

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

Wednesday, March 1, 2017 6:00 PM
City Council Chambers, Bath City Hall

Present: Councilors Page, Paulhus, Nordmann, Wyman, Comeau, Bauer, Park, 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.

State Representative Jennifer DeChant read a legislative sentiment for former Councilor Leverett “Tink” Mitchell and said that these are usually given to people who have dedicated their lives to public service and extended condolences to his family.

Madame Chair Eosco welcomed new Councilor Aaron Park and thanked Representative DeChant for coming this evening. She then read the following memorial tribute proclamation for Councilor Mitchell for his family:

PROCLAMATION

WHEREAS Leverett “Tink” Mitchell was born in Bath, Maine, the son of Sherman and Elaine Munsey Mitchell and attended schools in Bath, graduating from Morse High School in June of 1967, and

WHEREAS Tink served in the U.S. Navy from 1967 to 1971 as a Firefighter in shipboard damage control, serving two tours during the Viet Nam War, and

WHEREAS Tink first served as a Call Fireman in 1976 and was appointed as a full-time Fireman in 1979, getting promoted to Lieutenant in 1982 and named the Department’s Public Information Officer, progressing to Assistant Chief and Acting Fire Chief in January 1999, becoming Fire Chief in October of 1999, retiring from the Bath Fire Dept. after 27 years of service, and

WHEREAS Tink had served eight years on the City Council while also serving on the Council Appointment Screening Committee, the Bath Recognition Committee, the Budget/Finance Committee, Main Street Bath Board of Directors, the Parking & Transportation Committee, the Sidewalk Vending Committee, the Solid Waste & Recycling Committee, the Midcoast Council of Governments, the Sagadahoc County Communications Board of Directors, and the Student Community Liaison Council, and

WHEREAS Tink also served tirelessly as a volunteer, working with the Boy Scouts for many years, serving as Merit Badge Counselor and Chairman of the Executive Committee, worked as a Medic Alert fundraiser in Maine For the Muscular Dystrophy Association’s St. Jude Hospital, was a member of the National Registry of EMT’s and the Mid Coast EMS Board of Governors, the Bath Lodge of Elks, Sunrise Rotary and the American Legion, and

WHEREAS Tink was the embodiment of the best attributes of all volunteers, with a vision for the future but honoring the sanctity of the past and was a “hands-on go-to guy” for anything that needed to be done, whether it be making phone calls, shoveling dirt or visiting nursing home residents who had no family, and

WHEREAS Tink touched many individual lives with a special compassion for veterans and the elderly, was filled with pride for his beloved community and did everything within his power to make it a better place to live, was passionate about his beliefs, working with dogged determination and the tenacity of a bulldog, and was a friend and able advocate for the citizens of Bath;

NOW THEREFORE BE IT PROCLAIMED that the Bath City Council wishes to honor the memory of Leverett Tink Mitchell and to recognize this native son for his selfless and tireless commitment to the citizenry of Bath, to pay tribute to his life and to acknowledge that we are a community in mourning as we have lost part of the fire and

soul of this community and a friend, and we know that Tink's light will continue to shine here in our City through everyone and everything he has touched.

Councilor Mitchell's wife, Diane, and his son, James, accepted the recognitions. James Mitchell thanked Representative DeChant and the City Council for these sentiments and shared some thoughts regarding his father's years of service. He then challenged new Councilor Aaron Park to continue with the work that his father had started and said that his father loved the City of Bath and his constituents and said that he would have big shoes to fill. Councilor Park thanked him and said that he would do his very best. James Mitchell then presented the Bath City Council with the military honors flag that was given to them at his father's funeral.

C. Public Hearing: 6: 11 PM

1) Ordinance: Changing GA Maximums (2017) per State of Maine (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 8A. GENERAL ASSISTANCE

Amend Article II, Section 2.2 to read as follows:

Eligible Person. A person who is qualified to receive general assistance benefits from the municipality according to the standards of eligibility set forth in this ordinance, [Maine General Assistance law \(22 M.R.S.A. ch. 1161\)](#), and [Maine Department of Health & Human Services regulations \(10-144 C.M.R. ch. 323\)](#). If otherwise qualified, "Eligible Person" shall include U.S. citizens; non-U.S. citizens who are lawfully present in the United States as described in [8 U.S.C. § 1621\(a\)\(1\)-\(3\)](#); and non-U.S. citizens who are pursuing a lawful process to apply for immigration relief. Assistance for noncitizens pursuing a lawful process for immigration relief shall not exceed 24 months beginning with assistance provided after July 1, 2015.(22 M.R.S.A. § 4301(3)). "Eligible Person" does not include a fugitive from justice as defined in 15 M.R.S.A. § 201(4).

Also to delete appendices to the Ordinance dealing with maximums allowances and replace with newly attached allowance summary sheets, schedules and appendices:

Appendix A – Total Allowed GA Maximums
Appendix B – Food Maximums
Appendix C – Housing Maximums
Appendix D – Utilities
Appendix E – Heating Oil
Appendix F – Personal Care & Household Items
Maximums shall be effective as of October 1, 2016.

A complete copy of the Ordinance and Maximums is on file with the agenda materials for 3/1/2017 in the Bath City Clerk's Office at 55 Front Street, Bath, Maine.

Councilor Wyman made a motion to put this Ordinance on the floor for discussion. Councilor Paulhus seconded the motion. City Manager Giroux explained that all Town and City Councils adopt these and pointed out that these are the guidelines for the General Assistance program.

ROLL CALL VOTE:

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

NAYS: None

Ordinance passed unanimously. 8-0

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

D. Consent Agenda 6:14 PM

***2) Minutes of the previous Council Meetings of February 1 and 22, 2017 and Items F3 and F4.
(Motion to Accept as Presented)**

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

E. Time Devoted to Residents to Address The City Council 6:15 PM

There was no public comment.

F. Ordinances, Orders and Resolutions 6: 15 PM

***3) Order: Exercising the River Herring fishing rights at Winnegance Lake to be administered by the Winnegance River Herring Commission as per Harvest Plan.**

ORDER

Be It Ordered by the City Council of the City of Bath, Maine, that the River Herring Fishing Rights at Winnegance Lake be operated by the Winnegance River Herring Commission as per Ordinance adopted August 28, 1985, and the municipal rights to take river herring will be sold by the Commission. The Harvest Plan (Condition and Regulations) will be submitted by the Commission setting forth in detail the exact conditions under which river herring may be taken, all in accordance with good conservation practices. This plan will be submitted to the Department of Marine Resources by the Commission with City of Bath approval.

This item was passed on the Consent Agenda.

***4) Order: Exercising the River Herring fishing rights at Whiskeag Creek to “Rod and Line”**

ORDER

*Be It Ordered by the City Council of the City of Bath, as follows:
that, the taking of alewives at Whiskeag Creek will be restricted to “Rod and Line” only.*

This item was passed on the Consent Agenda.

5) Order: Establishing Boundaries for the Old YMCA Property – 6:15 P.M.

ORDER

APPROVING BOUNDARY LINE

WHEREAS, the City of Bath currently owns the former YMCA property located on Summer Street; and

WHEREAS, the abutting properties to the West and running southerly from Summer Street are owned by Dr. Thomas G. Rice and Donald K. Wright; and

WHEREAS, a Survey of the former YMCA property done by Titcomb Associates for Dennis Ruppel has identified a discrepancy between two prior Surveys regarding the location of the common westerly boundary between the City property and the properties of Rice and Wright; and

WHEREAS, the Rice and Wright properties are elevated from the former YMCA site and are marked by a retaining wall; and

WHEREAS, the City has no beneficial interest in owning property above the retaining wall nor would this be of advantage to any potential developer; and

WHEREAS, the owners to the West are entitled to a resolution of discrepancy as to the location of their common boundary with the City.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that Deeds from the City to Dr. Thomas G. Rice and Donald K. Wright be executed and recorded in order to establish the common boundary, and that the City Manager be authorized to execute said Deeds, Tax Declaration Forms, and any other documents that are necessary or convenient to establish the common boundary.

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

City Solicitor Therriault explained that the referenced property which has come to light is a small triangle of land between the building and the retaining wall that runs along that property. Councilor Omo asked who is responsible for the retaining wall and City Solicitor Therriault responded that it depends on whose property it is on.

VOTE on Order:

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

NAYS: None

Order passed unanimously. 8-0

6) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259. Parking Restrictions. (first passage)

Madame Chair Eosco read the following Ordinance:

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE CODE OF THE CITY OF BATH, ADOPTED FEBRUARY 2, 1977, AND SUBSEQUENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

CHAPTER 17. VEHICLES AND TRAFFIC

Article 6. Stopping, Standing and Parking

Section 17-259. Parking Restrictions

Washington Street

East Side

Delete the following:

From a point across from the north side of Bath Street and running 60 feet northerly, 6:00 a.m. to 1:00 a.m., fifteen-minute parking. From a point across from the north side of Bath Street and running 60 feet

northerly, 6:00 a.m. to 1:00 a.m., fifteen-minute parking. From a point 60 feet north of Bath Street to South Street, 2 hour parking. From South Street running northerly to a point 100 feet north of the southerly entrance to the BIW Panel Shop, 2 hour parking. From a point 100 feet north of the southerly entrance to the BIW Panel Shop to a point 195 feet south of the northerly entrance to the BIW Panel Shop, No Restrictions. From South Street to a point 195 feet south of the south side of the northerly entrance to the BIW panel shop, No Restrictions. From a point 195 feet south of the southerly side of the northerly entrance of the BIW panel shop for a distance of 185 feet, 6:00 a.m. to 5:00 p.m., Bus Parking; From 5:00 p.m. to 2:00 a.m. no restrictions; from 2:00 a.m. to 6:00 a.m., No Parking. From a point which is the northerly terminus of the bus parking area to Union Street, 2 hour parking.

Replace with the following:

From the southerly end of the BIW Panel Shop across from South Street and running the length of the BIW Panel Shop to its northerly end, permit Parking. From the northerly end of the BIW Panel Shop to a point across from the southerly side of Union Street, 2 hour parking.

Councilor Paulhus made a motion to put this Ordinance on the floor for discussion. Councilor Bauer seconded the motion. Chief Field addressed the Council and stated that the former Parking Committee has been talking about this item since 2015. Councilor Bauer questioned the wording in this ordinance and felt that the wording should reflect the geographical reference points rather than the BIW Panel Shop as this may not always be there. Councilor Bauer made a motion to amend the wording in the ordinance to reflect the street names instead of the BIW Panel Shop in the official ordinance. The motion was seconded by Councilor Page. City Solicitor Therriault said that the BIW Panel Shop should be removed and put “the southerly end across from South Street and running a distance of 500 feet Permit Parking”, and the last sentence is the same. Chief Field clarified that it would be 500 feet north to Union Street two hour parking. Madame Chair Eosco said that they would be removing “from the northerly end of the BIW Panel Shop” and put in “500 feet to a point across from Union St. to the southerly side”. Chief Field added that they would also need to deal with the two hour parking. Further discussion ensued regarding the wording, street names and the fact that additional measurements would need to be taken, and a consensus was not reached. Madame Chair Eosco suggested that this item could be tabled to do further wordsmithing and to get additional measurements. City Solicitor Therriault said that Councilor Bauer would need to withdraw her amendment. Councilor Bauer stated that she would withdraw her amendment. Councilor Paulhus then made a motion to table this to a future date to be determined, which was seconded by Councilor Comeau and was passed unanimously.

G. Petitions & Communications 6: 35 PM

There were no petitions or communications.

H. City Manager’s Report 6: 35 PM

City Manager Giroux introduced the City Arborist, Kyle Rosenberg, and gave a brief highlight of some of the Forestry Committee’s work. He then gave an informative slide show/Power Point presentation on brown-tailed moths and emerald ash borers, followed by a brief question and answer period.

I. Committee Reports 7:14 PM

Councilor Paulhus reported that the new Transportation Committee held their first meeting and said that Madame Chair Eosco is the Chair of the Committee and he is the Vice-Chair.

Councilor Nordmann talked about the poetry that had been presented to the Council by local resident Stephen King and was impressed with the quality of the poetry.

J. Unfinished Business 7:14 PM

There was no unfinished business taken up at this time.

K. New Business 7:14 PM

7) Appointment 1 member to the Bath Forestry Committee with a 3 year commitment term.

Councilor Wyman nominated Timothy Pratt for the position on the Bath Forestry Committee with a 3 year commitment term. All were in favor of the appointment.

Councilor Announcements 7:17 PM

Councilor Paulhus gave a highlight of the upcoming Japanese Culture Day, which is tied in with our Sister City Program. He encouraged residents to participate in and experience this event.

Councilor Paulhus then reported on the Food Pantry and encouraged Councilors to check it out after their move in March. He then gave a synopsis of the Food Pantry and their function.

Councilor Park stated that he had attended the annual Membership Meeting at the YMCA.

Madame Chair Eosco stated that there would be a Bath Local Business Expo on March 11th at the former Tates building. She then reported that there would be a new event replacing So You Think You Know Bath. This event will be called Front Street Feud and will be sponsored by Main Street Bath at the Maine Maritime Museum. She concluded by thanking the Public Works Department for all their hard work during this winter season.

Hearing no further announcements, Madame Chair Eosco called for a motion to go into Executive Session. Councilor Bauer made a motion at 7:35 PM to go into Executive Session to discuss a Real Estate Matter per 1 MRSA §405(6)(C) - Old YMCA Property. Councilor Park seconded the motion. All were in favor of the motion.

Councilor Page made a motion at 7:59 PM to come out of Executive Session. Councilor Bauer seconded the motion. All were in favor of the motion.

The meeting adjourned at 7:59 PM with a motion by Councilor Page, seconded by Councilor Bauer. All were in favor of the adjournment.

Attest:

Pamela J. Gray, Dep. 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.