

REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE
December 6, 2017
City Council Chambers, Bath City Hall

Present: Councilors Bailey, Paulhus, Nordmann, Wyman, Comeau, Bauer, Park, Ambrosino and Madame Chair Eosco

Also in attendance was 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.

C. Consent Agenda 6:09 PM

***1) Minutes of Previous Meeting - November 8, 2017 and Items E2, E3, E4, E5, E6 and E7. (motion to accept)**

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

D. Time Devoted to Residents to Address the City Council 6:11PM

No one spoke at this time.

E. Orders, Resolutions and Ordinances 6:11PM

***2) Order - setting meetings of the City Council (motion to pass Order)**

ORDER

Be It Ordered by the City Council, as follows:

That, in accordance with Section 214 of Chapter 2 of the Charter of the City of Bath, the City Council will conduct its regular meetings in the Council Room, Third Floor at City Hall, on the first Wednesday of each month at 6:00 o'clock PM and a Special Meeting/Workshop on the third Wednesday of each month at 6:00 PM in Council Chambers, as needed.

This Order was passed on the Consent Agenda.

***3) Order - adopting Robert's Rules of Order for parliamentary procedure (motion to pass Order)**

ORDER

Be It Ordered by the City Council, as follows:

That, the Rules of Parliamentary Practice comprised in Robert's Rules of Order, Newly Revised, shall govern the City Council in all cases to which they are applicable, and in which they are not inconsistent with the City Charter, and any Orders or Resolutions passed or adopted by the City Council to govern certain procedures or policies, or as may be amended by this Council.

This Order was passed on the Consent Agenda.

***4) Adoption Working Rules and Regulations for Council (motion to pass)**

**CITY COUNCIL FOR THE CITY OF BATH, MAINE
WORKING RULES AND REGULATIONS FOR COUNCIL**

PUBLIC TO ADDRESS COUNCIL

At the beginning of each regular monthly meeting, there will be time devoted to any resident, taxpayer, or, in the case of an organization, an authorized representative of a resident or taxpayer, of the City of Bath to address the Council regarding any item that is not on the agenda for that meeting.

As each item on the agenda for any meeting is brought to the floor for discussion, the sponsor of each item or, if there is no Council sponsor, the City Manager, shall first be allowed to present their initial comments for consideration by the public and other Councilors. Following this introduction of the issue, there will be time devoted to any questions of the sponsor or the City Manager regarding the agenda item which any Councilor may have which would help to clarify the question presented by the agenda item. The Chair shall allow questions only during this time, and no debate or discussion of collateral issues shall be permitted. Once the agenda item has been explained by its sponsor or the City Manager and clarified by any questioning as provided above, there will be time devoted for any resident, taxpayer or authorized representative of an organization, resident or taxpayer of the City of Bath to address the Council regarding this particular agenda item.

After listening to any input from the public present, the Chairman will close public comment on the issue and then provide for any debate of the issue among Councilors. The Chairman may, if the topic warrants, allow a second period of public comment no longer than two minutes per person, prior to final Council vote. Second comments by the public must be to furnish new or undisclosed information or viewpoints. The Chairman will then close public debate, provide for a second period of Council debate followed by Council vote, and then proceed to further action.

Any individual wishing to address the council, after being recognized by the Chairman, will move to the lectern to speak and give his or her name and address before beginning remarks.

If, during time of public comment, a person seeks merely to reinforce a point made by another speaker, his or her remarks should simply note concurrence with the specific point.

Any comment by the public shall be limited to the expression of opinions or concerns regarding the agenda item or direct questions pertaining to any factual question presented by the agenda item. All such questions shall be directed through the Chair. In no instance shall debate of an agenda item be allowed between members of the public and the Council. No public comment shall be allowed which has the effect of embarrassing or attacking the character of any individual or Councilor, and this rule shall be liberally construed and strictly enforced. All individuals addressing the Council shall limit their remarks to five (5) minutes or less. No individual shall be permitted to address the Council more than twice on any agenda item.

WORKSHOP SESSIONS

Workshop sessions may be scheduled by the Chairman or City Manager, for the purpose of disseminating information for Council enlightenment and evaluation or for the discussion or refinement of future agenda items.

Members of the public are invited to attend any workshop session but will not be allowed to participate in the workshop. Prior to adjourning any workshop session, Council will provide time for members of the public to address the session to provide information relevant to the subject being explored or to ask questions, through the Chair, relating to the subject of the workshop session.

ABSENCE OF CHAIRMAN

A Vice Chairman shall be elected on the first Wednesday in December pursuant to the City Charter. The Vice Chairman shall carry out the duties of the Chairman in the absence of the Chairman.

In a situation where the Chairman and the Vice Chairman of the City Council are absent, the Council shall appoint by affirmative majority vote of its members present, a temporary Chairman of the Council to serve until such time as the Chairman or Vice Chairman returns to the Chair. The temporary Chairman is to have and exercise any and all powers conferred upon the permanent Chairman of the said City Council by Charter or otherwise.

EXECUTIVE SESSIONS

All motions for Executive Sessions shall state the nature of matters to be dealt with. No topic other than that referred to in the Motion shall be discussed during executive session. All matters discussed during executive session shall be held in strictest confidence by Councilors and shall not be discussed with or divulged to any person other than a fellow Councilor or persons in attendance at the executive session. Any violation of this confidentiality requirement shall be deemed to be malfeasance of office and shall subject the offending Councilor to sanction by the Council as set forth in Section 213 of the City Charter.

AGENDA ITEMS

All agenda items shall be, under normal circumstances, submitted to the City Clerk's Office 6 days prior to any regular or special meeting. In the event that a matter shall arise which was not submitted to the Clerk's Office within the proper time frame, then that item, in proper form to be submitted to the City Council, shall be presented to the Council Chairman and City Manager as soon as possible. The Council Chairman may present the matter to be considered by the Council, with a majority vote of Councilors present required for it to be included on the agenda.

CONSENT AGENDA

On any agenda for the City Council for the City of Bath, one item may be the Consent Agenda and may consist of-

- a. Minutes of the City Council meetings.
- b. Such items as may be marked with an asterisk (*) on the agenda for the meeting, which in the opinion of the City Council Chairman shall be considered routine matters not requiring debate.

Any Councilor wishing to have any item so marked removed from the Consent Agenda shall have the unlimited right to do so at any time prior to the vote by Council on the Consent Agenda. If such an item is removed from the Consent Agenda, it shall be considered within the normal course of the meeting.

In the case of items included, the motion to approve shall be considered to have been passed by the City Council as part of its vote to approve the Consent Agenda.

COUNCILOR COMMENTS - 5 MINUTE RULE

No individual Councilor shall speak for more than 5 minutes on any one motion before the Council. For the purpose of this rule, Councilors shall be allowed to speak for 5 minutes on any amendments proposed, as well as to the original motion. No individual Councilor shall speak more than twice on any given motion or amendment. These rules may be waived by a majority-vote of the Councilors present and such motion may be made by the Councilor wishing the additional time. Councilors are encouraged to explain the rationale for their vote during their comments. No comments shall be allowed which have the effect of embarrassing or attacking the character of any fellow Councilor or member of the public, and this rule shall be liberally construed and strictly enforced.

MEETING LENGTH

All Council meetings, workshops or executive sessions shall, except in extraordinary circumstances, adjourn at or before 9:00 P.M.

WAIVER

Any of these rules may be waived for any meeting, or portion thereof, by a majority vote of Councilors present.

TABLING MOTIONS

Although tabling motions under Robert's Rules of Order are not designated as motions which are debatable, this Council shall allow debate on a tabling motion. Any such debate, however, will be limited to the reasons for the tabling motions and shall not be a continuation of the merits of the motion or any amendments that may be offered to the motion.

This Item was passed on the Consent Agenda.

- *5) Order - Council approval on annual Blanket Letter of Approval on all renewals to operate Games of Chance and/or Beano Games (private clubs, etc.) (motion to grant approval)**

ORDER

Be It Ordered by the City Council of the City of Bath,

That, the City Clerk be authorized to send a "Blanket Letter of Approval" on all renewals to operate Games of Chance and/or Beano Games in accordance with the provisions of the State.

For the following:

American Legion, Smith Tobey Post #21
Bath Area Senior Citizens
Bath Lodge of Elks
Columbian Club, Inc.
Veteran's of Foreign Wars (VFW)
Veteran's of Foreign Wars (VFW) Auxiliary #7738

This Order was passed on the Consent Agenda.

- *6) Order – Appointing Wardens and Ward Clerks for Municipal Elections**

ORDER

Be It Ordered by the City Council of the City of Bath, that the following Wardens and Ward Clerks be appointed for all Municipal Elections:

Ward	Warden	Ward Clerk	Term Expiration
1	Barry Compton	Caitlin Gabelmann	December 2020
6	Timothy Richter	Samuel Trott	December 2020

This Order was passed on the Consent Agenda.

***7) Order – Appointing Alternate Wardens and Ward Clerks for Municipal Elections**

ORDER

Be It Ordered by the City Council of the City of Bath, that the following list of alternate Wardens and Ward Clerks be appointed for a one year term for all Municipal Elections:

Bryant	Sherry	40 Weeks Street
Buotte	Catherine	34 Park Street
Edgett	William	2 Edgett Street
Fraser	Joan	357 High Street
Gaudreau	Mary	3 Barque Road
Jones	Ethan	47 Carriage House Lane
Mason	Michael	1111 Washington Street
Matthews	Donna	28 Court Street
McDonald	Bonnie	330 Washington Street
Neihouse	Sandra	24 Oak Grove Avenue
Pope	Geoffrey	11 Oliver Street
Robitaille	Linda	26 York Street
Smith	Joan	1419 Washington Street
Zelinka	Cynthia	714 Middle Street

This Order was passed on the Consent Agenda.

8) Discussion Land Use Code Amendment, Special School District

City Planner Benjamin Averill explained in detail this LUC Amendment and asked for Council approval to send this request off to the Planning Board. He stated this is a request to have an amendment to allow a martial arts training school to operate the Five Corners Mini Mall.

Councilor Bauer made a motion to put this Item on the floor for discussion. Councilor Park seconded the motion.

VOTE to move the request on to the Planning Board:

YEAS: 8

NAYS: 0

Passed. 8-0

9) Ordinance - Chapter 17. Vehicles and Traffic, Article 5. Operations, Section 17-219 Commercial vehicles in excess of two axles. Add: Richardson Street and Western Avenue. (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 5. Operations

Section 17-219. Commercial vehicles in excess of two axles.

Add Richardson Street and Western Avenue, to read as follows:

All commercial vehicles having in excess of two (2) axles shall be prohibited from using Front Street from Vine Street to Cedar Street, Windjammer Way, Floral Street, Cottage Street, Elsinore Avenue, Quimby Street, ~~or Granite Street~~, Richardson Street, or Western Avenue, except by permission of the police chief, with the exception of service vehicles servicing said streets.

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

Police Chief Michael Field explained this is a step to help to limit the large truck access to these streets which had been a request from residents.

Daniel Dunn of 54 Richardson Street expressed his appreciation to Council for taking this step to help with the traffic issues being experienced by residents of these streets.

City Manager Peter Owen stated that a Traffic Study Consultant has been hired to look into the traffic issues on these streets.

ROLL CALL VOTE on Ordinance:

YEAS: Bailey, Paulhus, Nordmann, Wyman, Comeau, Bauer, Park, Ambrosino

NAYS: None

Passed unanimously. 8-0

Madame Chair Eosco set second passage for January 3, 2018 at 6:01pm.

10) Ordinance - Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259. Parking Restrictions, No Parking, south side of Pearl Street from Washington Street to Willow Street. (first passage)

Madame Chair 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

Delete the following:

PEARL STREET No Restrictions

Replace with the following:

PEARL STREET South Side: From Middle Street to Willow Street, no restrictions.
From Willow Street to Washington Street, no parking. From
Washington Street to Front Street, no restrictions.

North Side: From Middle Street to Front Street, no restrictions.

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

Police Chief Field explained the history and details of this Ordinance amendment.

John Armentrout of 1044 Washington Street expressed concerns about room for him to load his work trailer on the street during the winter season.

He was reassured by the Police Chief that would not present a problem.

ROLL CALL VOTE on Ordinance:

YEAS: Ambrosino, Park, Bauer, Comeau, Wyman, Nordmann, Paulhus, Bailey

NAYS: None

Passed unanimously. 8-0

Madame Chair Eosco set second passage for January 3, 2018 at 6:02pm.

11) Ordinance – Fire Captains’ Contract. (first passage) This Item was taken up after the Executive Session.

**ORDINANCE
APPROVING FIREFIGHTERS CAPTAINS CONTRACT**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT, PURSUANT TO THE REQUIREMENTS OF §1102 OF THE CHARTER OF THE CITY OF BATH, THE BARGAINING AGREEMENT BY AND BETWEEN THE CITY OF BATH AND THE BATH FIREFIGHTERS CAPTAINS ASSOCIATION, LOCAL NO. 1611 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, A.F.L. – C.I.O., COMMENCING JANUARY 1, 2018 AND EXTENDING THROUGH JUNE 30, 2019, A COPY OF WHICH IS ATTACHED HERETO, BE AND HEREBY IS APPROVED, AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SAID CONTRACT ON BEHALF OF THE CITY OF BATH.

Councilor Comeau made a motion to put the Ordinance on the floor for discussion. Councilor Ambrosino seconded the motion.

ROLL CALL VOTE on Ordinance:

YEAS: Bailey, Paulhus, Nordmann, Wyman, Comeau, Bauer, Park, Ambrosino

NAYS: None

Passed unanimously. 8-0

Madame Chair Eosco set second passage for January 3, 2018 at 6:03pm.

12) Ordinance – Firefighters’ Contract. (first passage) This Item was taken up after the Executive Session.

**ORDINANCE
APPROVING FIREFIGHTERS CONTRACT**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT, PURSUANT TO THE REQUIREMENTS OF §1102 OF THE CHARTER OF THE CITY OF BATH, THE BARGAINING AGREEMENT BY AND BETWEEN THE CITY OF BATH AND THE BATH FIREFIGHTERS ASSOCIATION, LOCAL NO. 1611 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, A.F.L. – C.I.O., COMMENCING JANUARY 1, 2018 AND EXTENDING THROUGH JUNE 30, 2019, A COPY OF WHICH IS ATTACHED HERETO, BE AND HEREBY IS APPROVED, AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SAID CONTRACT ON BEHALF OF THE CITY OF BATH.

Councilor Comeau made a motion to put the Ordinance on the floor for discussion. Councilor Ambrosino seconded the motion.

ROLL CALL VOTE on Ordinance:

YEAS: Ambrosino, Park, Bauer, Comeau, Wyman, Nordmann, Paulhus, Bailey

NAYS: None

Passed unanimously. 8-0

Madame Chair Eosco set second passage for January 3, 2018 at 6:04pm.

F. Petitions & Communications 6:31 PM

There were no petitions or communications.

G. City Manager’s Report 6:31PM

Interim City Manager Peter Owen stated there would be public meetings regarding the traffic concerns on Western Avenue and Richardson Streets during the traffic consultant study and the residents would be notified of these meetings.

H. Committee Reports 6:32 PM

Councilor Paulhus reported that the Transportation Committee had met and discussed the Richardson Street, Western Avenue and Pearl Street issues and they endorsed the changes that had been presented previously in the evening.

Councilor Park reported the Community Forestry Committee is progressing with the clean up at Butler Head following the wind storm last month. He also stated that the winter moths have arrived and hopefully all the wrapped trees will help to curb their population.

I. Unfinished Business 6:34 PM

There was no unfinished business.

J. New Business 6:34 PM

13) Election of a Council Representative to attend the Bath Water District Board of Directors' meetings until December 2018.

Councilor Comeau nominated Councilor Wyman for this position. All were in favor of the nomination.

14) Appointment of a member to the Zoning Board of Appeals with a term ending September 2019.

Councilor Wyman, on behalf of the Council Screening Committee, nominated Joseph DeRosa for this position. All were in favor of the nomination.

K. Councilor Announcements 6:35 PM

Councilor Comeau reported that the ends of the driveways along Denny Road had been ground out because it was supposed to be paved but the paving didn't happen. He thanked the City for having the company that had done the grinding of the driveways come back and fix them.

Councilor Nordmann reported the Bath Housing Authority puts out a newsletter to alert seniors of the USDA Senior Food Box Program. He also reported there was a group called Merry Meeting Gleaners, which supplies leftover produce from commercial gardens to people that are in need of food. Councilor Nordmann passed on that Janet Mills was putting a warning regarding a program called "Neighboring" which is able to mimic a local phone number where the person being called is more likely to pick up the phone and answer it, which opens them up to scams. Councilor Wyman stated that Janet Mills had suggested signing up for robo calls, which can help do away with these calls.

Councilor Bauer reminded the public of the newly passed Ordinance regarding the ban on plastic bags, which will go into effect on April 22nd –Earth Day. She stated the Solid Waste and Recycling Committee was working on a "Bath Bag" that they would be offering at City Events to get people started with this new law.

Councilor Paulhus thanked his fellow councilors for their support for him as Vice Chair and welcomed the new councilors.

Councilor Wyman reported that the Bath Housing Development Corporation has been buying up old houses, refurbishing them and renting them out. He stated that the best part of this was that the Corporation makes sure the houses are always very well taken care of inside and out. Councilor Wyman cited the house on the corner of Maple and Chestnut Street as an example of one of their projects.

Madame Chair Eosco reported that December 15th is "Bright Night Bath" with lots of activities. The stores will be open, carolers in the downtown, trolley rides to enjoy the Christmas lights in Bath and WGME Channel 13 will be doing a live feed of the festivities. She announced there would be a Special Meeting on Wednesday, December 20, 2017 starting at 6:00 PM in Council Chambers at City Hall followed by a Council Workshop to discuss Councilor assignments to various committees and boards and goals the councilors might have for the upcoming year.

Councilor Park made a motion at 6:50 PM to go into Executive Session to discuss a Labor Matter-Union Negotiations Matter per 1 MRSA §405(6)(D), a Personnel Matter per 1 MRSA §405(6)(A) and a Legal Matter per 1 MRSA §405(6)(F). Councilor Bauer seconded the motion. All were in favor of the motion.

Councilor Park made a motion at 7:55 PM to come out of Executive Session. Councilor Bauer seconded the motion. All were in favor of the motion.

The Council took up Items E11 and E12 at this time.

The meeting adjourned at 7:58 PM with a motion by Councilor Park, seconded by Councilor Bauer. 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.