

**REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE
Wednesday, July 5, 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.

Presentation of a “Key to the City of Bath” and a Proclamation to City Manager William Giroux in recognition of his 11 plus years of service to the City of Bath.

C. Public Hearings:

1) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259. Parking Restrictions, Middle Street-East Side. (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 6. Stopping, Standing and Parking

Section 17-259. Parking Restrictions

Middle Street East Side

Delete the following:

From a point 160 feet north of Shaw Street to Spring Street, 2 hour parking.

Replace with the following:

From a point 160 feet north of Shaw Street to the southern side of Hinckley Street, 2 hour parking. From the northern side of Hinckley Street to Spring Street, no parking.

Councilor Wyman made a motion to put the item on the floor for discussion. Councilor Omo seconded the motion. City Solicitor Therriault clarified the location for the Council. City Manager Giroux stated that this had been approved by the Planning Board. The neighborhood had all been advised of this

change during the Huse School project review, and Chairman Eosco added that there would be no problem with driveways and the traffic flow would not be interrupted.

ROLL CALL VOTE:

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

NAYS: None

Ordinance passed unanimously. 8-0

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

2) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-210. One-Way Streets, Andrews and Cobb Roads. (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 6. Stopping, Standing and Parking

Section 17-210. One-Way Streets.

Add the following:

ANDREWS ROAD Westerly, from Dike Road to former Huse School Property

COBB ROAD Easterly from the former Huse School Property to Dike Road

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

Chief Field addressed the City Council and stated that the Transportation Committee had been working on this. He pointed out that nobody could park there without getting a violation so this needed to be rectified.

ROLL CALL VOTE:

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

NAYS: None

Ordinance passed unanimously. 8-0

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

D. Consent Agenda 6:11 p.m.

***3) Minutes of the Council Meetings of June 7 and 14, 2017 and Item F4. (Motion to Accept as Presented)**

Councilor Paulhus made a motion to approve the Consent Agenda as presented, which was seconded by Councilor Omo.

Vote on Consent Agenda:

YEAS: 8

NAYS: 0

Consent Agenda passed unanimously, 8-0

E. Time Devoted to Residents to Address the City Council

There was no public comment.

F. Resolutions, Orders and Ordinances 6:12 P.M.

4*) Appointment: Replacement to finish out the term expiration June 30th of 2018 of City Manager William Giroux to the Maine Municipal Association Legislative Policy Committee by Councilor Mari Eosco.

5) Order: Approving Interim City Manager

Madame Chair Eosco read the following Order:

**ORDER
APPROVING INTERIM CITY MANAGER**

WHEREAS, the incumbent City Manager, William D. Giroux, will be leaving the position of City Manager effective July 6, 2017; and

WHEREAS, his absence will leave the position of City Manager vacant; and

WHEREAS, it is necessary and appropriate to provide for an Interim City Manager to fill the position of City Manager; and

WHEREAS, the City Council is required to appoint a City Manager for an indefinite term in accordance with the provisions of Section 301 of the City Charter; and

WHEREAS, it has been recommended that Peter H. Owen, the current City Public Works Director, fill the position of Interim City Manager; and

WHEREAS, Peter H. Owen has, on a number of occasions, in the absence of the current City Manager, filled the position as Acting City Manager.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that Peter H. Owen is hereby appointed the Interim City Manager for the City of Bath, effective July 7, 2017, and to remain in that position until a permanent City Manager is selected, approved by Council, and assumes the position of City Manager, or until further action of the Council.

Councilor Wyman made a motion to put this item on the floor for discussion, which was seconded by Councilor Paulhus. Madame Chair Eosco stated that Peter Owen has agreed to fill this position.

VOTE ON ORDER:

YEAS: 8

NAYS: 0

Order passed unanimously 8-0

6) Order: Approving Employment Contract for Interim City Manager

Madame Chair Eosco read the following Order:

**ORDER
APPROVING EMPLOYMENT CONTRACT**

WHEREAS, Peter H. Owen has been appointed as the Interim City Manager, effective July 7, 2017, and is expected to remain in that position until a permanent City Manager is selected, approved, and assumes the position, or until further action of the Council; and

WHEREAS, both City Council and the Interim City Manager have deemed it appropriate to have the tenure of the Interim City Manager governed by an Employment Contract, setting forth the powers, duties, terms, and conditions of the employment of the Interim City Manager.

NOW, THEREFORE, BE IT ORDERED that the City Council of the City of Bath hereby approves the Employment Contract by and between the City of Bath and the Interim City Manager, Peter H. Owen, generally in the form attached hereto and made a part of this Order.

Councilor Wyman made a motion to put this item on the floor for discussion, which was seconded by Councilor Park.

VOTE ON ORDER:

YEAS: 8

NAYS: 0

Order passed unanimously 8-0

7) Order: Appointing Public Works Director

Madame Chair Eosco read the following Order:

**ORDER
APPOINTMENT OF PUBLIC WORKS DIRECTOR**

PURSUANT TO SECTION 404 OF THE CHARTER OF THE CITY OF BATH, AND THE REQUIREMENTS OF 30-A M.R.S. § 3153, THE CITY COUNCIL OF THE CITY OF BATH HEREBY RATIFIES AND CONFIRMS THE CITY MANAGER’S APPOINTMENT OF LEE LEINER, AS THE PUBLIC WORKS DIRECTOR FOR THE CITY OF BATH, FOR AN INDEFINITE TERM, SAID APPOINTMENT TO BE EFFECTIVE JULY 7, 2017.

Councilor Wyman made a motion to put this item on the floor for discussion, which was seconded by Councilor Omo. Councilor Omo thanked Peter Owen and Lee Leiner for their years of service to the City of Bath, and this sentiment was echoed by the rest of the City Council.

VOTE ON ORDER:

YEAS: 8

NAYS: 0

Order passed unanimously 8-0

8) Order: Approving Amendment and Extension of Option Agreement with Regional School Unit #1 – Wing Farm Property

Madame Chair Eosco read the following Order:

**ORDER
APPROVING AMENDMENT AND EXTENSION
OF OPTION AGREEMENT**

WHEREAS, the City of Bath, on or about October 11, 2016, entered into an Option Agreement with Regional School Unit No. 1: Lower Kennebec Region School Unit (“RSU 1”) for the purchase of premises designated as the City’s Wing Farm Subdivision and a portion of the Wing Farm Parkway, located within the boundary of the City of Bath; and

WHEREAS, that Option Agreement was recorded on December 2, 2016 in the Sagadahoc County Registry of Deeds in Book 2016R, Page 09045; and

WHEREAS, under its provisions, the Option Agreement was scheduled to expire on July 31, 2017 at 11:59 P.M.; and

WHEREAS, RSU 1 has the option to extend the original Option term by delivering a notice to the City of Bath expressing its intention to extend the Option for an additional one-year term; and

WHEREAS, the City of Bath has received formal notice of extension from RSU 1; and

WHEREAS, the additional purpose of the Amendment and Extension of the Option Agreement is to include property which was not part of the Wing Farm Development but adjoined the Development and is located in the Town of West Bath.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the proposed Amendment and Extension of Option Agreement, attached hereto and made a part hereof, be and hereby is approved and that the City Manager of the City of Bath is hereby authorized to execute the Amendment and Extension of Option Agreement, together with such other documentation as may be necessary, appropriate, or convenient to effectuate the amendment and extension, on behalf of the City.

Councilor Wyman made a motion to put this item on the floor for discussion, which was seconded by Councilor Park.

City Solicitor Therriault stated that he had received an e-mail from RSU 1 explaining that the option agreement with the City of Bath and RSU 1 for the Wing Farm property was scheduled to expire on July 31, 2017 at 11:59 p.m. The original agreement contained a provision that allows RSU 1, at their option, to extend the timeframe for the option for an additional year to July 31, 2018 at 11:59 p.m. The only requirement was that they provide the City of Bath with their notice of intent to extend the option for the additional year. They have sent, through their Counsel, an e-mail which expresses their intention.

City Solicitor Therriault explained that the first and primary reason an amendment is being done is to include the portion of Wing Farm that was in West Bath and was not part of the original option. This property is now being included in this Amendment so that all the Wing Farm property is being conveyed. With respect to all other provisions of the original Option, they are ratified and carried forward in accordance with Paragraph 4 of the Amendment and Extension.

VOTE ON ORDER:

YEAS: 8

NAYS: 0

Order passed unanimously 8-0

9) Bond Ordinance: Authorizing up to \$700,000 of the City's General Obligation Bonds to finance the acquisition of a rescue pumper fire truck. (first passage) 6:23 p.m.

Councilor Paulhus made a motion to waive the reading of the following Bond Ordinance. Councilor Comeau seconded the motion. All were in favor of the waiving motion.

BOND ORDINANCE

AUTHORIZING UP TO \$700,000 OF THE CITY'S GENERAL OBLIGATION BONDS TO FINANCE THE ACQUISITION OF A RESCUE PUMPER FIRE TRUCK

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH, AS FOLLOWS:

Section 1. That a sum of up to, but not to exceed, \$700,000, plus the sale premium of and investment earnings on the bonds authorized in Section 2 below, is hereby appropriated for the purpose of funding the following projects, including issuance costs therefore:

- Rescue Pumper Fire Truck

Section 2. That, for the purpose of funding the aforesaid appropriation, the City Treasurer, with the approval of the Chair of the City Council and the City Manager, is hereby authorized, in the name of and on behalf of the City, to issue the City's bonds or notes in anticipation thereof,

in the stated principal amount of up to, but not to exceed, \$700,000 under and pursuant the City Charter and Title 30-A, Section §5772 of the Maine Revised Statutes.

- Section 3. That any and all bonds or notes in anticipation thereof issued pursuant to this Ordinance are issued pursuant to Chapter 8 of the City Charter and shall be signed by the City Treasurer and countersigned by the Chair of the City Council and the City Manager.
- Section 4. That any and all bonds issued pursuant to this Ordinance shall be payable in annual installments, which need not be equal, the total amount of which shall extinguish the entire debt at maturity pursuant to the requirements of 30-A M.R.S.A. Section 5772(3), pursuant to Section 807 of the City Charter.
- Section 5. That the term of any bonds issued pursuant to this Ordinance shall not exceed fifteen (15) years, or such lesser term as the Treasurer shall determine is appropriate.
- Section 6. That the City Treasurer, with the approval of the Chair of the City Council and the City Manager, shall determine the date or dates, maturities (not to exceed the maximum term specified above), denominations, interest rate or rates and any other details of any bonds or any notes in anticipation thereof to be issued pursuant to this Ordinance, such approval to be conclusively evidenced by the execution thereof.
- Section 7. That the City Treasurer, with the approval of the Chair of the City Council and the City Manager, is hereby authorized to make any bonds or notes in anticipation thereof issued pursuant to this Ordinance subject to prepayment and call for redemption with or without premium prior to the stated maturity date at the election of the City.
- Section 8. That the City Treasurer is hereby authorized to take all such action as may be necessary to designate any bonds or notes in anticipation thereof issued pursuant to this Ordinance (to the extent such designation is available) as qualified tax-exempt obligations for purposes of Section 265(b) of the Code.
- Section 9. That the bonds or notes in anticipation thereof issued pursuant to this Ordinance shall be general obligations of the City, backed by the full faith and credit and taxing power of the City.
- Section 10. That in the event the City Treasurer elects to issue such bonds or notes in anticipation thereof through the Maine Municipal Bond Bank (the "Bond Bank"), that the City Treasurer and the Chair of the City Council and the City Manager be and hereby are authorized, on behalf of the City, to enter into a loan agreement with the Bond Bank in conjunction with the issuance of the bonds or notes, in the aggregate principal amount not to exceed \$700,000 with a term not to exceed the term of the bonds or notes, said loan agreement to be in the usual and ordinary form utilized by the Bond Bank in connection with its General Resolution Program, which is hereby approved, and to contain such other terms and provisions, not contrary to the general tenor hereof, as the Treasurer, the Chair of the City Council and the City Manager may approve, their approval to be conclusively evidenced by the execution thereof.
- Section 11. That the City Treasurer is authorized to do or cause to be done all such acts and things, and to execute and deliver any and all contracts, agreements, certificates, and other documents as may be necessary or advisable, including but not limited to an Arbitrage and Use of Proceeds Certificate and a Continuing Disclosure Certificate, to carry out the provisions of

this Ordinance in connection with the issuance and delivery by the City of the bonds or notes in anticipation thereof.

Section 12. That if the City Treasurer, Chair of the City Council, City Manager, or Clerk are for any reason unavailable to approve and execute the bonds or notes in anticipation thereof issued pursuant to this Ordinance, any loan agreement or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

Section 13. That during the term any of the bonds authorized hereby are outstanding, the City Treasurer is hereby authorized, in the name and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 15 years from the date of issuance of the original bonds) and all other details of such refunding bonds, including the form and manner of their sale and award. The City Treasurer is hereby further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the City Treasurer and countersigned by the Chair of the City Council and the City Manager, sealed with the seal of the City, and attested by its Clerk.

Section 14. That any suit questioning the validity of this Ordinance shall be barred unless commenced within forty-five (45) days following publication of the Ordinance in accordance with Section 805 of the City Charter.

Councilor Omo made a motion to put this item on the floor for discussion, which was seconded by Councilor Paulhus. City Manager Giroux explained that one of the City fire trucks had to be taken out of service for safety reasons. He said they had expected to try to get another year out of it and then bring another fire truck in next budget session, but said that it is unsafe to try to get another year out of it at this point. He said that it is not safe for our people to operate, or for people driving down the road. He said that they have taken it out of service and are moving forward with purchasing another fire truck from the same company. He added that they have had much success with this company, they have a service garage in Brunswick and have serviced many of their vehicles.

Chief Renaud addressed the City Council and said that they should have a replacement within 30 calendar days. He added that they have reached out to Mutual Aid, who are more than obliged to assist.

VOTE ON BOND ORDINANCE:

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

NAYS: 0

Ordinance passed unanimously 8-0

Madame Chair Eosco set second passage for August 2, 2017 at 6:01 PM.

10) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259. Parking Restrictions, High Street – West Side (Morse High School) (first passage): 6:26 p.m.

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

High Street

West Side

Delete the following:

From Centre Street to the South Entrance of the Vocational School, 1 hour parking. From the South Entrance of the Vocational School to the first Handicap spot in front of Morse, 1 hour parking, except for Bus Zone Only from 1:30 pm to 2:30 pm., when school is in session. From the first Handicap spot to a point 40 feet north, Handicap parking Only. From a point 40 feet north of the first Handicap spot to Chestnut Street, Parking by Permit Only., permits to be obtained from Morse High School. (11-3-10)

Replace with the following:

From Centre Street to a point 20 feet north of the north side of the vehicular entrance to the Vocational School, 1 hour parking. From a point 20 feet north of the north side of the vehicular entrance to the Vocational School and running a distance of 260 feet north to a point, 1 hour parking, except Bus Parking Only from 7:00 am to 2:30 pm on days when school is in session. From a point 260 feet north of a point 20 feet north of the north side of the vehicular entrance to the Vocational School and running north a distance of 65 feet to a point, 1 hour parking; From a point 325 feet north from a point 20 feet north of the north side of the vehicular entrance to the Vocational School and running north a distance of 78 feet, Handicap parking Only; From a point 403 feet north from a point which is 20 feet north of the north side of the vehicular entrance to the Vocational School and continuing north to Chestnut Street, Parking by Permit only, permits to be obtained from Morse High School. (11-3-10)

Councilor Omo made a motion to put this item on the floor for discussion, which was seconded by Councilor Paulhus. Chief Field addressed the City Council and stated that the Transportation Committee has been very busy. He explained that the current bus zone is from 1:30 to 2:30 p.m. but said that the current ordinance isn't working and that it is a public safety issue. Traffic Safety Officer Devin Hook and School Resource Officer Chuck Reese met with the Bath Bus Service to try to come up with a better option. He added that the bus parking is only while school is in session for the entire year. Officer Devin Hook then gave an overview from a map of what is being proposed.

The proposed bus parking would be from 7:00 a.m. to 2:30 p.m. during the entire school year while school is in session and would prohibit anyone from parking in this zone at all. The Transportation Committee reviewed this proposal at their June meeting and support this ordinance.

It was noted that the visitor and handicap parking would not be affected and there would still be parking in front of Morse High's entrance and the vocational school.

VOTE ON ORDINANCE:

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

NAYS: None

Ordinance passed unanimously 8-0

Madame Chair Eosco set second passage for August 2, 2017 at 6:02 PM.

G. Petitions & Communications 6:32 p.m.

There were no petitions or communications at this time.

H. City Manager's Report 6:32 p.m.

There was no City Manager's Report.

I. Committee Reports 6:33 p.m.

Councilor Page stated that the Parks and Recreation Commission has a persuasive proposal about a pump track and asked Park and Recreation Commission Director Steve Balboni to explain this proposal. Steve Balboni explained that it would basically be a circle with two to three foot humps where they would not have to pedal. It would be a 40x60 ft. bicycle track and said that the RSU had received a grant for 30 mountain bikes and added that the RSU students would build the track.

Councilor Comeau reported that the Bicycle and Pedestrian Committee has a vision statement that is still ongoing, and referred to an act that will provide safety in the schools. He also reported that the Transportation Committee has been very busy and said that they are looking at streets, especially narrow streets in the North End, signage that needs to be replaced, etc.

J. Unfinished Business 6:40 p.m.

There was no unfinished business at this time.

J. New Business 6:40 p.m.

There was no new business.

K. Councilor Announcements 6:40 p.m.

Councilor Bauer reported that she said good-bye to the two Japanese ladies that she had hosted. She said that there are 16 students coming in August and there are only 10 families pledged to host at this time so she put out a plea for people to sign up to host the Japanese students. She touted the benefits of being a host as well as listing the responsibilities of being a host family, and said that it is a very rewarding experience.

Councilor Page gave kudos to Jake Korb and Main Street Bath for one of the most successful Heritage Days that he has ever seen. He also made special note of the work by the All Sports Boosters, Superintendent Patrick Manuel, Dave Richards and Mother Nature for making the chicken barbecue a

huge success and expressed his thanks to all those who had helped out. It was mentioned that there was excellent clean-up effort for Bath Heritage Days and that Main Street Bath had contracted with Garbage to Garden, who had done excellent work. He said that his next project would be a golf tournament in memory of Dr. Buck on July 25th, and that the money would go to the Y Youth Development Fund.

Councilor Omo made a motion at 6:47 PM to go into Executive Session to discuss Labor Negotiations per 1 MRSA §405(6)(D) and a Personnel Matter per 1 MRSA §405(6)(A) . Councilor Park seconded the motion. All were in favor of the motion.

Councilor Comeau made a motion at 7:12 PM to come out of Executive Session. Councilor Bauer seconded the motion. All were in favor of the motion.

The meeting adjourned at 7:12 PM with a motion by Councilor Page 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.