference between Pakistan and the United States?" Right away he said "Clean air and clean water." It is so important for us as the United States of America to make sure the big oil companies don't pollute our clean rivers. We have a beautiful Kennebec River here. This could happen here. South Portland has fought the pipeline from South Portland to Montreal reversing it to tarsian oils. They have...the City of South Portland had ruled not to do that now. So, it is up to all of us to protect our waters here in the United States, and just by sending a letter, it would help the Native Americans being supported. I think the City of Bath, as well as 20 other cities, have done this, so just take it upon your hearts to do this because it is important and people that were here first before us. My ancestors on my father's side – he was Captain at Fort Frederick and Pemaquid. He traded and asked the natives into the fort and befriended them, so I think we all could have a friendly gesture and support the natives at a time when they are in great need. Thank you.

Susan Luebner: Susan Luebner, 51 Bedford Street. I did write some of the Council members. I spoke at the last meeting. I'm not going to go over any of that. I love what Sarah and Jerry said. I decided to look up what the role is of the City Council. The City Council can enact orders, resolutions, ordinances consistent with the Constitution of the State of Maine. So, we're not asking for an ordinance. We are asking for a letter. This is really closer to a resolution. Clearly, the Maine Constitution is very similar to the United States Constitution, at least in its preamble. The Maine Constitution says that "We the people of Maine, in order to establish justice, ensure tranquility, provide for mutual defense, promote our common welfare and secure to ourselves and our posterity the blessings of liberty something about under a Supreme Being. The first article in the Maine Constitution is that Section 1 says that all people are born equally free and independent, and have certain natural and inherent unalienable rights among which are those defending life and liberty, acquiring, possessing and protecting property, and the pursuing and obtaining safety and happiness. Article 2 said all power is inherent in people. All free governments are founded in their authority and instituted for their benefit – people's benefit. Section 15 Article 1 said that people have the right to petition their government. So that's what we're about today. I said this before. Clearly we are at a juncture in our democracy where government struggled between helping corporations get their profits versus people and their common welfare on the planet. I feel that this is clearly a stand for our democracy, our liberty, our having a say in what goes on in our country. I realize that it's just like the organic ordinance – this composting. The City of Bath is looking at how we want to cut back on

carbon pollution – carbon emissions. We have more fossil fuels in this country than we'll ever need. A lot of these fossil fuels go out of the country. They don't stay here; they go on the international market. This pipeline. It seems to me that it is really critical – it is a noble enough effort for the City of Bath to take a stand on. It is supporting natives but it is also supporting our whole sense of... we still have a democracy here. We still value people and we still value our way of life so thank you for listening. I'm sorry that I get emotional.

Shelley Little: Shelley Little. I live at 35 Bedford Street. I'm the person who brought this to you for the first time. I'm going to be really brief. I told you when I was here last time why I was here – that over 600 Bath voters supported this concept. Why? Because it's the right thing to do. Simple as that. Thank you for your time and thank you for the opportunity and I might be back with another issue. Thank you.

Madame Chair Eosco: OK, that looks like all the comments from the public. Well, Councilors. Councilor Omo.

Councilor Omo: Thank you for all the 650 signatures and the people who signed this interesting issue with the Standing Rock nation. I myself have been involved in grass roots efforts. Not here in this State but in Vermont, with friends of mine. We put on a fundraiser show, we had music, people donated things to the auction and what not. We painted a big mural and everyone signed it for their support if they were not there and we got a bunch of speakers to come from the Burlington area. The most impressive part of the whole night was a woman who actually was from the Standing Rock Sioux Nation tribe. She has lived in Vermont for about 15 years now, I believe. She has been active there with local issues, mostly to do with water quality. One of the speakers was absolutely correct. There's going to come a day in the not too distant future where water is the gold and not the oil. I actually believe that. We need it a lot more than we need the oil for. With that being said, I personally could stand to see a letter come out of this City for support for this cause. I think on a lot of different levels it is not just a certain tribe of people that are being beat up on. It is all of us. Jerry said it very well. Thank you, Jerry. He is right, for the believers out there who watch certain news channels and spoke to people who were there and spoke to people who got hit with water cannons. They spoke with people who saw some things that nobody should have to see, no matter where you live in this universe. Especially speaking with these people – one woman is 76 years old and she has been arrested three or four times already for this cause. She went in front of the judge and told him she didn't want the alternative sentencing – she wanted to go to jail. She was awesome and powerful. There is a lot of emotion behind this and there are a lot of people behind this. I'm not quite sure what is going to happen here tonight and I'm not sure how City Hall or the Council would go about writing this letter, what it should say and how it should go, but as far as me, I am in full support of this and would spend some time to support this and send a message so thank you very much.

Councilor Bauer: Thank you. In preparation for tonight, I asked around in my ward so that I could have input, and I heard two things. One was "Yes. Please do this." The other one was "It's not the City's place. It's not the City's business. Let's focus on the city of Bath." I love what Jerry's letter said about this being City business. I agree with Councilor Omo from a personal standpoint, but now I feel like I also can say that I am for it because it is City business. I'm not sure what it will look like either but if there are 20 other cities that have done it, we can look to them. I would be willing to put personal time into that so that it doesn't burden City employees if that's a problem for anyone who's opposed. I appreciate all of your work and your passion and I guess that's all I have to say right now. Thanks.

Councilor Nordmann: I don't have a lot of experience in City government but I suspect for a city the size of Bath to obtain 600+ petitioners - I think that's a meaningful address. The letter to the chairman of the

Standing Rock Sioux Tribe which, I guess, is a governmental community and holds a governmental office, I would think. But, I'm not sure what the tribal standing is of that – to our tribesmen – the state of Maine or whether it's an established government. Do they have tribal things that the larger tribes have or...

Madame Chair Eosco: Come on up.

Jerry Provencher: Jerry Provencher, 15 Winslow Court. By treaty, for hundreds of years, tribal nations are sovereign nations. Not state – they're sovereign nations – and even further than that, any disagreement between the United States government and a tribal sovereign nation defers to the tribal nation by law. The State and the federal government have broken the law and admitted – the Director of the Army Corps. of Engineers admitted that he broke the law when he didn't address the Standing Rock Nation before they impinged upon their sovereignty. So what the government is doing – the state and national and law enforcement by breaking the law and all of these other things so they are – to answer your question – as a tribe or reservation or whatever the region is – is a sovereign nation.

Councilor Nordmann: Addressing this Archambault, it would be one governmental agency addressing another governmental agency so there might be standing based on that. If we can see ourselves reflected in what's happening to that governmental agency – meaning the tribe – I just wondered how we would react if we had a firm disagreement with a pipeline coming through. Would we believe that we have a right to stop it as a government? I think we would and so I think we have some solidarity – that's not the term that I would use in this, but if we can see ourselves reflected in that – in that tribe's situation, I believe. I would tend – whether or not we have standing – and I've given a lot of thought to this because I've seen people take up issues which kind of divert groups of people from dealing with their own issues. This is 600 people wanting us to do this, so it's not just the three or four people who are here that want us to do it. It really has nothing to do directly with the water hoses and things like that because I think we can all agree that's deplorable, but we don't write letters to every deplorable situation. I do see some commonality that we have with the tribe. I personally can support writing to the leader of the tribe and letting him know that we support his stand and reference the pipe line. I don't see that we really need to go beyond that.

City Manager Giroux: Can I answer that and what Councilor Bauer is talking about. I think if the Council directs us, we would draft a fairly basic letter, I think along the lines of what the petition header says and no more than that for the Council to consider signing. I think we wouldn't elaborate into – what Jerry has to say is always interesting – but we wouldn't elaborate into that level. This is what people were signing

Councilor Nordmann: Our authority comes from our people who are telling us to do this. I have a stack of cards of people who are in Ward 3 that I've sort of data-mined out of this – it's like a deck of cards. I've been gone for the last few months and it's sort of caught me flat-footed. I do intend to contact those people and exchange the information of what my view is. I would tend to support this. I wouldn't support every letter going now because I think we can get pretty deep in the weeds if we try to react to every issue that comes up, but we have standing in this.

Madame Chair Eosco: Councilor Wyman.

Councilor Wyman: Madame Chair, I'm going to abstain from voting on this. I don't know enough about the issue. The first time I ever heard about this was at the last meeting. I've seen the petition and

everything, but I don't know what's going on out there and I still believe that the Indian tribe out there should be going directly to the federal government and getting these people off their property.

Madame Chair Eosco: Councilor Page?

Councilor Page: Thank you, Madame Chair. I'm conflicted here. A very noble cause. A lot of hard work went into getting these signatures. I personally don't feel that 645 signatures in the City of Bath warrants me to say yes for what you're asking. As I said, it's a noble cause. I agree with you, but I'm here to represent the city. I just don't think 645 does that.

Shelley Little: May I ask how many would?

Councilor Page: I can't put a number on it.

Madame Chair Eosco: Let's have the conversation through the proper system. This is the Council time, really, to have the discussion. Councilor Paulhus?

Councilor Paulhus: Thank you, Madame Chair. I think we've had a pretty good discussion and I look forward to continuing this discussion. I'd say coming into this meeting tonight, I was keeping an open mind and wanted to listen to my fellow councilors. I'd like to first say – Shelley, I commend you for taking up an issue and everyone here and everyone not here, actually taking a cause and going out and talking to people about it, getting signatures – I mean, we've heard it tonight from some of the audience, but it really is what we're all about. It is what we want every citizen to do if there is something they want us to see change is to actually do something about it. That's what it's all about. How many times have we sat here and said "We'd like the public to contact us." We'd like them to do something or come to a meeting and stuff like that. We're always saying that. To have actual citizens take up a cause and come to us – not the other way around – is always good to see. I commend everyone that has done that and is here today. I understand both sides of this issue where councilors are coming from and the way they feel. I kind of have both sides of that myself but for myself, if the Council is okay with it, I would sign on to a letter from the Council to the tribe. I would also say, we have tribes here in Maine who have issues too. Just for the public and everything, that's kind of where I am right now. If the Council chooses not to do it, that's the decision of the Council. If the Council does decide, that's where I'll be.

Madame Chair Eosco: Any other Councilor comment? Councilor Comeau?

Councilor Comeau: Thank you, Madame Chair. Thank you for those of you who e-mailed me. All of the e-mails were well-written and I appreciate that very much. For the last three weeks faithfully each day I have gone onto the Internet into the South Dakota pipeline Standing Rock Sioux tribe along with other native tribes who have joined them. I have printed off from the Internet a number of documents I thought were very interesting. Here's one here. This one is dated December 5th. It's a call to have the pipeline re-routed. The Army Corps. of Engineers says that the pipeline must be re-routed. This was in writing. I can't imagine that the Army Corps. of Engineers and other government bureaucracy and other establishments would go through burial grounds of any native tribes or any establishments. The way the... I'm going to call this a petition. The way this is written – the undersigned citizens of Bath are requesting the City Council to write the Honorable Dave Archambault, etc. It's requesting the City Council – the last e-mail that I got – and again, they were all excellent – thank you again. Let's see – I wrote it down here because it was an excellent sentence that said – from the e-mail that I got – "We people of Bath, Maine support Standing Rock Sioux". That was just an excerpt from that e-mail, and

that's actually correct. It's the people of Bath, Maine. It's not the City Council. If this had been re-written or had been written differently than this and had excluded the City Council, and had been written that the undersigned citizens of Bath want to write to whoever – whatever tribe, whatever government, whatever state – I'd be the first one to sign it. There's a very sensitive and political issue out there in the Dakotas. There's no question about it. Don't be surprised if we're going to be looking at Wisconsin, as there's going to be a pipeline that goes the whole length of that state. It's going to connect to the South Dakota pipeline and then travel off into Illinois. It's all right here. I've printed off all of these documents – I've started back in – well, like I said, for the past three weeks. I have faithfully gone onto the internet and have reviewed the updates on where they're standing. Again, the one that really pleased me was the Army Corps. of Engineers. I just can't believe that they would disrupt any sacred land or burial lands and the water itself. They're going to by-pass that. There's no way they can't bypass that. There'd be a third World War out there if they tried to do that. I think it's a government agency that's taking a hard look at it again and I still have a very difficult time sending a letter on behalf of the City Council. The citizens of this city can write anything they'd like. They could have signatures of citizens of this community and the undersigned, for example, would be citizens of the city of Bath. That letter could go out and do just as good as if the City Council had authorized it, which I think is inappropriate, and it's just opening up – I don't know but I think it was Councilor Page who mentioned that it's just opening up floodgates for more issues and more problems – I mean, this country is in a state of chaos right now. There are going to be demonstrations all over this country. They seem to be more frequent than ever. At this point, I could not favor sending a letter on behalf of the City Council to the Standing Rock Sioux Indians – tribe, if you will.

Madame Chair Eosco: Councilor Bauer?

Councilor Bauer: Okay, thank you. I feel a little bit like semantics are coming up, so what I want to say is, what this says is they are asking us to write the letter on behalf of the people of Bath, so I say that's different from what Councilor Comeau was suggesting. They are asking us to write the letter on behalf of these people.

Madame Chair Eosco: No, I don't think so. I don't know if we need Roger's interpretation on any of this, but my interpretation is that these citizens are asking this Council to write a letter to their Chairman saying that Bath...

Councilor Bauer: Not the Council...

Madame Chair Eosco: On behalf of all the citizens of Bath – not the eight of us.

Councilor Bauer: That's how I see it also, which I think is different from how Councilor Comeau sees it.

Councilor Comeau: I'm not sure... if I may, Susan, I lost you there. What is it that we disagree with here?

Councilor Bauer: I think what you're suggesting is that we write the letter that the Council supports the tribe.

Councilor Comeau: No. I'm against that. I'm against the City Council doing that.

Councilor Bauer: I think what they are asking is that the Council writes a letter on behalf of the city, which is different.

Madame Chair Eosco: It is semantics, isn't it.

City Solicitor Therriault: It's a valid point. Whether or not the City takes an official City position with regard to this issue and communicates the City's position, which the Council is authorized to do, to this Mr. Archambault. Obviously Councilors have every right to do that if they wish. The question is whether or not you are comfortable with that being an official City act of the City of Bath and its government.

Madame Chair Eosco: I'm feeling like your minds are probably made up at this point. Councilor Comeau?

Councilor Comeau: Thank you, Madame Chair. Roger, are you saying that what is being proposed here is in fact representing the city of Bath?

City Solicitor Therriault: The way I read it, yes. The City Council of the City of Bath is sending a letter...let's read it.

Madame Chair Eosco: Four.

City Solicitor Therriault: ...Requesting the City Council to write the Honorable David Archambault conveying Bath's solidarity with the Standing Rock tribe. To me, that suggests that this is an official act of the Bath City Council and the City of Bath, the same as you would as if you passed an ordinance or a resolution or whatever it might be.

City Manager Giroux: I agree, because otherwise there is nothing to stop them from sending a letter. They are coming here and asking you to send the letter. You are the City Council of the City of Bath.

City Solicitor Therriault: And you have the right to do that as a City Council. I'm not suggesting you should or you shouldn't. You have the right as a Council to take an official act.

Councilor Comeau: And I understand that. I know we have the right and can do that, but is it appropriate? Is it appropriate to get ourselves...never mind, I'm not asking. It's hypothetical.

City Solicitor Therriault: It's a rhetorical question.

Councilor Comeau: Should we get ourselves involved, although I appreciate Jerry's comments, but do we really need to get ourselves, as a City Council... I mean, if the citizens of the city want to write as representing... well, I don't know how that would work or how you would write that, but I just have a problem with the City Council being involved in submitting a document representing the City Council of the City of Bath. Citizens should be... those that they're representing themselves as citizens of the city of Bath.

Madame Chair Eosco: I am going to ask that we have a vote, and this is just a raise of the hands. So, if you are in favor of having the letter composed to send to this other Chairman – I'm afraid of saying his name wrong – of the Standing Rock Sioux – please raise your hand if you are in favor.

Councilor Comeau: Who would write the letter?

Madame Chair Eosco: The Staff would write the letter. We will take a look at it and we can sign it.

If you're opposed to writing that letter, please raise your hand.

Councilor Wyman: I'm abstaining.

Madame Chair Eosco: If you're opposed to writing that letter, don't raise your hand. And if you're abstaining, don't raise your hand.

City Manager Giroux: Pam, are you all right with that?

Deputy City Clerk Gray: No, I didn't get Councilor Comeau's vote.

Madame Chair Eosco: He was a yes.

Councilor Comeau: Well I'm...like you said...

Councilor Page: No, it's a yes!

Madame Chair Eosco: It's yes or no.

Councilor Comeau: But you did say once the letter is written, that we're going to look at it again to be sure that it's written appropriately.

Madame Chair Eosco: You don't need to write your name unless...

Councilor Comeau: I appreciate where Councilor Page is coming from.

Madame Chair Eosco: Do you have the abstention?

Deputy Clerk Gray: What I have is 5 in favor, 1 opposed, and 1 abstention.

Madame Chair Eosco: And our City Clerk has the flu tonight, so thank you Pam for filling in.

Deputy Clerk Gray: You're very welcome.

City Manager Giroux: And we'll bring the letter to the next meeting so you'll know when they will be looking at it. We'll have a draft go out prior just so they can be here if they choose to be here.

Councilor Omo: Should the draft letter be like in the newspaper so that our citizens ...

Madame Chair Eosco: Oh, that's a lot of cooks in the kitchen! It was a lot with just eight of us! OK, we're going to move on because we still have things to do tonight.

***5) Annual Appointment of J. Scott Davis as Codes Enforcement Officer, Health Officer and Plumbing Inspector for one year, pursuant to State Statutes.**

This Item was passed on the Consent Agenda.

***6) Annual Appointment of Tom Lister as the Alternate Codes Enforcement Officer and Plumbing Inspector for one year, pursuant to State Statutes.**

This Item was passed on the Consent Agenda.

***7) Annual Appointment of Jason Marshall as the Alternate Codes Enforcement Officer for one year, pursuant to State Statutes.**

This Item was passed on the Consent Agenda.

***8) Annual Appointments to Committees of Council Nominees.**

Bath Housing Authority Board of Directors – Terry Nordmann

Midcoast Council of Governments – Mari Eosco, Bernard Wyman, David Comeau

Patten Free Library Board of Directors – Susan Bauer

Recreation Commission – Gregory Page

Sidewalk Vending License Committee – Madame Chair Eosco removed this committee for further review next month

Student Community Liaison Council – Madame Chair Eosco removed this committee for further review next month

Welfare Review Board – Jamie Omo, Terry Nordmann, David Comeau

This Item was passed on the Consent Agenda.

L. Councilor Announcements 7:40 PM

Discussion of City Council Goals for 2017

Madame Chair Eosco stated that the Council would now discuss their Council goals for 2017. Councilor Omo stated that his goals were the Solid Waste and Recycling Committee and the Waterfront Riverwalk. Councilor Paulhus stated that his goals were the Transportation Committee and more participation in all events in the City such as the Japanese Exchange Program, and expressed his feeling that Councilors need to be seen and heard. Councilor Comeau said that his goals were to proceed as a team and to treat people how you want to be treated. Councilor Nordmann said that he would like to further investigate the petition that was submitted on Standing Rock, to talk to all those loyal people in his ward and to try to get his constituents as interested in Ward 3 issues as national and federal issues. He said that he would look forward to more petitions and participation. Councilor Bauer stated that her goals were the same as Councilor Nordmann's and also sought more participation from her constituents. Councilor Page said that he would like to see the City side of the City budget not increase more than 1% and would like to start the process of the cherry on top of the sundae. He also referenced McMann Complex and said he would like to see this facility get equipment storage, restrooms, changing rooms, etc. He concluded that

he would like to carry out Council duties in honor of Councilor Mitchell, adding that he seemed to leave the politics to Augusta and said that inside is where we govern and felt that politics and governing are different. Councilor Wyman said that his goal was to keep the City taxes as low as possible without hurting services. Madame Chair Eosco said that for every decision the Council makes, they should keep the environment and future generations in mind, to encompass all the goals and to make all their decisions thinking of the future.

Councilor Page made a motion at 7:54 PM to go into Executive Session to discuss a Poverty Abatement Matter per 36 MRSA §851(2), Labor Matter -Union Negotiations per 1 MRSA §405(6)(D) and a Real Estate Matter per 1 MRSA §405(6)(C). Councilor Omo seconded the motion. All were in favor of the motion.

Councilor Omo made a motion at 8:38 PM to come out of Executive Session. Councilor Comeau seconded the motion. All were in favor of the motion.

Councilor Omo made a motion to approve the tax abatement subject to application to the Circuit Breaker program, which was seconded by Councilor Comeau and was passed unanimously 7-0.

The meeting adjourned at 8:40 PM with a motion by Councilor Omo, seconded by Councilor Wyman. All were in favor of the adjournment.

Attest:

Pamela J. Gray, Deputy 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.