

**REGULAR MEETING MINUTES  
CITY COUNCIL OF THE CITY OF BATH, MAINE  
Wednesday, September 6, 2017 6:00 PM  
City Council Chambers, Bath City Hall**

Present: Councilors Page, Paulhus, Wyman, Comeau, Park, Omo and Madame Chair Eosco  
Late: Councilor Nordmann  
Excused: Councilor Bauer

Also in attendance were the 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.

*Proclamation “Oklahoma Week” in recognition of the performance of the musical Oklahoma at the Chocolate Church.*

Madame Chair Eosco read the following Proclamation:

**PROCLAMATION**

**WHEREAS** the musical Oklahoma broke all box office records when it opened in 1943 and is considered to be the first musical to tell a story with music, dance and lyrics, thereby changing the form of musical theatre, and

**WHEREAS** the musical score from this production is one of the most beloved of all time, with the state of Oklahoma adopting the title song as its state song in 1953, and it is rumored that the Queen and Prince Phillip’s “song” is “People Will Say We’re In Love” from Oklahoma, and

**WHEREAS** the musical Oklahoma will be performed at the Chocolate Church September 15-24, and

**WHEREAS** the Chocolate Church wishes to bring the Wild West to the streets of Bath, Maine the week of September 9 - 15 to celebrate “Oklahoma Week” in Bath to promote the production of the musical, and

**WHEREAS** the citizenry of Bath will be able to see local business employees dressed in cowboy get-up such as hats, boots and bandanas, will be able to hear songs from the show at Waterfront Park, and will be able to enjoy events such as a hayride;

**NOW THEREFORE BE IT PROCLAIMED** that the Bath City Council proclaims September 9 - 15 as “Oklahoma Week” in the City of Bath and extends our sincere best wishes for a successful production and sell-out crowds for this well-loved musical.

Dated this 6<sup>th</sup> day of September, 2017.

*Presentation by Daniel Lay Esq. of HM Payson – Annual report on the City’s Investment Funds*

*A copy of this report is on file in the City Clerk’s Office with the September 6, 2017 Agenda Materials.*

Finance Director Juli Millett gave an overview of the history of this account and introduced Jay Flower, Portfolio Manager at H.M Payson’s in Portland, Maine that would be giving the report.

Mr. Flower went through the report with Council, explaining the details.

C. Consent Agenda: 6:21PM

**\*1) Minutes of the previous Council meeting of August 2, 2017. (motion to Accept as Presented)**

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

**D. Time Devoted to Residents to Address the City Council: 6:22PM**

No one spoke at this time.

**E. Resolutions, Orders and Ordinances: 6:22PM**

**2) Order: Approving Internet Protocol Television System Franchise Agreement.**

Madame Chair Eosco read the following Order:

**ORDER  
APPROVING  
INTERNET PROTOCOL TELEVISION SYSTEM  
FRANCHISE AGREEMENT**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT AN INTERNET PROTOCOL TELEVISION SYSTEM FRANCHISE AGREEMENT, BY AND BETWEEN THE CITY OF BATH AND LINCOLNVILLE COMMUNICATIONS, INC., A COPY OF WHICH IS ATTACHED HERETO, BE AND HEREBY APPROVED, AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF BATH.

*•Attachment is on file with Agenda Materials for 9/6/2017 City Council Meeting in the City Clerk's Office.*

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

City Solicitor Roger Therriault explained the changes to the agreement from the former one and the process by which the contract was negotiated.

Alan Hinsey, Director of Marketing, Sales & Communications for Lincolnville Communications, INC. gave an overview of the company and its products.

**VOTE on Order:**

**YEAS: 6**

**NAYS: 0**

**Passed unanimously. 6-0**

**3) Order: Approving Bond Ordinance Referendum to Fund Sidewalks and Street and Road Improvements in the City to go on the ballot at the November 7, 2017 election.**

Madame Chair Eosco read the following Order:

**ORDER**

Be it ORDERED by the City Council of the City of Bath as follows:

Pursuant to and in accordance with Section 1014 and Section 617 of the Bath City Charter, the following proposition for the enactment of an Ordinance funding sidewalks and street and road improvements in the City, said Ordinance being attached hereto or included with the minutes of this meeting as Attachment A, be submitted to the voters of the City of Bath at a municipal referendum election to be held on Tuesday, November 7, 2017:

“Shall a Bond Ordinance be Enacted Authorizing the City’s General Obligation Bonds in the Amount of \$2,800,000 to Finance Sidewalks and Street and Road Construction, Reconstruction and Paving Projects?”

The question shall also contain a Treasurer’s Statement as required under 30-A MRS §5772(2-A).

This Order shall constitute the City's declaration of official intent within the meaning of Treasury Regulation §1.150-2.

•*Attachment A is on file with the Agenda Materials for the 9/6/2017 City Council Meeting in the City Clerk’s Office.*

Councilor Omo made a motion to put this Order on the floor for discussion. Councilor Park seconded the motion.

Interim City Manager Peter Owen gave a history of this Bond Ordinance and the projects that would be included in this bond.

Public Works Director Lee Leiner stated this is a good use of the bonding process to cover paving and sidewalk improvements.

**VOTE on Order:**

**YEAS: 6**

**NAYS: 0**

**Passed unanimously. 6-0**

**4) Order: Approving Public Hearing and Notice of Public Hearing regarding proposed amendments to the City Charter to go on the ballot at the November 7, 2017 election.**

Madame Chair Eosco read the following Order:

**ORDER  
FOR PUBLIC HEARING  
AND NOTICE OF PUBLIC HEARING**

Be it hereby ordered by the City Council of the City of Bath, that the City Council, as municipal officers of the City, having determined in accordance with their authority under 30-a M.R.S. § 2104(1), that there are certain amendments to the Bath City Charter that should be considered, does hereby provide by this Order for notice to be given of a public hearing relating to the proposed Charter amendments, said public hearing to be held on Monday the 18<sup>th</sup> day of September, 2017, at 6:00 p.m. in the City Council Chambers on the 3<sup>rd</sup> floor of the Bath City Hall, 55 Front Street, Bath, Maine. The Clerk is instructed to cause a notice of this public hearing to be published in a newspaper having a general circulation within the City of Bath at least seven (7) days prior to the date of the hearing. The notice shall contain the text of the proposed Charter amendment with a brief explanation, all in accordance with the provisions of 30-a M.R.S. § 2104(5). Such notice shall also be posted in the same manner as required of Ordinances under §

221 of the Charter of the City of Bath. The text of the proposed Charter amendments is attached to this order and will be attached to the Notice of Public Hearing.

*•Attachment of the text of the proposed Charter Amendments is on file with Agenda Materials for the 9/6/2017 Council Meeting in the City Clerk's Office.*

*Councilor Nordmann took his seat at this time.*

Councilor Omo made a motion to put this Order on the floor for discussion. Councilor Park seconded the motion.

Madame Chair Eosco explained the two proposed Charter Changes.

**VOTE on Order:**

**YEAS: 7**

**NAYS: 0**

**Passed unanimously. 7-0**

#### **5) Order: Approving Lambert Park Community Center Lease**

Madame Chair Eosco read the following Order:

### **ORDER**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE AGREEMENT TO RENEW LEASE WITH TERRI CROCKER FOR USE OF A PORTION OF THE LAMBERT PARK COMMUNITY CENTER FOR THE CONDUCT OF A DAY CARE PROGRAM AND A BEFORE/AFTER SCHOOL PROGRAM, FOR A PERIOD OF THREE (3) YEARS COMMENCING RETROACTIVELY ON JULY 1, 2016 AND RUNNING THROUGH JUNE 30, 2019, IN ACCORDANCE WITH TERMS AND CONDITIONS OF THE RENEWAL AGREEMENT ATTACHED HERETO, BE AND HEREBY IS APPROVED AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SAID AGREEMENT TO RENEW LEASE ON BEHALF OF THE CITY OF BATH.

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

Recreation Director Steve Balboni gave a history of the property and the lease.

**VOTE on Order:**

**YEAS: 7**

**NAYS: 0**

**Passed unanimously. 7-0**

#### **F. Petitions & Communications: 6:56 PM**

Madame Chair Eosco announced that September is "Childhood Cancer Awareness Month". She stated that Maine Cancer Walks would be taking place at different locations throughout the State on Saturday, September 16<sup>th</sup>.

#### **G. City Manager's Report 6: 58 PM**

Interim City Manager Peter Owen reported that the Cemetery Department has done some reconstruction work in the Maple Grove section to bring back that section to its original state.

He reported that the City had just received a check in the amount of \$25,000 from the City Insurance due to the number of accidents going down reported by the City.

Mr. Owen stated that the City closed a portion of its landfill years ago and the State has a law that they reimburse communities for the monies they spent on those closures. Therefore the City is eligible for that money which comes to around \$400,000. The State doesn't have the money to reimburse that amount all at once so they send a check periodically and the City just received one in the amount of \$25,000. This will bring the total reimbursed so far to \$50,000, which has been put into the Landfill Fund.

Public Works Director Lee Leiner and Solid Waste Committee member Ruth Lawson-Stopps gave an overview of the "Bring Your Own Bag" proposed ordinance. Mr. Leiner stated there would be two public meetings concerning this issue - one at City Hall on September 13<sup>th</sup> and one at the Patten Free Library on September 19<sup>th</sup>, both at 6PM.

*A copy of the slideshow presented by Mr. Leiner and Ms. Lawson-Stopps is on file with the agenda materials for September 6, 2017 Council Meeting in the City Clerk's Office.*

#### **H. Committee Reports: 7:32 PM**

Councilor Omo reported for the River Herring Commission stating that even though the State's numbers of river herring were up, the number of fishing days for this year's season were down. He stated the numbers of river herring for Winnegance Lake are down but the Kennebec River stock is stable. Councilor Omo explained there had been a tagging project done on the river herring over the past couple of years showing the same fish are coming back to the same regions. He stated there are researchers now looking at the possibilities of the fish going out into the oceans and being caught up by a dragger, which could wipe out of a whole region of fish.

Councilor Park reported for the Bath Community Forestry Committee. He stated they will be holding a Winter Moth Workshop on September 21<sup>st</sup> at 9M and said people could sign up at the Bath Recreation Department.

Councilor Comeau reported for the Bike and Pedestrian Committee stating that Kevin Shute of B&P and Mr. Lawrence Kovacs of the Bath Middle School worked together to get a grant for bicycles through a program named "Out Ride ADHD" for 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> graders. The program is also known as "Riding for Focus" and gives Middle Schools the ability to give students the chance to build lifelong fitness habits. The Bath Middle School was chosen as one of 10 schools to receive 30 specialized mountain bikes of various sizes, equipment which is valued at around \$20,000. The participating students will ride for around 20 minutes 3 times a week and will be selected through a lottery. Councilor Comeau stated that the B&P had been talking about starting an after school bike center where kids would learn bike safety and repair and is in hopes this may be the beginning of such a center.

Councilor Page reported for the Facilities Committee stating they have started taking an inventory of City Facilities listing their needs and wants and going forward with first focus on the McMann Complex with help from RSU #1. He stated this inventory project will help with long range plans and budgeting.

Madame Chair Eosco reported for Main Street Bath that during Heritage Days they contracted with "Garbage to Garden" to handle the trash needs for the festival. "Garbage to Garden" was able to have people separate trash so they could compost some of the trash and 87% of the garbage was able to be diverted from the landfill. She stated that this is the first year of the festival that neither Main Street nor the City had a call regarding trash problems. Madame Chair announced that Jake Korb, Director of Main Street Bath, will be leaving and she will be taking on the interim position.

#### **I. Unfinished Business: 7:45 PM**

There was no unfinished business.

**J. New Business: 7:45 PM**

**8) Appointment 3 members to the Bath Planning Board with terms to expire in September 2020.**

On behalf of the Appointments Committee, Councilor Wyman nominated James Hopkinson, Gregory Johnson and Clarence Stilphen to these positions. All were in favor of the nominations.

**9) Appointment 2 members to the Bath Zoning Board of Appeals with term to expire in September 2020.**

On behalf of the Appointments Committee, Councilor Wyman nominated Joseph Marchetti, Jr. and Eleanore Holland to these positions. All were in favor of the nominations.

**K. Councilor Announcements 7:46 PM**

Councilor Nordmann gave a report on his recent visit of our Sister City in Japan. He was representing the City of Bath with a group of students and chaperones from Morse High School.

Councilor Paulhus reported on the “Welcome to Bath” festivities at the Maine Maritime Museum for the Japanese contingency visiting our City.

Madame Chair Eosco reported on the “Chat with the City” event. She stated that she, Councilor Bauer and the City Manager got to spend time at the table and gave away Bath trinkets and candy to the people who stopped by their table.

She then reported on the recent School Board Meeting stating they had received more money back from the State then they had first thought so the RSU #1 had decided to keep 50% of the money to put towards the new high school project and use the other 50% to help reduce taxes. Madame Chair also reminded people to attend the up-coming public meetings regarding the new high school so they will be informed on what is happening with that project.

Madame Chair announced that Citizen Involvement Day is coming soon and they are looking for nominations of people that have been working tirelessly for the City as unsung heroes. She urged the public if they know of these people to nominate them for “Citizen of the Year”.

Councilor Page made a motion at 7:56 PM to go into Executive Session to discuss a Real Estate Matter per 1 MRSA §405(6)(C) – Willow Street Property. Councilor Park seconded the motion. All were in favor of the motion.

Councilor Page made a motion at 8:21PM to come out of Executive Session. Councilor Park seconded the motion. All were in favor of the motion.

The meeting adjourned at 8:22 PM with a motion by Councilor Omo, seconded by Councilor Comeau. 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.*